



# MEMORANDUM

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**TO:** Mayor and Members of City Council

**FROM:** Dianne S. Pierce-Tamplen, City Clerk

**DATE:** June 17, 2013

**REF:** Coastal Beverage Company, Inc.–7.25 acres located adjacent to Forest Park Road-SR 1307

**BACKGROUND:**

The City Council at their August 26<sup>th</sup> 2013 meeting, accepted the Certificate of Sufficiency regarding a Petition of Annexation received from Coastal Beverage Company, Inc. for 7.25 acres adjacent to Forest Park Road-SR 1307, and adopted a Resolution calling for a public hearing to be held on Monday, September 9, 2013 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of same.

**ANALYSIS:**

The Petition for Voluntary Annexation received from Coastal Beverage Company, Inc. is for a parcel containing 7.25 acres that is non-contiguous to the existing City limits and is adjacent to Forest Park Road-SR 1307.

**RECOMMENDATION:**

By motion – Adopt the following Ordinance incorporating a 7.25 acre parcel owned by Coastal Beverage Company, Inc. and located adjacent to Forest Park Road-SR 1307 into the Corporate Limits of the City of Elizabeth City, with an effective date of October 1, 2013.

**ORDINANCE #2013 \_\_\_\_\_**  
**TO EXTEND THE CORPORATE LIMITS OF**  
**THE CITY OF ELIZABETH CITY, NORTH CAROLINA**  
**COASTAL BEVERAGE COMPANY, INC.**  
**7.25+/- ACRES – FOREST PARK ROAD-SR 1307**

**WHEREAS**, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to cause to be investigated the sufficiency of said petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 9<sup>th</sup> day of September, 2013 after due notice by publication on the August 30, 2013 and September 4, 2013, and

**WHEREAS**, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1 (b), to wit:

a} The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Elizabeth City;

b} No point on the proposed satellite corporate limits is closer to another municipality than to the City of Elizabeth City;

c} The area described is so situated that the City of Elizabeth City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d} No subdivision, as defined in GS 160A-376 will be fragmented by this proposed annexation;

e} The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Elizabeth City.

**WHEREAS**, the City of Elizabeth City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

**WHEREAS**, the City of Elizabeth City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Elizabeth City and of the area proposed for annexation will be best served by annexing the area described;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Elizabeth City, North Carolina:

**SECTION 1.** By virtue of the authority granted by G. S. 160A-58.2, as amended, the following described non-contiguous territory, is hereby annexed and made part of the City of Elizabeth City as of the October 1, 2013:

**Beginning** at an iron rebar located at the intersection of the eastern right-of-way of Forest Park Road and the northern right-of-way of the Norfolk & Southern Railroad, said iron rebar being further located N 35° 25' 45" W 1,170.24 feet from NGS Monument "Elizabeth RM2"; thence N 22° 21' 03" W 270.17 feet along the northern right-of-way of Forest Park Road to a point marked by a power pole; thence N 65° 16' 13" E 141.86 feet along the property owned by Benjamin House, Inc. to an iron rebar; thence N 65° 16' 13" E 241.21 feet along the property owned by Alexander & Glenna Tunnell to a point; thence N 65° 20' 41" E 254.87 feet along the Tunnell property to an iron rebar; thence N 35° 37' 17" W 202.09 feet along the Tunnell property to an iron rebar; thence N 66° 07' 18" E 157.44 feet along the property owned by McMor Development, LLC to a point; thence along a curve having a radius of 965.00 feet, a distance of 157.29 feet, said line also having a chord bearing and distance of N 70° 47' 28" E 157.11 feet along the McMor Development, LLC property to an iron rebar; thence continuing along the McMor Development, LLC line S 30° 50' 46" E 453.97 feet to an iron rebar located on the northern right-of-way of the Norfolk & Southern Railroad; thence S 65° 19' 15" W 579.21 feet along said railroad right-of-way to a point; thence S 65° 18' 35" W 393.94 feet along said railroad right-of-way to the point and place of beginning, containing 7.25 acres.

**SECTION 2.** Upon and after the 1<sup>st</sup> day of October 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

**SECTION 3.** The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the

Secretary of State in 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 the 9<sup>th</sup> day of September 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk