

Village of Wesley Chapel - Annexation Policy

Voluntary Annexation Policy (To be added to Council Rules of Procedure)

A property owner can initiate a voluntary annexation. The property in question can be contiguous to the primary corporate limits of Wesley Chapel or can be a satellite annexation (i.e.: not contiguous).

Applicable NC State Statutes:

Contiguous Annexations – 160A-31

Satellite Annexations – 160A-58 et seq.

Criteria for Contiguous Annexations:

An area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina.

Criteria for Satellite Annexations:

1. Some part of the annexation area must be within two miles of the annexing city's corporate limits or must be contiguous to the satellite corporate limits of the annexing city.
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as permitted by agreement with the other city and except where the annexation area is contiguous to satellite corporate limits of the annexing city. In Union County, a parcel may be voluntarily annexed onto an existing satellite even if the existing satellite is closer to another city than to the primary corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits.
4. The total area of a city's satellites, including the annexation area, may not exceed 20 percent of the area within its primary corporate limits.

Voluntary Annexation of Subdivisions

With respect to contiguous annexations, Wesley Chapel requests that a voluntary annexation request for a residential subdivision contain 95+ % of the individual properties in the residential subdivision. This is due to the recent NC Supreme Court Ruling that disallows involuntary annexations unless the town provides a 'meaningful' service. With this ruling, Wesley Chapel has no ability to involuntarily annex the properties that did not participate in the voluntary annexation. If some of the lots in a residential subdivision have previously been annexed into the Village, the remaining lots may be annexed without requiring 95% .

Voluntary Annexation Workflow:

1. Applicant Submits a Petition application to council. Refer to the Voluntary Annexation Procedure for details on what a petition application should include.
2. If Council is interested in pursuing the annexation, council should direct town clerk to investigate sufficiency of petition and certify results to council that petition is complete.
3. Clerk certifies sufficiency of petition by doing the following:

- a. Ascertaining that the petition adequately describes the property(ies) including a metes and bounds description for which annexation is sought. Determine that it is possible to locate the property on the ground.
 - b. Establish the ownership of the real property included in the annexation area via property tax records and register of deed grantor index.
 - c. Ensuring that all owners have signed the petition and each owner's printed name and address is included, and that signatures are current owners at time Council adopts the ordinance.
 - i. For Satellite annexations the following exemptions from the signature requirements exist:
 1. owners of real property wholly exempt from property taxation (e.g. property owned by churches, by the state or local governments, and by certain charities),
 2. Railroad companies,
 3. Public utilities (i.e. electric companies, natural gas companies, water companies, sewer companies, bus companies, and motor freight companies, and
 4. Electric and telephone membership corporations.
 - ii. When there are multiple property owners, all owners must sign, as follows:
 1. If property is owned by husband and wife, by the entirety, both must sign.
 2. If Property is owned in common by a group of persons, including a group of heirs, all must sign.
 3. If property is in an estate, the heirs must sign; the administrator's or executor's signature is not sufficient.
 4. If the property is a condominium complex, all owners must sign (not just the property owners association).
 - iii. When property is owned by an entity, the petition should be signed as follows:
 1. Corporations: the petition should be signed by the corporation's president, or the president's delegate.
 2. Partnerships: Any partner may sign, in the name of the partnership, unless there is notice that the partner is exceeding his authority,
 3. Local governments: The petition should be signed by the chief elected official or by the presiding officer of the governing board if there are no elected officials.
 - iv. Interests that need not sign the petition area; easements, leases, mortgagees, option holders (but if option will be exercised before ordinance adoption, optionee should sign, perhaps as well as owner), cemetery lot owners.
 - d. For a contiguous annexation, ensure that the proposed annexation area is currently contiguous to the existing city limits.
 - e. For a satellite annexation, verify that the proposed annexation area meets the four statutory standards for satellite annexation (listed above)
 - f. Ensuring that all other statutory requirements are met.
4. Once petition is verified, town council must call for a public hearing and cause notice to be published on the annexation.

