

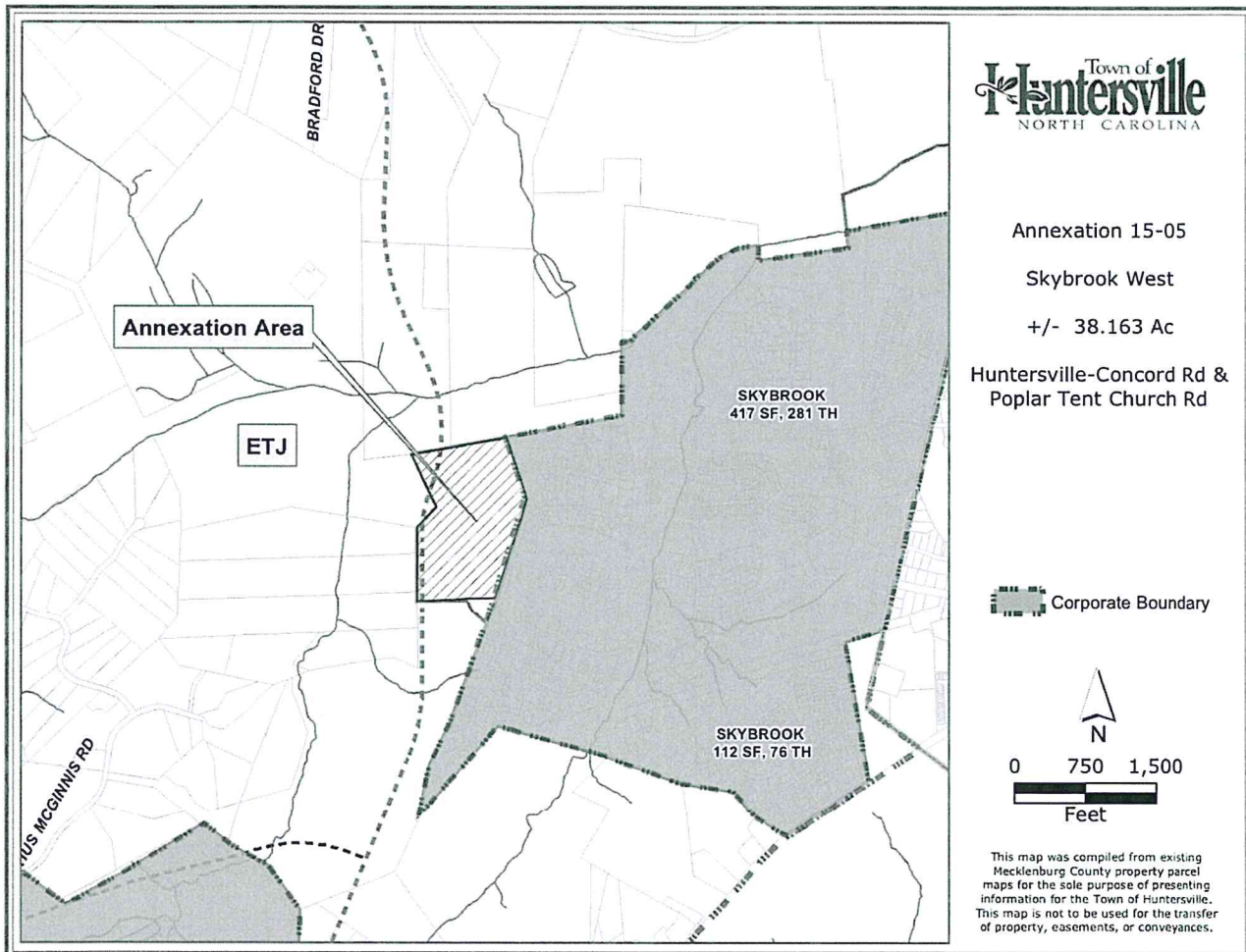
## Non-Contiguous Annexation Petition # 15-05

### Skybrook West

#### EXPLANATION OF THE REQUEST

Petition Annex #15-05 is for non-contiguous annexation into the Town of Huntersville of 38.163-acres consisting of the Skybrook West subdivision.

