

## **POLICY GOVERNING VOLUNTARY ANNEXATIONS AS A RESULT OF SEWER SERVICE REQUESTS**

### **I. PURPOSE**

It is the intent of this policy to provide direction in guiding annexation decisions as they pertain to sewer requests.

### **II. APPLICABILITY:**

This policy applies to all situations where a property outside the city limits applies for sewer service from the City of Hendersonville.

### **III. PROCEDURES:**

From time to time, property owners outside of the City of Hendersonville may request sewer service from the City of Hendersonville.

A. It is a long-standing practice of the City of Hendersonville that sewer service shall not be extended to property owners outside of the city limits unless the property owner first petitions for annexation. When a property owner contacts the Utilities Department requesting sewer service and the property is located outside the city limits, the Utilities Department will first make a determination as to whether or not extension of sewer service is feasible. If service is feasible, the applicant will be referred to the Development Assistance Department to begin the voluntary annexation process. If a petition for voluntary annexation is not filed, the request for sewer service will not be forwarded to the City Council for consideration.

B. If provision of sewer service is feasible and an annexation petition is filed, staff will conduct an analysis to determine if immediate annexation of the property is in the best interests of the city. Factors to be considered include geographic proximity to existing city limits and the cost or practicality of extending the full range of municipal services to the property. If annexation is deemed appropriate at this time and sewer service provision is feasible, the request for annexation and sewer service will be forwarded to the City Council for their consideration.

C. If sewer service is feasible but annexation is not recommended by staff, the request for sewer service will be forwarded to the City Council for their consideration with a stipulation that sewer service shall only be granted if the property owner executes a legally binding agreement granting the city permission to proceed with voluntary annexation of the property at any time in the future. The agreement will be in recordable form and will be recorded upon execution. The City Attorney shall be responsible for drafting and executing the necessary agreement.

D. At any time the city so chooses, properties which have been granted sewer service and which were party to an annexation agreement with the city may be annexed.

E. Nothing in this policy shall be construed to prohibit the Council from considering other factors relevant to their decision to approve or deny the extension of sewer service to a property outside the city. Satisfaction of the annexation requirements outlined in this policy shall not be considered binding on the Council to approve provision of sewer service.

F. In instances where industrial recruitment or expansion is facilitated by the extension of city sewer service, special consideration will be granted to the applicant when the conditions below are met:

- 1) To qualify as an industrial project, the applicant's primary business must be manufacturing as classified by the 2007 North American Industry Classification System (NAICS) where the first two digits of the applicants business classification code are 31, 32, or 33

- 2) Applicant agrees to comply with sections A through E of this policy (in consideration of conditions to be offered in section G)

G. Applicants who meet the conditions of section F shall be granted the following considerations:

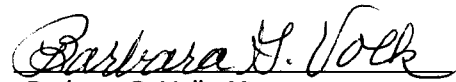
- 1) Applicants will be eligible to sign a 10 year payment in lieu of annexation agreement, and shall remit an annual fee of \$250 to the City Hendersonville. The applicant's property may not be annexed while the agreement is in effect. Renewals of the payment in lieu of annexation agreement shall be at the discretion of the then-current City Council.
- 2) The legally binding agreement outlined in section C shall be modified for applicants who satisfy the conditions of section F. This modification shall restrict the City of Hendersonville from proceeding with voluntary annexation of the applicant's property until seventy-five (75) percent of the border of the property in question is adjacent to the contiguous border of the City of Hendersonville.

H. Applicants who execute an agreement pursuant to this policy and who construct a sewer extension which is later transferred to the City's ownership pursuant to the agreement shall be liable for any material defects or failures in the extended sewer section for a period of five years from the date of the agreement.


I. Addendum A of this policy describes the Upward Road Planning District, and includes properties that are believed to have a high potential for redevelopment. The district encompasses an important entry corridor for the City of Hendersonville, and therefore this policy places special conditions on properties identified in Addendum A.