5. Public hearing is advertised as required by law. It must be published once, at least 10 days prior to the hearing. At a minimum, notice should give date, time, location and purpose of the public hearing and include a map or description of the annexation area clear enough to permit readers to recognize the property involved.
6. At the public hearing, the public comments on the sufficiency of the petition and the desirability of the annexation.
7. Following the public hearing, the council may adopt an ordinance annexing the property included in the petition.
 - a. Consideration should be given to determine if all requirements have been met and that the annexation would best serve the public health, safety, and welfare of the inhabitants of the city and of the annexation area.
 - b. There is no deadline for when council must act on an annexation request. The matter will remain open until council votes or the applicant withdraws the petition.
 - c. The council must include in the ordinance certain findings: for a contiguous annexation they must find that the petition meets the requirements of the statute, for the satellite annexation the council must find that a. the area meets the four standards of satellite annexations; b. all necessary owners have signed the petition; c. the petition is otherwise valid; and d. annexation would best serve the public health, safety, and welfare of city citizens and inhabitants of the annexation area.
 - d. If the council decides to approve the annexation, it can set an effective date of annexation for either immediately or anytime within the following 6 months.
8. Forms must be submitted to the U.S. Department of Justice (DOJ) to show that such annexation is in compliance with Section 5 of the 1965 Voting Rights Act. This submission must be signed by the municipal attorney and submitted as soon as possible after the enactment of the ordinance. The DOJ can take as long as 60 days to make a determination on the annexation. Council should consider making annexation effective 60-90 days in the future to allow time for DOJ approval.
9. Annexation – Notify these groups when annexations occur (Send revised map and certified copy of the annexation ordinance):
 - County Register of Deeds – G.S. 160A-29
 - Local Board of Elections- G.S. 163-288
 - NC Secretary of State- G.S. 160A-29 (send to Land Records Management Program within 30 days)
 - Gas and Electric companies that have customers in the Village
 - Cable Company
 - County Tax Office
10. Village Clerk per G.S. 160A-22 must maintain a map updated with the current village boundaries.

VILLAGE OF WESLEY CHAPEL VOLUNTARY ANNEXATION REQUIREMENTS

Please ensure the area you want to annex into Wesley Chapel meets the requirements identified in the Village's Annexation Policy which can be found in the Village Council Rules of Procedure. If you have any questions, please call the Village Clerk at 704-243-7391.

A Voluntary Annexation Application must include:

- A Petition for each parcel included in the annexation that (Sample petition attached to this policy):
 - Describes property, including whether it is contiguous or non-contiguous
 - Includes printed name, address and signature of each owner of real property in the proposed annexation area.
 - Tax Map Parcel Number
 - Includes date of annexation request
 - Department of Justice Information
- A copy of deed for each tax parcel
- A \$30 filing fee (checks made payable to Village of Wesley Chapel) for each parcel in the annexation area. Note: If village annexation expenses exceed the fee collected, petitioners will be required to pay the balance to the Village of Wesley Chapel.
- A map that shows the proposed annexation area (all parcels included in annexation request) and its relationship to the annexing city, and if necessary (for satellite annexations), any other nearby city or cities.
- A list of Tax map parcel numbers included in the proposed annexation
- A Metes and Bounds Description of the proposed annexation area (all parcels included in annexation request)

Note: If a property involved in the voluntary annexation changes ownership before the annexation ordinance is adopted, and the new owners protest the annexation, the whole petition would fail. Also, if any one property withdraws from or is added to the annexation petition prior to the annexation ordinance being adopted, the whole petition would fail. You may add signatures to existing petitions.

Any annexation agreements between the Village of Wesley Chapel and neighboring municipalities may prohibit the Village from annexing some properties in the vicinity regardless of whether or not they meet the criteria contained in this policy. Property owners should check with the clerk to determine if any such annexation agreements may apply to their property.

VOLUNTARY ANNEXATION SUBMITTAL DEADLINES

In order to have annexation effective by June 30th, Annexation petition must be complete and submitted by January 15th

Approved 08.19.08

VILLAGE OF WESLEY CHAPEL VOLUNTARY ANNEXATION PETITION

To the Council of the Village of Wesley Chapel, Union County, NC:

We, the Undersigned Owners of Real Property respectfully request that the area described below be annexed to the Village of Wesley Chapel of Union County, North Carolina. The Area to be annexed is CONTIGUOUS NON-CONTIGUOUS (CIRCLE ONE) to the Village of Wesley Chapel of Union County, North Carolina and the boundaries of such territory are as follows:

TAX PARCEL NUMBER: _____

Check the box to the left to indicate that a copy of the parcel deed is included with this petition.

Check the box to the left to indicate that you have submitted a \$30 filing fee (payable to the Village of Wesley Chapel) with this petition.

Respectfully Submitted, This the ____ Day of _____, 20__.

OWNER #1: FULL NAME (print): _____

SIGNATURE: _____ Telephone Number _____

RESIDENCE ADDRESS: _____

OWNER #2: FULL NAME (print): _____

SIGNATURE: _____ Telephone Number _____

RESIDENCE ADDRESS: _____

The following information is required by the Voting Rights Act, 42 U.S.C. 1973c:

NUMBER OF PERSONS OF VOTING AGE: _____

NUMBER OF PERSONS IN HOUSEHOLD _____

RACE: Caucasian Afro-American Hispanic
 Native American Asian American

There may be additional costs to cover the cost of the annexation.