

AGENDA

**Regular Business Meeting of the Southern Pines Town Council
December 13, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania
Avenue**

Call To Order

Pledge of Allegiance led by Junior Girl Scouts: Anna Depenbrock, Nell Kubasiak, Ashlyn Merchant, and Jana White

1. Manager's Comments

2. Consent Agenda

All items listed below are considered routine and will be enacted by one motion and without discussion.

A. Adopt Worksession Meeting Minutes of October 24, 2016, Agenda Meeting Minutes of November 2, 2016 and Regular Business Meeting Minutes of November 9, 2016 as written.

B. Board Appointments

- Library Advisory Board
 - Damita Nocton 1/1/2017 - 12/31/2019
 - Kim Wade 1/1/2017 - 12/31/2019

C. Freight Depot Lease Agreement

D. Annexation AX-04-16 - Southwest Corner of Yadkin Road and Clark Street; 428 Yadkin Road

- Resolution Directing the Clerk
- Resolution Calling a Public Hearing on January 10, 2016

E. Annexation AX-05-16 - Property along Camp Easter Road; 2796 Camp Easter Road and 2784 Camp Easter Road

- Resolution Directing the Clerk
- Resolution Calling a Public Hearing on January 10, 2016

3. Public Hearings

A. Right of Way Abandonment of N. Mechanic Street & W. Rhode Island Avenue – **(Tabled 08-03-16)**

B. Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.

C. Issuance of Tax-exempt bonds for the benefit of the Foundation For Affordable Housing (renovation of units in Brookside)

4. Public Comments

PUBLIC COMMENT PROCEDURES

The Southern Pines Town Council is committed to allowing members of the public an opportunity to offer comments and suggestions. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Council during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment Period will be held at the end of the Council Meeting.*
- 2. Each person choosing to speak is asked to keep their statements to a reasonable length in time in recognition that others may also wish to speak and that the Council requires time to conduct its normal business. The Chair retains the right to limit discussion as he/she deems necessary.*
- 3. Speakers will be acknowledged by the Mayor/Chair. Speakers will address the Council from the lectern at the front of the room and begin their remarks by stating their name and address for the record.*
- 4. Public comment is not intended to require the Council and/or staff to answer any impromptu questions. Speakers will address all comments to the entire Council as whole and not one individual member. Discussions between speakers and members of the audience will not be permitted.*
- 5. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of the Town shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 6. Any applause will be held until the end of the Public Comment Period.*
- 7. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Council.*
- 8. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Council; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; **matters which are the subject of public hearings.***
- 9. Action on items brought up during the Public Comment Period will be at the discretion of the Council.*

MINUTES

Worksession Meeting of the Southern Pines Town Council
October 24, 2016, 3:00 pm, C. Michael Haney Community Room, Southern Pines Police
Department 450 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Jim Simeon, Councilmember Fred Walden, and Councilwoman Teresa VanCamp

Absent: None

1. Swearing In of Councilwoman Carol Haney

Carol R. Haney was sworn with Oath of Office as Councilmember by Town Clerk Peggy Knight Smith.

2. Welcome Center Update – Suzanne Coleman

Suzanne Coleman of 225 N. May Street, Southern Pines provided a slide show and discussed the Welcome Center updates that have occurred since June 2016 that included immediate and short term goals. Ms. Coleman stated she is proud to report that the Welcome Center is now open five days a week from 10 AM to 4 PM with the help of more volunteers. Ms. Coleman requested the permission of Council to consider the relocation of the Train Station Painting currently housed at the Sunrise Theater to the Welcome Center. Ms. Coleman stated they have spoken with representatives of The Sunrise Theater and they are in agreement if Council approves.

Town Manager Parsons stated if The Sunrise Theater is in agreement with this, there shouldn't be an issue with the request.

3. West Southern Pines Sidewalks – Donnie Miller

Donnie Miller of 510 W. Vermont Avenue, Southern Pines submitted a signed petition representing residents that are voicing the need for more sidewalks to be installed in West Southern Pines. Mr. Miller discussed the need for additional sidewalks, safety concerns and accessibility issues. Mr. Miller explained the benefits of the additional sidewalks and how they would promote many positive outcomes that would include healthy exercise.

Cynthia McDonald a community advocate, addressed the need for additional sidewalks in the area and stated it would benefit the school children as well as all of the residents.

Dorothy Brower discussed the safety, visibility and importance of sidewalks as they provide a means of access for all residents, especially the children and elderly. Ms. Brower also discussed the pool park being a possible connective point of a sidewalk and stated the additional sidewalks would enhance the beauty of the neighborhoods. Ms. Brower addressed several concerns regarding vacant lots that need to be maintained per the code and property owners keeping their yards and easements clean.

Elder Lee Marvin Harris, Sr. discussed his history growing up on these streets and the importance of security and safety for the citizens with installation of more sidewalks. Elder Harris spoke of his personal encounters of many elderly and younger children standing at the intersections for long periods of time attempting to cross the street at a safe interval.

Arthur Mason commented that as a youngster, he was always told to walk on the sidewalks and not in the street, but in several cases here, there are no sidewalks on certain streets to walk on.

Town Manager Parsons reviewed the current tentatively scheduled sidewalk plan of 2013 that was included in this packet. Mr. Parsons discussed the greenway trail that has been installed around the park and the efforts to create connectivity and how the proposed corridors and streets would potentially aid in these efforts. Mr. Parsons referred to Stephens Street and Henley Street connections within this plan and being able to walk to the school from these streets and the possibility of adjusting the priority list for some of these streets.

Councilmember Walden recalled that Gaines Street has been reviewed for the last 30-40 years regarding the addition of sidewalks and the idea has always carried challenges.

Town Manager Parsons stated he and staff will make a site visit and conduct more research on this item regarding right of ways, priority lists, etc.

Discussion ensued regarding the Southern Pines Bicycle Plan and the suggested sidewalks, jay walk prevention device, pedestrian visibility, etc.

Mayor McNeill stated staff will further look into other possible funding options and will provide an update in the near future.

4. Regional Emergency Management Plan – Deputy Chief Cameron

Town Manager Parsons provided an overview of the updated item. Mr. Parsons explained that this is now a more updated regional plan that incorporates other surrounding counties plans into a single document.

Deputy Fire Chief Mike Cameron discussed the updated Regional Emergency Management Plan draft and the requirements of the reimbursement dead line date for filing on December 31, 2016.

Fire Chief Hampton Williams discussed the change from the county plan to the regional plan and the benefits from this change.

Upon motion by Mayor Pro Tem Simeon, seconded by Councilmember Walden and carried unanimously 5-0, Council retired to Closed Session at 4:00 PM.

5. Closed Session Under NC General Statute 143-318.11 (A)(6) For the Purpose of Discussing both a Potential Land Transaction in Addition to a Personnel Matter

As so incorporated to these minutes of October 24, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as if fully set out in the minutes.

There being no further business the meeting adjourned at 4:00 p.m.

Peggy K. Smith
Town Clerk

MINUTES
Agenda Meeting of the Southern Pines Town Council
November 2, 2016, 7:00 PM, C. Michael Haney Community Room,
Southern Pines Police Department
450 W. Pennsylvania Avenue

Present: Mayor David McNeill, Councilmember Fred Walden, Councilwoman Teresa VanCamp and Councilwoman Carol Haney

Absent: Mayor Pro Tem Simeon

Call to Order

1. Manager's Comments

2. Consent Agenda

All items listed below are considered routine and will be enacted by one motion and without discussion.

- A.** Adopt Worksession Meeting Minutes of September 26, 2016, Agenda Meeting Minutes of October 5, 2016 and Regular Business Meeting Minutes of October 11, 2016 as written.

Minutes were accepted as written by the Town Clerk.

B. Budget Amendments

- Appearance Commission	10-640-5700	\$200.00
- Fire Department Supplies	10-530-3300	\$3,554.00
- Police Patrol Supplies	10-511-3300	\$5,415.00

Town Manager Parsons reviewed the budget items.

C. Board Appointments

- Bicycle & Pedestrian Advisory Committee

Town Manager Parsons updated Council on the current upcoming open seats that will become available on the Bicycle & Pedestrian Advisory Committee. Council decided to re-appoint the 2 requests to continue their seats on the committee and Council will review the submitted applications for the open seat that Ms. LeBlanc has vacated.

D. Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.

- Setting a date of December 13th for Public Hearing

Town Manager Parsons explained that this abandonment request has been previously addressed and advertised, but due to some miscommunication between public works and planning, some adjacent property owners were not properly notified, therefore a public hearing will be set in December.

Discussion ensued regarding the adjacent property owners request.

Town Manager Parsons stated there will be an item E added to the consent agenda regarding a resolution adopting the Cape Fear Regional Hazard Mitigation Plan that Deputy Chief Cameron discussed at the recent Council Worksession Meeting.

3. Public Hearings

- A. Right of Way Abandonment of N. Mechanic Street & W. Rhode Island Avenue – (Tabled 08-03-16)

No discussion of this item took place and will remain tabled until further notice.

- B. CU-05-16 Major Amendment to CU-04-88, Area “F”; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development**

Assistant Town Manager Kennedy provided an overview of the item and explained the public hearing procedures.

Town Manager Parsons stated item CU-05-16 will be listed on the Regular Business Meeting Agenda before CU-06-16 due to it being a continuation of an open hearing.

- C. CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler’s Ridge; Petitioner, Building Blocks Early Education Centers**

Town Manager Parsons reviewed the item.

- D. Proposed Amendment to the Extraterritorial Jurisdiction Ordinance of the Town of Southern Pines:**
An amendment to relinquish property comprised of 10.61 acres located along the southeastern portion of SW Broad Street in Southern Pines running parallel to Old US Highway 1. The Property is identified by the following: PIN: 857116942605 (PARID: 00052519). Per the Moore County GIS records, the property owner(s) are listed as Mid-State Development, LLC.

Town Manager Parsons provided a brief overview of the item.

General discussion ensued regarding land swap agreements, ETJ boundaries, utilities, etc.

4. Miscellaneous

- A. Midland Road Corridor Study: Final Report; Petitioner, NCDOT & Kimley-Horn Associates**

Assistant Town Manager Kennedy stated this will be an informational presentation report to provide updates and recommended improvements with the opportunity for Council to address questions they may have.

Councilwoman VanCamp inquired if there were alternative sources available besides this data.