- 1) It is the policy of the Hendersonville City Council that extending sewer service to these properties without exercising land use oversight would allow inconsistent development patterns. It is the stated desire of the City Council that these properties be developed in a consistent fashion that benefits both the property owners and the citizens of Hendersonville.
- 2) Properties identified in Addendum A will not be granted sewer service until they apply for and complete the process to voluntarily annex into the City of Hendersonville and are zoned in accordance with GS 160A-381. For these properties, the option to sign an agreement for future voluntary annexation (as described in Sections C and D of this policy) shall not be applicable.
- 3) The decision to annex properties inside the Upward Road Planning Area and subsequently extend sewer service rests solely with the City Council. While this policy defines specific requirements for the properties in the Upward Road Planning Area, it should not be construed as a commitment from the City that these parcels will be voluntarily annexed at the owner's request.

Adopted this first day of September, 2016.

  
Barbara G. Volk, Mayor

Attest:

  
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Tammie K. Drake, MMC, City Clerk

**ADDENDUM A: UPWARD ROAD PLANNING DISTRICT**  
**Added by action of the City Council: March 3, 2011**

*A general description of boundaries of a new area established as the Upward Road Planning District (A district created by resolution of the Hendersonville City Council for the purposes of administering the Policy Governing Voluntary Annexations as a Result of Sewer Extension Requests)*

Beginning at the common point of the boundaries of the William C. Justus property, PIN 9578-40-7866, the Spartan Ventures, Inc. property, PIN 9578-40-9582 and the Western Carolina Community Action, Inc. property, PIN 9578-40-6579, and proceeding thence southerly with the William C. Justus-Spartan Ventures, Inc. line about 489 feet to the southwesternmost point in the Spartan Ventures, Inc. property aforesaid, thence southeasterly with the northern and northeastern boundaries of The Housing Assistance Corporation property, PIN 9578-50-4224 line about 818.91 feet to the intersection of King Creek Boulevard and Spartanburg Highway (U.S. Hwy 176), thence crossing King Creek Boulevard on the south Spartanburg highway with the Foster New Bern, Inc. line, PIN 9577-59-5756 and with the current Hendersonville city limits line about 300 feet to a point on Spartanburg Highway directly or nearly directly across Spartanburg Highway from the westernmost point in the James C. Roberts property, PIN 9577-69-1777, thence crossing Spartanburg Highway with a perpendicular line to the said westernmost point of the James C. Roberts property, thence following the current Hendersonville City limits with the northern, eastern and southern boundaries of the James C. Roberts property, PIN 9577-69-1777 to the southernmost point thereof, thence northwestward with the current Hendersonville city limits along the James C. Roberts-Spartanburg Highway line to a point directly or nearly directly across Spartanburg Highway from the southeasternmost corner of the Foster New Bern, Inc. property aforesaid, and with the southeastern line of the Foster New Bern, Inc. property on the northern margin of the Spartan Heights road and following the boundary of the road and the Foster New Bern Inc. line about 312 feet to the southeasternmost point on the common boundary between the Foster New Bern, Inc. property aforesaid and the Foster New Bern, Inc. property PIN, 9577-59-4358, thence northwesterly with the said common line to the northernmost point of the said Foster New Bern, Inc. property, PIN 9577-59-4358, thence southwest with the northwestern line of the said property to the easternmost point of the Velma Justus property, PIN 9577-59-4407, thence northwesterly about 25 feet to the northernmost point of the said Velma Justus property, thence southwesterly with the northwest boundary of the said Velma Justus to its westernmost point, thence southerly along the common line of the Highland View Limited Partnership property PIN 9577-59-1327 and the western boundary of the Jose M. Martinez property, PIN 9577-59-3364 to the southernmost point of the said Highland View Limited Partnership property, and continuing on the same line to a point at or near the center of the Southern Railway right of way, thence southeasterly with or nearly with the center of the Southern Railway right-of-way and leaving the said railway line at its point closest to the northwesternmost point of the Rown LLC property PIN 9577-68-0217 at the northwesternmost point on the Rown LLC-M Realty Limited Partnership PIN 9577-58-8555 line, and thence southeasterly along the whole course of the said Rown LLC-M Realty Limited Partnership line and continuing southeasterly with the common line of the said Rown LLC property and the Meadow Garden Associates Limited Partnership PIN 9577-68-2497 line to the western margin of N Highland Lake Road SR 1783, thence northeasterly with the Meadow Garden Associates Limited Partnership southern boundary along North Highland Lake Road to the southeasternmost end of the common line of the aforesaid Meadow Garden Associates Limited Partnership property and the SCP 2007-C27-079 LLC property, commonly known as the Spartanburg Highway/ N. Highland Lake Rd. CVS property, PIN 9577-68-8508, thence with the Meadow Garden/ CVS line northwesterly along the length of the CVS line, to the westernmost point in the said CVS (SCP 2007-C27-079 LLC ) property, thence generally northeasterly along the northwestern boundary of the CVS line, with the current Hendersonville City limits, to the western margin of Spartanburg Highway, thence with the western margin of Spartanburg Highway to the southwestern corner of the intersection of N Highland Lake Rd./Upward Road SR 1783 and Spartanburg Highway, thence directly across Spartanburg Highway to the southeastern corner of the intersection of Upward Road and Spartanburg Highway, thence northeasterly along the southeastern margin of Upward

Road with northwest boundary of the Lyndon B. Hill property, PIN 9577-78-2580 a self-service car wash, to the northeasternmost point on the said common boundary, thence southerly or southeasterly with the western line of the Morris Wayne Mullinax property PIN 9577-78-5687, to its southernmost point, thence northerly with the eastern line of the said Morris Wayne Mullinax property to the northern end of the said eastern line, at its terminus on the southern line of the ELP Real Estate LLC property, PIN 9577-79-6250, thence easterly with the said line to the common corner of the said ELP Real Estate LLC property, the Perri S. Smith property, PIN 9577-78-7694, the William Lee Pace property, PIN 9577-88-3870 and the Deitra Blythe Jones property, PIN 9577-78-8898, thence northeasterly with the northern boundary of the said northwestern line of the said William Lee Pace property along its common boundary with the aforesaid Deitra Blythe Jones property, the Spevines R. Jones property PIN 9577-88-0947, the Deitra Blythe Jones property, PIN 9577-89-2006 and the Spevines R. Jones property, PIN 9577-89-4161, and continuing along the southeastern boundary of the Spevines R. Jones property to the common point of the said southern boundary and the western margin of Old Spartanburg Road, thence south with the western margin of Old Spartanburg Road to a point directly across Old Spartanburg Road from the southern point of the Spevins R. Jones (or Spevines R. Jones) property, PIN 9577-89-6187, thence northeasterly along the southeast boundary of the said Spevins R. Jones (or Spevines R. Jones) property, PIN 9577-89-6187, about 210 feet to its northeastern terminus at the southwestern end of the southeastern boundary of the S.R. Jones property, PIN 9577-89-7580, thence northeasterly along the said line to its end and continuing with the southeastern line of the Vicki Diane Jones property, PIN 9577-89-9659, to the end of said line, and continuing along the same line to the end of the northwest boundary line of the William Barkley property, PIN 9577-99-1539, to the northernmost point in the said William Barkley property, thence southeast along the northeastern William Barkley line to the northwestern margin of Bell Ave., thence northeasterly along Bell Ave. with the southeastern boundary of the of the aforementioned Vicki Diane Jones property, thence continuing along the entirety of the southeastern boundary of the George Gregory Gosnell PIN 9577-99-3858 line and Bell Ave., thence continuing along the entirety of the southeastern boundary of the George Gregory Gosnell PIN 9577-99-4918 line and Bell Ave., to the point directly across Bell Ave. from the western corner of the Robert Calloway Property, PIN 9577-99-6916, thence crossing Bell Ave. to the said western corner of the Robert Calloway property and proceeding southeast along the southwestern line of the Robert Calloway property aforesaid, to the southernmost point thereof, thence northeast along the southeastern boundary of the said Robert Calloway property to the easternmost point of the said Robert Calloway property, at its junction with an unnamed road, thence southeast along the western margin of the said road to the intersection of said line with the western margin of Allen Rd., thence northward with the western margin of Allen Rd. to the point directly across Allen Road from the southwesternmost point in the E. Leland Johnson property, PIN 9588-00-4132, thence crossing Allen Road to the southwesternmost point of the said E. Leland Johnson property, and proceeding thence with the southern line of the said property, in common with the northern line of the Duke Energy Corp. property, PIN 9587-09-6735, to the easternmost point of the E. Leland Johnson property aforesaid, and continuing along the northern boundary of the Duke Energy Corp. property with the southern boundary of the E. Leland Johnson property, PIN 9588-00-7114, to the easternmost point of such common line at an unnamed tributary stream running along the eastern boundary of the said E. Leland Johnson property, PIN 9588-00-7114, thence with the center line of the unnamed tributary and the eastern boundary of the said E. Leland Johnson property, PIN 9588-00-7114, northward to the southern margin of Upward Road, thence eastward with the southern margin of Upward Road to the centerline of a stream called Bat Fork, thence southeast with the centerline of Bat Fork to the southernmost point of the Easler Family LLC property, PIN 9588-10-5167, thence with the line of the southeastern boundary of the Easler Family LLC property to the point that is the northwesternmost point of the Easler Family LLC property, PIN 9587-29-1846, thence easterly with the northern boundary of said Easler Family LLC property, PIN 9587-29-1846 to its eastern terminus, and continuing with the northern boundary of the Thomas P. Dunn Sr. property, PIN 9587-29-5854 at a point on the western margin of Commercial Boulevard, thence crossing Commercial Boulevard and proceeding south on the eastern margin of Commercial Boulevard with the western boundary of the Rhodes Lodging Group LLC property, PIN 9588-20-8029 to the southern terminus of the said western boundary of the Rhodes Lodging Group LLC property, and continuing easterly along the southern boundary of the said Rhodes Lodging Group LLC line along the full length of the common

