

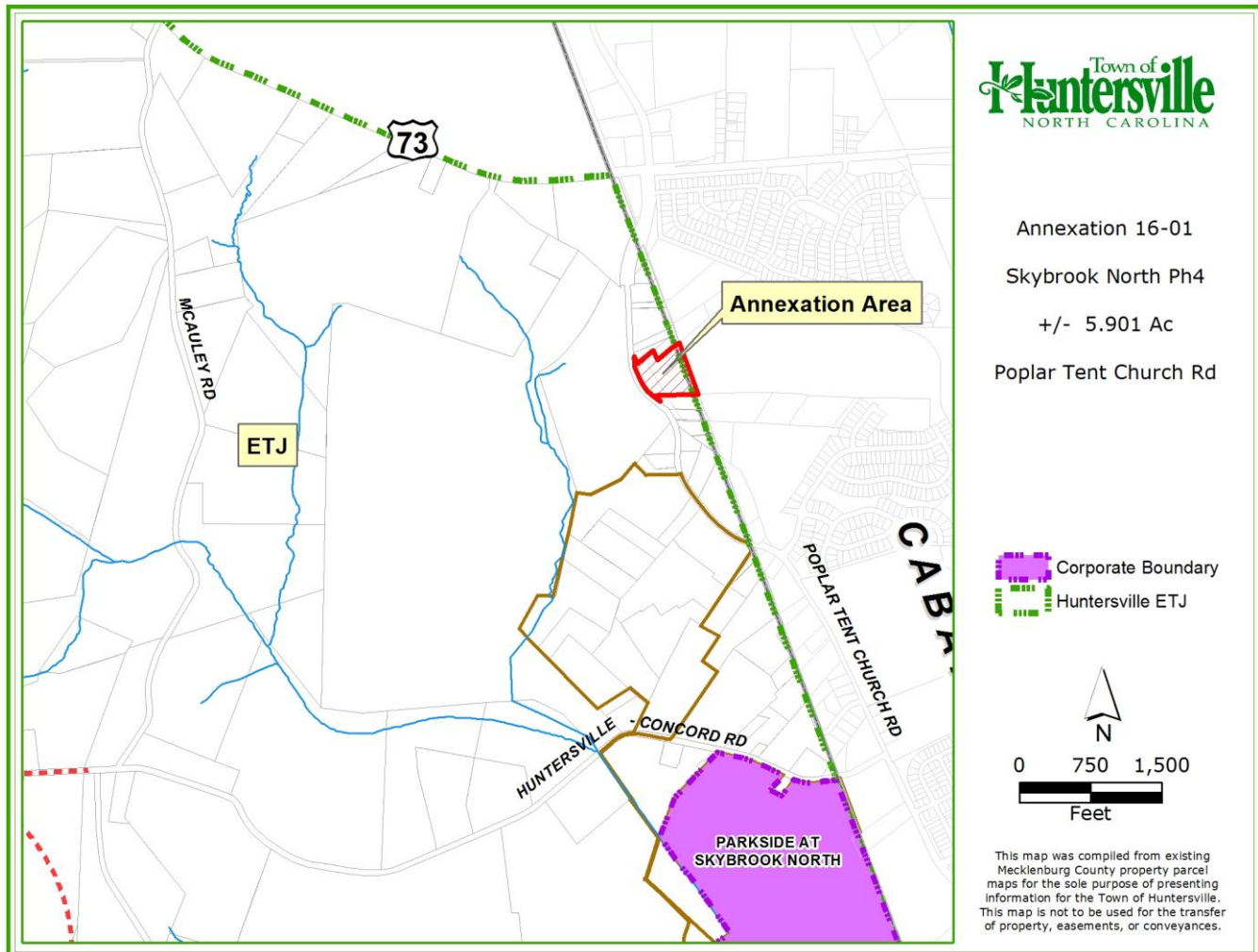
Non-Contiguous Annexation Petition # 16-01

Skybrook North Phase 4

EXPLANATION OF THE REQUEST

Petition Annex #16-01 is for non-contiguous annexation into the Town of Huntersville of 5.901-acres consisting of the Skybrook North Phase 4 subdivision located along Poplar Tent Church Road.

LOCATION



BACKGROUND

Laureldale LLC (Skybrook) 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 May 1, 2017, pursuant to N.C.G.S.160A-58.7; the proposed area to annex is 5.901-acres.

All statutory requirements for annexation have been met:

- The Petition Requesting Annexation was received on July 18, 2016 (see Attachment A).
- The Town Clerk certified the sufficiency of the Petition on April 24, 2017 (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 June 5, 2017 (see Attachment D).
- Notice of the public hearing was placed in a newspaper of general circulation. The notice appeared in the Charlotte Observer on May 21, 2017 (see Attachment F).
- 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 North Phase 4 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. Skybrook North Phase 4 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 6.7% 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 June 5, 2017, the voluntary non-contiguous annexation would also become effective on June 5, 2017.

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