Discussion ensued regarding safety concerns, the costs, affected areas, etc.

Mayor McNeill asked if representatives from NCDOT would be able to attend next week’s meeting to answer questions.

Assistant Town Manager Kennedy responded in the affirmative.

Mayor McNeill addressed the recent shooting in our area and expressed his appreciation in the swift apprehension of the suspects by the joint efforts of local law enforcement agencies and our Police Department.

Councilmember Walden expressed great sympathy for the affected family and neighbors and Council discussed their concerns of this tragic event.

Discussion ensued regarding possible sidewalk funds availability, deadlines to apply for funding, and a sidewalk master plan follow up.

Town Manager Parsons stated there will be no Council Worksession in December due to the holiday schedule.

Mayor McNeill and Council acknowledged the recent passing of Mr. Norris Hodgkins and his great contributions to this Town as a Mayor and a community leader. Council extended condolences to Mr. Hodgkin's family.

As so incorporated to these minutes of November 2, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 7:48 p.m.

Peggy K. Smith
Town Clerk

Minutes

**Regular Business Meeting of the Southern Pines Town Council
November 9, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue**

Present: Mayor David McNeill, Mayor Pro Tem Jim Simeon, Councilmember Fred Walden, Councilwoman Teresa VanCamp and Councilwoman Carol Haney

Absent: None

Call To Order

Pledge of Allegiance

The Pledge of Allegiance was led by Cub Scouts Pack 615 members: Elijah Jones, Nazia Green, Jared McKeithen and Scout Master Arthur Mason.

- 1. Manager’s Comments**
- 2. Consent Agenda**

All items listed below are considered routine and will be enacted by one motion and without discussion.

- A.** Adopt Worksession Meeting Minutes of September 26, 2016, Agenda Meeting Minutes of October 5, 2016 and Regular Business Meeting Minutes of October 11, 2016 as written.
- B.** Budget Amendments

<u>DEPARTMENT</u>	<u>LINE ITEM</u> <u>DECREASE</u>	<u>CODE</u>	<u>INCREASE</u>
General Fund	Donations - Building & Grounds	10-364-0200	\$ 200.00
Building & Grounds	Appearance Commission	10-640-5700	200.00
General Fund	Donations – Fire	10-362-0000	3,554.00
Fire	Department Supplies	10-530-3300	3,554.00
General Fund	Miscellaneous Revenue	10-335-0000	2,500.00
General Fund	Transfer to Gen. Cap. Reserve Fd	10-670-5900	2,500.00
General Fund	Miscellaneous Revenue	10-335-0000	915.00
General Fund	Police – Donations	10-370-0300	4,500.00
Police – Patrol	Departmental Supplies	10-511-3300	5,415.00
General Fund	Fund Balance Appropriations	10-397-1000	1,000.00
Legislation	Special Appropriations	10-410-6300	1,000.00

C. Board Appointments

- Bicycle & Pedestrian Advisory Committee
 - o Todd Stout 10/11/16 – 10/11/19 - 2nd
 - o John Mueller 10/11/16 – 10/11/19 - 2nd
Appointment

- D. Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.
 - Setting a date of December 13th for Public Hearing
- E. Resolution adopting Cape Fear Regional Hazard Mitigation Plan

Town Manager Parsons reviewed the Consent Agenda.

Upon motion by Councilmember Walden, seconded by Mayor Pro Tem Simeon and carried unanimously, 5-0, the Consent Agenda was approved.

3. Public Hearings

- A. Right of Way Abandonment of N. Mechanic Street & W. Rhode Island Avenue – (Tabled 08-03-16)

No discussion ensued regarding this item and it remained tabled.

- B. **CU-06-16 Major Amendment to CU-01-11 for a Daycare : Tyler's Ridge : Petitioner, Building Blocks Early Education Centers (Continuation of Hearing From 10/11/2016)**

Mayor McNeill explained the hearing process and swore in all persons wishing to provide testimony relevant to the case.

Mayor McNeill explained the Quasi-Judicial procedures and asked Council disclosures that may warrant conflicts of interests. No Council member stated a conflict.

Mayor McNeill stated Councilmember Haney would be excused from discussions regarding CU-06-16 due to it being a continued Conditional Use Permit hearing from October, which was prior to her taking Council seat.

Assistant Town Manager Kennedy gave a brief overview of the item and submitted Exhibit 4 – Kimley-Horn Letter dated October 12, 2016 – Tyler's Ridge Traffic Generation Comparison with discussion of the content.

Assistant Town Manager Kennedy submitted and discussed Exhibit 5 – an updated 5/70 Watershed Tally Sheet, explained the proposed use of the property, possible further expansion in the future, RULAC requirements, etc. and suggested that Council also consider approving WP-03-16 along with CU-06-16 if approved.

Mayor McNeill asked if the previous traffic concerns were addressed.

Assistant Town Manager Kennedy replied in the affirmative and explained the proposed site plan.

Councilmember Walden asked if the parking area will need to be expanded.

Assistant Town Manager Kennedy provided a map and stated currently there is no room for expansion and if they were to expand, they would have to relocate.

Mayor McNeill reopened the continued public hearing for CU-06-16 to public provision of testimony.

John O'Malley of Franklin, Wisconsin, developer of this property provided an explanation of his proposed current and future plans for the property with the incorporation of expected traffic flow.

Upon motion by Mayor Pro Tem Simeon, seconded by Councilwoman VanCamp and carried unanimously 4-0, the public hearing was closed.

Councilwoman VanCamp stated under Finding of Fact #1, she moves that as a finding of fact that the application is complete and that the facts submitted are relevant to the case in that the request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and the facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 4-0 and was approved.

Councilwoman VanCamp stated under Finding of Fact #2, she moves that as a finding of fact the application complies with the Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that A – The proposed conditional use complies with the applicable zoning district regulations and supplemental use regulations to allow for the approval of a Major Amendment to the existing Conditional Use Permit to permit the removal of the three (3) single-family lots in favor of a daycare. B – The proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of three (3) single-family lots. C – Public facilities required, including public water and sewer utilities, as well as streets, are readily available for the project and any associated costs with such improvements will be borne by the developer. D – The proposed conditional use will not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values within the neighborhood. E – The Major Amendment as proposed and the testimony submitted did not provide any evidence to suggest that the establishment, maintenance, or operation of a daycare in lieu of three (3) single-family dwelling units would be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood and the public at large. F – The public interest involved with the modification to a daycare in lieu of three (3) single-family dwelling units outweighs any individual interests that may be adversely affected. This motion was seconded by Councilmember Walden and carried unanimously 4-0 to approve.

Councilwoman VanCamp stated she moves that the proposed Conditional Use Application is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as other goals and objectives of the Comprehensive Long Range Plan. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 4-0 to approve.

Councilwoman VanCamp stated she moves to approve CU-06-16 and WP-03-16. This motion was seconded by Councilmember Walden and carried unanimously 4-0 to approve.

C. CU-05-16 Major Amendment to CU-04-88. Area “F” : Longleaf Golf & Family Club: Petitioner. Floyd Properties & Development

Mayor McNeill explained the hearing process and swore in all persons wishing to provide testimony relevant to the case.

Mayor McNeill explained the Quasi-Judicial procedures and asked Council disclosures that may warrant conflicts of interests.

Mayor Pro Tem Simeon stated that he lives in 400-500 feet away from the property and would be affected by any surrounding property values that may change due to this request.

Councilwoman VanCamp stated she also lives in the neighborhood.

Mayor McNeill asked Town attorney Gill if these statements from Mr. Simeon and Ms. VanCamp would cause any legal concern regarding this item.

Attorney Gill responded in the negative.

Assistant Town Manager Kennedy provided an overview of the item and stated the petitioner is seeking to modify area “F” that would request an amendment from 82 Townhomes to approximately 24 single-family home units. Mr. Kennedy discussed the completed traffic study analysis report recommendations.

Councilmember Walden asked if staff has the current numbers on the amount of traffic on that particular road.

Assistant Town Manager Kennedy stated he would get that information and discussed the level of service of this area.

Councilmember Walden asked what the recommended changes would be.

Assistant Town Manager Kennedy stated he does not foresee any issues in this area.

Town Manager Parsons explained the intentions of the traffic, bicycle facilities and pedestrian right-of-ways and stated there haven't been any issues in the past with this area.

Mayor McNeill swore in Richard Adams as a witness with testimony.

Richard Adams of Kimley-Horn of Raleigh and Traffic Engineer stated he had briefly reviewed the traffic study and stated this area would estimate about 2,500 vehicles a day and the approximate capacity would be 10,000 to 12,000 a day for a two lane road with a Center lane.

Councilwoman VanCamp asked Mr. Kennedy to elaborate on the utilities that will be available for the property. Mr. Kennedy stated the lines internal to the reconfigured subdivision will be installed and the developer will be responsible for the costs.

Councilmember Walden asked if the residents in that area were aware of this potential project when they moved there. Mr. Kennedy stated that he could not answer for the residents, but anyone who purchased after 1988 would have had the opportunity of knowledge that the area could be eventually developed.

Mayor McNeill opened the public hearing to public testimony.

Shane Sanders of S & S Engineering explained the reduction of density and plan changes of the proposed development and stated they feel they have met all of the requirements of the criteria for a CUP. Mr. Sanders stated the residents seem to be more accepting of the updated plans.

Discussion ensued regarding staging locations on site, phases of development, projected prices of the homes, etc.

Chuck Oleck of 100 Steeplechase Way, Southern Pines discussed the time when they first moved into the neighborhood and knew it would someday be developed. Mr. Oleck stated concern came when Walker Station was developed and all of the trees were removed, therefore causing great concern that the same thing could happen with this development. Mr. Oleck submitted Exhibit 1 – a petition in regard to concerns of the trees being removed for construction of this development. Mr. Oleck commented they are pleased to see the adjusted plans that include a reduced number of homes.

Upon motion by Mayor Pro Tem Simeon, seconded by Councilmember Walden and carried unanimously 5-0, the public hearing was closed.

Councilmember Walden stated under Finding of Fact #1 he moves that as a finding of fact that the application is complete and that the facts submitted are relevant to the case in that the request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and the facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation. This motion was seconded by Councilwoman Carol Haney and carried unanimously 5-0 to approve.

Councilmember Walden stated under Finding of Fact #2 he moves that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that A – The Major Amendment requested under CU-05-16 is consistent with the current UDO standards and other applicable regulation. B - The proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of eighty-two (82) townhome dwelling units. C – Public facilities required, including public water and sewer utilities, as well as streets, are readily available for the project and any associated costs with such improvements will be borne by the developer. D – The proposed conditional use will not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values within the neighborhood. E- The establishment, maintenance, or operation of twenty-four (24) single-family dwelling lots and ten (10) townhome dwelling units would not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood and the public at large. F – The public interest involved with the modification to twenty-four (24) single-family dwelling lots and ten (10) townhome dwelling units in lieu of eighty-two (82) townhouse units outweighs any individual interests that may be adversely affected. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 5-0 to approve.

Councilmember Walden moved that the proposed Conditional Use Application is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as other goals and objectives of the Comprehensive Long Range Plan. This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 5-0 to approve.

Councilmember Walden moved to approve CU-05-16. This motion was seconded by Councilwoman VanCamp and carried unanimously 5-0 to approve.

- D. Proposed Amendment to the Extraterritorial Jurisdiction Ordinance of the Town of Southern Pines:**
An amendment to relinquish zoning authority over property comprised of 10.61 acres located along the southeastern portion of SW Broad Street in Southern Pines running parallel to Old US Highway 1. The Property is identified by the following: PIN: 857116942605 (PARID: 00052519). Per the Moore County GIS records, the property owner(s) are listed as Mid-State Development, LLC.

Assistant Town Manager Kennedy provided an overview of the item.

Town Manager Parsons explained the history and reasoning for this requested action.

Discussion ensued regarding procedures for relinquishing the zoning control of this property.

Mayor McNeill opened the public hearing.

No voiced comments for this item were noted.

Upon motion by Councilwoman Haney, seconded by Councilmember Walden and carried unanimously 5-0 the public hearing was closed.

Councilwoman VanCamp moved that the proposed amendment to the ETJ Ordinance is contrary to the public interest therefore I move to approve the amendment to the Town of Southern Pines Extraterritorial Jurisdiction Ordinance to relinquish ETJ right to property along SW Broad Street (Parcel ID: 00052519). This motion was seconded by Mayor Pro Tem Simeon and carried unanimously 5-0 to approve.

4. Miscellaneous

- A.** Presentation by Kimley- Horn, Traffic Engineers, regarding Midland Road Corridor Study: Final Report

Assistant Town Manager Kennedy provided a brief overview and stated this is an informational presentation only of the corridor study.

Richard Adams of Kimley-Horn provided a slide presentation and explained the results of the study.

Discussion ensued regarding the findings of the study.

Councilwoman VanCamp asked if they could consider alternative solutions that would be less expensive and expressed concerns for safety and accidents.

Mayor Pro Tem Simeon suggested the speed limit be reduced and discussed safety issues.

Discussion ensued.

Town Manager Parsons asked Mr. Adams if they had looked at the ability or the phasing plan of closures of the 70 plus crossovers, etc.

Mr. Adams responded in the affirmative.

- B.** Resolution Approving a Land Exchange Agreement between The Town of Southern Pines and the Sunrise Preservation Group, Inc. for the purpose of installing a Performance Stage and constructing three parking spots.

Town Manager Parsons provided an overview of the item.

Mayor McNeill recognized Ms. McLaughlin and Mr. Pryor of The Sunrise Preservation Group for their work.

Councilwoman VanCamp moved to approve a resolution approving a land exchange agreement between the Town of

Southern Pines and the Sunrise Preservation Group for the purpose of installing a performance stage and constructing three (3) parking spaces. This motion was seconded by Councilmember Walden and carried unanimously 5-0 to approve.

5. Public Comments

Gene Maples of 280 Pee Dee Road, Southern Pines discussed concerns regarding the removal of trees on Midland Road and expressed the importance of the research he has compiled. He urged Council to not act in December on any Resolutions supporting the proposed improvements to Midland Road.

As so incorporated to these minutes of November 9, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 9:30 p.m.

Peggy K. Smith
Town Clerk



M E M O R A N D U M

DATE: 1 December 2016
TO: Reagan Parsons, Town Manager
CC: Peggy Smith, Town Clerk
FROM: Lynn Thompson, Director of Library and IT Services
RE: Library Advisory Board Appointments

Two members of the Library Advisory Board have terms that expire on 12/31/2016. They are Damita Nocton and Kim Wade. Both are eligible and willing to serve second terms. They have been valuable, active members of the Board.

In their September meeting, the Library Advisory Board voted to recommend to the Council that these two members be reappointed. I hope the Council will consider this recommendation.

Damita Nocton	1/1/2017 to 12/31/2019
Kim Wade	1/1/2017 to 12/31/2019

STATE OF NORTH CAROLINA
COUNTY OF MOORE

LEASE OF LAND AND BUILDINGS

THIS LEASE AGREEMENT made this the ____ of December, 2016, by and between the TOWN OF SOUTHERN PINES, an incorporated municipality, a body corporate and politic in Moore County, North Carolina, party of the first part (hereinafter sometimes referred to as Lessor); and 305 TRACKSIDE, LLC, a duly chartered corporation with a current address of 370 N. Page Street, Southern Pines, Moore County, North Carolina, party of the second part (hereinafter sometimes referred to as Lessee);

W I T N E S S E T H;

That the Lessor hereby demises and leases unto the Lessee the premises identified and described as follows:

(SEE PARCEL A of EXHIBIT A, attached hereto, exclusive of those areas currently occupied by CSX for office and storage purposes per the terms outlined in EXHIBIT B, BILL OF SALE from CSX to TOSP, also attached hereto)

The terms, provisions, conditions, covenants, agreements and obligations, hereby agreed to by the parties are as follows:

1. The Lessee agrees to pay rent for the leased premises at the rate of **\$5.00 (five dollars and 00/100) per month**, payable by the tenth of each month, beginning the first month following acceptance of this lease by the Town Council of Southern Pines. Beginning with the first month following a Town Issued Certificate of Occupancy (CO) granted upon completion of the improvements discussed in the Request For Proposal attached hereto (Exhibit C), but no later than September 1st, 2017, continuing through a five year (sixty month) period, the Lessee agrees to pay rent at the rate of **\$500.00 (five hundred dollars and 00/100) per month**, payable by the 10th of each month. Anytime during the final year of this initial term, but prior to its completion, the parties may enter into negotiation on a new lease subject to the rules and limitations set forth by North Carolina General Statute at that time. Lacking a new Lease, Lessee will vacate the facility and remove all personal property by the final date of the final month of the Lease terms.

2. The Lessor shall keep the property insured against fire or other casualty loss and shall pay all premiums for all said insurance, and for any other insurance that might be necessary

to protect the property of Lessor, but not the contents placed thereon by the Lessee. Lessee covenants and agrees that it will carry, during the term of this lease, liability insurance naming the Town as insured, to protect Lessor for liability that may arise during the period of this lease, up to \$1,000,000, and shall pay the premium therefor.

3. The Lessee agrees to pay all water, electricity, gas, telephone and fuel bills incurred in connection with the use of the leased premises throughout the full term of this agreement to include the initial construction period prior to Certificate of Occupancy and subsequent sixty month period of rents.

4. This lease shall not be assigned, or leased premises sublet, without the written consent of the Lessor, by the Town Manager or designee, first being had and received.

5. The Lessee shall make and keep buildings on the property weather tight, shall allow no deterioration of buildings, and shall keep them painted and in a good state of repair.

6. Lessee agrees to keep the grounds surrounding the buildings maintained in a suitable manner.

7. The Lessee shall keep such personal property as it may have on the premises adequately insured, and agrees to hold harmless the Lessor for any damages that might occur to Lessee's property while on the premises during the term of this lease.

8. It shall be the duty and obligation of Lessee to obtain any necessary approvals or permits for any work on the premises requiring such approvals or permits, and Lessor shall be held harmless by Lessee during the term of the lease.

9. Lessee hereby agrees that all personal property it may have in its possession at any time shall be stored within the enclosure of the buildings covered by this lease, and at no time will any such property be allowed to remain outside said buildings longer than is reasonably necessary to move it in or out of the buildings.

10. Lessee shall make no changes or additions to the exterior of the building or on the exterior grounds of the building, outside of those outlined in Exhibit C, without the express written consent of Lessor, given by the Town Manager or designee. Any exterior changes are subject to approval through the Historic District process and any applicable Architectural Review by the Town. The Lessee shall have the right and privilege at any time during the term of this lease to make, at its own expense, such minor changes, improvements, and alterations to the premises as the Lessee may desire; provided, however, the Lessee shall not make any material or

structural changes to the Premises without the written consent of the Lessor, and such alterations so made shall be sole cost and expense of the Lessee. Upon the termination or expiration of this Lease, all the said improvements shall remain in the Premises and become the sole property of the Lessor, and the Lessee will take any and all action and sign any and all documents reasonably required by the Lessor to effect or confirm the Lessor's ownership of said improvements.

11. The Lessee may, during the term of this lease and any extensions, remove from the premises all trade fixtures which the Lessee may have installed at its own expense in the said Premises, or otherwise acquired, provided that Lessee is not in default under any of the terms and conditions of this Lease and provided further that the same can be removed without injury to the Premises. Lessee shall repair any damages to the Premises caused by the removal of such trade fixtures. No trade fixture shall be removed unless the Lessor has previously given its written consent prior to its installation confirming that such item is a trade fixture. In the event no such written confirmation is obtained from the Lessor by the Lessee prior to installation, then such improvement shall be conclusively deemed an alteration or improvement subject to the terms of paragraph 10 above.

12. The Lessee covenants and agrees that it will take good care of the premises, and upon the termination of this lease will surrender said premises back to Lessor in as good order and condition as it is in at the time of the entering into of this lease agreement, ordinary wear and tear excepted; and that Lessee, its employees, agents or helpers will make no unlawful or offensive use of the premises during the term of this lease.

13. If during the term of this lease the leased premises are so damaged by fire, tornado, or other catastrophe or casualty as to render the same uninhabitable or not usable for the purposes of Lessee, this Lease shall terminate and thereafter be of no further force and effect, and both parties hereto, by the happening of such catastrophe, shall be discharged from this lease agreement and their mutual obligations hereunder. However, Lessor shall have the right to decide whether it is willing to make any repairs as a result of such disaster-damage, or to terminate this lease and require Lessee to vacate the premises within thirty (30) days after notice of said termination is delivered to it in writing by Lessor.

14. If the Lessee should fail or neglect to properly fulfill any of the requirements made upon it under this lease, or shall violate any of the provision of the lease, otherwise, then

the Lessor, without any other notice or demand, may terminate this lease and require the Lessee to vacate the premises hereby demised, or may enter the premises and expel the Lessees therefrom, or the Lessor in lieu of the above or in conjunction therewith may pursue any other lawful right or remedy incident to the relationship created by this lease.

IN WITNESS WHEREOF, the Lessor has caused this lease to be executed in its Municipal Corporate name, by its Mayor, attested by its Town Clerk and has caused its Corporate Seal to be hereon impressed, all by authority of its Town Council duly given; and said Lessee has caused its Corporate Name to be hereto annexed by its President, attested by its Secretary and has caused its Corporate Seal to be hereon impressed, all by authority of its Board of Directors duly given; all on this the day and year first above written.

TOWN OF SOUTHERN PINES

(SEAL)

By: _____
W. David McNeill, Jr., Mayor

ATTEST:

Peggy K. Smith, Town Clerk

305 TRACKSIDE, LLC

By: _____
Tori King, Owner Trackside 305 LLC

ATTEST:

(Insert Name, Title if Applicable)

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, notary public of the State of North Carolina, certify that Peggy K. Smith personally came before me this day and acknowledged that she is Town Clerk of the Town of Southern Pines, a North Carolina municipality, and that by authority duly given, the foregoing instrument was signed in its name by Mayor W. David McNeill, Jr., sealed with its town seal, and attested by herself as Town Clerk.

Witness my hand and official seal, this the ____ day of _____, 2016.

Notary Public
My Commission Expires:

My commission expires: _____

Agenda Item

To: Reagan Parsons, Town Manager

Via: Chris Kennedy, Community Development Director

From: Bart Nuckols, Planning Director

Subject: AX-04-16: Voluntary Request for a Contiguous Annexation of Property at the Southwest Corner of Yadkin Road and Clark Street; 428 Yadkin Road; Petitioner, DDL Properties LLC & Bradford Village LLC

Date: December 13, 2016

AX-04-16: Voluntary Request for a Contiguous Annexation of Property at the Southwest Corner of Yadkin Road and Clark Street; 428 Yadkin Road; Petitioner, DDL Properties LLC & Bradford Village LLC

The petitioners, DDL Properties LLC and Bradford Village LLC, are requesting voluntary annexation for a parcel comprising 2.03 acres located at the Southwest corner of Yadkin Road and Clark Street. The property is identified by the following: PIN: 858200822983 (PARID: 00032824). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC and DDL Properties LLC.

Analysis:

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan Future Land Use Map*. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

Staff Comments:

- The applicant has submitted an annexation application accompanied with a plat map and a written metes and bounds description.
- The request is voluntary request for a contiguous annexation as the adjacent property located at 410 Yadkin Road is currently annexed into the corporate limits of the Town. The subject property is currently in the Extraterritorial Jurisdiction (ETJ) of the Town.

Attachments:

- Application
 - Written Metes and Bounds Description
 - Plat
 - GIS Jurisdiction Map
 - CLRP Map
-

Town Council Actions:

To either approve or deny the *Voluntary Annexation*, the Town Council must first direct the Town Clerk to investigate the request and then the Town Council must select a date for the public hearing for the annexation request. The Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt the resolution directing the Town Clerk to investigate a petition received for a Voluntary Annexation for property as defined in the submitted written metes and bounds description under application AX-04-16 and thereby I also move to adopt a resolution establishing the date of a public hearing for the annexation request.

Or

- 2) I move to not adopt the resolution directing the Town Clerk to investigate a petition received for a Voluntary Annexation for property as defined in the submitted written metes and bounds description under application AX-04-16 and thereby I also move to not adopt a resolution establishing the date of a public hearing for the annexation request.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

Town of Southern Pines
NOV 14 2016
Administration

11/14, 2016

**TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH
CAROLINA:**

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**
- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

<u>Name & Signature of Owner</u>	<u>Address of Owner</u>
<u>Robert [Signature]</u> MEMBER: DDL Properties, LLC	<u>55 Leven Links Lane</u> <u>Pinehurst, NC 28374</u>
<u>Patricia Mace</u> MEMBER: Bradford Village LLC	<u>Po Box 2605</u> <u>Southern Pines, NC 28388</u>
_____	_____
_____	_____
_____	_____

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

LOT 1 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE RIGHT OF WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46 SECONDS EAST 88.55 FEET TO A SET IRON, THENCE LEAVING THE RIGHT OF WAY SOUTH 34 DEGREES, 57 MINUTES, 47 SECONDS WEST 132.78 FEET TO A SET IRON, THENCE NORTH 54 DEGREES, 57 MINUTES, 51 SECONDS WEST 89.26 FEET TO A SET IRON, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 132.01 FEET TO THE BEGINNING, CONTAINING 11,170 SQUARE FEET.

LOT 2 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING CONCRETE MONUMENT ON THE RIGHT OF WAY OF CLARK STREET AND SOUTH STREET (AN UNOPENED STREET) THENCE ALONG SOUTH STREET NORTH 55 DEGREES, 2 MINUTES, 6 SECONDS WEST 265.65 FEET TO AN EXISTING IRON PIPE, THENCE LEAVING SOUTH STREET NORTH 35 DEGREES, 4 MINUTES, 20 SECONDS EAST 200.01 FEET TO AN EXISTING IRON, THENCE SOUTH 56 DEGREES, 35 MINUTES, 17 SECONDS EAST 14.54 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE SOUTH 54 DEGREES, 23 MINUTES, 24 SECONDS EAST 72.73 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 67.02 FEET TO A SET IRON, THENCE SOUTH 54 DEGREES, 57 MINUTES, 51 SECONDS EAST 89.26 FEET TO A SET IRON, THENCE NORTH 34 DEGREES, 57 MINUTES, 47 SECONDS EAST 132.78 FEET TO A SET IRON ON THE RIGHT OF WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46 SECONDS EAST 88.56 FEET TO AN EXISTING IRON PIPE AT THE INTERSECTION OF THE YADKIN ROAD RIGHT OF WAY AND THE RIGHT OF WAY OF CLARK STREET, THENCE ALONG THE RIGHT OF WAY OF CLARK STREET SOUTH 34 DEGREES, 59 MINUTES, 11 SECONDS WEST 399.94 FEET TO THE BEGINNING, CONTAINING 1.76 ACRES.

Town of Southern Pines
NOV 15 2016
Administration

MOORE COUNTY, NORTH CAROLINA
 I, MICHAEL A. CAIN, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY, THAT THE LINES NOT SURVEYED ARE PLOTTED AS DASHED LINES, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDE AND DEPARTURES IS 1/10,000, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY HAND AND SEAL THIS 28th DAY OF JULY, 2016.



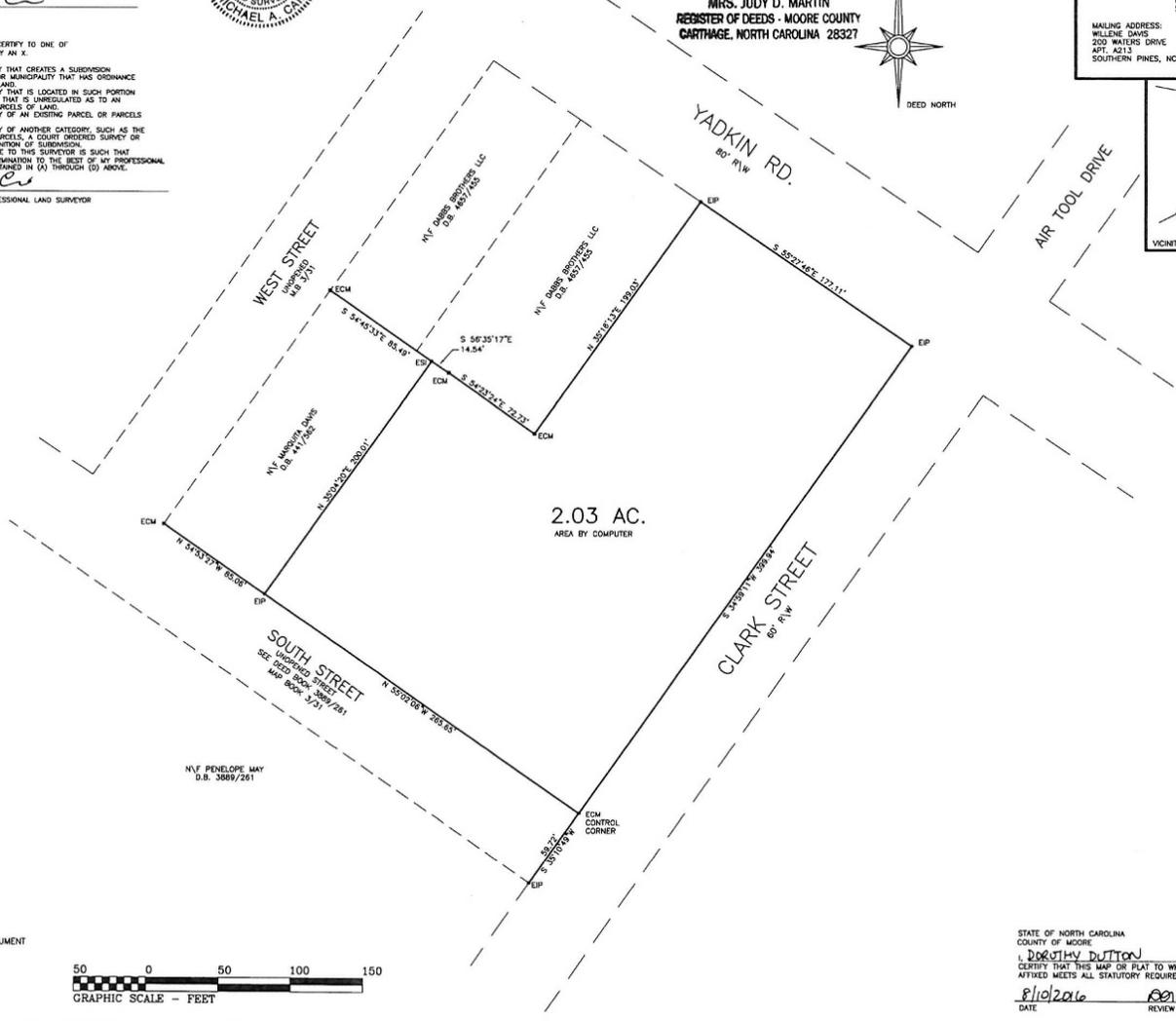
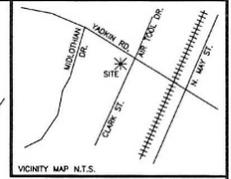
2016 AUG 10 A 11:58
 21th AUG 10 A 11:58
 PLAT CABINET 17 SLIDE 45
 MRS. JUDY D. MARTIN
 REGISTER OF DEEDS - MOORE COUNTY
 CARRHAGE, NORTH CAROLINA 28327



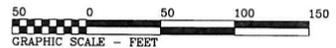
SURVEY FOR OWNER:
WILLENE C. DAVIS
 DEED REFERENCE: 487/171
 PIN # 858216822878
 MCNEILL TOWNSHIP
 MOORE COUNTY, NC
 DATE 7-26-2016
 SCALE 1" = 50'
 MAILING ADDRESS: WILLENE DAVIS, 203 WATERS DRIVE, APT. A213, SOUTHERN PINES, NC 28387
 MIKE CAIN SURVEYING, 2509 PIEDMONT DRIVE, SANFORD, N.C., 27330, 919-774-4684

I, MICHAEL A. CAIN PLS 3403 CERTIFY TO ONE OF THE FOLLOWING AS INDICATED BY AN X:
 A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE COUNTY OR MUNICIPALITY THAT HAS ORDINANCE THAT REGULATES PARCELS OF LAND.
 B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
 D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

M.A.C.
 MICHAEL A. CAIN PROFESSIONAL LAND SURVEYOR



LEGEND
 EP EXISTING IRON PIPE
 IPS IRON PIPE SET
 ES EXISTING SOLID IRON
 SIS SOLID IRON SET
 ECM EXISTING CONCRETE MONUMENT
 PP POWER POLE
 RRS RAILROAD SPIKE
 N/F NOW OR FORMERLY
 R/W RIGHT OF WAY
 OHL OVERHEAD LINE
 EPK EXISTING PK. NAIL



STATE OF NORTH CAROLINA
 COUNTY OF MOORE
 I, DOROTHY BUTTON, REVIEW OFFICER OF MOORE COUNTY
 CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS
 ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
8/10/2016 DorothyButton
 DATE REVIEW OFFICER

This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

AX-04-16 Bradford Village LLC & DDL Properties LLC

Voluntary Annexation Request for Property at the Southwest Corner of Yadkin Road and Clark Street



This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

Future Land Use Map: AX-04-16

428 Yadkin Road



**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 15, 2016, by the Southern Pines Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines:

That the Town Clerk is hereby directed to investigate the sufficiency of the petition as property so described:

LOT 1 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE RIGHT OF 'WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF 'WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46. SECONDS EAST 88.55 FEET TO A SET IRON, THENCE LEAVING THE RIGHT OF 'WAY SOUTH 34 DEGREES, 57 MINUTES, 47 SECONDS WEST 132.78 FEET TO A SET IRON THENCE NORTH 54 DEGREES, 57 MINUTES, 51 SECONDS WEST 89.26 FEET TO A SET IRON, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 132.01 FEET TO THE BEGINNING, CONTAINING 11,170 SQUARE FEET.

LOT 2 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING CONCRETE MONUMENT ON THE RIGHT OF 'WAY OF CLARK STREET AND SOUTH STREET (AN UNOPENED STREET) THENCE ALONG SOUTH STREET NORTH 55 DEGREES, 2 MINUTES, 6 SECONDS WEST 265.65 FEET TO AN EXISTING IRON PIPE, THENCE LEAVING SOUTH STREET NORTH 35 DEGREES, 4 MINUTES, 20 SECONDS EAST 200.01 FEET TO AN EXISTING IRON, THENCE SOUTH 56 DEGREES, 35 MINUTES, 17 SECONDS EAST 14.54 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE SOUTH 54 DEGREES, 23 MINUTES, 24 SECONDS EAST 72.73 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 67.02 FEET TO A SET IRON, THENCE SOUTH 54 DEGREES, 57 MINUTES, 51 SECONDS EAST 89.26 FEET TO A SET IRON, THENCE NORTH 34 DEGREES, 57 MINUTES, 47 SECONDS EAST 132.78 FEET TO A SET IRON ON THE RIGHT OF 'WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF 'WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46 SECONDS EAST 88.56 FEET TO AN EXISTING IRON PIPE AT THE INTERSECTION OF THE YADKIN ROAD RIGHT OF 'WAY AND THE RIGHT OF 'WAY OF CLARK STREET, THENCE ALONG THE RIGHT OF 'WAY OF CLARK STREET SOUTH 34 DEGREES, 59 MINUTES, 11 SECONDS EAST 399.94 FEET TO THE BEGINNING, CONTAINING 1.76 ACRES.

Town of Southern Pines
NOV 15 2016
Administration

ATTEST:

TOWN OF SOUTHERN PINES

Peggy K. Smith, Town Clerk

W. David McNeill, Mayor

APPROVED AS TO FORM:

Douglas Gill, Town Attorney

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on December 13, 2016 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-
31
AS AMENDED**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 7:00 o'clock, p.m. on the 10th of January, 2017.

Section 2. The area proposed for annexation is described as follows:

LOT 1 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE RIGHT OF WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46 SECONDS EAST 88.55 FEET TO A SET IRON, THENCE LEAVING THE RIGHT OF WAY SOUTH 34 DEGREES, 57 MINUTES, 47 SECONDS WEST 132.78 FEET TO A SET IRON, THENCE NORTH 54 DEGREES, 57 MINUTES, 51 SECONDS WEST 89.26 FEET TO A SET IRON, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 132.01 FEET TO THE BEGINNING, CONTAINING 11,170 SQUARE FEET.

LOT 2 BRADFORD VILLAGE, LLC

BEGINNING AT AN EXISTING CONCRETE MONUMENT ON THE RIGHT OF WAY OF CLARK STREET AND SOUTH STREET (AN UNOPENED STREET) THENCE ALONG SOUTH STREET NORTH 55 DEGREES, 2 MINUTES, 6 SECONDS WEST 265.65 FEET TO AN EXISTING IRON PIPE, THENCE LEAVING SOUTH STREET NORTH 35 DEGREES, 4 MINUTES, 20 SECONDS EAST 200.01 FEET TO AN EXISTING IRON, THENCE SOUTH 56 DEGREES, 35 MINUTES, 17 SECONDS EAST 14.54 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE SOUTH 54 DEGREES, 23 MINUTES, 24 SECONDS EAST 72.73 FEET TO AN EXISTING CONCRETE MONUMENT, THENCE NORTH 35 DEGREES, 16 MINUTES, 13 SECONDS EAST 67.02 FEET TO A SET IRON, THENCE SOUTH 54 DEGREES, 57 MINUTES, 51 SECONDS EAST 89.26 FEET TO A SET IRON, THENCE NORTH 34 DEGREES, 57 MINUTES, 47 SECONDS EAST 132.78 FEET TO A SET IRON ON THE RIGHT OF WAY OF YADKIN ROAD, THENCE FOLLOWING THE RIGHT OF WAY OF YADKIN ROAD SOUTH 55 DEGREES, 27 MINUTES, 46 SECONDS EAST 88.56 FEET TO AN EXISTING IRON PIPE AT THE INTERSECTION OF THE YADKIN ROAD RIGHT OF WAY AND THE RIGHT OF WAY OF CLARK STREET, THENCE ALONG THE RIGHT OF WAY OF CLARK STREET SOUTH 34 DEGREES, 59 MINUTES, 11 SECONDS WEST 399.94 FEET TO THE BEGINNING, CONTAINING 1.76 ACRES.

Town of Southern Pines
NOV 15 2016
Administration

Legal Description:

ATTEST:

TOWN OF SOUTHERN PINES

Peggy K. Smith, Town Clerk

W. David McNeill, Mayor

APPROVED AS TO FORM:

Doug Gill, Town Attorney

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on December 13, 2016 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

Via: Chris Kennedy, Community Development Director

From: Bart Nuckols, Planning Director

Subject: AX-05-16: Voluntary Request for a Contiguous Annexation of Property along Camp Easter Road; 2796 Camp Easter Road & 2784 Camp Easter Road; Petitioner, Samuel J. and Robin D. Storch

Date: December 13, 2016

AX-05-16: Voluntary Request for a Contiguous Annexation of Property along Camp Easter Road; 2796 Camp Easter Road & 2784 Camp Easter Road; Petitioner, Samuel J. and Robin D. Storch

The petitioners, Samuel J. and Robin D. Storch, are requesting voluntary annexation for a parcel comprising 6.74 acres located along Camp Easter Road. The property is identified by the following: PIN: 858315733210 (PARID: 00035337). Per the Moore County Tax records, the property owner(s) are listed as Samuel J. and Robin D. Storch.

Analysis:

The subject property is identified as “Residential” in the *Comprehensive Long Range Plan* Future Land Use Map. Per the *Comprehensive Long Range Plan 2015-16 Update*:

- **Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks, and neighborhood scale commercial services may be authorized through the rezoning process without amending the Future Land Use Map.

Staff Comments:

- The applicant has submitted an annexation application accompanied with a plat map and a written metes and bounds description.
- The request is voluntary request for a contiguous annexation as the adjacent property (St. John Paul II Catholic School) located at 2878 Camp Easter Road is currently annexed into the corporate limits of the Town. The subject property is currently in the Extraterritorial Jurisdiction (ETJ) of the Town.

Attachments:

- Application
 - Written Metes and Bounds Description
 - Plat
 - GIS Jurisdiction Map
 - CLRP Map
-

Town Council Actions:

To either approve or deny the *Voluntary Annexation*, the Town Council must first direct the Town Clerk to investigate the request and then the Town Council must select a date for the public hearing for the annexation request. The Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt the resolution directing the Town Clerk to investigate a petition received for a Voluntary Annexation for property as defined in the submitted written metes and bounds description under application AX-05-16 and thereby I also move to adopt a resolution establishing the date of a public hearing for the annexation request.