boundary between the said property and the Rhodes Lodging Group LLC property PIN 9587-29-8934 to the eastern terminus of said common line, thence continuing along the northern boundary of the Fox Real Estate Limited Partnership property PIN 9587-39-3629 to the eastern terminus of the said line, at the western margin of the right of way of U. S. Interstate Highway 26, thence on a line segment directly from the eastern terminus of the northern boundary of the Fox Real Estate Limited Partnership property PIN 9587-39-3629 to the southwesternmost point of the J. Hall Waddell property, PIN 9588-40-1320, thence southward along the eastern margin of the right of way of US Interstate Highway 26, with the full length of the western boundary of the J. Hall Waddell property, PIN 9587-49-1888, thence continuing along the full length of the western boundary of the J. Hall Waddell property, PIN 9587-49-4644 to the southernmost point of the said J. Hall Waddell property, PIN 9587-49-4644, thence northward along the eastern boundary of the said J. Hall Waddell property, PIN 9587-49-4644 to the northernmost point along the said eastern boundary, thence eastward along the southern boundary of the J. Hall Waddell property, PIN 9587-49-4865 to the eastern end of said southern line, thence continuing along the same line, being the southern boundary of the Quattlebaum Properties F LLC property, PIN 9588-40-9182, to the easternmost point on the said southern boundary, thence continuing the line from the said easternmost point, along the northern and then the western margin of Education drive, and then with a perpendicular line crossing Upward Road to its northern margin, thence westward along the northern margin of Upward Road to the midline of S Orchard Rd, thence with the midline of S Orchard Rd, northward to the common point of the western margin of S. Orchard Rd., the Church of the Nazarene property, PIN 9588-60-2816 and the Campground Unlimited property, PIN 9588-61-5094, thence proceeding from the said point generally west and then northwest along the common line of the Church of the Nazarene property and the said Campground Unlimited property, to the northwesternmost point of the Campground Unlimited property, thence west with the northern line of the Church of the Nazarene property to the northwesternmost corner of the said Church of the Nazarene property, thence southward along the western line of the said Church of the Nazarene property to the intersection of the said line with the northern line of the Frederick Christian Jensen, Jr. property, PIN 9588-50-8506, thence with the Northern line of the Frederick Christian Jensen Jr. property westerly to the eastern end of the northern line of the Elizabeth Ann Henderson property, PIN 9588-50-4701, thence westward along the northern line of the said Elizabeth Ann Henderson property to the western terminus of said northern line, thence directly across Ballenger Road and northward along the western margin of Ballenger Road along the full length of the eastern boundary of the Karen C. Jarrell property, PIN 9588-41-8529, to the northeastern corner thereof, thence continuing northward along the western margin of Ballenger Road along the full length of the eastern boundary of the Ruby Jones King property, PIN 9588-41-7882, to the northeastern corner thereof, thence westward along the northern boundary of the said Ruby Jones King property to the northwestern corner thereof, thence continuing along the same line westward along the entire length of the northern boundary of the Ruby Jones King property, PIN 9588-41-2674 to a stream at the western end of said line, thence crossing the stream at the northeastern corner of the K-2 Properties LLC property, PIN 9588-31-8842 and proceeding westward along the entire length of the northern boundary of the said K-2 Properties LLC property to the northwestern corner thereof at McMurray Road, thence directly across McMurray Road to a point in the eastern boundary of the John A. Hudgens Jr. Family Limited Partnership property, PIN 9588-23-3651 and proceeding thence north along the western margin of McMurray Road the entire length of the said John A. Hudgens Jr. Family Limited Partnership property to its northernmost point along McMurray Road, and continuing along McMurray Road along the entire length of the eastern boundary of the McNutt Investments LLC property, PIN 9588-24-8424 to the northeastern corner thereof, thence westward along a lane to the northwest corner of the said McNutt Investments LLC property, and continuing along the lane westward along the northernmost boundary of the aforementioned John A. Hudgens Jr. Family Limited Partnership property to the western end of the said northernmost line, thence continuing along the lane westward along the entirety of the northern boundary of the John A. Hudgens, Jr. property PIN 9588-14-5445 to its northwestern corner, thence continuing along the line of the lane westward with the northern boundary of the Julianne K. Heggoy property, PIN 9588-14-4403 to the northwestern corner of the said real property at the eastern margin of the right of way of US Interstate Highway 26, thence directly across the right of way of US Interstate Highway 26 to the northernmost point on the eastern boundary of the Blue Ridge Community College property, PIN 9578-93-1758, thence southward along the western margin of the right of way of US

