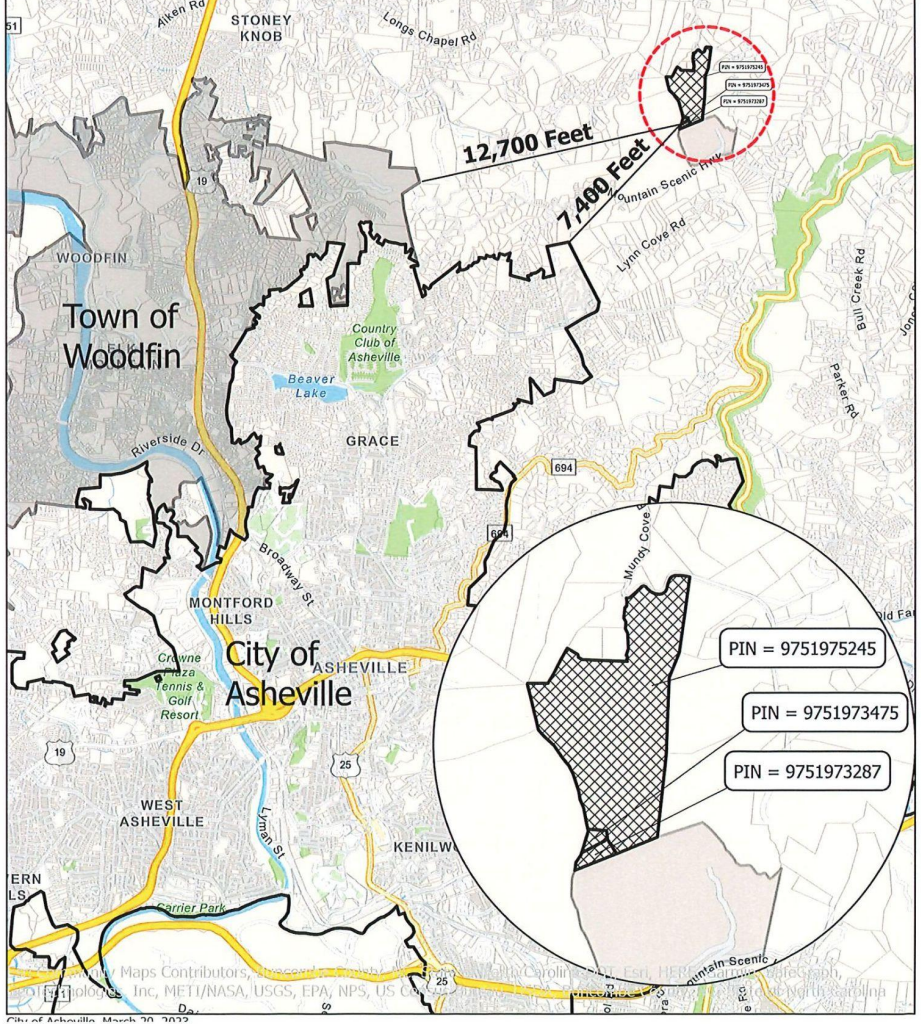
810 Elk Mountain Scenic Highway & 99999 Mundy Cove Road

