



# MEMORANDUM

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**TO:** Mayor and City Councilors

**FROM:** Montre' Freeman, City Manager

**DATE:** November 23, 2022

**REF:** Consideration – Hold a Public Hearing - Approval of Annexation Petition submitted by Combs Development Company

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## ***BACKGROUND:***

A petition for voluntary annexation (attached) has been received from Combs Development Company for properties located at 100 and 104 Capital Trace Drive (Parcel IDs 8922 298044 and 8922 286896) owned by Melonie Harrington. The petition involves two separate parcels totaling 2.83 acres that are contiguous to the present City limits on all sides. After a title search from the City Attorney and certification by the City Clerk as to the sufficiency of petition for the requested annexation, it was determined that the petition of voluntary annexation could move forward for City Council to accept the resolution of sufficiency for the petition and to call for a public hearing. During the City Council meeting on October 24, 2022 staff gave a presentation on the case, and during the November 14<sup>th</sup> meeting the City Council accepted the resolution of sufficiency for the petition and called for a public hearing to take place on November 28<sup>th</sup> at 7:00 p.m. in Council Chambers.

## ***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 which was approved through resolution on October 24, 2022. The City Attorney then concluded a title search of property. During the November 14<sup>th</sup> City Council meeting, the City Clerk brought a certification back to the City Council for further consideration and action through a call for a public hearing and a resolution to accept the certification of the sufficiency of the petition. On November 14<sup>th</sup>, the City Council adopted a resolution to accept the certification of sufficiency and called for a public hearing to take place on

November 28<sup>th</sup>, 2022 at 7:00 p.m. pursuant to G.S. 160A-31. The public hearing has been advertised as required, along with adjacent property owner notification.

***STAFF RECOMMENDATION:***

By motion, approve the annexation petition and adopt the attached ordinance for 2.83 acres located at 100 and 104 Capital Trace (Parcel IDs 8922 298044 and 8922 286986) contiguous to the current municipal limits of the City of Elizabeth City.



**ORDINANCE #2022-11-01**  
**ADOPT ORDINANCE TO APPROVE VOLUNTARY ANNEXATION**  
**A PETITION RECEIVED UNDER G. S. 160A-31**  
**100 AND 104 CAPITAL TRACE**  
**PARCEL IDs: 8922 298044 and 8922 286896**  
**2.83 ACRES**

**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**, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of said petition has been made;

**WHEREAS**, City Council accepted certification and adopted a resolution fixing date for public hearing on November 14, 2022;

**WHEREAS**, notice of said public hearing was published in The Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of the said public hearing;

**WHEREAS**, adjacent property owners within 100 feet of the subject properties were notified of public hearing for voluntary annexation.

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

**Section 1:** The area proposed for annexation is described as follows be approved for official annexation to the City of Elizabeth City's Municipal Limits:

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

Beginning at a point along the west right of way of Weeksville Road at it's 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.

**Section 3:** Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of the said public hearing.

**ADOPTED**, this the 28<sup>th</sup> day of November 2022

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E. Kirk Rivers  
Mayor

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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, 2015, 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: \_\_\_\_\_

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Date received by City Clerk \_\_\_\_\_ BY: \_\_\_\_\_

**ATTACHMENT: Mapping Requirements**



**NOTES:**

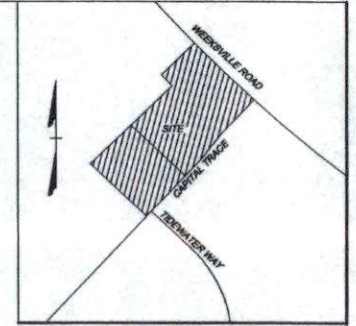
- CURRENT OWNER:** MELONIE CREWS HARRINGTON  
PO BOX 145  
KELLY DRIVE, HILLS, NC 27948  
D.B. 1001, PG. 318  
LOT 2 P.W. 8822 28804, T.M. P123-198  
LOT 3 P.W. 8822 28808, T.M. P123-199  
SITE ADDRESS: 100 & 104 CAPITAL TRACE, ELIZABETH CITY, NC 27909
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- AREA COMPUTED BY USING COORDINATE METHOD.
- THE PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD MAP PANEL 372082200C, DATED DECEMBER 21, 2016, SUBJECT TO CHANGE BY FEMA.
- CURRENT ZONING: HB (ELIZABETH CITY ETJ)
- 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.G.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 \_\_\_\_\_



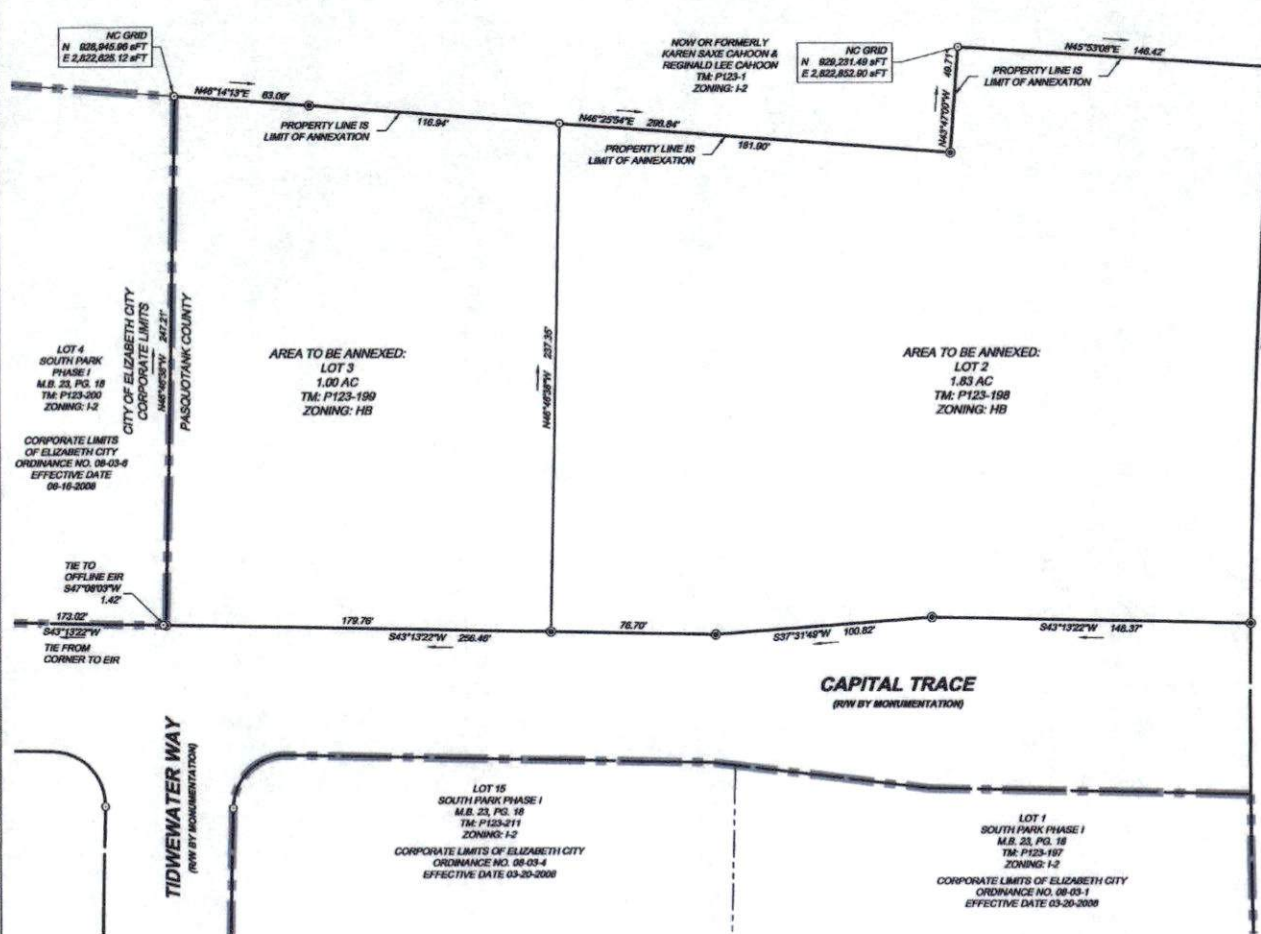
**VICINITY MAP**  
(NOT TO SCALE)

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: 08-27-2022, 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**

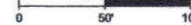
BEING LOTS 2 & 3, SOUTH PARK - PHASE 1, M.B. 23, PG. 18  
NIXONTON TOWNSHIP PASQUOTANK COUNTY NORTH CAROLINA

**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

**LEGEND**

- EXISTING IRON ROD (EIR)
- CALCULATED POINT
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINES
- PROPERTY TIES
- RIGHT-OF-WAY
- ELIZABETH CITY CORPORATE LIMITS (SCALED FROM GIS)

SCALE 1"=50'



CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING
C1	4177.44'	280.10'	130.00'	3°34'02"	S45°38'33"E

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