

# PETITION FOR VOLUNTARY ANNEXATION

## GENERAL INFORMATION

### *Town of Weaverville, North Carolina*

**VOLUNTARY ANNEXATION:** Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes § 160A-31 and § 160A-58.1 The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. § 62-3(23), or electric or telephone membership corporations. A rezoning petition must accompany the annexation petition if any portion of the property to be annexed is located outside of the Town of Weaverville's corporate limits.

### **SUBMITTAL REQUIREMENTS:**

- \_\_\_\_\_ Town of Weaverville Petition for Annexation with original signatures
- \_\_\_\_\_ Annexation Petition Fee (\$200)
- \_\_\_\_\_ Certificate of Authority (if needed)
- \_\_\_\_\_ Plat/Annexation Survey
- \_\_\_\_\_ Annexation Data Sheet
- \_\_\_\_\_ Zoning Map Amendment Application and Fee (\$250)

### **REVIEW PROCESS:**

**Staff Review** – The Planning and Public Works Departments review the annexation submission and the initial zoning request. Comments will be sent to the applicant via email. The Town Clerk begins review of annexation petition for sufficiency.

**Initial Town Council Consideration** – The Town Council meetings are typically held on the fourth Monday of each month at 6pm. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition and referring the zoning map amendment application to the Planning Board for review. The Town Clerk subsequently will certify to Town Council that the annexation petition is either sufficient or insufficient. If sufficient Council can set the date of for the required public hearings.

**Annexation Plat Submission** – After the application is deemed sufficient by the Town of Weaverville, and prior to the public hearing on the annexation, the applicant is required to submit an annexation survey in recordable format to the Planning Department.

**Planning Board Meeting** – The Planning Board meets on the first Tuesday of the month at 6pm. The Planning Board must review and offer a recommendation on all zoning map amendments, including initial zoning requests associated with annexations.

**Legal Advertisement** – A legal advertisement will be published on the Town's website and in the newspaper no more than 25 days and no less than 10 days prior to the date of the public hearings.

**Public Hearings/Town Council Action** – The Town Council must hold public hearings on the annexation and the initial zoning request. These public hearings are typically held the fourth Monday of each month at 6pm. After holding the public hearings, Town Council is eligible to take action and may adopt or deny an ordinance to extend the corporate limits of the Town of Weaverville and provide for appropriate zoning or take no action at all.

**Recordation** – If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plat and Ordinance recorded at the Buncombe County Register of Deeds.

**Notice of Annexation** – As required by law the North Carolina Secretary of State and the Buncombe County Board of Elections will be notified of the newly annexed area.

**PETITION FOR VOLUNTARY ANNEXATION  
 PETITION/APPLICATION**

*Town of Weaverville, North Carolina*

Submittal Date: \_\_\_\_\_  
 Date Fee Paid: \_\_\_\_\_  
 Petition No: \_\_\_\_\_

**STATE OF NORTH CAROLINA  
 COUNTY OF BUNCOMBE**

**TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA**

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature

5. Zoning vested rights  are not claimed,  have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

\_\_\_\_\_

\_\_\_\_\_

Total Acreage to be annexed: \_\_\_\_\_  
 Population in annexed area: \_\_\_\_\_  
 Proposed Zoning District: \_\_\_\_\_

Reason for annexation:  Receive Town Services  Other (please specify)

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

# PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

*Town of Weaverville, North Carolina*

Submittal Date: \_\_\_\_\_

Petition No. \_\_\_\_\_

Annexation Area Name: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Subject Area Acreage: \_\_\_\_\_

Current Land Use: \_\_\_\_\_

Proposed Land Use or Development (describe): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Residential (single family): Number of Units: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years

Average Sales Price: \$ \_\_\_\_\_/dwelling unit

Residential (multi-family): Number of Units: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years

Owned: Average Sales Price: \$ \_\_\_\_\_/building unit

Rental: Average Rental Amt: \$ \_\_\_\_\_/month

Retail: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years

Type of tenancy: \_\_\_\_\_

Commercial - Non-Retail: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years

Type of tenancy: \_\_\_\_\_

Other: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years

Type of tenancy: \_\_\_\_\_

Development Scale: Max building height of \_\_\_\_\_; max number of stories of \_\_\_\_\_

Infrastructure: Linear feet of publicly dedicated roadways proposed: \_\_\_\_\_ feet

Public water proposed (describe): \_\_\_\_\_

\_\_\_\_\_

Other Public Services Requested (describe): \_\_\_\_\_

\_\_\_\_\_

Zoning Vested Rights Claimed (describe and attach documentation): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature of Owner(s)**

**PETITION FOR VOLUNTARY ANNEXATION  
 CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY  
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected, qualified and active member / manager of \_\_\_\_\_, a limited liability company organized and existing in the State of North Carolina (hereinafter "Company"), does hereby certify that:

1. That the Company currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Company to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SIGNATURE:** \_\_\_\_\_  
**PRINTED NAME:**  
**DATE:**

**STATE OF NORTH CAROLINA  
 COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is the \_\_\_\_\_ of \_\_\_\_\_, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_

**PETITION FOR VOLUNTARY ANNEXATION  
 CERTIFICATE OF AUTHORITY FOR CORPORATION  
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected officer of \_\_\_\_\_  
 \_\_\_\_\_, a corporation organized and existing in the State of North Carolina  
 (hereinafter "Corporation"), does hereby certify that:

1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Corporation to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____

**SIGNATURE:** \_\_\_\_\_  
**PRINTED NAME:**  
**DATE:**

**STATE OF NORTH CAROLINA  
 COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public, certify that \_\_\_\_\_  
 personally came before me this day and acknowledged that he/she is the \_\_\_\_\_ of  
 \_\_\_\_\_, a North Carolina corporation, and that by authority duly  
 given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on  
 behalf of the Corporation. Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_

**PETITION FOR VOLUNTARY ANNEXATION  
CERTIFICATE OF AUTHORITY FOR TRUST  
Town of Weaverville, North Carolina**

The undersigned, being (a/the) Trustee(s) of a Trust, the exact name of which is \_\_\_\_\_, (hereinafter "Trust"), does hereby certify that:

1. That the Trust is dated as of \_\_\_\_\_, is currently in existence and was executed on \_\_\_\_\_;
2. That the name of the settlors of the Trust is/are: \_\_\_\_\_
3. That name(s) and address(s) of the currently acting trustee(s) is/are (herein the "Trustee(s)") and that the signature(s) appearing above their name is their signature(s):

**NAME, ADDRESS, and SIGNATURE OF TRUSTEE(S):**

_____	_____
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____

4. That the powers of the Trustee(s) include the authority to conduct real property transactions and tax transactions, which would include the execution of a voluntary annexation petition.
5. That said Trustee(s) adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Trust to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

**SIGNATURE:** \_\_\_\_\_

**TRUSTEE NAME:**

**DATE:**

**STATE OF NORTH CAROLINA**

**COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public, certify that \_\_\_\_\_ personally came before me this day and acknowledged that they are the Trustee of \_\_\_\_\_, and that by authority duly given and as the act of the Trust, the foregoing Certificate of Authority was signed by him/her on behalf of the Trust. Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_