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MINUTES OF A REGULAR MEETING AND PUBLIC HEARING OF THE
MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, MAY 14, 1979
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
Robert Epting
Jonathan Howes
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

Also present were Town Manager E. Shipman and Assistant Town Attorney D. Drake.

Resolution of Appreciation

Consideration of the resolution of appreciation for Mr. Scott Herman-Giddens was deferred until he could be present.

Items Recommended for Inclusion in the State Highway Improvement Program

The State DOT had scheduled the public hearing for highway improvements in the area in Yanceyville. The Town departments were forwarding several recommendations for discussion before the Board. First was the intersection of 15-501 By-pass and Pittsboro Road. The four-laning of Manning Drive had been requested last year but not included. The staff was asking for reaffirmation of improvements to NC 54 East and NC 86 North. In addition, the staff was considering the Willow Drive connector with Ephesus Church Road, the widening of Ephesus Church Road, extension of the service road along 15-501 from Franklin Street East to the city limits, and to widen the narrow portions of Estes Drive. Improvements to Manning Drive would make that more attractive to the parking deck for UNC than cutting through Purefoy Road. The Willow Drive connector would draw traffic from residential streets in the area, and alleviate congestion at the intersection of Ephesus Church Road and 15-501.

Extension of the service road along 15-501 would improve safety for local traffic to the businesses along the highway. Widening of Estes Drive would bring it into conformance with the rest of Estes Drive and make entering new developments along Estes easier. Mr. Jennings explained the Willow Drive connector in further detail for residents. The residents complained that this connection would bring more traffic through the area where children played. Alderman Vickery said putting in an alternative route would attract traffic from Ephesus Church Road. Alderman Kawalec questioned this proposal. It did not align with Legion Road and traffic from Ephesus Church Road would have to take a left turn to get to the mall area. She also suggested the Town either buy or condemn the land in Eastgate which is used for a road and create a road with curbing and stop signs. Alderman Kawalec did not believe the access road along 15-501 a solution to traffic problems. No one knew who had the right-of-way. Mr. Jennings explained that the access road would serve local traffic to businesses. The function of a thoroughfare was to carry traffic not to serve property which it now did.

In response to residents of Morgan Creek, Alderman Kawalec said the Board had a commitment to making it safe for pedestrians and bicyclists to get across 15-501 when it was widened. There were no detailed plans as yet for this. The residents did not want lights at every intersection. Alderman Cohen explained that widening the road increased the capacity for volume not speed. There was support for widening 15-501 as the Department of Transportation had owned the right-of-way for many years and had originally planned for four lanes.

Residents asked why more businesses were allowed in the area of Eastgate when the roads could not handle the traffic for the businesses. Mayor Wallace pointed out that these had occurred as a result of zoning of 25 years ago. Any resident could request a rezoning at any time. He would like to see citizens take the initiative in requesting rezonings.

Mr. Nach believed widening the by-pass would attract traffic and would divide the Town. Pollution from the traffic would kill the plants in the botanical gardens. Noise would disturb the residents along the by-pass. He suggested the assessment for houses along the by-pass should be lowered because they would be living in a bad environment.

Ms. Gordon stated that 15-501 was designated 4 lanes. The people who moved there knew they were moving next to a highway. If additional capacity was needed, it should be put where it had been designated.

Mr. Whitfield did not believe growth in Chapel Hill could be limited. He suggested instead the Town prepare for good growth. No more business should be allowed on Ephesus Church Road or Legion Road until the traffic problem had been solved.

Mr. Olive suggested the Board of Aldermen request the State Department of Transportation relable its Highway Improvement Program the Transportation Program and then request five projects. One would be a survey and report on the overall effects on Chapel Hill's transportation of an energy shortage; second would be a report on the effects on transportation of construction of a feeder airport between Chapel Hill and Hillsborough; a survey of the amount of public transport for schools and hospitals and the possibility of shifting some of this to the Chapel Hill transportation system; plans for a bicycle and moped-bike path between Chapel Hill and Research Triangle Park; plans for a monorail or surface rail system between Durham, Raleigh and Chapel Hill.

Ms. Parker read a statement from Ms. Ross requesting the Board to consider alternatives to widening 15-501. She suggested encouraging carpooling, park-ride lots, and trying to reduce peak hour traffic.

Ms. Parker was also against widening 15-501 before other alternatives had been tried. In addition to those already proposed, she suggested better public transportation and increasing the price of university parking permits.

Alderman Cohen asked for support of these citizens when the Board proposed increasing the transit service as an alternative to more roads.

Mr. Walsten said each year the Board held a hearing to suggest improvements to the highway program without considering a comprehensive plan for the problems in the community. Alderman Howes responded that the Board had just succeeded in working out a process for working with the State DOT. However, while working on a plan, they must continue to make recommendations to the state.

Alderman Smith stated the Town had tried park-ride lots. The one on Airport Road was never filled. The Town must do something to move traffic through Town.

Mr. Francisco said increasing the parking fees at the University would not solve the problems on 15-501. Most of the people who lived in Chapel Hill and were associated with the University could afford increased permits. They could also walk. Those who could not afford the fees also did not live in Chapel Hill because they could not afford to. There were no further comments.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD AND THE TRANSPORTATION BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Alderman Howes, seconded by Alderman Smith, the minutes of March 27, 1979, were approved. On motion by Alderman Cohen, seconded by Alderman Vickery, the minutes of April 23, 1979, were approved.

Petitions and Requests

Mr. Barrens stated that when the noise ordinance was established last year, the committee had suggested looking at the ordinance after it had been in effect for a year to see how it was working. He did not believe it was working. Chapel Hill's ordinance was the most permissive in the United States. It was difficult to enforce. There had been many complaints from citizens during the spring. He proposed the committee be reconvened, and that the Town Manager collect data from the Chief of Police for further investigation. The Board agreed. Alderman Boulton suggested the committee start as early as possible so that changes could be made by the start of the fall term.

Ms. Frances Hargraves requested the Board to reconsider the possibility of installing a light at the crosswalk on Franklin Street. The Board asked the Manager to investigate the matter again.

Citizens asked to be allowed to speak on items five and six.

Annexation

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REQUESTING OWASA TO EXTEND WATER AND SEWER LINES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby, in accordance with the agreements of sale of the water and sewer utilities by the University of North Carolina and the Town of Chapel Hill and Carrboro to the Orange Water and Sewer Authority, requests that OWASA use its best efforts as follows:

1. To extend residential water lines upon petition of the residents into areas of Chapel Hill not at present served; and
2. To extend residential sewer lines upon petition of the residents or upon a finding that a health hazard exists into areas of Chapel Hill not at present served; and

BE IT FURTHER RESOLVED that the Board requests that OWASA use its best efforts in all respects, including the above, to extend water and sewer service to the areas annexed to the Town of Chapel Hill as of January 1, 1980.