Interstate Highway 26 with the eastern boundary of the said Blue Ridge Community College Property, to East Campus Drive, thence crossing East Campus Drive continuing with the western margin of US Interstate Highway 26 along the entirety of the common line of such right of way and the eastern boundary of the Julianne K. Heggoy Trust property, PIN 9588-03-6779 with the western margin of S. Allen Rd, thence proceeding southward along the western margin of S. Allen Road the entire length of the common line of the western margin of South Allen Road and the eastern margins of the following properties: the Julianne K. Heggoy Trust property immediately aforesaid, thence the eastern boundary of the Blue Ridge Community College property aforesaid along its entire remaining length, along the way crossing the eastern terminus of College Drive, to the southeasternmost point of the said Blue Ridge Community College property, thence continuing along the western margin of S Allen Rd with the eastern boundary of the Partners in Health Condominium property, PIN 9588-02-6704 to the southernmost point of the eastern boundary of said property at a point along an unnamed tributary, thence crossing said unnamed tributary and continuing south along the western margin of S. Allen Road with the eastern boundary of the Hospice of Henderson County, Inc. property, PIN 9588-02-8484, thence continuing south along the western margin of S. Allen Road with the eastern boundary of the Hospice of Henderson County, Inc. property, PIN 9588-02-8194, thence leaving S Allen Road and proceeding along a lane or drive northwesterly along the northern boundary of the Anita W. Heatherly property, PIN 9588-01-9453 to the westernmost point of the said property, thence westward along a lane or drive and along the full length of the northern boundary of the E. Kendall Taylor property, PIN 9588-01-5324, to a point on the eastern margin of the Jeff Boyd Glover property, PIN 9578-91-7597, near the center line of Bat Fork, thence southerly with the eastern margin of the said Jeff Boyd Glover property, with or nearly with the center line of Bat Fork, on the common line of the Jeff Boyd Glover property with the aforementioned E. Kendall Taylor property to the northernmost point of the Thelma E. Anders property, PIN 9578-90-9831, and leaving Bat Fork and proceeding with the northern, northwestern and western line of the Thelma E. Anders property aforesaid, to the point where the said Thelma E. Anders property's western line adjoins the northeasternmost point of the Doris E. McCrain property, PIN 9578-90-9413, thence southwesterly with the entire length of the northwest line of the said Doris E. McCrain property to the point where such line adjoins the northeasternmost point of the Doris E. McCrain property, PIN 9578-90-8420, thence southwesterly with the entire length of the northwest line of the said Doris E. McCrain property to the point where such line adjoins the northeasternmost point of the James Herschel Moore property, PIN 9578-90-6361, thence southwest with the northwestern boundary of the said James Herschel Moore property along the entire length of such northwestern boundary to the northwesternmost point of the said property, at