



# MEMORANDUM

**To:** Mayor and Members of the City Council  
**From:** Montre' Freeman, City Manager  
**Date:** May 24, 2024  
**Subj:** Consideration / Discussion – Potential ETJ Relinquishment

## ***BACKGROUND:***

Recently, staff was approached about the possibility of de-annexation for a particular piece of property (attached). Upon further research, it was determined that the property was in the City's extra-territorial jurisdiction. Extra-territorial jurisdiction (ETJ) is "the authority of a city to apply its zoning ordinance outside of the city limits." Since the ETJ is not considered within the city boundary, a relinquishment is not considered a de-annexation of city property. A relinquishment of the zoning boundary of the property is simply releasing control of the zoning for the referenced parcel.

## ***ANALYSIS:***

Authority is given by General Statute to the City to relinquish property in the ETJ back to the County if the governing board should decide to do so. Several years ago, the City relinquished a parcel on Wellfield Road back to the County.

NC General Statute § 160D-202. Municipal extraterritorial jurisdiction:

(h) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area that it is regulating under this Chapter to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings and take other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

## ***STAFF RECOMMENDATION:***

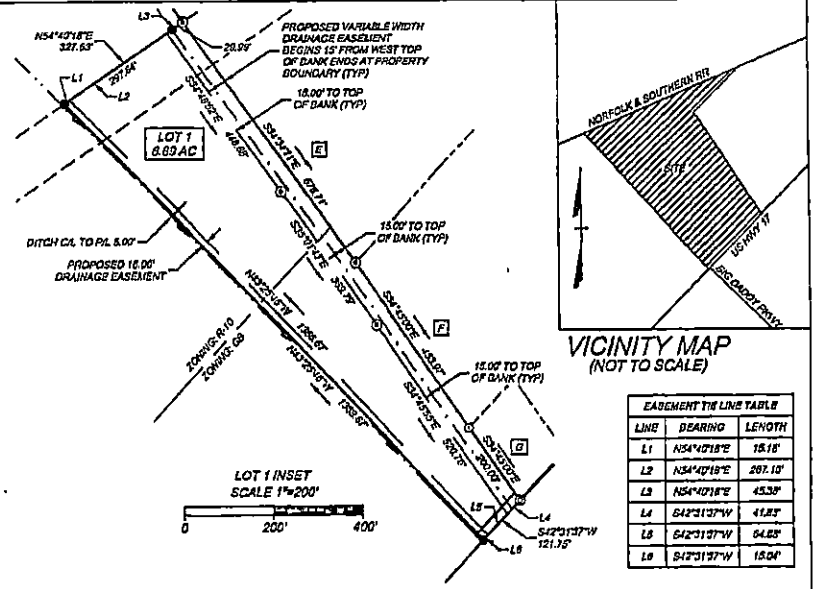
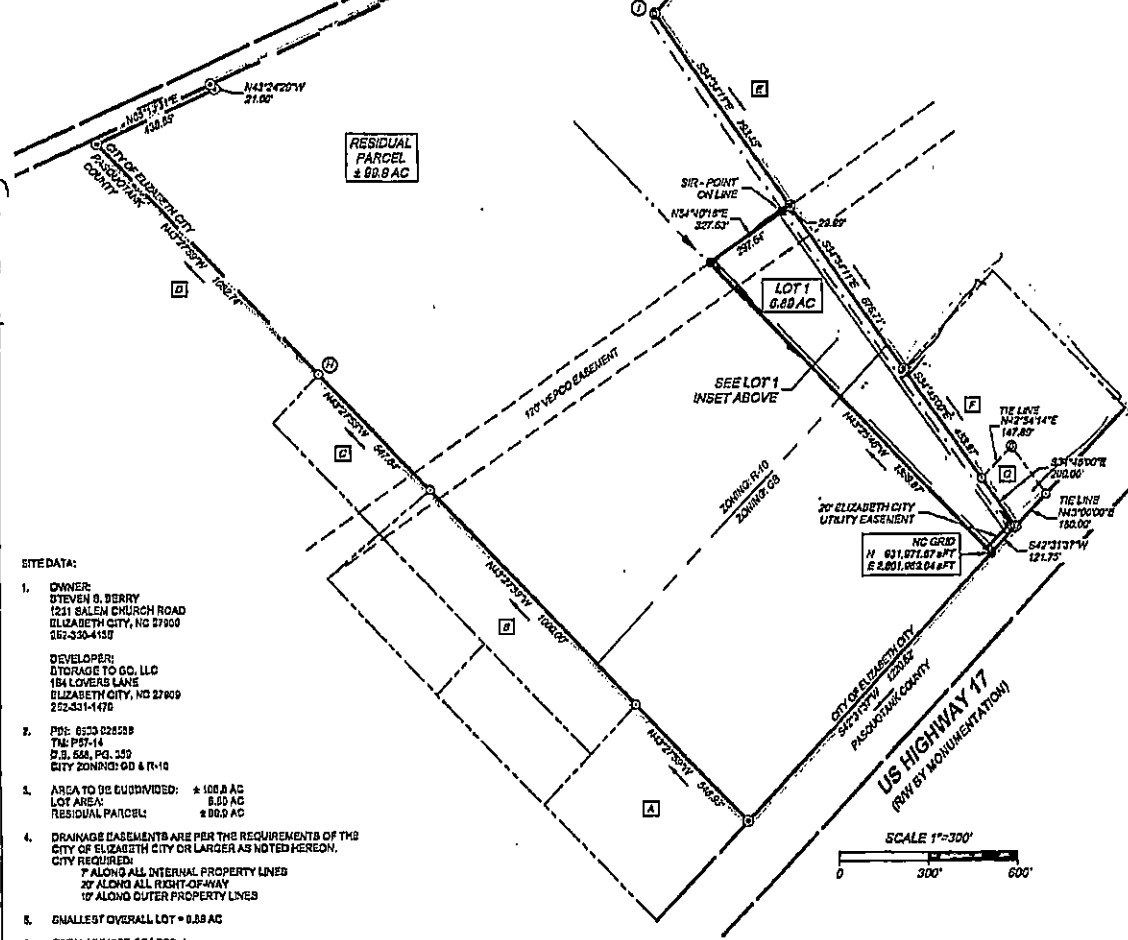
Staff offers no recommendation in relinquishments; it is solely the decision of the governing board. This memorandum and included information has been provided for additional clarity, as these situations are often rare.