This the 14th day of May, 1979.

Mr. Boudewyns presented a letter to the Board requesting the annexation be delayed for a year until after services could be extended. In the meantime, residents could meet with the planning board to work out a compromise on services requested. Alderman Smith pointed out the Board had extended annexation of the Oaks for a year. He thought this a good move for the Board. The citizens would then be cooperative in being annexed.

Mr. Shipman explained some of the areas being considered for annexation were already being provided fire service. As of July 1, police and fire service would be provided to all areas. Fixed route peak hour service and demand responsive service during non-peak hours would be offered as of the fall schedule. Sanitation service, street maintenance and street lights would be offered as of July 1, 1979. Petitions for street paving could be responded to favorably. Recreation services were already being offered, and Library services are available. Mr. Boudewyns suggested the fire protection was in violation of state regulations with regard to distance and response time. Mr. Shipman stated the response times were comparable to other areas in Town. Alderman Vickery explained how the rating was given. Annexing a small amount of land would not change Chapel Hill's rating. The Town also has agreements with other fire companies for mutual aid. Alderman Boulton pointed out that fire service from Chapel Hill would exceed that from New Hope. Ms. Carpenter suggested annexation be delayed until the staff could check on the insurance rating. Mr. Hooper responded that the staff had investigated this possibility and had been assured that the rating would not change. Alderman Epting suggested the resolution should be considered after considering annexation ordinances. Alderman Smith moved, seconded by Alderman Thorpe, that the resolution be deferred until after consideration of the annexation ordinances. The motion was carried unanimously.

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 13th day of March, 1979, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 23rd day of April, 1979, in the meeting room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on April 1, 8, 15, and 22, 1979; and

WHEREAS, on March 26, 1979, which is twenty-eight (28) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 23rd day of April, 1979, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation; and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That from and after the effective date of this annexation Ordinance, which will be midnight on the 30th day of June, 1979, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 1

Includes North Forest Hills, Brookview, Timberlyne, Cedar Hills, Carol Woods, Quail Run, Glen Heights, Pine Knob, Partin Hills, Riggsbee Heights, and property along N.C. 86.

Beginning at the southeastern corner of Chapel Hill Township Tax Map 40A-1 and proceeding thence west approximately 2,475 feet with the southern lot lines of lots 40A-1 through 6, lots 28-7D, 28-7C, 28-6, 28-5, 28-3 to a point in the eastern line of lot 29-1; proceeding thence north with said east line approximately 878 feet to the northeastern corner of lot 29-3; proceeding thence west with the northern lines of lots 29-3, 29-2E, 29-2G and 29-2 extended approximately 3,322 feet to a point 1 foot west of the western right-of-way line of N.C. 86; thence south parallel to said right-of-way line approximately 890 feet to its intersection with the southern line of lot 29-13; proceeding thence west with said southern line approximately 410 feet to the southwest corner of lot 29-13; proceeding thence west with the southern lot lines and extended southern lot lines of lots 29A-A-26 through 17A approximately 1,384 feet to the southwest corner of lot 29A-A-17A; proceeding thence north with the west lines of lots 29A-A-17A through 12 approximately 1,069 feet to the northwest corner of lot 29A-A-12; proceeding thence east with the northern lines of lots 29A-A-12, 29A-A-11 and 29A-A-10 approximately 300 feet to the southwest corner of lot 24-38; thence proceeding east with the south line of lot 24-38 approximately 755 feet to the southwest corner of lot 24-37; thence proceeding north approximately 365 feet to the northwest corner of said lot; proceeding thence east approximately 290 feet to a point 300 feet west of the right-of-way of N.C. 86; thence proceeding north approximately 372 feet parallel to said right-of-way to the southwest corner of lot 24-40; proceeding thence north with the western line of lot 24-40 approximately 300 feet to the northwest corner of said lot; thence east with the north line of lot 24-40 approximately 299 feet to a point one foot west of the

