MEMO TO: Mayor and City Council Members

FROM: Planning Staff

SUBJECT: ANX-5-2026 Consideration of Resolution Directing the Clerk to Investigate a Petition Received Under NCGS 160A-58.1 concerning property located on Clarks Creek Road (Parcel ID 55218).

DATE: November 5, 2026

The following outlines the process the City must follow to consider annexing the Clarks Creek Road property.

A. Adopt a Resolution Directing the City Clerk to Investigate a Petition Received Under NCGS 160A-58.1 concerning property located on Clarks Creek Road (Parcel ID 55218) at the November 5, 2026 City Council meeting and set a public hearing date for presumably the January 7, 2026 City Council meeting.

B. The City Clerk and Planning Department will work with other departments to review the annexation petition. The resolution must affirm the following five statutory standards for contiguous annexation:

   1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

   2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

   3. The area must be situated so that the annexing city can provide the same services within the proposed satellite corporate limits as it provides within its primary corporate limits.

   4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

   5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

C. Prior to the public hearing, the Clerk/Planning Department will advertise it at least 10 days in advance.

D. At the January 7, 2026, public hearing, the Planning Department, on behalf of the City Clerk, will present the completed Certificate of Sufficiency stating that the petition meets the standards for a contiguous area as specified in NCGS 160A-58.1.

E. Allow any interested parties to be heard on the desirability of the annexation.

F. If the Council finds that the annexation is in the public interest, it may adopt an ordinance annexing the property. The ordinance may take effect immediately or on any specified date within 6 months of its adoption.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition has been received on October 19, 2026, by the Lincolnton City Council; and

WHEREAS, G.S. 160A-58.1 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Lincolnton deems it advisable to proceed in response to the request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Lincolnton City Council:

That the City Clerk is hereby directed to investigate the sufficiency of the above-referenced petition and certify the results of her investigation to the City Council as soon as possible.

_____
Ed Hatley, Mayor

ATTEST:

_____
Daphne Ingram, Clerk

CERTIFICATE OF SUFFICIENCY

Investigation of Voluntary Non-Contiguous Annexation Petition

To City Council of the City of Lincolnton, North Carolina:

I, Daphne Ingram, City Clerk of Lincolnton, North Carolina, do hereby certify that I have investigated the attached petition for voluntary non- contiguous annexation received on the 19th day of October, 2026, requesting the annexation of certain real property described as approximately 7.714 acres of land situated on Clarks Creek Road (Parcel ID:55218).

I do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the noncontiguous area described therein, in accordance with G.S.§ 160A-58.1(b), as amended.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Lincolnton this the 22nd day of October 2026.

Daphne Ingram, City Clerk

[Municipality Seal]