Staff has requested that the interested party, Mr. Matthew Harrell, be present at the Work Session to provide additional discourse with the City Council.

wellfield Belingrshurst of FTS  
 data-Resistor of Belingrshurst of FTS

**ADJOINING PROPERTY OWNER KEY:**

NAME	TAX MAP	S.B. / P.S.	COUNTY ZONING
A ALBEARLE EDUCATIONAL FOUNDATION INC	P57-13	276267	C-1
B ALBEARLE EDUCATIONAL FOUNDATION INC	P57-14A	868318	C-1 & A-1
C MK BERRY LAND CO LLC	P57-14B	1319337	A-1
D MK BERRY LAND CO LLC	P57-7	1319343	A-1
E SHELTON EARLY BRIGHT & MARGARET BRIGHT	P57-20	443400	A-1 & C-1
F SHELTON E. BRIGHT & MARGARET O. BRIGHT	P57-10	510690	C-1
G ENCORE THEATER CO	P37-15	1107805	C-1



VICINITY MAP (NOT TO SCALE)

LINE	BEARING	LENGTH
L1	N54°40'18"E	18.18'
L2	N54°40'18"E	207.10'
L3	N54°40'18"E	45.30'
L4	S42°31'37"W	41.82'
L5	S42°31'37"W	64.82'
L8	S42°31'37"W	15.00'

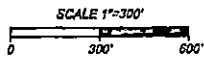
**SITE DATA:**

- OWNER: STEVEN B. BERRY  
1231 SALEM CHURCH ROAD  
ELIZABETH CITY, NC 27802  
252-330-4153  
DEVELOPER: STORAGE TO GO, LLC  
181 COVER LANE  
ELIZABETH CITY, NC 27809  
252-431-1476
- PG: 6533 0252B  
TM: P57-14  
S.B. 558, PG. 359  
CITY ZONING: G0 & R-10
- AREA TO BE SUBDIVIDED: ± 100.0 AC  
LOT AREA: 8.00 AC  
RESIDUAL PARCEL: ± 90.0 AC
- DRAINAGE EASEMENTS ARE PER THE REQUIREMENTS OF THE CITY OF ELIZABETH CITY OR LARGER AS NOTED HEREON. CITY REQUIRED: 7' ALONG ALL INTERNAL PROPERTY LINES  
20' ALONG ALL RIGHT-OF-WAY  
10' ALONG OUTER PROPERTY LINES
- SMALLEST OVERALL LOT = 0.89 AC
- TOTAL NUMBER OF LOTS: 1
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- THIS PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FEMA MAP PANELS 372090020K & 372090020K DATED DECEMBER 21, 2010 AND SUBJECT TO CHANGE BY FEMA.
- DRAINAGE AND UTILITY EASEMENTS SHALL REMAIN FREE OF SUBSTANTIAL STRUCTURES AND THAT THE REPAIR TO ANY STRUCTURE OR LANDSCAPING LOCATED IN THE EASEMENTS FOLLOWING ACCESS TO THE FACILITIES BY THE CITY OR UTILITY COMPANY SHALL BE AT THE EXPENSE OF THE PROPERTY OWNER.
- A 20' ELIZABETH CITY UTILITY EASEMENT FOR ELECTRIC, GAS, TELEPHONE, AND CABLE IS HEREBY DEDICATED ALONG ALL STREET FRONTAGES.
- USE OF LAND WITHIN AN AREA OF SPECIAL FLOOD HAZARD IS SUBSTANTIALLY RESTRICTED BY SECTION 12-3 OF THE ELIZABETH CITY UNIFIED DEVELOPMENT ORDINANCE.
- BOUNDARY LINES (1) TO (7) PER D.B. 502, PG. 608 NOT SURVEYED THIS DATE - ACCURACY NOT GUARANTEED.

