

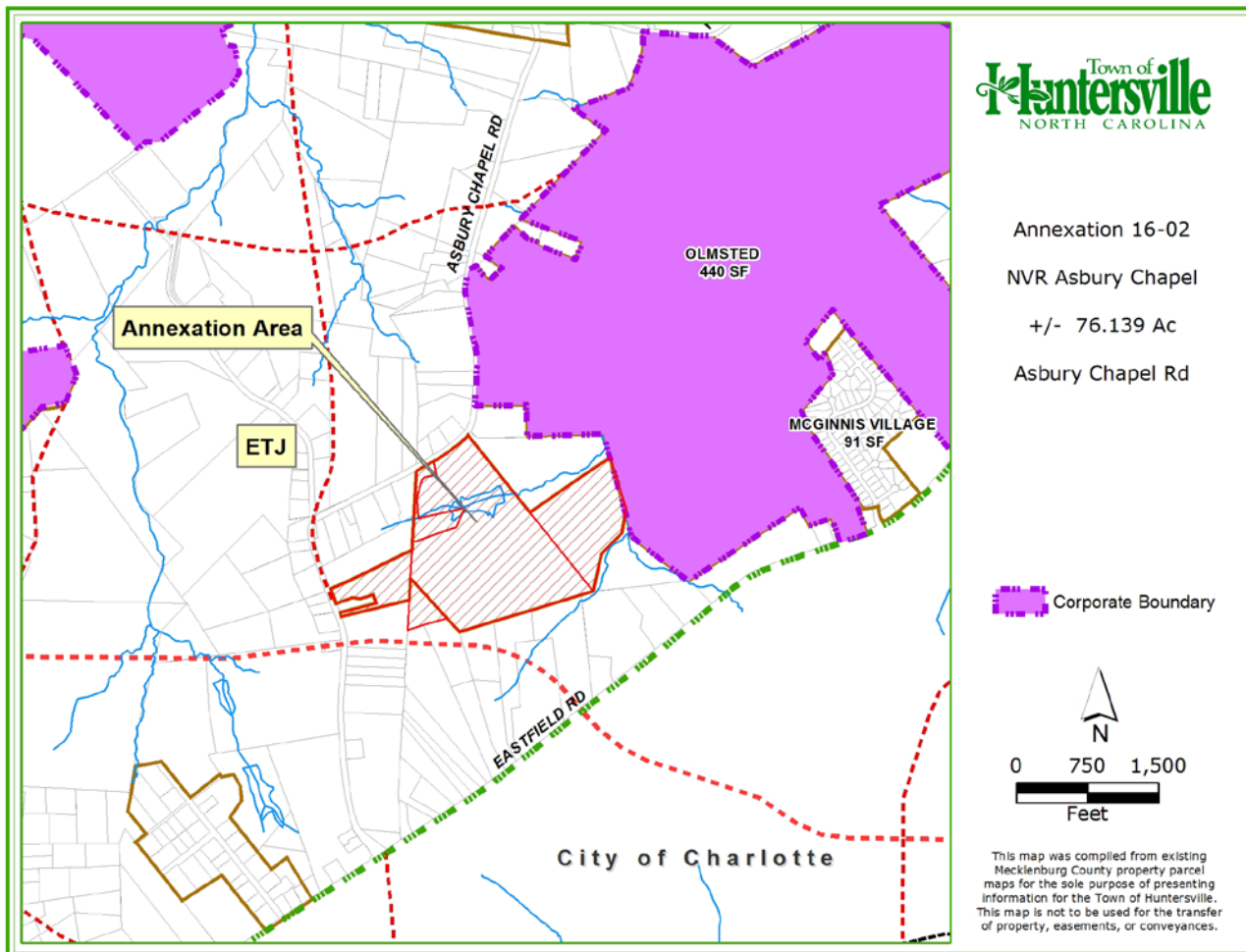
## Non-Contiguous Annexation Petition # 16-02

### NVR – Asbury Chapel

#### EXPLANATION OF THE REQUEST

Petition Annex #16-02 for non-contiguous annexation into the Town of Huntersville of 76.139-acres consisting of NVR – Asbury Chapel (see Exhibit 1).

#### LOCATION



#### BACKGROUND

The Haack and Finch Family have filed a petition to consider voluntary non-contiguous annexation (see Exhibit 2) 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 15, 2016, pursuant to N.C.G.S.160A-58.7; the proposed area to annex is 76.139-acres.

All statutory requirements for annexation have been met:

- A petition requesting annexation was received on March 31, 2016 (see Exhibit 1).
- The Town Clerk certified the sufficiency of the petition on August 08, 2016 (see Exhibit 3).
- On August 15, 2016, the Board of Commissioners set the date for the public hearing to be held on September 19, 2016.
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on September 7, 2016 (see Exhibit 4).

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. NVR – Asbury Chapel is located 0.65 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. NVR – Asbury Chapel 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 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 19, 2016, the voluntary non-contiguous annexation would also become effective on September 19, 2016.

#### **ATTACHMENTS**

- Exhibit 1 - Non-Contiguous Annexation Petition
- Exhibit 2 - Site Survey
- Exhibit 3 - Certificate of Sufficiency
- Exhibit 4 - Public Hearing Ad
- Exhibit 5 - Non-Contiguous Annexation Ordinance