

DRAFT 8-7-18 Annexation Policy

This document outlines both the **policies** under which voluntary annexation requests will be considered and reviewed and **processes** for voluntary annexation requests. It is the policy of the Town of Davidson to review and consider annexation individually according to the terms and conditions of this policy. Decisions to annex shall be at the discretion of the Town Board, and the decision regarding any annexation does not cause a precedence to be set for future consideration of annexation.

I. Policies for Voluntary Contiguous Annexation – Petitions for voluntary annexation of parcels that are adjacent to the primary corporate limits will be evaluated based on the following criteria:

1. Minimum requirements – all requirements of applicable state statutes (§160A-31) and the Davidson Planning Ordinance must be met.
 - 1.1 The proposed annexation must be consistent with the Comprehensive Plan and any applicable adopted Land Use Plans.
 - 1.2 The proposed annexation is in compliance with any annexation agreements with neighboring jurisdictions, if applicable.
2. Boundaries
 - 2.1 A boundary of the proposed annexation area should be contiguous with the primary corporate limits.
3. Impacts on Town Services
 - 3.1 The costs of extending town services to a newly annexed area should not substantially outweigh the economic benefits of the annexation to the town.
 - 3.2 The extension of town services to a newly annexed area should not have a substantial negative impact on the provision of town services elsewhere.
 - 3.3 The town must be able to provide the same level of service to the proposed annexation area as it does within the primary corporate limits.

4. Capacity of Infrastructure

4.1 Development associated with an annexation shall have appropriate water and sewer services, the cost of which shall be borne by the applicant/developer. The developer shall provide evidence from Charlotte Water or other Water and Sewer Utility that sufficient capacity exists to serve the proposed development.

5. Exceptions

5.1 Except for criteria identified as “minimum requirements”, all other evaluation criteria may be waived or varied if the Town Board of Commissioners determines that either of the following conditions exists:

- (a) A petitioner would experience a significant non-financial hardship if the annexation was not approved.
- (b) Under the facts of the petition, the town’s interests are better served by waiving or varying one or more of these criteria.

5.2 Compliance with these criteria does not guarantee approval of annexation requests.

II. Policies for Voluntary Noncontiguous Annexation – Petitions for voluntary annexation of parcels that are not adjacent to the primary corporate limits will be evaluated based on the following criteria:

1. Minimum requirements – all requirements of applicable state statutes (§160A-58) and the Davidson Planning Ordinance must be met.

1.1 The closest point of the proposed annexation area must be within 3 miles of the primary corporate limits.

1.2 The proposed annexation is in compliance with any annexation agreements with neighboring jurisdictions, if applicable.

1.3 No point of the proposed annexation area may be closer to another municipality than to Davidson.

- 1.4 When a proposed annexation area is added, the total land area of all satellite annexations must be less than 10% of the total land area within the primary corporate limits.
- 1.5 The town must be able to provide the same level of service to the proposed annexation area as it does within the primary corporate limits.
- 1.6 If the proposed annexation area includes a subdivision as defined by state statutes, the annexation area must include the entire subdivision.
- 1.7 The proposed annexation must be consistent with the Comprehensive Plan and any applicable adopted Land Use Plan.

III. Procedures for Voluntary Annexation Requests

Petitions for annexation are submitted in duplicate to both the Town Clerk and the Town Manager (or designee). Applicants should submit the original completed application to the Town Clerk and a copy to the Public Works Department. The application submitted to the Town Clerk should be accompanied by the required fee (as established by the most current fee schedule). Upon receiving an application, staff will review it for completeness and an “official acceptance” will be issued to the applicant.

Once a completed application is accepted, it will be routed to various town departments for review and consideration. The annexation request will be scheduled for the required meetings and hearings before Town Board.

There are several public hearings and public meetings involved in the voluntary annexation process:

1. Investigation of Sufficiency – Once a petition for annexation has been submitted, the Town Board must direct the Clerk to investigate the sufficiency of the petition in accordance with §160A-31 prior to any further review. Should the petition and/or any portion of the required additional information be found to be incomplete or inaccurate at the time submitted or during the review process, the petition will be returned to the applicant for completion or to correct the inaccurate information. The revised petition and required additional information may be resubmitted to the Town Clerk for processing again. There is not public hearing at this meeting, and it is not necessary for the petitioner/agent to attend.

Upon reviewing the information, the Clerk will certify the results.

2. Resolution Establishing Public Hearing – The Town Board must establish a date for a public hearing. At this meeting, no public hearing will be held and it is not necessary for the applicant/agent to attend.

The signed resolution is a requirement prior to the scheduling of public hearing to consider the annexation. Following the adoption of the resolution, the Town Clerk will publish notice of the annexation public hearing in the local newspaper, at least 10 days in advance of the hearing date.

3. Town Board – The Town Board will hold a public hearing on the requested annexation. Commissioners will consider the recommendations of staff and receive any additional information relative to the annexation request.

Commissioners will also hear objections to or approvals of the annexation from owners/residents of the property proposed by annexation; by state statute, Commissioners may limit the public hearing to only current town residents/property owners and those who reside on and/or own the property proposed for annexation. The Town Board will set the effective date for the annexation, if approved, for the first day of the next month following the month in which public hearing was held.

Fees and Expenses

Regardless of the final action (approval or denial) by the Town Board, the applicant(s), or the designated representative of the applicant(s) requesting the annexation, shall be responsible for all fees covering the cost of advertising, mailing notices, posting signs, recording fees and any other administrative expenses involved in the annexation process. The signing of the petition for the annexation shall indicate the applicant's (or the designated representative's) acceptance of this responsibility.

Staff Review

Citizens wishing to petition for annexation of property contiguous to the town limits may submit a petition signed by each of the property owners within the area to be annexed. Once staff has determined that the petition is complete, it will be routed to various town departments for review. Staff review of the applications results in a "Staff Analysis" that is forwarded to the Town Board. In addition to

the policy guidelines stated above, staff will review the application for the following elements:

- Vested zoning rights – any vested zoning rights should be disclosed.
- Metes and bounds description – a metes and bounds description must be approved by the Town attorney PRIOR to submitting a petition to the Clerk. Without an approved legal description, the review process will not be started.
- Development program – A worksheet is included in the annexation application and should be completed by the petitioner and should include a development time line.

Failure to address these requirements will result in a staff recommendation of denial.

Water and sewer services may need to be extended to the area, which may result in a significant cost to the petitioners. Petitioners must contact Charlotte Water or other Water and Sewer Authority to determine the need for utility extensions. An application should provide evidence that Charlotte Water or other utility has been contacted regarding water and sewer extensions and verification that sufficient capacity exists for the proposed development.

Extensions require approval from the Town Board prior to petitioning for voluntary annexation.

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

DATE: _____

PETITION FOR VOLUNTARY CONTIGUOUS ANNEXATION

TO THE HONORABLE MAYOR AND TOWN BOARD OF COMMISSIONERS OF
THE TOWN OF DAVIDSON, NORTH CAROLINA:

1. We, the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S 160A-31 and respectfully request that the area described in paragraph 2 below be annexed to the Town of Davidson.
2. The area to be annexed is contiguous to the Town of Davidson, and the boundaries of such territory are as follows:

(A legally acceptable description of the property must be inserted here, after it has been approved by the Town Attorney.)

WHEREFORE, your petitioner(s) respectfully requests that the aforementioned property be annexed by the Town of Davidson, North Carolina.

IN WITNESS WHEREOF, your petitioner(s) has caused this instrument to be executed on the ____ day of _____, 20 ____.

PETITIONER(S)

(This petition must be signed by the owners of each parcel proposed for annexation; attach additional sheets, if necessary)

Name

Address

(NOTE: If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed. In addition, the execution of the **petition must be notarized.**)

Accuracy of Legal Description Approved:

Town Attorney

PETITION FOR VOLUNTARY CONTIGUOUS ANNEXATION

Submittal Checklist – All items on the checklist must be submitted in order for the petition to be accepted and scheduled for consideration. If any items are not included, the Town Clerk will reject the petition.