**CERTIFICATE OF MONUMENT**

I (WE) HEREBY CERTIFY THAT I (AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF ELIZABETH CITY, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION. I (WE) FURTHER CERTIFY THAT THE RESIDUAL TRACT ON THIS PLAN CANNOT BE FURTHER SUBDIVIDED WITHIN TWO YEARS OF THE DATE OF RECORDATION.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_



**LEGEND**

- EXISTING (ROW) ROAD (R/R)
- EXISTING IRON PIPE (EIP)
- SET IRON ROD (SIR)
- CALCULATED POINT
- PROPERTY BOUNDARY
- PROPERTY BOUNDARY PER D.B. 502, PG. 608 NOT SURVEYED THIS DATE
- ADJACENT PROPERTY LINES
- PROPERTY LINES
- RIGHT-OF-WAY
- VEPCO EASEMENT
- DRAINAGE EASEMENT
- ELIZABETH CITY UTILITY EASEMENT
- CITY LIMITS
- CITY ZONING CHANGE
- DITCH CENTERLINE
- TOP OF BANK

I, JASON A. WIZELLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN DEED BOOK 558, PAGE 355; 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(1) A. THAT THE SURVEY CREATED A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAD AN ORDINANCE THAT REGULATED PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH DAY OF APRIL, 2021.

JASON A. WIZELLE, PLS L-1017



PRELIMINARY PLAT  
APR 16, 2021  
NOT FOR RECORDATION  
OR CONVEYANCE

**CERTIFICATE OF MINOR PLAT APPROVAL**

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS. THAT THE SUBDIVISION SHOWN IS IN COMPLIANCE WITH THE ELIZABETH CITY UNIFIED DEVELOPMENT ORDINANCE, AND THAT THE PLAT HAS BEEN APPROVED BY THE ELIZABETH CITY PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS OF THE DATE BELOW.

PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 NORTH CAROLINA, PASQUOTANK COUNTY  
 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 \_\_\_\_\_

MINOR SUBDIVISION FOR  
**STORAGE TO GO, LLC**

DEED PROPERTY DESCRIBED IN D.D. 665, PG. 353  
MT. HERMON TOWNSHIP PASQUOTANK COUNTY NORTH CAROLINA

**TIMMONS GROUP**

1605 West City Drive, Unit E, Elizabeth City, NC 27909  
TEL 252.521.5030 www.timmons.com  
North Carolina License Number C-1652

SCALE: 1"=300'	FILE NO: 4724	DATE OF SURVEY: APRIL 13, 2021	DRAFTER: JWS	DATE: APRIL 16, 2021	CHECKED: JAW
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S:\10547504 - Berry Tract - US Hwy 17S - Elizabeth City, NC\DWG\472424\_Visual.dwg [Plotted on 4/16/2021 1:57 PM] by John Sawyer



**NOT A SURVEY**

This map was created from historic maps, recorded deeds and surveys. It CAN NOT be used to convey land, settle land disputes or build fences.

**Pasquotank County, NC**

Parcel ID: 8903 026668  
 Map: P57-14  
 LOT: 0

00000 US 17 SOUTH  
 BERRY, STEVEN S

1231 SALEM CHURCH RD  
 ELIZABETH CITY NC 27909

Deed Book: 588  
 Deed Page: 359  
 Date: 0  
 Land Value: 503500  
 Ag Value: 117000  
 Bldg Value:  
 Total Value: 117800  
 Taxed Acres: 106.86



**PASQUOTANK COUNTY NC**

Date: 7/13/2023

Property Ownership/  
 Lines as of January 1, 2023

