

CITY OF EDEN, N. C.

A special meeting of the City Council, City of Eden, was held on Monday, September 22, 2003 at 4:00 p.m. in the Council Chambers, 308 East Stadium Drive. Those present for the meeting were as follows:

Mayor:		Philip K. Price
Mayor Pro Tem:		John E. Grogan
Council Members:	(Absent)	Ronald H. Reynolds Billy Vestal Christine H. Myott Garry Tudor Jerry Epps C. H. Gover, Sr.
City Manager:	(Absent)	Brad Corcoran
City Attorney:		Tom Medlin, Jr.
City Clerk:		Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
Representatives from staff		
Representatives from News Media:		Steve Lawson, <u>Eden Daily News</u> Lanita Withers, <u>News and Record</u> Lisa Doss, <u>Eden's Own Journal</u>

MEETING CONVENED:

Mayor Price called the special meeting of the City Council to order and welcomed those in attendance.

Mayor Price explained that the purpose of this meeting was for consideration and adoption of an ordinance to annex an area to the west of the existing City Limits that includes the Indian Hills neighborhood.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF EDEN,
UNDER THE AUTHORITY GRANTED BY CHAPTER 160A,
ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA**

WHEREAS, upon the first consideration of this Ordinance on July 10, 2003, the City Council voted 4 to 3 in favor of this Ordinance; and

WHEREAS, upon the second consideration of this Ordinance on September 22, 2003, the City Council voted 4 to 2 in favor of this Ordinance; and

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the City Council of the City of Eden has taken into full consideration the statements presented at the public hearing held on June 30, 2003, on the question of this annexation; and

WHEREAS, the City Council of the City of Eden has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the City of Eden;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden that:

Section 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the City of Eden, and the corporate limits of the City of Eden shall be extended to include said territory more particularly described by metes and bounds as follows:

Minutes of the special September 22, 2003 meeting of the City Council, City of Eden, continued:

BEGINNING at a point marking the northeast intersection of N.C. Hwy 770 and Shady Grove Road, said point being located South 87° 13' 39" West 533.44 feet from NC Grid Mon. "Holy" NAD 83, said NC Grid Mon. being North 71° 53' 34" West 10,521.76 feet from NC Grid Mon. "Fellow" NAD 83; thence from said point of beginning with the northern right of way line of N.C. Hwy 770 the following 9 courses: thence North 85° 25' 03" East 1,115.68 feet to a point, thence along an arc with a chord bearing and distance of North 71° 51' 58" East 857.66 feet, and an arc distance of 865.70 feet, to a point, thence North 58° 18' 53" East 778.91 feet to a point, thence North 58° 47' 29" East 370.03 feet to a point, thence North 73° 41' 59" East 62.87 feet to a point, thence North 47° 42' 50" East 144.29 feet to a point, thence North 57° 59' 04" East 104.92 feet to a point, thence North 58° 10' 41" East 125.09 feet to a point and thence North 58° 10' 41" East 170.00 feet to a point in the existing city limit boundary line; thence crossing N.C. Hwy 770, South 28° 12' 46" East 114.31 feet to a point in the southern right-of-way line of NC Hwy 770; thence with the southern right of way line of N.C. Hwy 770, South 57° 58' 34" West 435.84 feet to a point; thence continuing with the southern right of way line of N.C. Hwy 770, South 43° 20' 59" West 211.01 feet to a point marking the southeast intersection of N.C. Hwy 770 and N.C. Hwy 135; thence with the southern right of way line of N.C. Hwy 135, South 17° 24' 23" West 329.54 feet to a point; thence continuing with the southern right of way line of N.C. Hwy 135, South 19° 29' 35" West 86.57 feet to a point marking the northwest corner for Ridgeview Cemetery; thence with the north line of Ridgeview Cemetery, South 76° 11' 57" East 424.06 feet to a point in the center line of Matrimony Creek; thence with the centerline of Matrimony Creek, the following 28 distances: South 10° 59' 40" West 144.72 feet to a point, South 10° 36' 30" West 162.22 feet to a point, South 15° 30' 04" East 225.74 feet to a point, South 21° 41' 47" East 289.41 feet to a point, South 11° 47' 57" East 138.42 feet to a point, South 35° 47' 35" East 167.05 feet to a point, South 45° 51' 15" East 102.96 feet to a point, South 08° 39' 04" East 86.89 feet to a point, South 05° 50' 33" West 122.18 feet to a point, South 65° 42' 53" East 14.98 feet to a point, South 35° 45' 19" East 168.78 feet to a point, South 57° 56' 38" East 225.85 feet to a point, South 19° 29' 13" East 147.85 feet to a point, South 24° 50' 25" East 118.13 feet to a point, South 79° 45' 22" East 164.57 feet to a point, North 80° 55' 13" East 237.91 feet to a point, South 33° 43' 26" East 208.48 feet to a point, South 55° 00' 20" East 69.57 feet to a point, North 82° 48' 31" East 215.41 feet to a point, South 76° 56' 46" East 94.00 feet to a point, South 63° 35' 42" East 130.81 feet to a point, South 87° 50' 06" East 82.42 feet to a point, North 79° 12' 41" East 133.08 feet to a point, South 89° 10' 42" East 225.70 feet to a point, North 79° 28' 12" East 110.81 feet to a point, South 81° 07' 58" East 79.09 feet to a point, South 88° 09' 29" East 56.93 feet to a point, and South 68° 23' 00" East 76.00 feet to a point at the mouth of Matrimony Creek and at the North edge of the bank of Dan River; thence leaving the existing city limit boundary line and running with the North bank of Dan River the following 10 courses: South 58° 16' 15" West 103.14 feet to a point, South 58° 05' 34" West 163.97 feet to a point, South 70° 08' 33" West 260.13 feet to a point, South 63° 27' 38" West 223.33 feet to a point, South 81° 22' 48" West 141.72 feet to a point, South 64° 00' 26" West 144.60 feet to a point, South 64° 13' 28" West 157.68 feet to a point, South 54° 08' 41" West 159.10 feet to a point, South 55° 40' 35" West 265.41 feet to a point and South 46° 45' 05" West 186.25 feet to a point marking the southeast corner CWR Construction Corp. (Deed Book 1060, page 1244); thence with the east line of CWR Construction Corp, North 41° 25' 30" West 410.53 feet to a point; thence with an unnumbered lot and with the rear lines of Lots 85 through 101, Lot 103 and Lot 105, Indian Hills Subdivision, the following 7 courses: South 69° 54' 51" West 293.12 feet to a point, North 82° 00' 13" West 100.00 feet to a point, South 72° 38' 30" West 198.86 feet to a point, South 56° 53' 59" West 311.00 feet to a point, South 45° 14' 22" West 105.00 feet to a point, South 35° 01' 45" West 310.36 feet to a point and South 57° 47' 07" West 1,159.36 feet to a point in the eastern right of way line of Harrington Highway (SR 1533); thence with the eastern right of way line of Harrington Highway, the following 13 courses: North 27° 41'

