THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: February 11, 2020

Subject: Set Public Hearing Date for Annexation Agreement with Town of Fletcher

Staff Resource(s): Jannice Ashley, Sr. Assistant City Attorney
Shannon Tuch, Principal Planner/Zoning Administrator

Action Requested: Adoption of a resolution to set a public hearing for February 25, 2020, to consider an ordinance approving an annexation agreement between the City of Asheville and Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher.

Background:

- The City has received a petition from property owner, Butel Two, LLC, to voluntarily annex a 2.01 acre property developed as a Holiday Inn and Suites and located at 9 Brian Boulevard (PIN #9643-85-3550), near the airport, in Buncombe County which is non-contiguous to the primary corporate limits of Asheville (the "Property").
- N.C. Gen. Stat. sec 160A-58.1 permits a city 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 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 Town of Fletcher than it is to the primary corporate limits of the City of Asheville, and therefore, the two municipalities would need to enter into an Annexation Agreement before the City could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities 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 city.
- The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property. The Town of Fletcher considered an ordinance approving the agreement at its February 3rd Town Council meeting, at which time it was adopted unanimously.
- Approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and a separate public hearing. The property would also need to be rezoned (Lodging Expansion Conditional Zoning) in order to be annexed into the City. The annexation and rezoning process would be handled concurrently.

Council Goal(s):

- A connected and engaged community
- A well-planned and livable community

Committee(s):

- None

Pro(s):

- The Annexation Agreement with the Town of Fletcher would allow the City to annex the non-contiguous property if it so desires.
- 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.
- The annexation of the Property, if approved, will provide the City with new property tax revenue.

Con(s):

- None noted.

Fiscal Impact:

- If the property is annexed, the City would receive approximately $56,000 in property tax revenue based on the current value and tax rate.

Suggested Motion:

- Motion to adopt a resolution of intent to set a public hearing on February 25, 2020, to consider an ordinance approving an Annexation Agreement with the Town of Fletcher.

Attachment(s)

- Resolution
- Property Location Map

RESOLUTION NO. 20-_____

RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON FEBRUARY 25, 2020, TO CONSIDER AN ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY AND THE TOWN OF FLETCHER CONCERNING PROPERTY LOCATED AT 9 BRIAN BLVD. IN BUNCOMBE COUNTY

WHEREAS, the City of Asheville has received a petition to annex a 2.01 acre property located at 9 Brian Boulevard (PIN # 9643-85-3550) in Buncombe County (the "Property") which is non-contiguous to the primary corporate limits of Asheville and is closer to the primary corporate limits of the Town of Fletcher; and

WHEREAS, pursuant to sections 160A-58.1 and 160A-58.23 of the North Carolina General Statutes the City has the authority to annex a non-contiguous area that is closer to the primary corporate limits of another municipality as long as the City and the other municipality enter into an Annexation Agreement; and

WHEREAS, The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property; and

WHEREAS,approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and a separate public hearing;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on February 25, 2020, to consider an ordinance to approve entering into an Annexation Agreement between the City and the Town of Fletcher.

Read, approved and adopted this 11th day of February, 2020.

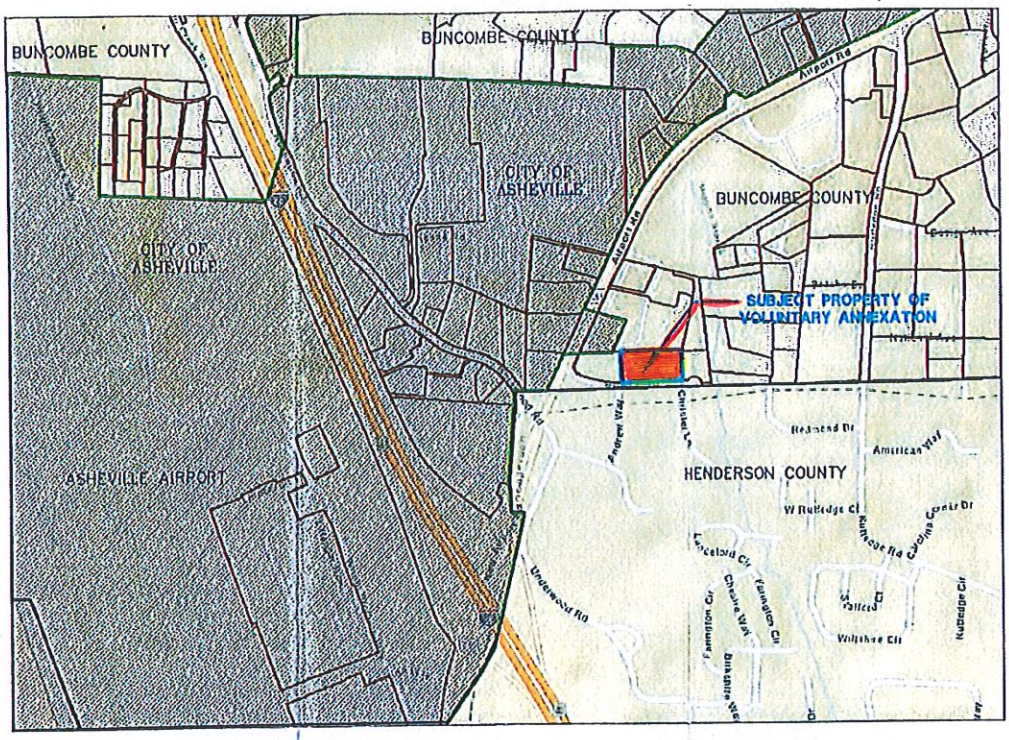
_____ _____

City Clerk Mayor

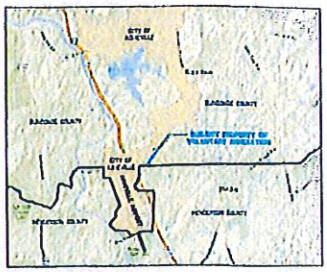
Approved as to form:

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City Attorney



MAP SHOWING SUBJECT PROPERTY RELATIVE TO EXISTING CITY LIMITS



MAP SHOWING SUBJECT PROPERTY RELATIVE TO EXISTING CITY LIMITS

NORTH

EXHIBIT 2

Map of Annexation Survey For Owner:

BUTEL TWO, LLC

LOT 13 and PART OF 14, ASHEVILLE AIRPORT PLAZA

C. O. HAMPTON & COMPANY – PROFESSIONAL LAND SURVEYORS