

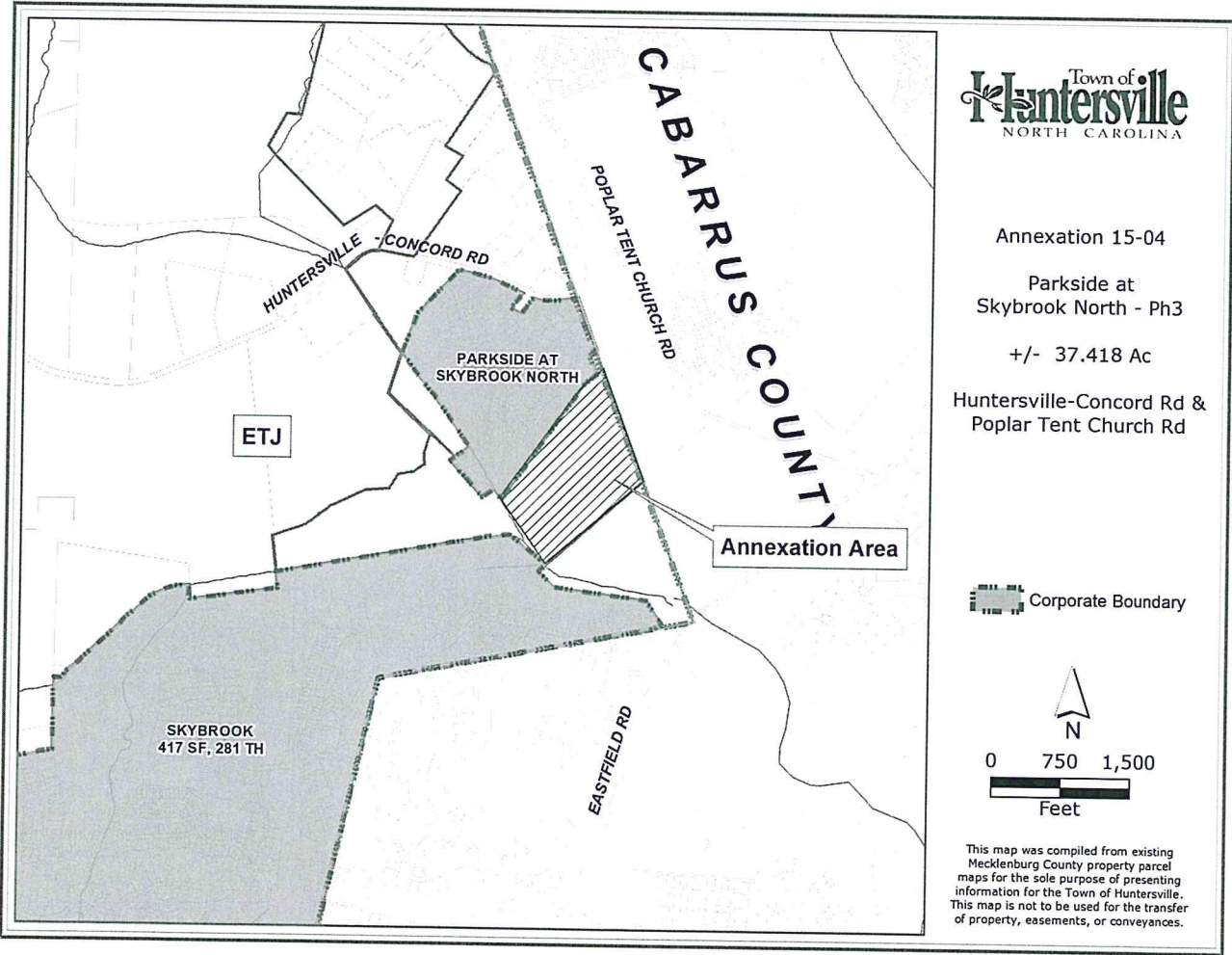
Non-Contiguous Annexation Petition # 15-04

Parkside at Skybrook North – Phase 3

EXPLANATION OF THE REQUEST

Petition Annex #15-04 for non-contiguous annexation into the Town of Huntersville of 37.418-acres consisting of Parkside at Skybrook North – Phase 3.

LOCATION



BACKGROUND

Skybrook LLC has filed a petition 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 August 17, 2015, pursuant to N.C.G.S. 160A-58.7; the proposed area to annex is 37.418-acres.