Or

- 2) I move to not adopt the resolution directing the Town Clerk to investigate a petition received for a Voluntary Annexation for property as defined in the submitted written metes and bounds description under application AX-05-16 and thereby I also move to not adopt a resolution establishing the date of a public hearing for the annexation request.



PETITION FOR VOLUNTARY ANNEXATION OF REAL PROPERTY **CONTIGUOUS** TO THE TOWN OF SOUTHERN PINES, NORTH CAROLINA

11/16, 2016

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.
2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

Samuel J. Storch
[Signature]

Address of Owner

952 Montrachet Ct
Lewisville, NC 27023

Robin D. Storch
[Signature]

952 Montrachet Ct
Lewisville, NC 27023

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

EXHIBIT "A"

BEING that certain tract or parcel of land located in McNeill Township, Moore County, North Carolina, north of the Town of Southern Pines, fronting on the north side of State Road 1853 (Aiken Road or Camp Easter Road), bound on the north by Edwin Longcope and on the west, south and east by Royal and Ancient Investors, Ltd., more particularly described as follows:

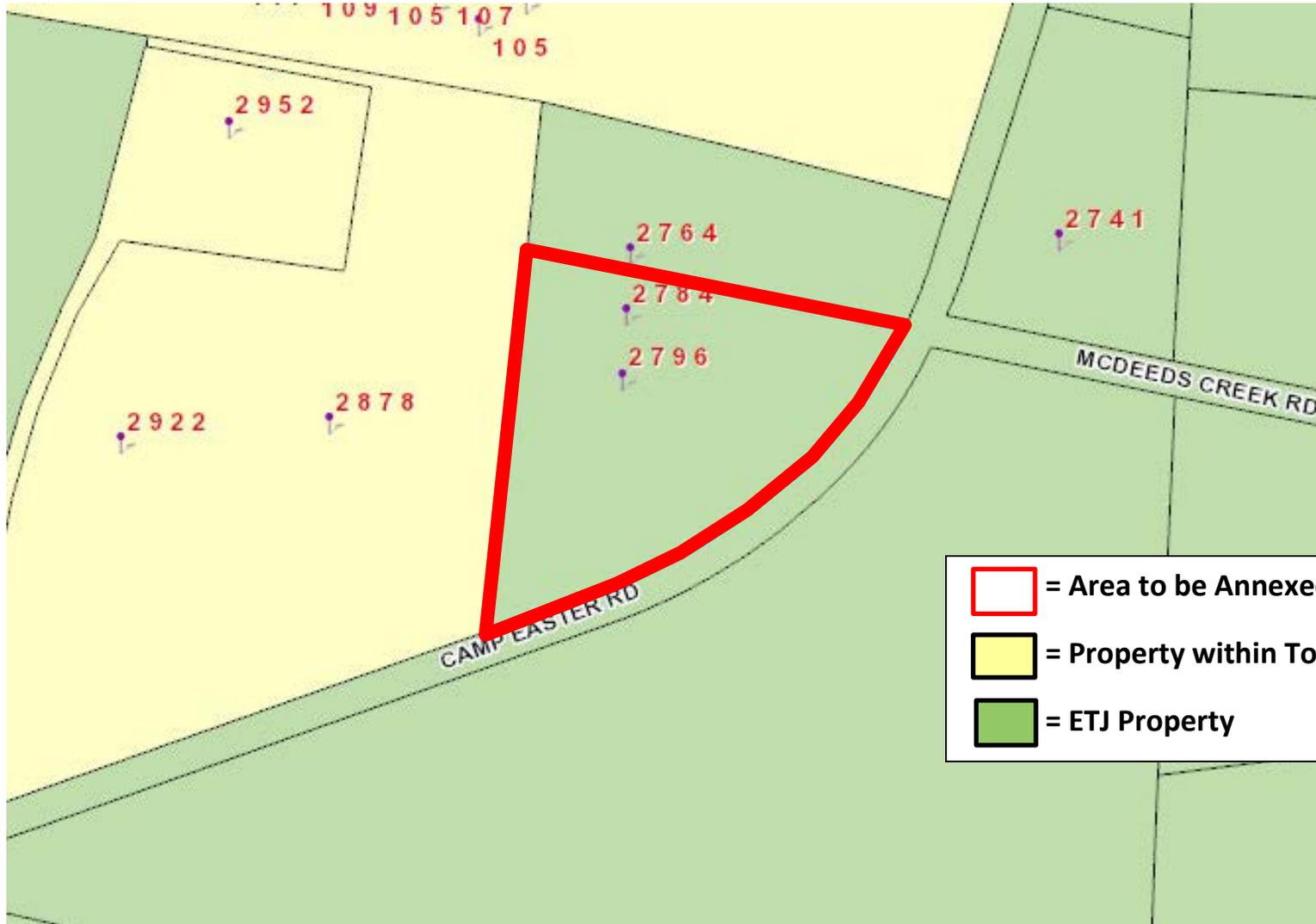
BEGINNING at a pk nail in the center of the pavement of State Road 1853, about 400 yards northeast of the intersection of the centerline of SR 1853 and the south line of the Edwin Longcope 275 acre tract as described in Deed Book 187, Page 381, Moore County Registry; running thence with the line of Royal and Ancient Investors N 04-03-33 E 675.06 feet to a concrete monument, a corner of Longcope, Royal and Ancient and the subject project; running thence with the line of Longcope S 79-15-48 E 700.39 feet to a pk nail located in the centerline of SR 1853; thence as the center of pavement of SR 1853 the following calls: S-30-01-56 W 107.37 feet; S 38-01-38 W 147.74 feet; S 46-45-59 W 154.53 feet; S 56-04-33 W 150.17 feet; S 65-41-48 W 204.65 feet; S 70-23-14 W 177.78 feet to the BEGINNING, containing 6.74 acres, more or less, as shown on plat entitled "Survey for Samuel J. Storch and wife, Robin D. Storch, 6.74 Acre Tract, McNeills Twp., Moore County, North Carolina", dated July 22, 1991, prepared by C. H. Blue & Associates, P.A. The bearings on this survey were based on the North Carolina Grid North system. Being the same property as described in a Deed dated December 21, 1977, from Edwin Longcope and wife, Patricia P. Longcope, to Hugh L. Kerr and wife, Joyce Stanton Kerr, recorded in Deed Book 428, Page 187, Moore County Registry.

BOOK PAGE
00786 00509

VAN CAMP, WEST,
WEHD & HAYES, P.A.
ATTORNEYS AT LAW

This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

AX-05-16 Samuel J. and Robin D. Storch Voluntary Annexation Request for Property along Camp Easter Road



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Future Land Use Map: AX-05-16

2796 Camp Easter Road & 2784 Camp Easter Road



**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 30, 2016, by the Southern Pines Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Southern Pines deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines:

That the Town Clerk is hereby directed to investigate the sufficiency of the petition as property so described:

EXHIBIT "A"

BEING that certain tract or parcel of land located in McNeill Township, Moore County, North Carolina, north of the Town of Southern Pines, fronting on the north side of State Road 1853 (Aiken Road or Camp Easter Road), bound on the north by Edwin Longcope and on the west, south and east by Royal and Ancient Investors, Ltd., more particularly described as follows:

BEGINNING at a pk nail in the center of the pavement of State Road 1853, about 400 yards northeast of the intersection of the centerline of SR 1853 and the south line of the Edwin Longcope 275 acre tract as described in Deed Book 187, Page 381, Moore County Registry; running thence with the line of Royal and Ancient Investors N 04-03-33 E 675.06 feet to a concrete monument, a corner of Longcope, Royal and Ancient and the subject project; running thence with the line of Longcope S 79-15-48 E 700.39 feet to a pk nail located in the centerline of SR 1853; thence as the center of pavement of SR 1853 the following calls: S-30-01-56 W 107.37 feet; S 38-01-38 W 147.74 feet; S 46-45-59 W 154.53 feet; S 56-04-33 W 150.17 feet; S 65-41-48 W 204.65 feet; S 70-23-14 W 177.78 feet to the BEGINNING, containing 6.74 acres, more or less, as shown on plat entitled "Survey for Samuel J. Storch and wife, Robin D. Storch, 6.74 Acre Tract, McNeills Twp., Moore County, North Carolina", dated July 22, 1991, prepared by C. H. Blue & Associates, P.A. The bearings on this survey were based on the North Carolina Grid North system. Being the same property as described in a Deed dated December 21, 1977, from Edwin Longcope and wife, Patricia P. Longcope, to Hugh L. Kerr and wife, Joyce Stanton Kerr, recorded in Deed Book 428, Page 187, Moore County Registry.

BOOK PAGE
00786 00509

ATTEST:

TOWN OF SOUTHERN PINES

Peggy K. Smith, Town Clerk

W. David McNeill, Mayor

APPROVED AS TO FORM:

Douglas Gill, Town Attorney

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on December 7, 2016 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON
QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-
31
AS AMENDED**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 7:00 o'clock, p.m. on the 10th of January, 2017.

Section 2. The area proposed for annexation is described as follows:

Legal Description:

EXHIBIT "A"

BEING that certain tract or parcel of land located in McNeill Township, Moore County, North Carolina, north of the Town of Southern Pines, fronting on the north side of State Road 1853 (Aiken Road or Camp Easter Road), bound on the north by Edwin Longcope and on the west, south and east by Royal and Ancient Investors, Ltd., more particularly described as follows:

BEGINNING at a pk nail in the center of the pavement of State Road 1853, about 400 yards northeast of the intersection of the centerline of SR 1853 and the south line of the Edwin Longcope 275 acre tract as described in Deed Book 187, Page 381, Moore County Registry; running thence with the line of Royal and Ancient Investors N 04-03-33 E 675.06 feet to a concrete monument, a corner of Longcope, Royal and Ancient and the subject project; running thence with the line of Longcope S 79-15-48 E 700.39 feet to a pk nail located in the centerline of SR 1853; thence as the center of pavement of SR 1853 the following calls: S-30-01-56 W 107.37 feet; S 38-01-38 W 147.74 feet; S 46-45-59 W 154.53 feet; S 56-04-33 W 150.17 feet; S 65-41-48 W 204.65 feet; S 70-23-14 W 177.78 feet to the BEGINNING, containing 6.74 acres, more or less, as shown on plat entitled "Survey for Samuel J. Storch and wife, Robin D. Storch, 6.74 Acre Tract, McNeills Twp., Moore County, North Carolina", dated July 22, 1991, prepared by C. H. Blue & Associates, P.A. The bearings on this survey were based on the North Carolina Grid North system. Being the same property as described in a Deed dated December 21, 1977, from Edwin Longcope and wife, Patricia P. Longcope, to Hugh L. Kerr and wife, Joyce Stanton Kerr, recorded in Deed Book 428, Page 187, Moore County Registry.