Minutes of the special September 22, 2003 meeting of the City Council, City of Eden, continued:

43" West 336.05 feet to a point, North 27° 59' 34" West 247.76 feet to a point, North 20° 52' 29" West 200.76 feet to a point, North 27° 36' 58" West 700.22 feet to a point, North 41° 06' 48" West 102.37 feet to a concrete monument found, North 24° 10' 12" West 370.07 feet to a point, North 24° 04' 30" West 111.64 feet to a point, North 34° 28' 31" West 147.77 feet to a point, North 20° 23' 30" West 176.70 feet to a point in the southern right of way line of N.C. Hwy 135, North 56° 48' 51" West 73.44 feet to a point in the northern right of way line of N.C. Hwy 135, North 19° 13' 10" West 299.63 feet to a point, thence along an arc with a chord bearing and distance of North 23° 05' 16" West 472.23 feet, and an arc distance of 472.59 feet, to a point, and North 26° 57' 21" West 819.76 feet to the POINT OF BEGINNING and containing an area of 246.503 acres as shown on a survey entitled "Plat of Survey For The City of Eden Showing 'Indian Hills Annexation Area,'" Leaksville Township, Rockingham County, North Carolina by C. E. Robertson & Associates, P.L.S. dated June 27, 2003, to which plat reference is hereby made for more particularity in description.

Section 2. The City Council of the City of Eden hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

The area meets North Carolina's statutory standards for annexation. It complies with the standards set forth in North Carolina General Statute 160A-48(b) as follows:

·It is contiguous to the primary city limits;

·It is not located within another municipal boundary;

·31% of the area's total boundary coincides with the municipal boundary, and this complies with the statutory 1/8th (12-1/2%) requirement;

·The area is developed for urban purposes because it meets both the use and subdivision tests.