All statutory requirements for annexation have been met:

- A Petition Requesting Annexation was received on September 10, 2014 (see Attachment A).
- The Town Clerk certified the sufficiency of the Petition on August 11, 2015 (see Attachment C).
- The Board of Commissioners adopted a resolution of Intent to annex said property and set the date for the public hearing as September 21, 2015 (see Attachment D).
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on September 9, 2015 (see Attachment E).
- 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 G & H). 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. Parkside at Skybrook North - Phase 3 is located 2.6 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. Parkside at Skybrook North – Phase 3 is a subdivision, as defined in G.S. 160A-376 and all of the Phase 3 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 7.4% 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 September 21, 2015, the voluntary non-contiguous annexation would also become effective on September 21, 2015.

ATTACHMENTS

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



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 October 16, 2006 (with subsequent vested rights extensions approved through October 16, 2016)- (Parkside at Skybrook North)

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)

Skybrook, LLC
Property Owner(s)

6719-C Fairview Road Charlotte, NC 28210
Address of Property Owner(s)

(704) 265-1208
Telephone Number

bpace@pacedevelop.com
E-mail address


Signature of Property Owner

September 10, 2014
Date

Parkside at Skybrook Ph 3 Annexation – 37.418 acres

Commencing at a bolt found, the angle point in the rear line of Lot 14 of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759. Thence with the rear line of Lot 14 S22-46-54E 3.55' to a point, the northeast corner of Lot 15 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the rear line of Lots 15 & 16 of Parkside at Skybrook North Phase 1 Map 2 S22-46-54E 214.23' to an iron found, the easterly corner of Lot 16 In the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592, said iron found being on the existing Town of Huntersville town limits and being the Point of Beginning.

Thence from said Point of Beginning with the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592 N52-20-48E 101.68' to a point on the existing Mecklenburg County and Cabarrus County line; Thence with the Mecklenburg County and Cabarrus County Line S20-14-27E 1277.92' to a point on the Mecklenburg County and Cabarrus County line, said point being the southeast corner of the 37.418 Skybrook LLC property in the northern line of the Dwayne N. & Mamie H. Hensley property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 4808-645; Thence with the northern line of the Dwayne N. & Mamie H. Hensley property S48-57-36W 1374.43' to an iron found; thence S50-07-20W 20.16' to a point near the centerline of Clarke Creek, said point being the northwestern corner of the Dwayne N. & Mamie H. Hensley property and the southeastern corner of the Metrolina Greenhouses Inc property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 25472-182; thence with the eastern line of the Metrolina Greenhouses Inc property N35-13-24W 863.57' to a point near the center line of Ramah Creek, said point being the southwestern corner of the Rural Open Space of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759 on the Town of Huntersville corporate limits; thence with the corporate limits of the Town of Huntersville and the southern line of Parkside at Skybrook North Phase 1 Map 5 N35-55-31E (passing through an iron found at 25.00') 1551.26' to a 1" stone found, the angle point in the southern line of Lot 17 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the southern line of Lot 17 N52-20-48E 148.31' to an iron found, the Point of Beginning.

Said property containing 37.418 acres as shown on the Annexation Plat of Skybrook LLV property by Yarbrough-Williams & Houle Inc., dated 10-7-2014.



10.7.14

NOTE
 THIS PROPERTY SUBJECT TO ALL OTHER RIGHTS OF WAY AND
 EASEMENTS OF RECORD ANY OBSERVED IN THIS FIELD WHICH
 THIS MAP IS NOT INTENDED TO SHOW. THIS SURVEY WAS
 MADE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
 104-1-1(a) OF THE NORTH CAROLINA SURVEYING ACT AND
 AN ERROR OF CLOSURE IN EXCESS OF 1:10,000.
 DISTANCES SHOWN ARE GROUND DISTANCES.
 THIS PROPERTY LIES WITHIN FEMA ZONE AE
 AS SHOWN ON FIRM MAP #011947100K.
 MECKLENBURG COUNTY FIRM MAP #011947100K
 EFFECTIVE DATE: 3-2-2009.
 CABARRUS COUNTY FIRM MAP #011947100K
 EFFECTIVE DATE: 3-2-2009.
 THIS PROPERTY IS SUBJECT TO ALL RIGHTS OF WAY AND
 EASEMENTS OF RECORD ANY OBSERVED IN THIS FIELD WHICH
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 EFFECTIVE DATE: 3-2-2009.
 CABARRUS COUNTY FIRM MAP #011947100K
 EFFECTIVE DATE: 3-2-2009.