_____ Annexation petition, signed by either property owners or residents.

If the deed has multiple owners, such as a husband and wife, then all individuals must sign this petition form. Attach the copy of the deed of each property to the corresponding petition sheet. The original copies with signatures must be submitted to the Town Clerk. If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed.

_____ Metes and bounds description, APPROVED BY TOWN ATTORNEY.

_____ Annexation petition fee.

_____ List of parcels to be annexed, including the tax parcel number, property owner, and property owner mailing address for each parcel.

_____ List of parcels adjacent to those proposed to be annexed, including parcels separated from the annexation property by a street or rail right-of-way.

_____ Two sets of business-size envelopes pre-addressed to the adjacent property owners with the Town's return address (PO Box 579, Davidson, North Carolina 28036). All envelopes must have postage and metered postage must be *undated*.

_____ A current to-scale copy of a Mecklenburg County tax map highlighting the petitioned property and the current town limits.

_____ Map to be recorded with the Mecklenburg County Register of Deeds.

_____ Letter from Charlotte Water (or other utility) stating that sufficient capacity exists to serve the proposed development and whether an extension or connections is required.

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

DATE: _____

PETITION FOR VOLUNTARY NONCONTIGUOUS ANNEXATION

TO THE HONORABLE MAYOR AND TOWN BOARD OF COMMISSIONERS OF
THE TOWN OF DAVIDSON, NORTH CAROLINA:

1. We, the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-58.1 and respectfully request that the area described in paragraph 2 below be annexed to the town of Davidson.
2. The area to be annexed is contiguous to the town of Davidson, and the boundaries of such territory are as follows:

(A legally acceptable description of the property must be inserted here, after it has been approved by the Town Attorney).

WHEREFORE, your petitioner(s) respectfully requests that the aforementioned property be annexed by the Town of Davidson, North Carolina.

IN WITNESS WHEREOF, your petitioner(s) has caused this instrument to be executed on the ____ day of _____, 20 ____.

PETITIONER(S)

(This petition must be signed by the owners of each parcel proposed for annexation; attach additional sheets, if necessary)

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Accuracy of Legal Description Approved:

Town Attorney

PETITION FOR VOLUNTARY NONCONTIGUOUS ANNEXATION

Submittal Checklist – All items on the checklist must be submitted in order for the petition to be accepted and scheduled for consideration. If any items are not included, the Town Clerk will reject the petition.

_____ Annexation petition, signed by each property owner within the proposed satellite annexation area.

If the deed has multiple owners, such as a husband and wife, then all individuals must sign this petition form. Attach the copy of the deed of each property to the corresponding petition sheet. The original application with original signatures must be submitted to the Town Clerk and a duplicate copy submitted to the Planning Division. If the property is owned by a corporation or entity other than a private individual, a responsible corporate officer must sign as petitioner with an attestation by a second corporate officer and the corporate seal affixed.

_____ Metes and bounds description, APPROVED BY TOWN ATTORNEY.

_____ Map showing the area proposed for annexation with relation to the primary town limits; this map must include the distance of the proposed satellite annexation area to the primary town limits and from what point it is calculated.

If the proposed annexation is within close proximity to a town other than Davidson, the map must also show the distance of the proposed satellite to the other town's limits.

_____ Annexation petition fee.

_____ List of parcels to be annexed, including the tax parcel number, property owner, and property owner mailing address for each parcel.

_____ Lists of parcels adjacent to those proposed to be annexed, including parcels separated from the annexation property by a street or rail right-of-way.

_____ Two sets of business-size envelopes pre-addressed to the adjacent property owners with the Town's return address (PO Box 579, Davidson, North Carolina 28036). All envelopes must have postage and metered postage must be *undated*.

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_____ Map to be recorded with the Mecklenburg County Register of Deeds.

_____ Letter from Charlotte Water (or other utility) stating that sufficient capacity exists for proposed development and whether a water or sewer extension or connection will be required.

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