western right-of-way line of N.C. 86; proceeding thence north parallel to said right-of-way line approximately 368 feet to its intersection with the southern line of lot 24-41B; proceeding thence west with the southern line of lot 24-41B approximately 201 feet and north with the western line and western line extended of lot 24-41B approximately 325 feet to a point one foot north of the northern right-of-way of SR 1777 (Homestead Road); proceeding thence east parallel to said right-of-way approximately 227 feet to a point one foot west of the western right-of-way line of N.C. 86; proceeding thence north parallel to said right-of-way approximately 2,400 feet to its point of intersection with the extended northern line of lot 24A-A-1; proceeding thence east with the northern line and extended northern line of lots 24A-A-1 through 10 to the northeastern corner of lot 24A-A-10; continuing thence east with the northern lot lines of lots 24A-B-7A and 8 and 24-30 approximately 1,090 feet to the southwest corner of lot 24G-A-7; proceeding thence north with the western lines of lots 24G-A-7 through 1, 24G-B-8 through 1 approximately 117 feet, 229 feet, 508 feet, 150 feet, 217 feet, 71 feet, 115 feet, 92 feet, 92 feet, 92 feet, 91 feet, 323 feet to the southwest corner of lot 24G-B-1 proceeding thence north with the western lines of lots 24G-B-1 and 24G-C-1 through 11 and the extended western lines of said lots approximately 1,412 feet to a point 1 foot north of the northern right-of-way of Weaver Dairy Road; proceeding thence east parallel to said right-of-way approximately 391 feet to its intersection with the extended eastern line of lot 24G-D-51; proceeding thence south with said extended line and the eastern lines of lots 24G-D-51 through 46 and 43 approximately 934 feet to the north corner of lot 24G-D-42; proceeding thence south 122 feet with the eastern line of 24G-D-42; thence east with the northern line of 24G-D-41 and 40 approximately 260 feet; thence south with the eastern lines of 24G-D-40 through 38, 28, 15, and 14 approximately 735 feet; proceeding thence east with the northern line of 24G-D-13 approximately 153 feet to the southwest corner of lot 25-29; proceeding thence north with the western line and extended western line of said lot approximately 1,080 feet and 1,113 feet to a point 1 foot north of the northern right-of-way line of Weaver Dairy Road (SR 1733); proceeding thence north with the western line of lot 17-16D approximately 578 feet, 129 feet, 911 feet to the northwest corner of said lot; proceeding thence east with the northern lines of lots 17-16D and 16 approximately 2,200 feet to the northwest corner of lot 17-16B, proceeding thence south with the west line of lot 17-16B approximately 145 and 312 feet to the southwest corner of said lot; proceeding thence east with the southern line and extended southern line of lot 17-16B approximately 231 feet to a point 1 foot east of the eastern right-of-way line of SR 1732; proceeding thence south parallel with said right-of-way approximately 2,000 feet to a point 1 foot south of the southern right-of-way of Weaver Dairy Road (SR 1733); proceeding thence west with the southern right-of-way of SR 1733 approximately 1,000 feet to its intersection with the eastern line of lot 25-4; proceeding thence south approximately 1,252 feet with the eastern lines of lots 25-4 and 4B; proceeding thence west with the southern line of lot 25-4 approximately 500 feet to the southwest corner of said lot; proceeding thence south with the western line of lot 25A-C-1 across the right-of-way of Saddle Ridge and with the western line of lot 25A-B-4 approximately 371 feet; proceeding thence east with the southern line of lot 25A-B-4 70 feet; proceeding thence south with the western line of 25A-B-2 and 1 approximately 298 feet to a point in the northern line of lot 25-35; proceeding thence south with the extended eastern line and the eastern line of lots 25-36 and 28-38 and 39 approximately 1,616 feet to the northeast corner of lot 28B-A-16; proceeding thence west and south with the north and west lines of lots 28B-A-16 through 1 approximately 45 feet, 115 feet, 122 feet, 64 feet, 181 feet, 155 feet, 102 feet, 223 feet, 255 feet, 205 feet, 116 feet, 70 feet, 77 feet, 82 feet, 140 feet, 268 feet and 197 feet to the southwest corner of lot 28B-A-1; proceeding thence west with the northern line of lot 28C-A-6 approximately 182 feet; proceeding thence south with the western line of lot 28C-A-6 362 feet; proceeding thence east with the southern lines of lot 28C-A-6 189 feet and 144 feet to the southeast corner of said lot; proceeding thence south approximately 311 feet with the west line and extended western line of lots 28C-A-2 and 1 across the right-of-way of Eastwood Road to a point 1 foot south of the southern right-of-way line of said road; proceeding thence parallel to said right-of-way line to the intersection of the extended southern line of lot 28C-B-15; proceeding thence northeast approximately 920 feet with the extended southern line and southern line of lots 28C-B-15 and lots 28C-B-12 through 8 to the southeast corner of lot 28C-B-8; proceeding thence northwest with the northeast lines of lots 28C-B-8 through 6 approximately 315 feet to the southwest corner of lot 28B-C-3; proceeding thence east with the southern lines of lots 28B-C-3, 4, 6, 7, 10, across the right-of-way of Meares Road and with the southern lines of lots 28B-B-3 through 5 approximately 1,232 feet to the northeast corner of lot 28-16; proceeding thence south with the eastern line of lot 28-16 approximately 563 feet and with the eastern line of lots 28-16, 28-10G, 10F, 10A, 10 and 40A-25 across the right-of-way of Arlington Street and with the eastern line of 40A-1 approximately 1,950 feet to the point of beginning.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

Area 1

Area 1 is located to the north and west of the present Town limits. It includes North Forest Hills, Quail Run, Brookview, Timberlyne, Cedar Hills, Pine Knob, Carol Woods, Riggsbee Heights, Glen Heights and properties along N.C. 86, Piney Mountain Road and Eastwood Road. It contains 421 completed units and 252 under construction.

Qualifications According to Requirements Listed in G.S. 160A-48

1. Area 1 is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the time of the beginning of the annexation proceedings. (G.S. 160A-48(b)(1))
2. The aggregate external boundary of the area is estimated to be 47,565 feet of which 15,900 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 33.4 percent of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%). (G.S. 160A-48(b)(2))
3. No part of Area 1 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3))
4. Area 1 is developed for urban purposes as defined in G.S. 160-48(c)(2). It contains an estimated 866 acres with 421 dwelling units. It is located within census tract 105 and the average number of persons per household in this census tract in 1970 was 3.37. Using this figure, the estimated population for Area 1 is 1,418 persons and the estimated density is 1.64 persons per acre. This density exceeds the criterion of one person per acre. In addition, 530 acres, or 61.2% of the total acreage in Area 1, are subdivided into lots and tracts of 5 acres or less. Also, 478 of the 614 lots, or 78% of the total number of lots, are subdivided into lots and tracts of 1 acre or less. These percentages exceed the criterion of 60% for each. (G.S. 160A-48(c)(2))
5. The boundaries of Area 1 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 1 are outlined below as required by G.S. 160A-47(3).

1. Street Lighting. Duke Power Company supplies electricity and street lighting under contract for the Town of Chapel Hill. Immediately following the adoption of the annexation ordinance, an order for street lighting will be placed with Duke Power by the Town with the request that the lights be installed as soon as possible. These lights will be placed in accordance with the existing Town policy for street lighting; i.e., one (1) street light at each intersection, and in the middle of long blocks, or curving roadways, and at points in curving streets where necessary. It is estimated that 83 lights will be needed in this area to meet Town standards.
2. Garbage Collection. Garbage collection will be on a twice a week schedule and will commence on the date the annexation ordinance becomes effective. As in other parts of the Town, trash and limbs will be picked up at the curb on a once a week basis. A rear loading garbage truck and four personnel will be added to serve this area. This will provide garbage and trash collection on the same basis as exists in the rest of the Town, and in accordance with Town practice and policy.
3. Sewer Service. Public sewer service is available in parts of the area and is provided by the Orange Water and Sewer Authority (OWASA) as are all public sewage collections lines within the Town of Chapel Hill. The Town does not own or maintain sewage collection or treatment facilities. The agreement of transfer to OWASA requires that OWASA use its best efforts in good faith to extend sewer and water services to recently annexed areas.