THIS PROPERTY IS DESIGNATED AS BEING IN THE EA WATERSHED AREA
 AND MAY BE SUBJECT TO WATERSHED RESTRICTIONS.
 GAS LINE APPROXIMATE LOCATION AS INDICATED BY GAS
 PROBE TO ANY CONSTRUCTION IN THE VICINITY OF THE
 GAS LINE TO DETERMINE EXACT LOCATION OF UNDERGROUND
 MECKLENBURG COUNTY & CABARRUS COUNTY LINE AS SHOWN
 PER RESOLUTION 2002-24 BY THE CABARRUS COUNTY BOARD OF
 CABARRUS COUNTY LINE LOCATION.
 MECKLENBURG COUNTY FIRM MAP #011947100K
 EFFECTIVE DATE: 3-2-2009.
 CABARRUS COUNTY FIRM MAP #011947100K
 EFFECTIVE DATE: 3-2-2009.

NOT FOR CONSTRUCTION
 DRIVE N. & MAINE N. MONSIEY
 TAX ID: 103-2523-215
 TAX ID: 103-2523-215

NOT FOR CONSTRUCTION
 DRIVE N. & MAINE N. MONSIEY
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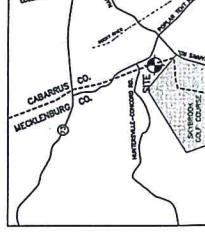
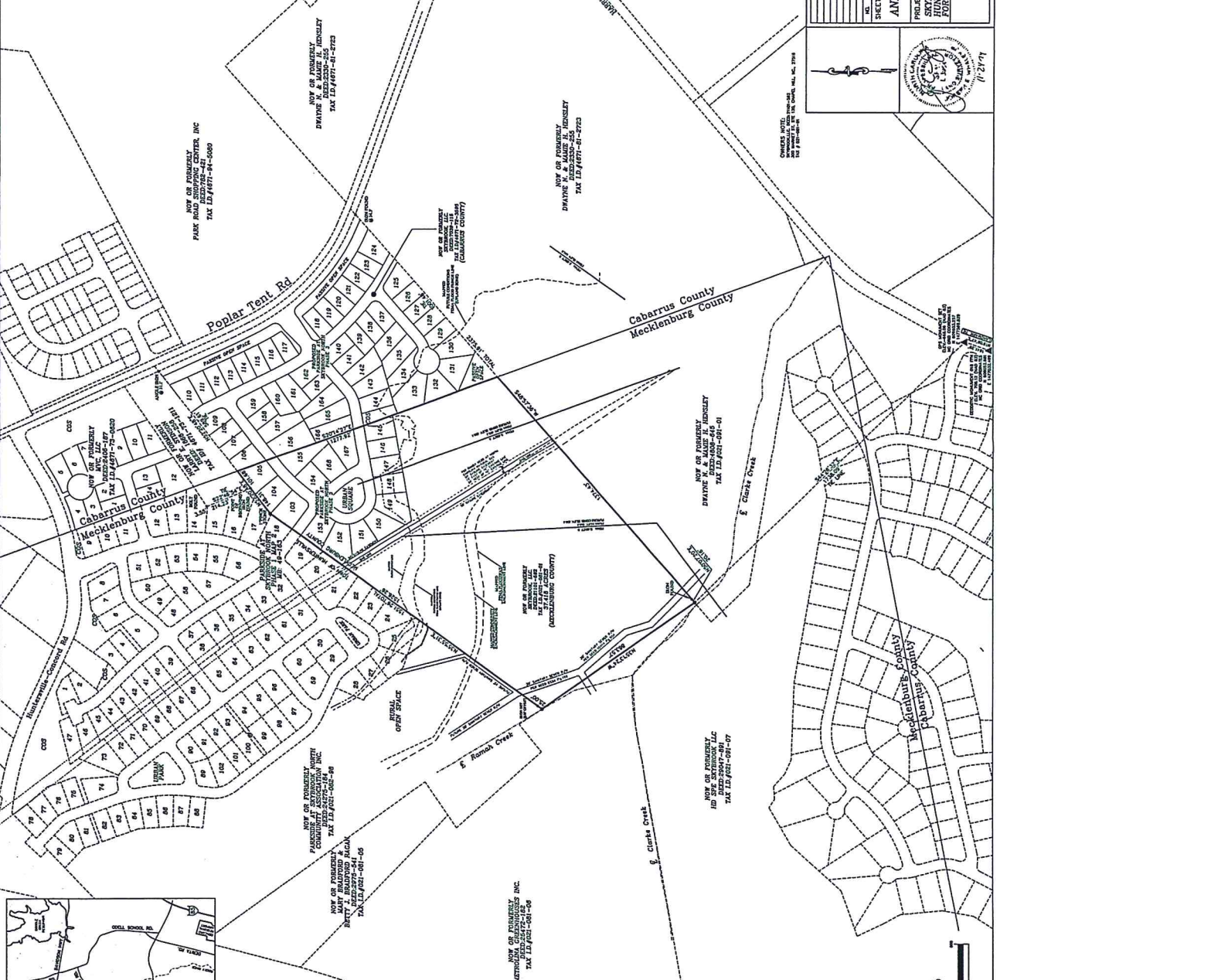
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NOT TO SCALE
 NOT FOR CONSTRUCTION
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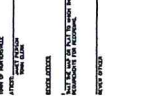
NOT FOR CONSTRUCTION
 DRIVE N. & MAINE N. MONSIEY
 TAX ID: 103-2523-215
 TAX ID: 103-2523-215