Gatebriar Lane, thence directly crossing Gatebriar Lane and proceeding along the western margin of Gatebriar Lane with the eastern boundary of the Luke S. Case property, PIN 9578-90-4397, to the northeasternmost corner of the said property, thence westward along the northern boundary of the said Luke S Case property along the entire length of the said northern boundary to the easternmost point of the northern line of the Mary Frances King property, PIN 9578-90-1278, thence westward along the entire length of the northern boundary of the Mary Frances King property to the westernmost point on said northern boundary at its intersection with Vine Rd, continuing the said line to the center point of Vine Rd, thence southwesterly with the centerline of Vine Rd., to the northern and eastern margin of Old Upward Rd., thence generally southwestward, along the northern margin of Old Upward Rd. to its point of intersection with Fairground Ave., thence crossing Fairground Avenue and continuing westward and thence northwestward along the northern and eastern margin of Old Spartanburg Rd. to the point where such line adjoins the westernmost point of the Leon V. Allison property, PIN 9578-51-9624, thence proceeding southerly along the line of the existing extraterritorial jurisdiction of the City of Hendersonville to the point of beginning of this description, as follows: crossing the following three real properties going from east to west, and including all parts of the said properties not currently within the City of Hendersonville's extraterritorial jurisdiction William R. King, PIN 9578-51-3284, Martha M. Morgan, PIN 9578-51-2170 and George R. Gosnell, PIN 9578-50-1952, to Spartanburg Highway, US Highway 176, thence crossing Spartanburg Highway to the northernmost point of the common line of Spartanburg Highway with the eastern boundary of the Spartan Ventures Inc. property, PIN 9578-40-9582, and along the northeastern boundary of the Spartan Ventures Inc. line with a stream to the point of BEGINNING of this description.

PLEASE NOTE ALSO:

There is excluded from this description and from inclusion in the *Upward Road Planning District* all points within the geographical limits of the territorial jurisdiction of the City of Hendersonville.

NOTE: References to properties by owner names contain only the name of the first owner listed by the Henderson County Tax office as of 18 August 2010. For more detailed information as to ownership consult with the Henderson County land listings as shown by the Henderson County Land Records office situated in the Henderson County Courthouse, 200 N. Grove Street, Hendersonville NC.

NOTE ALSO: Nothing in this listing is intended to give an opinion as to the quality or nature of the title of any property. Title opinions may be given only by attorneys licensed to practice law in North Carolina.

Property Identification Numbers (PIN) as used herein may be discovered by resort to the following sources: The Henderson County Land Records office situated in the Henderson County Courthouse, 200 N. Grove Street, Hendersonville NC, or the Henderson County GIS web site, <http://gisweb.hendersoncountync.org/GoMaps/map/Index.cfm>.

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