4. Public Water. Public water is available in most of the area and is provided by the Orange Water and Sewer Authority as is all public water within the Town of Chapel Hill. The Town does not own or maintain a water distribution system.
5. Street Maintenance. Maintenance of public streets in this area, except streets which are a permanent part of the State Highway System, will be undertaken by the Town immediately and street maintenance and cleaning in this area will be performed on the same basis as that in the rest of the Town. One 2-ton dump truck, one tractor-mower and 2 personnel will be needed to provide maintenance services to this area. Several streets in this area are unpaved. Under present Town policy, the Town will pave dirt streets upon petition and will assume 50% of the cost of such paving. Street paving will be made available to this area under this same policy. Street signs will be installed in the same style and type as exist elsewhere in the Town. It is estimated that 54 street name signs and 129 traffic control signs will be needed.
6. Storm Drainage. Improved storm drainage is needed along Ellen Place and Taylor Street. These improvements would be done in conjunction with street improvements and include adding storm drainage and replacing curb and gutter in the circle portion of Ellen Place and installing rip-rap along the dam and spillway on Taylor Street.
7. Fire Protection. Fire protection will be provided immediately in the area upon the effective date of annexation. Ten additional fire hydrants are needed in this area. Upon adoption of the annexation ordinance, an order will be placed with the Orange Water and Sewer Authority for installation of these hydrants. In addition, the Town will assume the monthly assessment from the Orange Water and Sewer Authority for upkeep of new hydrants and the existing hydrants located within public rights-of-way. Immediate fire service is possible from existing municipal fire stations.
8. Police Protection. Police protection in the area will be the same as in other areas of the Town effective immediately upon annexation. Police protection in the Town in the residential areas is on a regular patrol basis. Patrol of the area will be provided through rearrangement or extension of existing police patrol routes. It is anticipated that one police patrol unit (4 personnel, vehicle and equipment) would need to be added if Areas 1, 2 and 4 were annexed.
9. Transportation. Experience has shown that low density areas such as Area 1 often do not generate sufficient demand to warrant fixed route bus service. If this area were annexed, the Town would make an analysis of the demand for bus service and plan implementation accordingly. One type of service presently being considered is the use of a Shared Ride Taxi system to provide feeder service into the fixed route network. This concept is planned for fiscal year 1979-80 in the Morgan Creek area of Chapel Hill. A similar strategy may be the most efficient way of providing public transportation service to Area 1. In addition, E-Z Rider service will be available to residents of Carol Woods Retirement Center once it opens in January 1980.
10. Recreation. Recreation facilities and services of the Town of Chapel Hill will be available to this area immediately upon annexation and upon the same basis as provided to other residents.
11. Other Municipal Services. All other municipal services including library, inspection, administration, etc., will be available immediately upon annexation.

SECTION IV

The annual operating expenses for this area are estimated to be \$105,623 for the first year and \$106,363 for ensuing years. This figure represents additional cost to the Town for street signs, lights, fire hydrants, street maintenance, garbage and trash collection, and police protection.

It would be necessary to add one police patrol unit if Areas 1, 2 and 4 were annexed. These potential costs have been apportioned among the areas based on anticipated service requirements for purposes of this study. Some services are already being provided to the area or require no additional personnel or equipment to serve the area (recreation). The total cost of capital improvements for this area is estimated to be \$200,577 which represents the cost of installing 10 fire hydrants, a portion of the cost of a police patrol car and equipment, street improvements, a dump truck, a tractor/mower, and a rear loading garbage truck. In the Town's 5-year

Capital Improvements Program, funds are programmed for additional street improvements throughout the Town. It is anticipated that some of these funds will need to be spent in Area 1 since some of these streets may deteriorate with continued use. For purposes of this study, an additional \$100,000 has been programmed for Area 1 in anticipation of future need for additional street improvements.

All costs will be provided from the General Fund and the Capital Improvements Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1979, and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 14th day of May, 1979.

Alderman Cohen pointed out the Board had in the past responded favorably to requests to delay annexation. They were then required to annex on July 1. Now tax bills could be prorated, and areas could be annexed at any time. Alderman Cohen suggested the Board vote on the annexation but delay the effective date. Alderman Howes said there was to be a census next year, the figures of which would determine some grants of federal aid. He wanted the areas to be annexed to be included in the census figures. Alderman Howes proposed the effective date be changed to December to give time to work with the residents. Alderman Cohen and Mayor Wallace agreed. Mr. Shipman indicated this delay would not affect revenues or costs as they were about equal in the areas being considered, but the Town would not be eligible for Powell Bill funds, approximately \$20,000. There would be a further deterioration of the roads between now and December, and they would then cost more to service. ALDERMAN COHEN MOVED TO AMEND THE ORDINANCE BY CHANGING THE EFFECTIVE DATE TO DECEMBER 31, 1979, AT MIDNIGHT. The amendment was accepted. Alderman Thorpe pointed out that the residents in this area would not get to vote in the upcoming election for Town officials. THE FOLLOWING ORDINANCE WAS ADOPTED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN BOULTON, COHEN, EPTING, HOWES, KAWALEC, SMITH AND VICKERY SUPPORTING AND ALDERMAN THORPE OPPOSING:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 13th day of March, 1979, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 23rd day of April, 1979, in the meeting room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section

47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on April 1, 8, 15, and 22, 1979; and

WHEREAS, on March 26, 1979, which is twenty-eight (28) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 23rd day of April, 1979, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation; and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That from and after the effective date of this annexation Ordinance, which will be midnight on the 31st day of December, 1979, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 1

Includes North Forest Hills, Brookview, Timberlyne, Cedar Hills, Carol Woods, Quail Run, Glen Heights, Pine Knob, Partin Hills, Riggsbee Heights, and property along N.C. 86.

Beginning at the southeastern corner of Chapel Hill Township Tax Map 40A-1 and proceeding thence west approximately 2,475 feet with the southern lot lines of lots 40A-1 through 6, lots 28-7D, 28-7C, 28-6, 28-5, 28-3 to a point in the eastern line of lot 29-1; proceeding thence north with said east line approximately 878 feet to the northeastern corner of lot 29-3; proceeding thence west with the northern lines of lots 29-3, 29-2E, 29-2G and 29-2 extended approximately 3,322 feet to a point 1 foot west of the western right-of-way line of N.C. 86; thence south parallel to said right-of-way line approximately 890 feet to its intersection with the southern line of lot 29-13; proceeding thence west with said southern line approximately 410 feet to the southwest corner of lot 29-13; proceeding thence west with the southern lot lines and extended southern lot lines of lots 29A-A-26 through 17A approximately 1,384 feet to the southwest corner of lot 29A-A-17A; proceeding thence north with the west lines of lots 29A-A-17A through 12 approximately 1,069 feet to the northwest corner of lot 29A-A-12; proceeding thence east with the northern lines of lots 29A-A-12, 29A-A-11 and 29A-A-10 approximately 300 feet to the southwest corner of lot 24-38; thence proceeding east with the south line of lot 24-38 approximately 755 feet to the southwest corner of lot 24-37; thence proceeding north approximately 365 feet to the northwest corner of said lot; proceeding thence east approximately 290 feet to a point 300 feet west of the right-of-way of N.C. 86; thence proceeding north approximately 372 feet parallel to said right-of-way to the southwest corner of lot 24-40; proceeding thence north with the western line of lot 24-40 approximately 300 feet to the northwest corner of said lot; thence east with the

north line of lot 24-40 approximately 299 feet to a point one foot west of the western right-of-way line of N.C. 86; proceeding thence north parallel to said right-of-way line approximately 368 feet to its intersection with the southern line of lot 24-41B; proceeding thence with the southern line of lot 24-41B approximately 201 feet and north with the western line and western line extended of lot 24-41B approximately 325 feet to a point one foot north of the northern right-of-way of SR 1777 (Homestead Road); proceeding thence east parallel to said right-of-way approximately 227 feet to a point one foot west of the western right-of-way line of N.C. 86; proceeding thence north parallel to said right-of-way approximately 2,400 feet to its point of intersection with the extended northern line of lot 24A-A-1; proceeding thence east with the northern line and extended northern line of lots 24-A-A-1 through 10 to the northeastern corner of lot 24-A-A-10; continuing thence east with the northern lot lines of lots 24A-B-7A and 8 and 24-30 approximately 1,090 feet to the southwest corner of lot 24G-A-7; proceeding thence north with the western lines of lots 24G-A-7 through 1, 24G-B-8 through 1 approximately 117 feet, 229 feet, 508 feet, 150 feet, 217 feet, 71 feet, 115 feet, 92 feet, 92 feet, 92 feet, 91 feet, 323 feet to the southwest corner of lot 24G-B-1 proceeding thence north with the western lines of lots 24G-B-1 and 24G-C-1 through 11 and the extended western lines of said lots approximately 1,412 feet to a point 1 foot north of the northern right-of-way of Weaver Dairy Road; proceeding thence east parallel to said right-of-way approximately 391 feet to its intersection with the extended eastern line of lot 24G-D-51; proceeding thence south with said extended line and the eastern lines of lots 24G-D-51 through 46 and 43 approximately 934 feet to the north corner of lot 24G-D-42; proceeding thence south 122 feet with the eastern line of 24G-D-42; thence east with the northern line of 24G-D-41 and 40 approximately 260 feet; thence south with the eastern lines of 24G-D-40 through 38, 28, 15, and 14 approximately 735 feet; proceeding thence east with the northern line of 24G-D-13 approximately 153 feet to the southwest corner of lot 25-29; proceeding thence north with the western line and extended western line of said lot approximately 1,080 feet and 1,113 feet to a point 1 foot north of the northern right-of-way line of Weaver Dairy Road (SR 1733); proceeding thence north with the western line of lot 17-16D approximately 578 feet, 129 feet, 911 feet to the northwest corner of said lot; proceeding thence east with the northern lines of lots 17-16D and 16 approximately 2,200 feet to the northwest corner of lot 17-16B, proceeding thence south with the west line of lot 17-16B approximately 145 and 312 feet to the southwest corner of said lot; proceeding thence east with the southern line and extended southern line of lot 17-16B approximately 231 feet to a point 1 foot east of the eastern right-of-way line of SR 1732; proceeding thence south parallel with said right-of-way approximately 2,000 feet to a point 1 foot south of the southern right-of-way of Weaver Dairy Road (SR 1733); proceeding thence west with the southern right-of-way of SR 1733 approximately 1,000 feet to its intersection with the eastern line of lot 25-4; proceeding thence south approximately 1,252 feet with the eastern lines of lots 25-4 and 4B; proceeding thence west with the southern line of lot 25-4 approximately 500 feet to the southwest corner of said lot; proceeding thence south with the western line of lot 25A-C-1 across the right-of-way of Saddle Ridge and with the western line of lot 25A-B-4 approximately 371 feet; proceeding thence east with the southern line of lot 25A-B-4 70 feet; proceeding thence south with the western line of 25A-B-2 and 1 approximately 298 feet to a point in the northern line of lot 25-35; proceeding thence south with the extended eastern line and the eastern line of lots 25-36 and 28-38 and 39 approximately 1,616 feet to the northeast corner of lot 28B-A-16; proceeding thence west and south with the north and west lines of lots 28B-A-16 through 1 approximately 45 feet, 115 feet, 122 feet, 64 feet, 181 feet, 155 feet, 102 feet, 223 feet, 255 feet, 205 feet, 116 feet, 70 feet, 77 feet, 82 feet, 140 feet, 268 feet and 197 feet to the southwest corner of lot 28B-A-1; proceeding thence west with the northern line of lot 28C-A-6 approximately 182 feet; proceeding thence south with the western line of lot 28C-A-6 362 feet; proceeding thence east with the southern lines of lot 28C-A-6 189 feet and 144 feet to the southeast corner of said lot; proceeding thence south approximately 311 feet with the west line and extended western line of lots 28C-A-2 and 1 across the right-of-way of Eastwood Road to a point 1 foot south of the southern right-of-way line of said road; proceeding thence parallel to said right-of-way line to the intersection of the extended southern line of lot 28C-B-15; proceeding thence northeast approximately 920 feet with the extended southern line and southern line of lots 28C-B-15 and lots 28C-B-12 through 8 to the southeast corner of lot 28C-B-8; proceeding thence northwest with the northeast lines of lots 28C-B-8 through 6 approximately 315 feet to the southwest corner of lot 28B-C-3; proceeding thence east with the southern lines of lots 28B-C-3, 4, 6, 7, 10, across the right-of-way of Meares Road and with the southern lines of lots 28B-B-3 through 5 approximately 1,232 feet to the northeast corner of lot 28-16; proceeding thence south with the eastern line of lot 28-16 approximately 563 feet and with the eastern line of lots 28-16, 28-10G, 10F, 10A, 10 and 40A-25 across the right-of-way of Arlington Street and with the eastern line of 40A-1 approximately 1,950 feet to the point of

beginning.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

Area 1

Area 1 is located to the north and west of the present Town limits. It includes North Forest Hills, Quail Run, Brookview, Timberlyne, Cedar Hills, Pine Knob, Carol Woods, Riggsbee Heights, Glen Heights and properties along N.C. 86, Piney Mountain Road and Eastwood Road. It contains 421 completed units and 252 under construction.

Qualifications According to Requirements Listed in G.S. 160A-48

1. Area 1 is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the time of the beginning of the annexation proceedings. (G.S. 160A-48(b)(1))
2. The aggregate external boundary of the area is estimated to be 47,565 feet of which 15,900 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 33.4 percent of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%). (G.S. 160A-48(b)(2))
3. No part of Area 1 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3))
4. Area 1 is developed for urban purposes as defined in G.S. 160-48(c)(2). It contains an estimated 866 acres with 421 dwelling units. It is located within census tract 105 and the average number of persons per household in this census tract in 1970 was 3.37. Using this figure, the estimated population for Area 1 is 1,418 persons and the estimated density is 1.64 persons per acre. This density exceeds the criterion of one person per acre. In addition, 530 acres, or 61.2% of the total acreage in Area 1, are subdivided into lots and tracts of 5 acres or less. Also, 478 of the 614 lots, or 785 of the total number of lots, are subdivided into lots and tracts of 1 acre or less. These percentages exceed the criterion of 60% for each. (G.S. 160A-48(c)(2))
5. The boundaries of Area 1 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 1 are outlined below as required by G.S. 160A-47(3).