#### LOCATION



#### BACKGROUND

Bernard F. McLeod, Jr. and MVC LLC (Skybrook) has filed petitions to consider voluntary non-contiguous annexation pursuant to North Carolina General Statutes Section 160A-58 et seq. A Resolution of Intent to Annex was adopted by the Board of Commissioners on October 19, 2015, pursuant to N.C.G.S.160A-58.7; the proposed area to annex is 38.163-acres.

All statutory requirements for annexation have been met:

- The Petitions Requesting Annexation were received on September 23, 2014 (see Attachment A & B).
- The Town Clerk certified the sufficiency of the Petition on October 12, 2015 (see Attachment D).
- The Board of Commissioners adopted a resolution of Intent to annex said property and set the date for the public hearing as November 16, 2015 (see Attachment E).
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on November 1, 2015 (see Attachment G).
- The Towns of Cornelius, Davidson and Huntersville, as well as the City of Charlotte, have an agreement with one another to provide a standard 60-day notice period when any annexation is proposed within their jurisdictions. The Towns of Cornelius and Davidson have signed a letter agreeing to waive the full 60-day notice period so that the Town of Huntersville may proceed expeditiously with the annexation petition (see Attachments H & I). The property is not required to have a waiver from City of Charlotte, per the 2014 Annexation Agreement.

Per Article 160A-58.1(b), a non-contiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. Skybrook West is located 2.1 miles from the primary corporate limits of Huntersville.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section. The area proposed for annexation is in an area in which the Town has an agreement with other municipalities that such other municipalities will not annex into and that the Town may annex into that area, and therefore the requirements of NCGS 160A-58.1(b)(1), (2) and (5) are not applicable;
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits. The area to be annexed is so situated that the Town will be able to provide the same service within the proposed satellite corporate limits that it provides within the primary corporate limits of the Town.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. Skybrook West is a subdivision, as defined in G.S. 160A-376 and all of the subdivision is proposed to be annexed.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city. Currently, Huntersville's satellite annexations are 6.9% of the primary corporate limits and this annexation will not increase that percentage over 10%.

### **STAFF RECOMMENDATION**

Since all statutory requirements have been met in full, staff recommends that the Board of Commissioners approve the petition with Mayor's signature on the associated ordinance. If the final action of this annexation takes place on November 16, 2015, the voluntary non-contiguous annexation would also become effective on November 16, 2015.

### **ATTACHMENTS**

- A & B - Non-Contiguous Annexation Petitions
- C - Site Survey
- D - Certificate of Sufficiency
- E - Resolution of Intent to Annex
- F - Non-Contiguous Annexation Ordinance
- G - Public Hearing Ad
- H - Town of Cornelius 60-day Notice
- I - Town of Davidson 60-day Notice



Rec'd 9/8/15

skybrook west  
mcLeod



PETITION REQUESTING ANNEXATION

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.
2. The area to be annexed is (contiguous) (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) a metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) a plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

3. The petitioner (does) (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

Vested rights have been established under the approved rezoning and subdivision sketch plans for Skybrook West, Approved November 20, 2006 (with subsequent vested rights extensions approved through November 20, 2016)

4. This petition may be one of multiple petitions of all owners within the described area and, if so, shall be considered as a single petition. If petitioner is the owner of a portion of described area, a brief description of that portion (for example, lot number on a recorded plat or tax parcel number), as of the date of this petition, is as follows:

(N/A)

Bernard F McLeod, Jr.

Property Owner(s)

100 Park Ave Fuquay - Varina, NC 27526

Address of Property Owner(s)

H 919-552-4826 M 919-632-9999

Telephone Number

E-mail address

Bernard F. McLeod

Signature of Property Owner

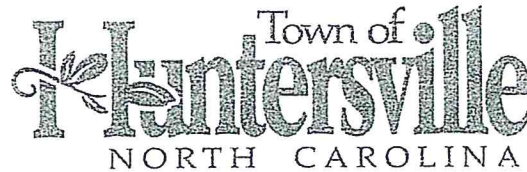
August 18, 2015

Date

Rec'd 9/8/15

Skybrook ~~West~~

MVC LLC



## PETITION REQUESTING ANNEXATION

To the Board of Commissioners of the Town of Huntersville:

1. We, the undersigned owners of all or a part of the real property described on the metes and bounds description attached hereto, request that the described area be annexed to the Town of Huntersville.
2. The area to be annexed is (contiguous) (non-contiguous) [circle one] to the primary corporate limits of the Town of Huntersville. The petitioner attaches hereto and submits as part of the petition:

(a) a metes and bounds description of the parcel(s) identified in paragraph 1, and

(b) a plat, suitable for recordation in the office of the Mecklenburg County Register of Deeds, showing the area proposed for annexation with relation to the primary corporate limits of the Town of Huntersville.