City of Asheville/Town of Woodfin Annexation Agreement

Asheville City Council
April 11, 2023

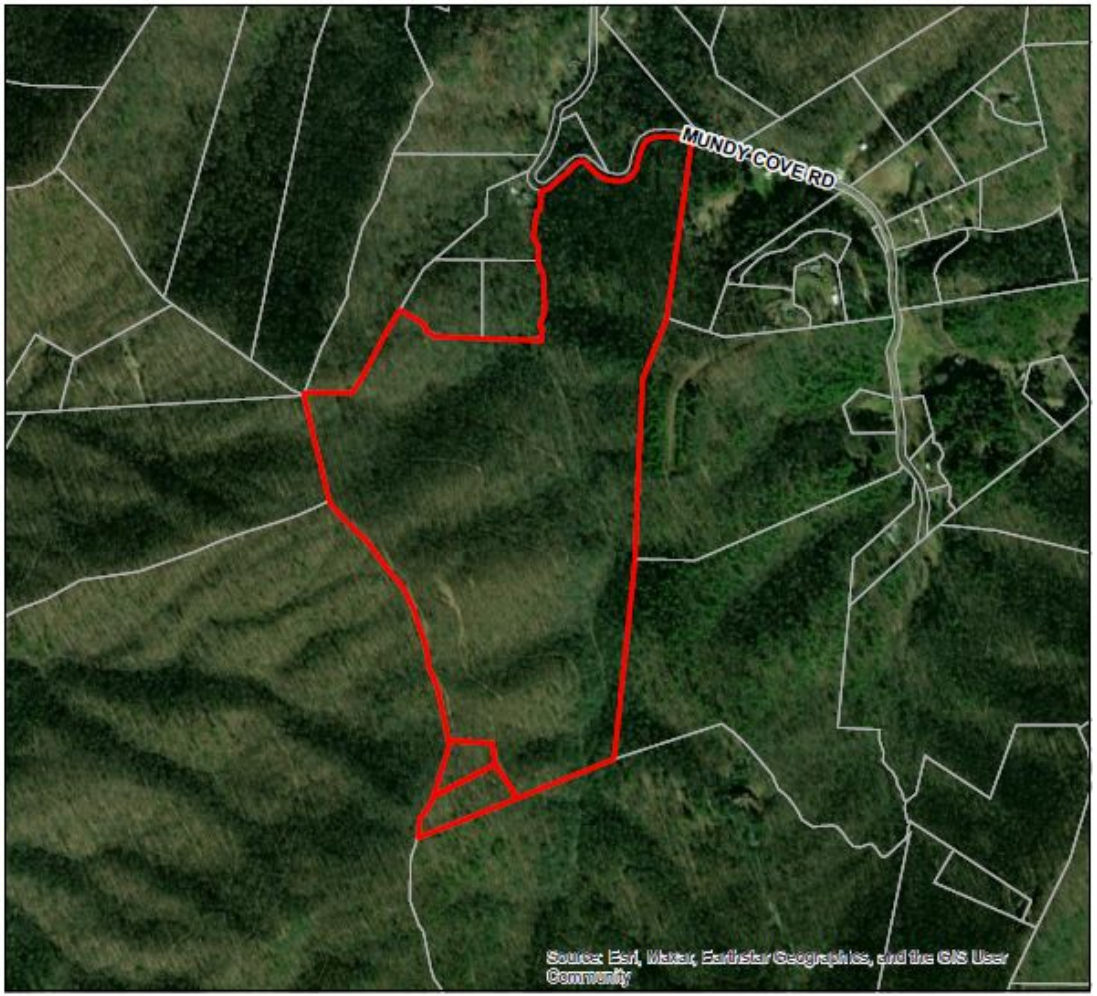
THE CITY OF ASHEVILLE

Property Location Map



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Aerial Imagery



THE CITY OF ASHEVILLE

Background

- The Town of Woodfin has received a petition from property owner, Deva Bhumi, LLC, to voluntarily annex a 96.15 acre +/- property, located at 810 Elk Mountain Scenic Highway (1 parcel) and 99999 Mundy Cove Road (2 parcels).
- The Property is adjacent to the Sourwood Inn property, for which an Annexation Agreement was approved by City Council in November 2022. Deva Bhumi, LLC is now the owner of that property.
- The property is non-contiguous to the primary corporate limits of both Asheville and Woodfin.
- N.C. Gen. Stat. sec 160A-58.1 permits a city/town to annex a non-contiguous area; however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city/town that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the City of Asheville than it is to the primary corporate limits of the Town of Woodfin, and therefore, the two municipalities would need to enter into an annexation agreement before Woodfin could consider the requested annexation.

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Background (continued)

- N.C. Gen. Stat. Sec. 160A-58.23 authorizes cities/towns to enter into annexation agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each municipality.
- The State Legislature repealed the ability of municipalities to involuntarily annex in 2011, so the City does not have the ability to annex this property involuntarily.
- However, voluntary annexation (request by a property owner to be annexed) is still permissible and the process for voluntary annexation of non-contiguous areas remains unchanged and requires an annexation agreement.

Pros

- The annexation agreement between the City and the Town of Woodfin would allow Woodfin to annex the non-contiguous property as requested by the property owner.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner’s request for voluntary annexation.

Recommendation

- Suggested motion to adopt an ordinance approving an annexation agreement with the Town of Woodfin designating the 96.15 +/- acre Property as described herein, a non-contiguous area, as not subject to annexation by the City of Asheville.