BOOK PAGE
00786 00509

ATTEST:

TOWN OF SOUTHERN PINES

Peggy K. Smith, Town Clerk

W. David McNeill, Mayor

APPROVED AS TO FORM:

Doug Gill, Town Attorney

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on December 13, 2016 as shown in the minutes of the Town Council for that date.

Peggy K. Smith, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

Via: Bart Nuckols, Planning Director

From: Chris Kennedy, Senior Planner

Subject: Abandonment of Right-of-Way: N. Mechanic Street & W. Rhode Island Avenue; Petitioner, Caviness & Cates Building and Development Company

Date: August 9, 2016

Abandonment of Right-of-Way: N. Mechanic Street & W. Rhode Island Avenue; Petitioner, Caviness & Cates Building and Development Company

In April 2016, the Town of Southern Pines Public Works Department received a request that the Town Council consider two sections of road for a right-of-way abandonment. The first section identified for right-of-way abandonment is comprised of the one and one-half (1.5) block portion of N. Mechanic Street extending from the eastern boundary of the intersection with W. Maine Avenue and N. Mechanic Street to the termination of N. Mechanic Street at the NE Service Road. The second section identified for right-of-way abandonment includes the portion of W. Rhode Island Avenue extending from the northern boundary of the intersection of W. Rhode Island Avenue and N. Mechanic Street extending to the termination of W. Rhode Island Avenue at the NE Service Road. Both portions included in the request are unopened sections of right-of-way (See attachment). At the April 12, 2016 Regular Business Meeting of the Town Council the Town Council adopted a resolution to review the request for this abandonment at the May 2016 Regular Business Meeting of the Town Council.

Both sections of right-of-way listed in this request are considered “paper” streets in that the areas designated for a street are not currently improved or easily accessible for most types of transportation. These sections of street are not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will require an easement if the abandonment is approved.

Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution, public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

Town Council Hearing – July 25, 2016 (July 2016 Town Council Work Session):

At the July 25, 2016 Town Council Work Session, the Town Council deliberated and made a series of findings of facts and motions to deny Conditional Use Permit application CU-01-16. The Town Council decided to continue the public hearing for this right-of-way abandonment until the August 9, 2016 Regular Business Meeting of the Town Council.

Town Council Hearing – July 12, 2016 (July 2016 Regular Business Meeting of the Town Council):

At the July 12, 2016 Regular Business Meeting of the Town Council, the Town Council continued and the public hearing for Conditional Use Permit application CU-01-16. The Town Council then closed the public hearing but did not deliberate or make any motion to approve or deny CU-01-16, therefore, per the staff recommendation listed herein, the Town Council decided to continue the public hearing for this right-of-way abandonment until the July 25, 2016 Town Council Work Session.

Town Council Hearing – June 14, 2016 (June 2016 Regular Business Meeting of the Town Council):

At the June 14, 2016 Regular Business Meeting of the Town Council, the Town Council continued the public hearing for Conditional Use Permit application CU-01-16. Per the staff recommendation listed herein the Town Council decided to continue the public hearing for this right-of-way abandonment until the July 12, 2016 Regular Business Meeting of the Town Council.

Town Council Hearing - May 23, 2016 (May 2016 Town Council Work Session):

At the May 23, 2016 Town Council Work Session, the Town Council continued the public hearing for Conditional Use Permit application CU-01-16. Per the staff recommendation listed herein the Town Council decided to continue the public hearing for this right-of-way abandonment until the June 14, 2016 Regular Business Meeting of the Town Council.

Town Council Hearing - May 10, 2016 (May 2016 Regular Business Meeting of the Town Council):

At the May 10, 2016 Regular Business Meeting of the Town Council, the Town Council continued the public hearing for Conditional Use Permit application CU-01-16. Per the staff recommendation listed herein the Town Council decided to continue the public hearing for this right-of-way abandonment until the May 23, 2016 Town Council Work Session.

Staff Comments:

- This right-of-way abandonment request has been submitted by the same petitioner as Conditional Use Permit application CU-01-16. The petitioner is seeking the approval of a Conditional Use Permit for a multi-family development along the NE Service Road and the abandonment of the right-of-ways included herein as part of the development request.
 - Town staff recommends that the Town Council delay their decision making of this right-of-way abandonment request until the Town Council formally makes a decision on Conditional Use Permit application CU-01-16.
 - Furthermore, Town staff recommends to the Town Council that should the Conditional Use Permit application CU-01-16 be denied, the right-of-way abandonment requests listed herein also be denied.
 - As a part of any denial or approval of CU-01-16, Town staff recommends that the Town Council delay action and table any decision relative to this right-of-way abandonment until after the expiration of the legal appeal period provided to a Conditional Use Permit and/or any appeal of the decision is resolved.
- The UDO standards and requirements for the abandonment or vacation of right-of-way are defined in UDO Section 2.29.

2.29 VACATION OF STREETS OR ALLEYS

2.29.1 Purpose and Applicability

This section establishes the process for approving the elimination of a Street or Alley, in whole or in part.

2.29.2 Initiation

The process may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing.

2.29.3 Notice

The Town Manager shall cause the notice to be published once a week for four successive weeks prior to the hearing, mail a copy of the notice by registered or certified mail to all the owners of property adjoining the street or alley and post notice in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto. The cost of notice shall be borne by the applicant for the vacation.

2.29.4 Decision

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the Town Council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress

and egress to his property, the Council may adopt an order closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

2.29.5 Appeals

Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the Council's order to the District Court within 30 days after its adoption.

2.29.6 Ownership

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.
- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

2.29.7 Recording Procedures

The recorder of deeds shall write legibly on the vacated plat the word "vacated," and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

Attachments:

- Map Depicting Right-of-Way to be Vacated

Town Council Actions:

The Town Council shall vote on whether the proposed street or alley vacation request is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property. The Town Council could make one of the following motions for recommendations or any alternative they wish:

I move that the proposed street or alley vacation request...

- 1) **is not contrary to the public interest, and that no individual** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...
- 2) **is contrary to the public interest, and that individuals** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...

I move to:

- 1) **Approve** the abandonment of the portions of N. Mechanic Street and W. Rhode Island Avenue as specified in the attached map;
- 2) **Deny** the abandonment of the portions of N. Mechanic Street and W. Rhode Island Avenue as specified in the attached map; OR
- 3) **Approve** the abandonment of the portions of N. Mechanic Street and W. Rhode Island Avenue as specified in the attached map **with the following additional conditions...**

IN ADDITION TO *Street or Alley Vacation Approval from Town Council*, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN. When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommends a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements.

Agenda Item

To: Reagan Parsons, Town Manager

From: Chris Kennedy, Assistant Town Manager

Subject: Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.

Date: December 13, 2016

Right-of-Way Abandonment for a Portion of N. Ridge Street; Petitioner, Moore HL Properties, Inc.

The Town has received a request to abandon an approximate 575' foot section of N. Ridge Street. The section of right-of-way to be vacated is N. Ridge Street, the portion of N. Ridge Street extending from the southern boundary of the intersection of N. Ridge Street and Springwood Way to the southernmost property corner of parcel 00038821 adjoining N. Ridge Street extending directly across to the southernmost property corner of parcel 20100351 adjoining N. Ridge Street in the Town of Southern Pines (See attachment 1).

This section of right-of-way is considered a "paper" street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs to this right-of-way, however the Town shall maintain the ability to secure any necessary utility easements per UDO requirements. Per UDO Section 2.29.6 (C), the Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

Attachments:

- Attachment 1
- Applicant's Request Letter
- Exhibit A Submitted by Applicant

Town Council Actions:

The Town Council shall vote on whether the proposed street or alley vacation request is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property. The Town Council could make one of the following motions for recommendations or any alternative they wish:

I move that the proposed street or alley vacation request...

- 1) **is not contrary to the public interest, and that no individual** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...
- 2) **is contrary to the public interest, and that individuals** owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...

I move to:

- 1) **Approve** the abandonment of the portions of N. Ridge Street as specified in the attached map;
- 2) **Deny** the abandonment of the portions of N. Ridge Street as specified in the attached map;
- 3) **Approve** the abandonment of the portions of N. Ridge Street as specified in the attached map **with the following additional conditions...**

IN ADDITION TO *Street or Alley Vacation Approval from Town Council*, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN. When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommends a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements.

Attachment 1



October 20, 2016

Town of Southern Pines
Attn: Reagan Parsons, Manager
125 SE Broad Street
Southern Pines, NC 28387

RE: Right-of-Way Abandonment Request
(N. Ridge Street)

Mr. Parsons,

Moore HL Properties, Inc. would like to request right-of-way abandonment for a portion of North Ridge Street, from Springwood Way to the overall project boundary, as shown on the attached exhibit. We would like to add this request to the next scheduled Town Council meeting for further consideration. Please let me know if there are any additional fees for public notice advertisement and we will provide those applicable fees.

If there any additional questions, please let me know.