3. The petitioner (does) (does not) [circle one] claim vested rights in the property pursuant to N.C.G.S. 153A-344.1 or 160A-385.1. The basis of this claim of vested rights is as follows:

Vested rights have been established under the approved rezoning and subdivision sketch plans for Skybrook North. Approved November 20, 2006 (with subsequent vested rights extensions approved through November 20, 2016)- (Skybrook West)

4. This petition may be one of multiple petitions of all owners within the described area and, if so, shall be considered as a single petition. If petitioner is the owner of a portion of described area, a brief description of that portion (for example, lot number on a recorded plat or tax parcel number), as of the date of this petition, is as follows:

(N/A) \_\_\_\_\_

\_\_\_\_\_

Annexation Petition (2013 version)

MVC, LLC  
Property Owner(s)

P.O. Box 38 Holly Springs, NC 27540  
Address of Property Owner(s)

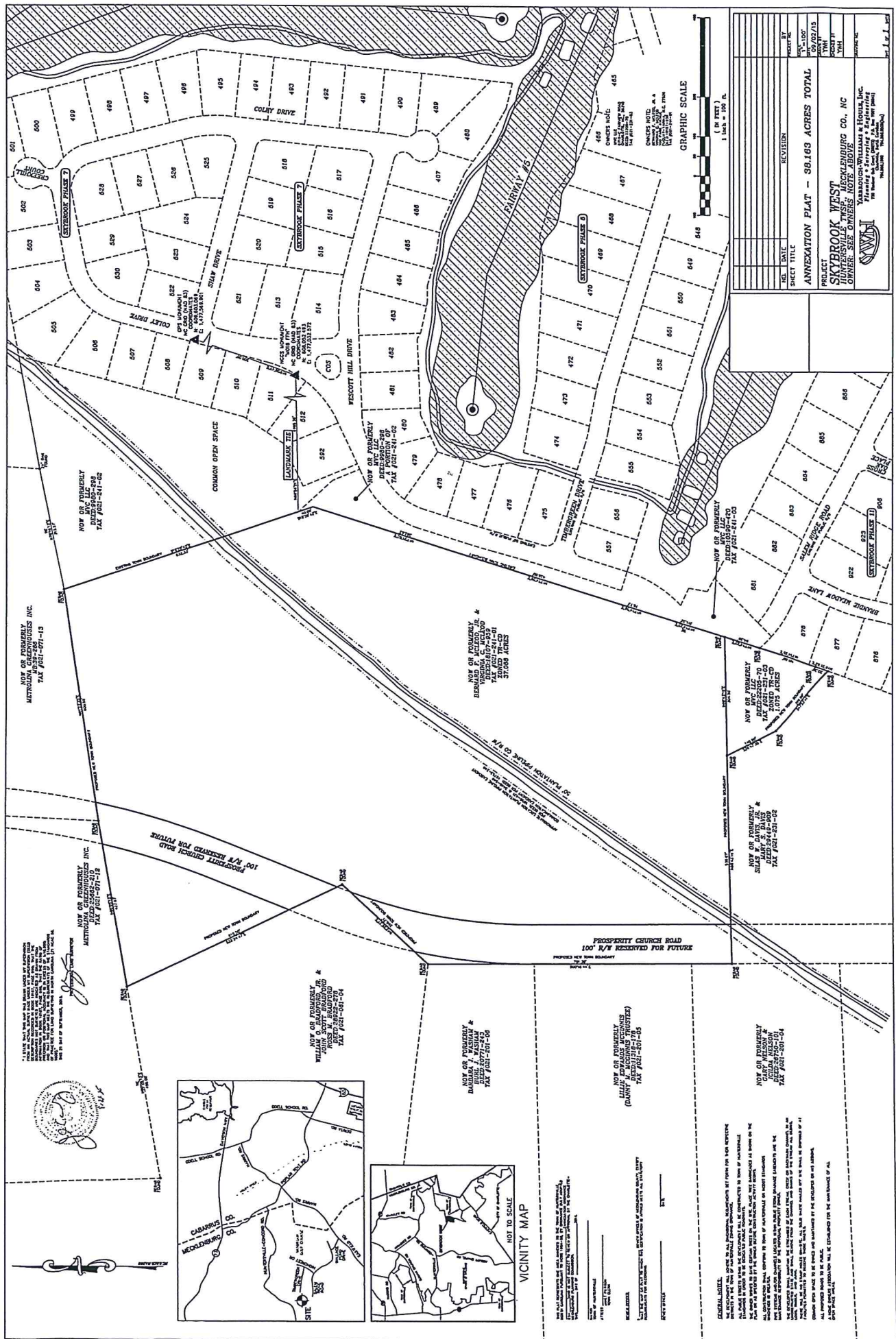
(919) 303-8091  
Telephone Number

coley@bpropnc.com  
E-mail address

MVC, LLC By: *Robert Coley, Jr.* manager  
Signature of Property Owner

September 23, 2014  
Date





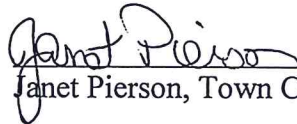


**CERTIFICATE OF SUFFICIENCY OF PETITION**  
**Skybrook West**

To: The Board of Commissioners of the Town of Huntersville, North Carolina.

I, JANET PIERSON, Town Clerk, do hereby certify that I have investigated the Petition for Skybrook West for non-contiguous annexation of certain property, and have found as a fact that said Petition is signed by all the owners of real property lying in the area described therein, in accordance with North Carolina General Statutes 160A-58, *et seq.* The undersigned therefore certifies that the Petition is sufficient for the voluntary annexation of a non-contiguous area pursuant to Section 160A-58 of the General Statutes of North Carolina.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Huntersville, this 10<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Janet Pierson, Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING  
ON QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-58**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville, North Carolina:

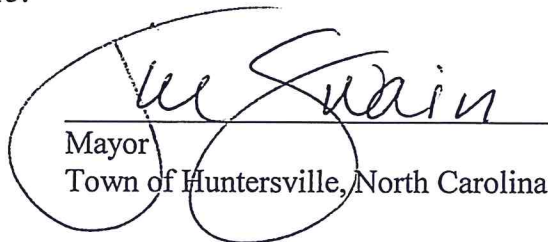
Section 1. That a public hearing on the question of annexation of the area described herein which is contiguous to the primary town limits of the Town of Huntersville will be held at the Town Hall at 6:30 p.m. on the 16th day of November, 2015.

Section 2. The area proposed for annexation is described as follows:

(Metes and bounds description attached hereto as Exhibit A.)

Section 3. Notice of said public hearing shall be published in the Charlotte Observer, a newspaper having a general circulation in the Town of Huntersville, at least ten (10) days prior to the date of said public hearing.

Adopted this the 5<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Mayor  
Town of Huntersville, North Carolina

ATTEST:

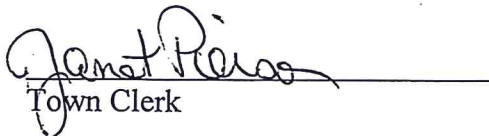
  
\_\_\_\_\_  
Town Clerk

Exhibit A:

**Skybrook West Annexation – 38.163 Acres**

Commencing at a rebar found, the southwest corner of the Metrolina Greenhouses Inc. property as recorded in Deed 25662-210 in the Mecklenburg County Register of Deeds Office, said point also being an angle point in the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property as recorded in Deed 28922-278 in the Mecklenburg County Register of Deeds Office; Thence with the southern line of the Metrolina Greenhouses Inc. property N80-05-13E 495.00' to a rebar found, in the southern line of the Metrolina Greenhouses Inc. property, said rebar found also being the northeast corner of the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property and the **Point of Beginning**.

