



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Montique McClary, Interim City Manager
April Onley, City Clerk
Kellen Long, Community Development Director

DATE: October 21, 2022

REF: Consideration – Adoption of a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for Voluntary Annexation – Capital Trace: Parcel IDs: 8922 298044 and 8922 286896

BACKGROUND:

A petition for Voluntary Annexation (attached) has been received from Combs Development Company for a properties located at 100 and 104 Capital Trace (Parcel IDs: 8922 298044 and 8922 286896) owned by Melonie Harrington. The petition involves two separate parcels totaling 2.83 acres that is contiguous to the present City limits.

ANALYSIS:

The voluntary annexation process first requires that the City Council consider an ordinance directing the City Clerk to investigate the sufficiency of the Petition. Once this is done, the City Clerk will bring a certification back to the City Council for further consideration and action through a call for a public hearing and then a public hearing.

STAFF RECOMMENDATION:

By motion, adopt the attached resolution directing the City Clerk to investigate the sufficiency of the Petition for Voluntary Annexation for 2.83 acres located at 100 and 104 Capital Trace received from Combs Development Company.



**RESOLUTION #2022-10-03
DIRECTING THE CITY ATTORNEY TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
2.83 ACRES
100 AND 104 CAPITAL TRACE
PARCEL IDs: 8922 298044 and 8922 286896**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on October 24, 2022 by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

THAT the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this the 24th day of October 2022.

Edward Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk



ANNEXATION PETITION – CONTIGUOUS PROPERTY

TO: The City of Elizabeth City
ATTN: City Clerk
P. O. Box 347
Elizabeth City, NC 27907

RE: Petition Requesting Annexation

Pursuant to the provisions of Sections 160A-31 of the NC General Statutes, we the undersigned owners of real property described below do hereby request that said property

Located at: 100 & 104 Capital Trace, Elizabeth City, NC. 27909

Tax Block(s) Lots 2 & 3, South Park Phase I, MB 23, PG 18

Tax Lot(s) Lot 2 PIN: 8922 298044, TM: P123-198; and Lot 3 PIN: 8922 286896, TM: P1123-199

be annexed into the City of Elizabeth City.

We certify: that the property is contiguous to the present City limits; that a legal description (metes and bounds) is attached as Exhibit A and a map of said property is attached and denoted as Exhibit B. Exhibit B shall conform to the City of Elizabeth City Mapping and Documentation Policy for voluntary annexation petitions. (The policy is attached.)

Upon certification of the petition, petitioner will provide one digital file and 10 copies (11" x 17") of a map and an electronic legal description (in a format accessible by Word).

All individuals whose names appear on the deed to the property or otherwise have an ownership interest shall sign.

[Signatures on following page(s)]

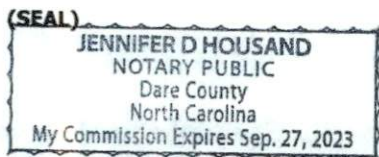
1) Melonie C. Harrington Melonie C. Harrington
Printed Name Signature

State of NC

County of Dare

On this, the 18 day of October, 2022, before me, the undersigned notary public, personally appeared Melonie C. Harrington, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.



Jennifer D Housand Notary Public
Printed Name: Jennifer D Housand

2) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public
Printed Name: _____

3) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public
Printed Name: _____

4) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public

Printed Name: _____

5) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public

Printed Name: _____

6) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public

Printed Name: _____

10) _____
Printed Name Signature

State of _____

County of _____

On this, the _____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed above, and acknowledged that he/she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

(SEAL) _____, Notary Public
Printed Name: _____

Date received by City Clerk _____ BY: _____

ATTACHMENT: Mapping Requirements

NOTES:

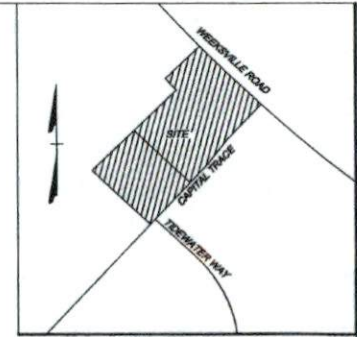
- CURRENT OWNER:** MELONIE CREWS HARRINGTON
PO BOX 148
WELL DEVIL HILLS, NC 27948
D.B. 1001, PG. 318
LOT 2 P/N: 8622.288044, TM: P123-198
LOT 3 P/N: 8622.286896, TM: P123-198
SITE ADDRESS: 100 & 104 CAPITAL TRACE, ELIZABETH CITY, NC 27908
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- AREA COMPUTED BY USING COORDINATE METHOD.
- THE PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD MAP PANEL 37208R2200K, DATED DECEMBER 21, 2018. SUBJECT TO CHANGE BY FEMA.
- CURRENT ZONING: HB (ELIZABETH CITY ETC.)
- THE PROPERTY IS SUBJECT TO ALL SETBACK AND EASEMENT REQUIREMENTS SET FORTH BY THE CITY OF ELIZABETH CITY AND RECORD DOCUMENTS.
- THERE ARE NO N.O.S. MONUMENTS WITHIN 2,000' OF THE SITE.

NORTH CAROLINA, PASQUOTANK COUNTY

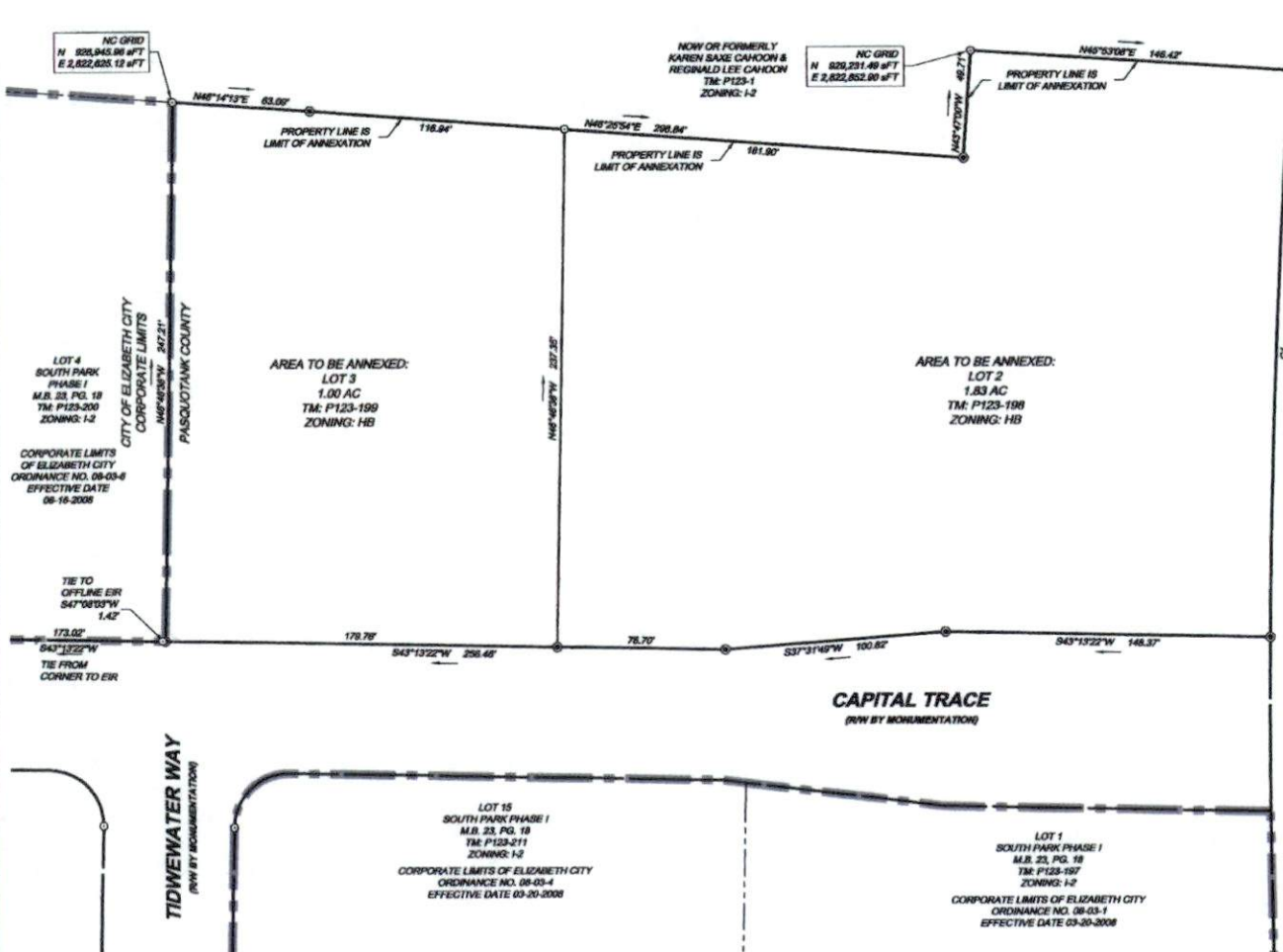
I, _____ REVIEW OFFICER OF PASQUOTANK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____

DATE _____



VICINITY MAP (NOT TO SCALE)



I, JASON A. MIZELLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN DEED BOOK 1001, PAGE 318; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

F(11) D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17TH DAY OF OCTOBER, 2022.

Jason A. Mizelle
JASON A. MIZELLE, PLS L-4917



- VOLUNTARY ANNEXATION TO THE CITY OF ELIZABETH CITY
- PETITIONED BY: MELONIE C. HARRINGTON
- NIXONTON TOWNSHIP, PASQUOTANK COUNTY, NORTH CAROLINA
- ORDINANCE NO: _____ EFFECTIVE DATE: _____
- PLAT PREPARED BY: TIMMONS GROUP, SURVEY DATE: 09-27-2022, PLAT DATE: 10-17-2022

THIS PLAT WAS PREPARED FOR THE CITY OF ELIZABETH CITY AND IS TO BE USED FOR ANNEXATION PURPOSES ONLY; NOT TO BE USED FOR CONVEYANCE OR TRANSFER.

VOLUNTARY ANNEXATION TO ELIZABETH CITY FOR

MELONIE C. HARRINGTON

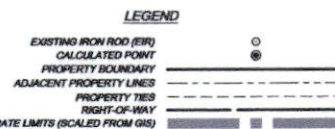
BEING LOTS 2 & 3, SOUTH PARK - PHASE I, M.B. 23, PG. 18
NIXONTON TOWNSHIP PASQUOTANK COUNTY NORTH CAROLINA

TIMMONS GROUP

1805 West City Drive, Unit E, Elizabeth City, NC 27909
TEL 252.621.5030 www.timmons.com
North Carolina License Number C-1652

SCALE: 1"=40'	FILE NO: 08171	DATE OF SURVEY: SEPTEMBER 27, 2022	DRAFTED: JAS	DATE: OCTOBER 17, 2022	CHECKED: JAM
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CURVE TABLE						
CURVE	RADIUS	LENGHTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	4177.44'	280.10'	130.09'	3°34'02"	S45°39'33"E	280.05'



Lot 2, South Park (Map Book 23, Page 18)

Beginning at a point along the west right of way of Weeksville Road at its intersection with the north right of way of Capital Trace; then following the right of way of Capital Trace S 43°13'22" W a distance of 148.37 feet to a point; thence S 37°31'49" W a distance of 100.82 feet to a point; thence S 43°13'22" W a distance of 76.70 feet to a point marking the southeast corner of Lot 3; thence turning and following the east line of Lot 3 N 46°46'38" W a distance of 237.35 feet to an iron rebar in the south line of the property belonging to Karen & Reginald Cahoon; thence following the Cahoon line N 46°25'54" E a distance of 181.90 feet to a point; thence N 43°47'00" W a distance of 49.71 feet to an iron rebar; thence N 45°53'08" E a distance of 146.42 to a point in the aforementioned right of way of Weeksville Road; thence along the right of way of Weeksville Road and along a curve having a radius of 4177.44 feet for a distance of 260.10 feet (Chord Bearing: S 45°39'33" E; Chord Distance: 260.05 feet) to the point of beginning and containing 1.83 acres.

Lot 3, South Park (Map Book 23, Page 18)

Beginning at a point in the north right of way of Capital Trace, said point being the southwest corner of Lot 2; thence along said right of way S 43°13'22" W a distance of 179.76 feet to a point marking the southeast corner of Lot 4; thence turning and following the east line of Lot 4 N 46°46'38" W a distance of 247.21 feet to an iron rebar in the south line of the property belonging to Karen & Reginald Cahoon; thence following the Cahoon line N 46°14'13" E a distance of 63.09 feet to a point; thence N 46°25'54" E a distance of 116.94 feet to an iron rebar marking the northwest corner of Lot 2; thence along the west line of Lot 2 S 46°46'38" E a distance of 237.35 feet to the point of beginning and containing 1.00 acres.