NO.	DATE	REVISION
1	10/07/2014	ISSUED

ANNEXATION PLAT - 37.418 ACRES

PROJECT
 HUNTERSVILLE TOWNSHIP
 FOR: SKYBROOK LLC DEED 2101-592

MASSACHUSETTS & HONDA, INC.
 1125 W. 10TH ST. SUITE 100
 HUNTERSVILLE, NC 28022
 TEL: 704.875.1111
 FAX: 704.875.1112



DATE: 11/21/14



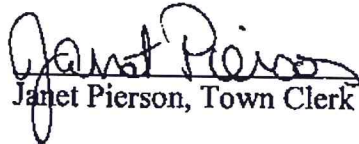
1 inch = 200 ft.

CERTIFICATE OF SUFFICIENCY OF PETITION
Parkside at Skybrook North – Phase 3

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 Parkside at Skybrook North-Phase 3 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 11th day of August, 2015.



Janet Pierson, Town Clerk

(TOWN SEAL)

**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;

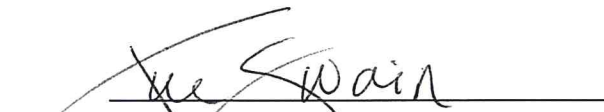
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Huntersville, North Carolina:

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 21st day of September, 2015.

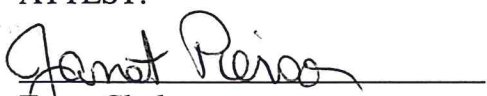
Section 2. The area proposed for annexation is described as follows:

(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.



Mayor
Town of Huntersville, North Carolina

ATTEST:


Town Clerk

Exhibit A:

Parkside at Skybrook Ph 3 Annexation – 37.418 acres

Commencing at a bolt found, the angle point in the rear line of Lot 14 of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759. Thence with the rear line of Lot 14 S22-46-54E 3.55' to a point, the northeast corner of Lot 15 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the rear line of Lots 15 & 16 of Parkside at Skybrook North Phase 1 Map 2 S22-46-54E 214.23' to an iron found, the easterly corner of Lot 16 In the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592, said iron found being on the existing Town of Huntersville town limits and being the Point of Beginning.

Thence from said Point of Beginning with the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592 N52-20-48E 101.68' to a point on the existing Mecklenburg County and Cabarrus County line; Thence with the Mecklenburg County and Cabarrus County Line S20-14-27E 1277.92' to a point on the Mecklenburg County and Cabarrus County line, said point being the southeast corner of the 37.418 Skybrook LLC property in the northern line of the Dwayne N. & Mamie H. Hensley property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 4808-645; Thence with the northern line of the Dwayne N. & Mamie H. Hensley property S48-57-36W 1374.43' to an iron found; thence S50-07-20W 20.16' to a point near the centerline of Clarke Creek, said point being the northwestern corner of the Dwayne N. & Mamie H. Hensley property and the southeastern corner of the Metrolina Greenhouses Inc property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 25472-182; thence with the eastern line of the Metrolina Greenhouses Inc property N35-13-24W 863.57' to a point near the center line of Ramah Creek, said point being the southwestern corner of the Rural Open Space of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759 on the Town of Huntersville corporate limits; thence with the corporate limits of the Town of Huntersville and the southern line of Parkside at Skybrook North Phase 1 Map 5 N35-55-31E (passing through an iron found at 25.00') 1551.26' to a 1" stone found, the angle point in the southern line of Lot 17 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the southern line of Lot 17 N52-20-48E 148.31' to an iron found, the Point of Beginning.

Said property containing 37.418 acres as shown on the Annexation Plat of Skybrook LLV property by Yarbrough-Williams & Houle Inc., dated 10-7-2014.

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

ANNEXATION ORDINANCE 2015-04

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 17th day of August, 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 21st day of September, 2015, after due notice by publication in The Charlotte Observer on September 6th; 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 21st day of September, 2015:

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

Section 2. Upon and after the 21st day of September 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 21st day of September, 2015. Mayor: _____

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney



Search Results:

05 ▾ Per Page

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Notice Type : Public Hearing

Posting Date : 9/6/2015

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 September 21, 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 37.418 ac, known as Parkside at Skybrook North - Phase 3 located southwest of Huntersville-Concord Road and Poplar Tent Road intersection and is described as follows: Commencing at a bolt found, the angle point in the rear line of Lot 14 of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759. Thence with the rear line of Lot 14 S22-46-54E 3.55' to a point, the northeast corner of Lot 15 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the rear line of Lots 15 & 16 of Parkside at Skybrook North Phase 1 Map 2 S22-46-54E 214.23' to an iron found, the easterly corner of Lot 16 in the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592, said iron found being on the existing Town of Huntersville town limits and being the Point of Beginning. Thence from said Point of Beginning with the northern line of the 37.418 Skybrook LLC property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 21101-592 N52-20-48E 101.68' to a point on the existing Mecklenburg County and Cabarrus County line; Thence with the Mecklenburg County and Cabarrus County Line S20-14-27E 1277.92' to a point on the Mecklenburg County and Cabarrus County line, said point being the southeast corner of the 37.418 Skybrook LLC property in the northern line of the Dwayne N. & Mamie H. Hensley property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 4808-645; Thence with the northern line of the Dwayne N. & Mamie H. Hensley property S48-57-36W 1374.43' to an iron found; thence S50-07-20W 20.16' to a point near the centerline of Clarke Creek, said point being the northwestern corner of the Dwayne N. & Mamie H. Hensley property and the southeastern corner of the Metrolina Greenhouses Inc property recorded in the Mecklenburg County Register of Deeds Office in Deed Book 25472-182; thence with the eastern line of the Metrolina Greenhouses Inc property N35-13-24W 863.57' to a point near the center line of Ramah Creek, said point being the southwestern corner of the Rural Open Space of Parkside at Skybrook North Phase 1 Map 5 recorded in the Mecklenburg County Register of Deeds Office in Map Book 50-759 on the Town of Huntersville corporate limits; thence with the corporate limits of the Town of Huntersville and the southern line of Parkside at Skybrook North Phase 1 Map 5 N35-55-31E (passing through an iron found at 25.00') 1551.26' to a 1" stone found, the angle point in the southern line of Lot 17 of Parkside at Skybrook North Phase 1 Map 2 recorded in the Mecklenburg County Register of Deeds Office in Map Book 49-163; thence with the southern line of Lot 17N52-20-48E 148.31' to an iron found, the Point of Beginning. Said property containing 37.418 acres as shown on the Annexation Plat of Skybrook LLLV property by Yarbrough-Williams & Houle Inc., dated 10-7-2014. LP1945792

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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 Cornelius and the Town of Huntersville, dated August 1, 1984, as amended, and on behalf of the Town of Cornelius, the undersigned does hereby waive the sixty (60) day notice requirement under said Agreement for the proposed annexation by the Town of Huntersville of Parkside at Skybrook North – Phase 3 ("Subject Property") whose boundary is shown by a heavy, dark line on Exhibit A, attached hereto.

This 24th day of August, 2015.

Town of Cornelius

By: 
Mayor, Manager, or Authorized Official

RE: Parkside at Skybrook North – Phase 3



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 Parkside at Skybrook North – Phase 3 ("Subject Property") whose boundary is shown by a heavy, dark line on Exhibit A, attached hereto.

This 24 day of August, 2015.

Town of Davidson

By: 
Mayor, Manager, or Authorized Official

RE: Parkside at Skybrook North – Phase 3