Thence from said **Point of Beginning** with the southern line of the Metrolina Greenhouses Inc. property as recorded in Deed 25662-210 in the Mecklenburg County Register of Deeds Office, N80-05-13E 427.67' to a rebar found, the southeast corner of the Metrolina Greenhouses Inc. property and the southwest corner of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286 recorded in the Mecklenburg County Register of Deeds Office; Thence with the southern property line of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286 N81-23-25E 600.95' to a rebar found in the southern line of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286, said iron being the northwest corner of the MVC, LLC property as recorded in Deed 9980-298 in the Mecklenburg County Register of Deeds Office; Thence with the western line of the MVC, LLC. property 8 calls;

1) S18-28-42E 632.33' to a point; 2) S18-28-42E 40.00' to a point; 3) S17-21-03W 392.63' to a point; 4) S17-14-56W 428.00' to a point; 5) S17-14-56W 78.73' to a point; 6) S17-14-25W 211.32' to a rebar found; 7) S17-14-25W 94.39' to a rebar found; 8) S17-14-25W 161.09' to a rebar found in the western line of Lot 877 of Skybrook Phase 11 Map 3 as recorded in Map Book 55-83 in the Mecklenburg County Register of Deeds Office; Thence with the western line of Lot 877 S19-31-52W 32.36' to a rebar found in the rear lint of Lot 877, said rebar found being the a corner of the Silas W. Davis Jr. and Mary S. Davis property as recorded in Deed 29449-909 in the Mecklenburg County Register of Deeds Office; Thence 3 calls with the Silas W. Davis Jr. and Mary S. Davis property; 1) N47-23-41W 209.80' to a rebar found; 2) N26-47-35W 140.80' to a rebar found; 3) S88-43-16W 530.07' to a rebar found, the northwest corner of the Silas W. Davis Jr. and Mary S. Davis property in the eastern line of the Gary Nelson and Icilda Nelson property as recorded in Deed 26750-101 in the Mecklenburg County Register of Deeds Office; Thence N00-16-44W 781.38' to a rebar found, the northeast corner of the Barbara J. Washam and Burl J. Washam property as recorded in Deed 20771-243 in the Mecklenburg County Register of Deeds Office, said rebar found also being the southeast corner of the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property; Thence 2 calls with the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property; 1) N42-26-37E 298.71' to a rebar found; 2) N25-24-47W 610.50' to a rebar found, the **Point of Beginning**.

**Said property containing 38.163 Acres as shown on the Annexation plat of Skybrook West by Yarbrough-Williams & Houle, Inc., dated 09/02-15.**



AN ORDINANCE TO ANNEX CERTAIN NONCONTIGUOUS AREAS  
TO THE TOWN OF HUNTERSVILLE, NORTH CAROLINA

ANNEXATION ORDINANCE 2015-05

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WHEREAS, the Board of Commissioners has been petitioned under G.S. 160A-58, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has by Resolution of Intent to Annex adopted by the Board of Commissioners on the 19th day of October, 2015, pursuant to N.C.G.S.160A-58.7; and

WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Huntersville Town Hall at 6:30 p.m. on the 16th day of November, 2015, after due notice by publication in The Charlotte Observer on November 1, 2015; and

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-58, as amended, namely (i) the area described herein meets all of the standards set out in G.S. 160A-58; (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation; (iii) the petition is otherwise valid; (iv) the public health, safety, and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation;

WHEREAS, the Board of Commissioners does hereby find as a fact that:

1. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Town of Huntersville;
2. The entire subdivision is included in the proposed annexation;
3. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Huntersville, will not exceed ten (10) percent of the area within the primary corporate limits of the Town of Huntersville; and
4. The area to be annexed is so situated that the Town will be able to provide the same service within the proposed satellite corporate limits that it provides within the primary corporate limits of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina;

**Section 1.** By virtue of the authority granted by G.S. 160A-58, as amended, the following described territory is hereby annexed and made part of the Town of Huntersville as of the 16th day of November, 2015:

*See Exhibit A attached hereto for a metes and bounds description of the subject tract*

**Section 2.** Upon and after the 16th day of November 2015, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Huntersville and

shall be entitled to the same privileges and benefits as other parts of the Town of Huntersville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Huntersville shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 16th day of November, 2015. Mayor: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

Town Clerk

\_\_\_\_\_

Town Attorney

Legal Notice

Legal Notice  
2012-2014 1-2-2015

## Search Results:

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Notice Type : Public Hearing

Posting Date : 11/1/2015

Printer Friendly

NOTICE OF PUBLIC HEARING ON REQUEST FOR ANNEXATION Take notice that the Town of Huntersville Board of Commissioners has called a public hearing at 6:30 p.m. on November 19, 2015, at Town Hall on the question of annexing the following described territory requested by petition filed pursuant to NCGS 160A-58, as amended, to annex to the Town of Huntersville certain non-contiguous property. The property subject to the Petition consists of approx 38.163 ac, known as Skybrook West located south of Huntersville-Concord Rd. and north of Eastfield Rd. and is described as follows: LEGAL DESCRIPTION: Commencing at a rebar found, the southwest corner of the Metrolina Greenhouses Inc. property as recorded in Deed 25662-210 in the Mecklenburg County Register of Deeds Office, said point also being an angle point in the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property as recorded in Deed 28922-278 in the Mecklenburg County Register of Deeds Office; Thence with the southern line of the Metrolina Greenhouses Inc. property N80-05-13E 495.00' to a rebar found, in the southern line of the Metrolina Greenhouses Inc. property, said rebar found also being the northeast corner of the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property and the Point of Beginning. Thence from said Point of Beginning with the southern line of the Metrolina Greenhouses Inc. property as recorded in Deed 25662-210 in the Mecklenburg County Register of Deeds Office, N80-05-13E 427.67' to a rebar found, the southeast corner of the Metrolina Greenhouses Inc. property and the southwest corner of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286 recorded in the Mecklenburg County Register of Deeds Office; Thence with the southern property line of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286 N81-23-25E 600.95' to a rebar found in the southern line of the Metrolina Greenhouses Inc. property as shown on Map Book 39-286, said iron being the northwest corner of the MVC, LLC property as recorded in Deed 9980-298 in the Mecklenburg County Register of Deeds Office; Thence with the western line of the MVC, LLC property 8 calls; 1) S18-28-42E 632.33' to a point; 2) S18-28-42E 40.00' to a point; 3) S17-21-03W 392.63' to a point; 4) S17-14-56W 428.00' to a point; 5) S17-14-56W 78.73' to a point; 6) S17-14-25W 211.32' to a rebar found; 7) S17-14-25W 94.39' to a rebar found; 8) S17-14-25W 161.09' to a rebar found in the western line of Lot 877 of Skybrook Phase 11 Map 3 as recorded in Map Book 55-83 in the Mecklenburg County Register of Deeds Office; Thence with the western line of Lot 877 S19-31-52W 32.36' to a rebar found in the rear lint of Lot 877, said rebar found being the corner of the Silas W. Davis Jr. and Mary S. Davis property as recorded in Deed 29449-909 in the Mecklenburg County Register of Deeds Office; Thence 3 calls with the Silas W. Davis Jr. and Mary S. Davis property; 1) N47-23-41W 209.80' to a rebar found; 2) N26-47-35W 140.80' to a rebar found; 3) S88-43-16W 530.07' to a rebar found, the northwest corner of the Silas W. Davis Jr. and Mary S. Davis property in the eastern line of the Gary Nelson and Icilda Nelson property as recorded in Deed 26750-101 in the Mecklenburg County Register of Deeds Office; Thence N00-16-44W 781.38' to a rebar found, the northeast corner of the Barbara J. Washam and Burl J. Washam property as recorded in Deed 20771-243 in the Mecklenburg County Register of Deeds Office, said rebar found also being the southeast corner of the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property; Thence 2 calls with the William O. Bradford Jr., John Scott Bradford and Ross M. Bradford property; 1) N42-26-37E 298.71' to a rebar found; 2) N25-24-47W 610.50' to a rebar found, the Point of Beginning. Said property containing 38.163 Acres as shown on the Annexation plat of Skybrook West by Yarbrough-Williams & Houle, Inc., dated 09/02-15. A copy of the area is on file in the Huntersville Town Hall. LP2058436

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LEGALNOTICE.ORG

*Information without boundaries*

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## WAIVER OF NOTICE

Pursuant to the provisions of that Annexation Agreement or Sphere of Influence Agreement by and between the Town of Davidson and the Town of Huntersville, dated August 1, 1984, as amended, and on behalf of the Town of Davidson, the undersigned does hereby waive the sixty (60) day notice requirement under said Agreement for the proposed annexation by the Town of Huntersville of Skybrook West ("Subject Property") whose boundary is shown by a heavy, dark line on Exhibit A, attached hereto.

This 9 day of November, 2015.

Town of Davidson

By:   
Mayor, Manager, or Authorized Official

RE: Skybrook West