Use Test: 102 of the 149 lots, or 68.4%, are used for residential, commercial, industrial, institutional or governmental purposes; and

Subdivision Test: 96.8 acres out of 153.1 total residential and undeveloped acres, or 63.2%, are in lots and tracts of 3 acres or less in size.

Section 3. It is the purpose and intent of the City of Eden to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the City Council of the City of Eden on May 14, 2003 and filed in the office of the Clerk for public inspection on May 15, 2003.

Section 4. The City Council of the City of Eden hereby finds and declares that, on the effective date of annexation prescribed in Section 9 hereof, the City of Eden will have sufficient funds appropriated in the amount of \$508,900.00, to finance the estimated cost of construction of water and sewer facilities found necessary in the report of plans for services to extend the basic sewer and water system of the City of Eden into the area to be annexed under this ordinance, as G.S. 160A-47(3)(b).

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Eden, and shall be entitled to the same privileges and benefits as other parts of the City of Eden.

Section 6. The newly annexed territory described above shall be subject to City of Eden taxes according to G.S. 160A-58.10.

Minutes of the special September 22, 2003 meeting of the City Council, City of Eden, continued:

Section 7. The mayor of the City of Eden, shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Rockingham County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the City of Eden Board of Elections, as required by G.S. 163-288.1.

Section 8. This ordinance shall become effective on September 30, 2004.

As to qualified tracts of agricultural land, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-227.4 or no longer meets the requirements of G.S. 160A-49(f)(2).

Section 9. Notice of adoption of this ordinance shall be published once in a newspaper having general circulation in the City of Eden.

Adopted this 22nd day of September, 2003.

CITY OF EDEN

BY: s/Philip K. Price
Philip K. Price
Mayor

ATTEST:

s/Kim J. Scott
Kim J. Scott, CMC
City Clerk

Mayor Price stated that the Council understood the order at hand and asked for a motion.

A motion was made by Council Member Grogan seconded by Council Member Tudor that the ordinance to annex (an area to the west of the existing city limits that includes the Indian Hills neighborhood) be approved.

Council Member Vestal read the following excerpts from the 20 year Master Wastewater and Water Plan (prepared by W. K. Dickson & Co., Inc.): He added that he had been asking questions since annexation started about water and fire suppression in that area.

“If the City opts to pursue annexation in the areas the Dan River is serving and the two parties cannot come to an agreement on a purchase plan, then the City will face a difficult problem. The City would be required to let Dan River continue to serve these areas but the city would be responsible for providing fire suppression. The City is obligated to provide fire suppression with its water system while Dan River Water System was not designed and is not required to provide fire suppression. Therefore, the City would have very little choice but to bolster the portion of Dan River Water System within its then incorporated boundaries or install an extension of the City’s (water) system within these areas that is dedicated solely to fighting fires. Either option will require investment that would have to be offset with the benefits of revenues received from an increased tax base in the wastewater service areas.”

Council Member Vestal continued:

“Federal statutes are in place, which protect federally indebted water associations or systems from municipal expansion. Additionally, the legislation prohibits federally funded indebted systems from competition of water systems owned by municipals and unauthorized takeover. For instance, the City of Eden would not be able to install competing lines in the ETJ areas that Dan River is already serving.”

Council Member Vestal stated that due to these facts, he had been these questions all along and he thought they needed to delay this and he would like for the Council to consider delaying this until they get some answers in writing from Dan River Water on these problems.

Council Member Gover stated that he agreed with Council Member Vestal on those standards and stipulations that the water study showed. He stated he did not believe in putting the extra burden on already a depressed city for this kind of money to go out and annex someone else

September 22, 2003

City of Eden, N.C.

Minutes of the special September 22, 2003 meeting of the City Council, City of Eden, continued:

when we have an infrastructure that is not up to par. He added that even the State turned down 96 units because our sewer was not up to par. He said that it was still standing today and they needed to work out something to get the 96 apartments back into the sewer system. He questioned how they could reach out and take 200 and some when they could not handle 96. He commented that he bitterly opposed it as he thought it put a burden on the people.

Mayor Price asked if there were any other comments for the motion on the floor.

As there were no further comments, Mayor Price called for a vote on the adoption of the ordinance as presented.

Action on the motion was as follows: Council Members Epps, Grogan, Myott, and Tudor voted in favor of the motion. Council Members Gover and Vestal voted in opposition to the motion. Note: Council Member Reynolds was absent. The motion carried.

ADJOURNMENT:

A motion was made by Council Member Grogan seconded by Council Member Tudor to adjourn. All Council Members present voted in favor of the motion. This motion carried.

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor