

STAFF REPORT

To: Mayor and City Council Date: October 26, 2010
From: Judy Daniel, AICP Prepared by:
Planning and Development Director Julia Cogburn, AICP
Blake Esselstyn, GISP
Via: Gary Jackson, City Manager
Subject: Annexation Ordinance for Coopers Hawk Drive Area

Summary Statement: The consideration of the adoption of an ordinance to extend the corporate limits of the City of Asheville to include the Coopers Hawk Drive Area.

Review: On July 27, 2010, the City Council adopted a Resolution of Intent beginning the annexation process for the Coopers Hawk Drive Area. The Annexation Services Plan for this area was approved on August 10, 2010, and a public information meeting was held on September 13, 2010. A public hearing on the annexation was held on October 12, 2010. Adoption of the annexation ordinance is the final step in the annexation process should City Council want to continue to proceed. The proposed effective date for this annexation is June 30, 2010.

The ordinance sets forth this effective date and also reference a metes and bounds description attached to the ordinance.

Pros:

- Supports the City of Asheville's Smart Growth Annexation program (regular program of annexations) as set forth in the City's 2025 Plan.
- Provides for an urban level of service for a developed area adjacent to the existing city limits and includes those benefitting from existing city services in participation of the costs of such services.

Cons:

- Residents of the proposed area may object to the annexation.

Fiscal Impact: The fiscal impact of the remaining proposed annexation area is contained in detail on pages 23-27 of the Plan for Services.

Recommendation: City staff recommends City Council adopt the annexation ordinance for the Coopers Hawk Drive Area with the effective date as established by ordinance.

Attachment:
(1) Annexation Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA KNOWN AS THE COOPERS HAWK DRIVE AREA

WHEREAS, all of the prerequisites to adoption of this Ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of the City of Asheville has taken into full consideration the statements made and the facts presented at the Public Hearing held on October 12, 2010, on the question of this annexation and the plan for the extension of services to the herein described area; and

WHEREAS, the City Council of the City of Asheville has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Asheville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That from and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Asheville, and the corporate limits of the City of Asheville shall be extended to include said territory more particularly described by metes and bounds in Exhibit A, attached hereto and hereby made a part of this Ordinance.

Section 2. That the City Council does hereby specifically find and declare that the above described territory meets the requirements of N.C. Gen Stat. Sec. 160A-48 as shown in the Annexation Services Plan approved by the City Council on August 10, 2010, as amended on October 26, 2010, and on file with the City Clerk of the City of Asheville.

Section 3. That it is the purpose and intent of the City of Asheville, to provide services to the area being annexed under this Ordinance, as set forth in the Annexation Services Plan, as amended.

Section 4. That the City Council does hereby specifically find and declare that, on the effective date of annexation as prescribed in Section 8, hereof, the City of Asheville will have the funds appropriated in sufficient amount to finance all capital expenditures as found necessary in the Annexation Services Plan, as amended.

Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Asheville, and shall be entitled to the same privileges and benefits as other parts of the City.

Section 6. That real and personal property in the newly annexed territory described in Section 1 herein, shall be subject to City of Asheville taxes in accordance with N.C. Gen Stat. Sec. 160A-58.10.

Section 7. That the Mayor of the City of Asheville shall cause an accurate map of the annexed territory described in Section 1 herein, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Buncombe County, and in the office of the Secretary of State of North Carolina in accordance with N.C. Gen Stat. Sec. 160A-51.

Section 8. This Ordinance shall be effective on June 30, 2011.

Adopted this the 26th day of October, 2010, by the City Council of the City of Asheville, North Carolina.

City Clerk

Mayor

Approved as to form:

City Attorney

Exhibit A
Coopers Hawk Area Boundary Description

Note: All deed and plat book references in this description refer to documents recorded in the Buncombe County Register of Deeds Office.

BEGINNING at the Northwesternmost point in the Existing Municipal Boundary set forth in Ordinance No. 2644; thence following the Existing Municipal Boundary in a Southerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2758; thence following the Existing Municipal Boundary in a Westerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2667; thence following the Existing Municipal Boundary in a Northwesterly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2759; thence following the Existing Municipal Boundary in a Northwesterly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2961; thence following the Existing Municipal Boundary in a Northerly direction to the easternmost point of Lot 177 as shown in Plat Book 88 Page 34; thence North 54°49'48" West 164.50 feet; thence along a curve to the left having a chord of South 85°34'36" West a radius of 35.00' and an arc distance of 48.37'; thence in a Northeasterly direction with the eastern margin of Schenck Parkway as shown in Plat Book 126 Page 19 approximately 123 feet to its intersection with lot 202 as shown in plat book 90 page 1; thence North 45°59'00" East 191.97 feet; thence South 49°49'54" East 298.86 feet; thence South 28°33'55" East 45.99 feet; thence North 49°29'45" East 90.83 feet; thence in a Southerly direction following the Eastern edge of the subdivision plat in Plat Book 90 Page 1 along the specified lines: L91, L90, L87, L84, L83, L79, L73, L74, L75, L69, L68, L64, and L58; thence South 49°09'13" East 50.41 feet; thence South 47°37'33" East 154.38 feet; thence due South 293.49 feet to the point of BEGINNING.

Also being the boundary shown in the attached Exhibit A-1 map.

Area: 41.8 acres