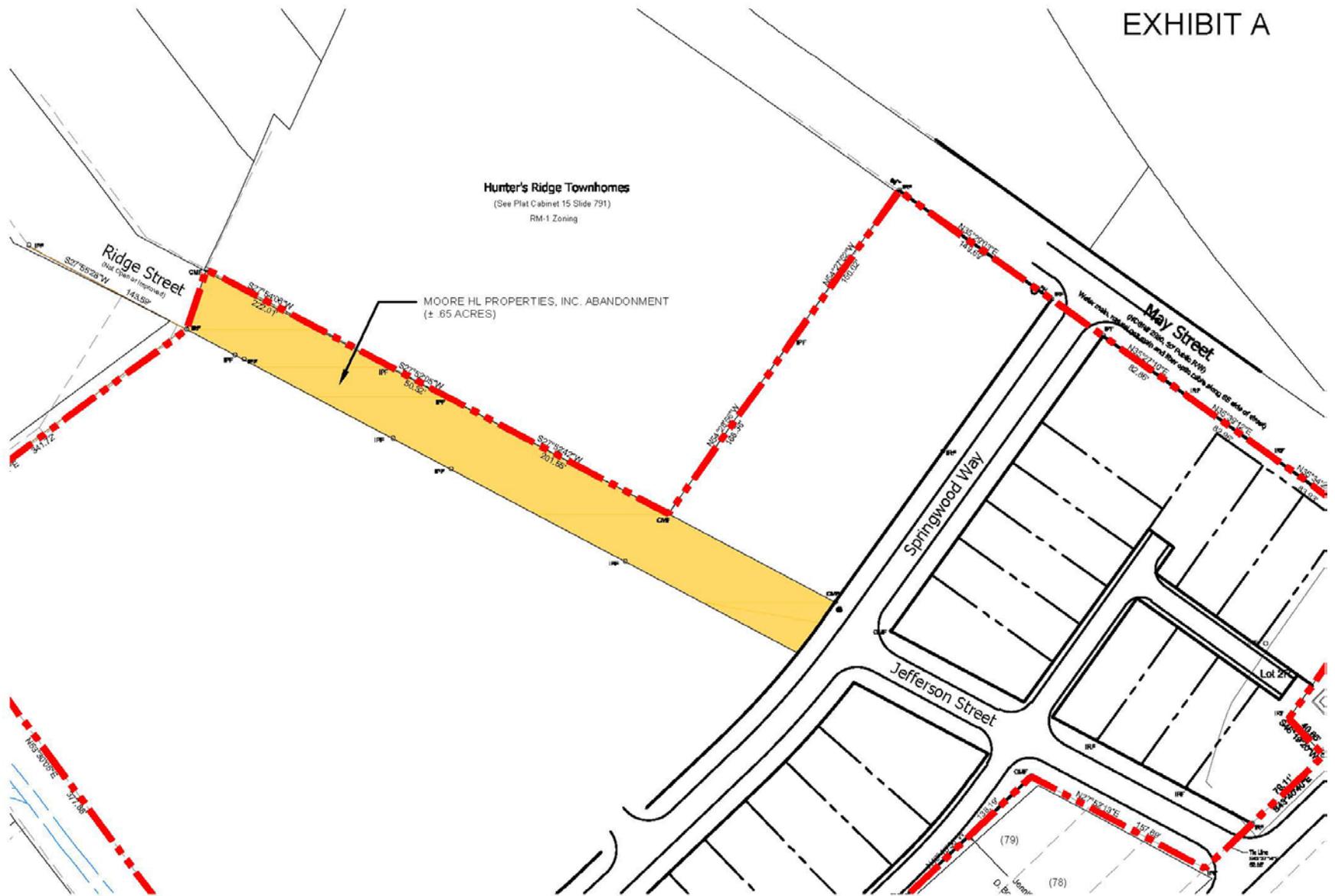
Best Regards,



Bob Koontz, PLA



EXHIBIT A



**NOTICE OF PUBLIC HEARING BY THE TOWN COUNCIL
FOR THE TOWN OF SOUTHERN PINES, NORTH
CAROLINA REGARDING TAX-EXEMPT BONDS TO BE
ISSUED BY THE PUBLIC FINANCE AUTHORITY FOR
THE BENEFIT OF THE FOUNDATION FOR
AFFORDABLE HOUSING**

NOTICE IS HEREBY GIVEN to all interested persons that the Town Council for the Town of Southern Pines, North Carolina (the "Town") will hold a public hearing at the Douglass Community Center located at 1185 W. Pennsylvania Avenue, North Carolina 28387, the regular place of meeting, at 7:00 p.m., on December 13, 2016, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), at which time any person may be heard regarding affordable housing facilities proposed to be financed and refinanced by the Authority (as defined below) with proceeds from the issuance of its revenue bonds in one or more series (collectively, the "Bonds"), in an aggregate amount not expected to exceed \$72,000,000.

The Bonds are expected to be issued pursuant to 66.0304 of the Wisconsin Statutes, as amended, by the Public Finance Authority (the "Authority"), a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, and will be loaned to the Foundation for Affordable Housing, a Nebraska nonprofit corporation with authority to conduct business in North Carolina (the "Borrower").

The proceeds from the sale of the Bonds will be loaned to the Borrower and used to (1) construct, reconstruct, renovate and equip (i) approximately 150 multi-family housing units, including affordable housing units, located at 1113 Richards Street, Southern Pines, North Carolina 28387 (the "Southern Pines Project"), (ii) approximately 100 multi-family housing units, including affordable housing units, located at 1611 Icemorlee Street, Monroe, North Carolina 28110 (the "Monroe Project"), (iii) approximately 50 multi-family housing units, including affordable housing units, located at 610 S. Peachtree Street, Ahoskie, North Carolina 27910 (the "Ahoskie Project"), (iv) approximately 80 multi-family housing units, including affordable housing units, located at 1400 Trinity Drive, Columbia, South Carolina 29209 (the "Columbia Project") and (v) approximately 68 multi-family housing units, including affordable housing units, at 1333 Coronet Court, Rock Hill, SC 29730 (the "Rock Hill Project" and collectively with the Southern Pines Project, the Monroe Project, the Ahoskie Project and the Columbia Project, the "Projects") and (2) pay certain expenses in connection with the authorization and issuance of the Bonds.

The Projects will be initially owned and operated by the Borrower.

The Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and certain funds and accounts established by the bond indenture for the Bonds. **The principal of, premium, if any, and interest on the Bonds will not constitute an indebtedness or liability of the Town of Southern Pines, the State of North Carolina, or any political subdivision of the State of North Carolina, or a charge against their general credit or any taxing powers.**

Any person wishing to comment in writing on the Southern Pines Project or the issuance of the Bonds should do so prior to such meeting to the Town Council for the Town of Southern Pines, North Carolina, 125 SE Broad Street, Southern Pines, North Carolina 28387, Attention: Town Clerk of the Town of Southern Pines.

Dated: November __, 2016

EXTRACTS FROM MINUTES OF THE TOWN COUNCIL

The Town Council for the Town of Southern Pines, North Carolina (the “Town”) held a regular meeting at the Douglass Community Center located at 1185 W. Pennsylvania Avenue, North Carolina 28387, the regular place of meeting, at 7:00 p.m. on December 13, 2016. The following members of the Town Council were:

Present:

Absent:

* * * * *

Motion was made by Councilmember _____, seconded by Councilmember _____ and carried unanimously, to open the public hearing.

WHEREAS, at [7:00] P.M., Mayor David McNeill announced that the Town Council (the “Council”) would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the “Authority”), a unit of government and a body corporate and politic of the State of Wisconsin, of its revenue bonds in one or more series (collectively, the “Bonds”), in an aggregate amount not expected to exceed \$72,000,000;

WHEREAS, the Authority has been requested to issue the Bonds and to lend the proceeds from the sale thereof to the Foundation for Affordable Housing, a Nebraska nonprofit corporation with authority to conduct business in North Carolina (the “Borrower”);

WHEREAS, the Borrower will use such proceeds to (1) construct, reconstruct, renovate and equip (i) approximately 150 multi-family housing units, including affordable housing units, located at 1113 Richards Street, Southern Pines, North Carolina 28387 (the “Southern Pines Project”), (ii) approximately 100 multi-family housing units, including affordable housing units, located at 1611 Icemorlee Street, Monroe, North Carolina 28110 (the “Monroe Project”), (iii) approximately 50 multi-family housing units, including affordable housing units, located at 610 S. Peachtree Street, Ahoskie, North Carolina 27910 (the “Ahoskie Project”), (iv) approximately 80 multi-family housing units, including affordable housing units, located at 1400 Trinity Drive, Columbia, South Carolina 29209 (the “Columbia Project”) and (v) approximately 68 multi-family housing units, including affordable housing units, at 1333 Coronet Court, Rock Hill, SC 29730 (the “Rock Hill Project” and collectively with the Southern Pines Project, the Monroe Project, the Ahoskie Project and the Columbia Project, the “Projects”) and (2) pay certain expenses in connection with the authorization and issuance of the Bonds;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries a project is located, which with respect to the Southern Pines Project is the Town of Southern Pines, North Carolina;

WHEREAS, the Borrower has requested that the Council approve the financing and

refinancing of the Projects, and the issuance of the Bonds in an amount not to exceed \$72,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010, and Section 66.0304(11)(a) of the Wisconsin Statutes;

WHEREAS, on November __, 2016 a notice of public hearing was published in *The Pilot*, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows:

[None.]

WHEREAS, Mayor McNeill inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and the Mayor McNeill determined that no other persons who wished to speak at the public hearing were found; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

After the Council had heard all persons who had requested to be heard, Councilmember_____ moved that the public hearing be closed. The motion was adopted unanimously.

Councilmember _____ introduced the following resolution, a copy of which had been distributed to each Councilmember:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$72,000,000 OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY TO FINANCE AND REFINANCE CERTAIN COSTS OF VARIOUS PROJECTS ON BEHALF OF THE FOUNDATION FOR AFFORDABLE HOUSING.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, the Council hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance and refinance the Projects, *provided that*

in no event shall the Town of Southern Pines, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the Town of Southern Pines, the State of North Carolina or any political subdivision thereof. It is the purpose and intent of the Council that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the Project Jurisdiction for the Southern Pines Project, which is the governmental unit having jurisdiction over the area in which the Southern Pines Project is located, in accordance with Section 147(f) of the Code and Section 66.0304(11(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. This resolution shall take effect immediately upon its passage.

Councilmember _____ seconded the motion and the motion was adopted by the following vote:

AYES:

NAYS:

* * * * *

STATE OF NORTH CAROLINA)

TOWN OF SOUTHERN PINES)

I, Peggy Smith, Town Clerk to the Town of Southern Pines, North Carolina, **DO HEREBY CERTIFY** as follows:

1. A meeting of the Town Council for the Town of Southern Pines, located in the State of North Carolina, was duly held December 13, 2016, such meeting having been noticed, held and conducted in accordance with all requirements of law (including open meetings requirements), and minutes of that meeting have been or will be duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of the Town Council.

2. The attached extract accurately reflects the actions taken by the Town Council with respect to the matters therein.

3. The attached extract correctly states the time when the meeting was convened and the place where the meeting was held and the members of the Town Council who attended the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the seal of the Town of Southern Pines, North Carolina as of December 13, 2016.

(SEAL)

Town Clerk