1. Street Lighting. Duke Power Company supplies electricity and street lighting under contract for the Town of Chapel Hill. Immediately following the adoption of the annexation ordinance, an order for street lighting will be placed with Duke Power by the Town with the request that the lights be installed as soon as possible. These lights will be placed in accordance with the existing Town policy for street lighting; i.e., one (1) street light at each intersection, and in the middle of long blocks, or curving roadways, and at points in curving streets where necessary. It is estimated that 83 lights will be needed in this area to meet Town standards.
2. Garbage Collection. Garbage collection will be on a twice a week schedule and will commence on the date the annexation ordinance becomes effective. As in other parts of the Town, trash and limbs will be picked up at the curb on a once a week basis. A rear loading garbage truck and four personnel will be added to serve this area. This will provide garbage and trash collection on the same basis as exists in the rest of the Town, and in accordance with Town practice and policy.

3. Sewer Service. Public sewer service is available in parts of the area and is provided by the Orange Water and Sewer Authority (OWASA) as are all public sewage collection lines within the Town of Chapel Hill. The Town does not own or maintain sewage collection or treatment facilities. The agreement of transfer to OWASA requires that OWASA use its best efforts in good faith to extend sewer and water services to recently annexed areas.
4. Public Water. Public water is available in most of the area and is provided by the Orange Water and Sewer Authority as is all public water within the Town of Chapel Hill. The Town does not own or maintain a water distribution system.
5. Street Maintenance. Maintenance of public streets in this area, except streets which are a permanent part of the State Highway System, will be undertaken by the Town immediately and street maintenance and cleaning in this area will be performed on the same basis as that in the rest of the Town. One 2-ton dump truck, one tractor-mower and 2 personnel will be needed to provide maintenance services to this area. Several streets in this area are unpaved. Under present Town policy, the Town will pave dirt streets upon petition and will assume 50% of the cost of such paving. Street paving will be made available to this area under this same policy. Street signs will be installed in the same style and type as exist elsewhere in the Town. It is estimated that 54 street name signs and 129 traffic control signs will be needed.
6. Storm Drainage. Improved storm drainage is needed along Ellen Place and Taylor Street. These improvements would be done in conjunction with street improvements and include adding storm drainage and replacing curb and gutter in the circle portion of Ellen Place and installing rip-rap along the dam and spillway on Taylor Street.
7. Fire Protection. Fire protection in the area will be the same as in other areas of the Town effective immediately upon annexation. Police protection in the Town in the residential areas is on a regular patrol basis. Patrol of the area will be provided through rearrangement or extension of existing police patrol routes. It is anticipated that one police patrol unit (4 personnel, vehicle and equipment) would need to be added if Areas 1, 2 and 4 were annexed.
9. Transportation. Experience has shown that low density areas such as Area 1 often do not generate sufficient demand to warrant fixed route bus service. If this area were annexed, the Town would make an analysis of the demand for bus service and plan implementation accordingly. One type of service presently being considered is the use of a Shared Ride Taxi system to provide feeder service into the fixed route network. This concept is planned for fiscal year 1979-80 in the Morgan Creek area of Chapel Hill. A similar strategy may be the most efficient way of providing public transportation service to Area 1. In addition, E-Z Rider service will be available to residents of Carol Woods Retirement Center once it opens in January 1980.
10. Recreation. Recreation facilities and services of the Town of Chapel Hill will be available to this area immediately upon annexation and upon the same basis as provided to other residents.
11. Other Municipal Services. All other municipal services including library, inspection, administration, etc., will be available immediately upon annexation.

SECTION IV

The annual operating expenses for this area are estimated to be \$105,623 for the first year and \$106,363 for ensuing years. This figure represents additional cost to the Town for street signs, lights, fire hydrants, street maintenance, garbage and trash collection, and police protection. It would be necessary to add one police patrol unit if Areas 1, 2 and 4 were annexed. These potential costs have been apportioned among the areas based on anticipated service requirements for purposes of this study. Some services are already being provided to the area or require no additional personnel or equipment to serve the area (recreation). The total cost of capital improvements for this area is estimated to be \$200,577 which represents the cost of installing 10 fire hydrants, a portion of the cost of a police patrol car and equipment, street improvements, a dump truck, a tractor/mower, and a rear loading garbage truck. In the Town's 5-year Capital Improvements Program, funds are programmed for additional street improvements throughout the Town. It is anticipated that some of these funds will need to be spent in Area 1 since some of these streets may deteriorate with continued use. For purposes of this study, an additional \$100,000 has been programmed for Area 1 in anticipation of future need for additional street improvements.

All costs will be provided from the General Fund and the Capital Improvements Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1979 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 14th day of May, 1979.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 13th day of March, 1979, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 23rd day of April, 1979, in the meeting room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on April 1, 8, 15, and 22, 1979; and

WHEREAS, on March 26, 1979, which is twenty-eight (28) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 23rd day of April, 1979, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation; and

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WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That from and after the effective date of this annexation ordinance, which will be midnight on the 31st day of December, 1979, the following described territories **shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:**

Area 2

Includes unincorporated area to east of N.C. 86 between Estes Drive and lots fronting on the south side of Taylor Street.

Beginning at a point one foot north of the northern right-of-way line of Estes Drive Extension and one foot west of the western right-of-way line of N.C. 86 and proceeding thence east parallel to the northern right-of-way line of Estes Drive Extension and Estes Drive approximately 2,200 feet to its intersection with the eastern property line of Chapel Hill Township Tax Map 29, Lot 3; proceeding thence north with said lot line approximately 3,593 feet to the northeastern lines of lot 29-3, 29-2E, 29-2G, and 29-2 extended approximately 3,322 feet to a point one foot west of the western right-of-way line of N.C. 86; proceeding thence south parallel to said right-of-way line approximately 3,579 feet to the point of beginning.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

Area 2

Area 2 is located to the north of the present Town limits at Estes Drive. It is largely undeveloped and contains 217 acres with 4 dwelling units.

Qualifications According to Requirements Listed in G.S. 160A-48

1. Area 2 is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the beginning of the annexation proceeding. (G.S. 160A-48(6)(1))
2. The aggregate external boundary of the area is estimated to be 12,600 feet of which 4,900 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 38.9 percent of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%). (G.S. 160A-48(b)(2))
3. No part of Area 2 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3))
4. Area 2 qualifies for annexation in that it lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes cannot be served by the municipality without extending services through such sparsely developed area. (G.S. 160A-48(d)(1))
5. Area 2 also qualifies for annexation in that it is adjacent on at least 60 percent of its external boundary to a combination of the municipal boundary and the boundary of an area or areas developed for urban purposes. The aggregate external boundary for Area 2 is 12,600 feet. The area is contiguous to the municipal boundary for 5,000 feet. The area is contiguous to the boundary of Area 1 for 5,000 feet; and it is contiguous to the boundary of Area 3 for 1,400 feet. As a result, Area 2 is adjacent on 90.5% of its external boundary to a combination of the municipal boundary and areas developed for urban purposes defined as Areas 1 and 3 in this report. (G.S. 160A-48(d)(2))

6. The boundaries of Area 2 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 2 are outlined below as required by G.S. 160A-47(3).

1. Street Lighting. Duke Power Company supplies electricity and street lighting under contract for the Town of Chapel Hill. Immediately following the adoption of the annexation ordinance, an order for street lighting will be placed with Duke Power by the Town with the request that the lights be installed as soon as possible. These lights will be placed in accordance with the existing Town policy for street lighting; i.e., one (1) street light at each intersection, and in the middle of long blocks, or curving roadways, and at points in curving streets where necessary. It is estimated that three lights will be needed in this area to meet Town standards.
2. Garbage Collection. Garbage collection will be on a twice a week schedule and will commence on the date the annexation ordinance becomes effective. Existing collection routes will be rearranged or extended. As in other parts of the Town, trash and limbs will be picked up at the curb on a once a week basis. This will provide garbage and trash collection on the same basis as exists in the rest of the Town, and in accordance with Town practice and policy.
3. Sewer Service. At present public sewer service is not available in this area. However, this public service is provided by the Orange Water and Sewer Authority as are all public sewage collection lines within the Town of Chapel Hill. The Town does not own or maintain sewage collection or treatment facilities. Furthermore, this area is, for the most part, undeveloped. It is anticipated that sewer service will be extended into this area as it develops.
5. Street Maintenance. It is anticipated that NC 86 and Piney Mountain Road will remain part of the State Highway System. As this area develops, the Town will assume maintenance of all public streets which are not a permanent part of the State Highway System. Street maintenance and cleaning will be performed on the same basis as that in the rest of the Town. Street signs will be maintained in the same style and type as exist elsewhere in the Town.
6. Storm Drainage. This area requires no additional storm drainage.
7. Fire Protection. Fire protection will be provided immediately in the area upon the effective date of annexation. Additional fire hydrants will be provided in this area as it develops. Immediate fire service is possible from existing municipal fire stations.
8. Police Protection. Police protection in the area will be the same as in other areas of the Town effective immediately upon annexation. Police protection in the Town in the residential areas is on a regular patrol basis. Patrol of the area will be provided through rearrangement or extension of existing police patrol routes. It is anticipated that one police patrol unit would need to be added if Areas 1, 2 and 4 were annexed.
9. Transportation. As this area develops the Town will analyze the need for bus service and plan implementation accordingly, as is done for developing areas presently within the corporate limits.
10. Recreation. Recreation facilities and services of the Town of Chapel Hill will be available to this area immediately upon annexation and upon the same basis as provided to other residents.
11. Other Municipal Services. All other municipal services including library, inspection, administration, etc., will be available immediately upon annexation.

SECTION IV

No appropriations are needed at this time to finance the paving and maintaining of streets or the installation of fire hydrants. It would be necessary to add one police patrol unit if Areas 1, 2 and 4 were annexed. These potential costs have been apportioned among the areas based on anticipated service requirements for purposes of this study. All other services can be performed with existing personnel, equipment and facilities. The annual operating costs for this area are estimated to be \$8,654 which includes the cost of street lights and a portion of the cost of a police patrol unit. The capital costs for this area are estimated to be \$2,169 which represents a portion of the cost of a police vehicle and equipment.

All costs will be provided from the General Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1979 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 13th day of March, 1979, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 23rd day of April, 1979, in the meeting room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on April 1, 8, 15, and 22, 1979; and

WHEREAS, on March 26, 1979, which is twenty-eight (28) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 23rd day of April, 1979, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation; and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That from and after the effective date of this annexation ordinance, which will be midnight on the 30th day of June, 1979, the following which will be midnight on the 30th day of June, 1979, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 3

Includes Municipal Operations Facility and Horace Williams airport

An area encompassing all of the two overlapping areas described as follows:

- a. Beginning at a point one foot north of the northern right-of-way of Estes Drive Extension and one foot west of the right-of-way of N.C. 86, and proceeding thence north parallel to the right-of-way of N.C. 86 approximately 1,355 feet to its intersection with the northern line of Chapel Hill Township Tax Map 29, Lot 1A; proceeding thence west with the irregular north, west and south lines of said lot approximately 639 feet; 1,556 feet; 1,160 feet; 2,318 feet; 764 feet; 2,771 feet, 998 feet; 1,092 feet; and 1,531 feet to a point one foot north of the northern right-of-way line of Estes Drive Extension; and proceeding thence east parallel to said right-of-way approximately 3,925 feet to the point of beginning.
- b. Beginning at an iron pipe in the western right-of-way of N.C. Highway No. 86 and the northern edge of a graded access road; thence with the western right-of-way of N.C. Highway No. 86 South $05^{\circ} 11' 10''$ East 1,240.00 feet to an iron pipe; thence South $84^{\circ} 48' 50''$ West 1,120.00 feet to an iron pipe; thence North $05^{\circ} 11' 09''$ West 490.00 feet to an iron pipe; thence North $43^{\circ} 09' 23''$ East 565.81 feet to an iron pipe; thence North $28^{\circ} 50' 37''$ West 110.00 feet to an iron pipe in the northern edge of the aforementioned graded access road; thence with the northern edge of the graded access road the following bearings and distances to the point and place of Beginning: North $6^{\circ} 09' 23''$ East 60.00 feet; North $58^{\circ} 50' 12''$ East 100.00 feet; North $48^{\circ} 53' 29''$ East 97.20 feet; North $44^{\circ} 31' 09''$ East 154.46 feet; North $58^{\circ} 57' 28''$ East 50.15 feet; North $68^{\circ} 35' 22''$ East 47.21 feet; North $78^{\circ} 38' 39''$ East 46.81 feet; North $79^{\circ} 23' 27''$ East 54.23 feet; North $82^{\circ} 21' 41''$ East 56.43 feet; North $86^{\circ} 59' 39''$ East 46.53 feet; North $86^{\circ} 34' 54''$ East 82.12 feet.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

Area 3 is located to the north of the present Town limits at Estes Drive Extension. It contains the Horace Williams Airport and the Municipal Operations Facility. This area contains approximately 227 acres.

Qualifications According to Requirements Listed in G.S. 160A-48

1. Area 3 is contiguous to the Town's boundaries, as defined in G.S. 160 A-53(1), at the time of the beginning of the annexation proceeding. (G.S. 160A-48(6)(1))

2. The aggregate external boundary of the area is estimated to be 18,150 feet of which 4,000 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 22.0% of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%) (G.S. 160A-48(b)(2))
3. No part of Area 3 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3))
4. Area 3 is developed for urban purposes as defined in G.S. 160A-48(c)(3) in that 100% of the lots and tracts in this area are used for institutional or governmental purposes. This percentage exceeds the criterion of 60%. (G.S. 160A-48(c)(3))
5. The boundaries of Area 3 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 3 are outlined below as required by G.S. 160A-7(3). However, because of the unique character of this area, very few services are required. There are no dwelling units in this area.

1. Street Lighting. The Town is already providing street lighting in this area.
2. Garbage Collection. Garbage and trash collection is already being provided to part of this area. Garbage and trash collection for the remainder will be handled on the same basis as other University owned property presently within the Town limits.
3. Sewer Service. Public sewer service is available in the entire area and is provided by the Orange Water and Sewer Authority as are all public sewage collection lines within the Town of Chapel Hill. The Town does not own or maintain sewage collection or treatment facilities.
4. Public Water. Public water is available in the entire area and is provided by the Orange Water and Sewer Authority as are all public water within the Town of Chapel Hill. The Town does not own or maintain a water distribution system.
5. Street Maintenance. All public streets in this area are a permanent part of the State Highway System.
6. Storm Drainage. This area requires no additional storm drainage.
7. Fire Protection. Fire protection is already being provided to this area.
8. Police Protection. Police protection is already being provided to part of this area. Police protection in the remainder of the area will be the same as in other University owned areas of the Town effective immediately upon annexation.
9. Transportation. Bus service is already being provided in this area.
10. Recreation. There is not anticipated to be any demand for recreation services since there are no residents in this area.
11. Other Municipal Services. All other municipal services including inspection, administration, etc., will be available immediately upon annexation.

SECTION IV

No appropriations are needed to finance the paving and maintaining of streets or for installation of fire hydrants. All other services can be performed with existing personnel, equipment and facilities should any services be required. Any annual costs that may be incurred will be provided from the General Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1979, and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 14th day of May, 1979.

As this was the area for municipal facilities with no property being taxed, Alderman Cohen did not delay the effective date of annexation. THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 13th day of March, 1979, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 23rd day of April, 1979, in the meeting room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on April 1, 8, 15, and 22, 1979; and

WHEREAS, on March 26, 1979, which is twenty-eight (28) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 23rd day of April, 1979, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation; and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That from and after the effective date of this annexation Ordinance, which will be midnight on the 31st day of December, 1979, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 4

Includes Chapel Hill High School and Seawell Elementary School

Located in Chapel Hill Township, Orange County, North Carolina, beginning at an old iron stake, a control corner, located at a southeastern corner of property now or formerly belonging to John Duncan, at a point S. $3^{\circ}19'37''$ E. 655.99 feet from a point in the southern line of property now or formerly belonging to Henry Burch, said beginning corner having North Carolina co-ordinates Y-799,685.29 and X-1,976,223.70; running thence from said beginning point N. $3^{\circ}19'37''$ W. 655.99 feet to a point in the southern line of Henry Burch property; thence south $89^{\circ}09'24''$ E. along the southern lines of property now or formerly belonging to Henry Burch and Vernon Burch 1,334.18 feet; thence N. $0^{\circ}21'36''$ E. 1,045.15 feet to a point 1 foot north of the northern right of way line of said Homestead Road; thence S. $88^{\circ}30'$ E. 100.02 feet to a point; thence S. $0^{\circ}21'36''$ W. 61 feet to a concrete marker or monument located approximately 200 feet west of the northeastern corner of the Vernon Burch property; running thence from said point, S. $0^{\circ}21'36''$ W. 983 feet more or less to a control corner, witnessed by a concrete monument; thence S. $0^{\circ}21'36''$ W. along the western lines of property now or formerly belonging to Mrs. Lacy D. Burch and Mrs. John W. Link 1,509.64 feet; thence S. $4^{\circ}22'39''$ W. 1,827.12 feet to a concrete monument located at a common corner of the property herein described and the property belonging to the University of North Carolina; running thence S. $89^{\circ}20'$ W. 1,329.90 feet with the property of the University of North Carolina to a concrete monument having North Carolina co-ordinates Y-796,972.23 and X-1,976,140.89; thence N. $19^{\circ}09'24''$ W. 1,100 feet to a stake; thence N. $0^{\circ}50'36''$ E. 825 feet to a stake along the line of T.E. Hogan Estate Property; thence N. $0^{\circ}50'36''$ E. along the T.E. Hogan Estate eastern line 747.55 feet; thence S. $89^{\circ}47'$ W. 541.79 feet to a point 1 foot north of the northern right of way line of Homestead Road; running thence along the northern right of way line of said road, N. $16^{\circ}49'$ E. 104.59 feet; running thence from said point N. $89^{\circ}47'$ E. 513 feet to a control corner, witnessed by a concrete monument; thence S. $89^{\circ}09'24''$ E. 419.10 feet to the beginning, containing 130.33 acres, more or less, being the same property described in the deeds conveying this land to the Chapel Hill City Board of Education, the predecessor of petition: Book 198, Page 759; Book 200, Page 438; Book 200, Page 957; Book 202, Page 280; Book 208, Page 15, Orange County Registry.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

Area 4

Area 4 is located to the northwest of the present Town limits near Estes Drive Extension. This area comprises approximately 130 acres and contains the Chapel Hill High School and Seawell Elementary School.

Qualifications According to Requirements Listed in G.S. 160A-48

1. Area 4 is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the time of the beginning of the annexation proceeding since it is separated from the municipal boundary only by lands owned by the State of North Carolina. (G.S. 160A-48(b)(1))

2. The aggregate external boundary of the area is estimated to be 12,800 feet of which 4,600 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 35.9% of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%). (G.S. 160A-48(b)(2))
3. No part of Area 4 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3))
4. Area 4 is developed for urban purposes as defined in G.S. 160A-48(c)(3). Since 100 percent of this area is owned by the Chapel Hill-Carrboro School District and contains the Chapel Hill High School and Seawell Elementary School, the area is herein classified as being developed entirely for institutional or governmental purposes.
5. The boundaries of Area 4 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 4 are outlined below as required by G.S. 160A-47(3).

1. Street Lighting. Duke Power Company supplies electricity and street lighting under contract for the Town of Chapel Hill. Immediately following the adoption of the annexation ordinance, an order for street lighting will be placed with Duke Power by the Town with the request that the lights be installed as soon as possible. Town policy requires the installation of one street light at each intersection, in the middle of long blocks, and at points in curving streets where necessary. It is estimated that six street lights would need to be installed to satisfy the above policy since there are no street lights in this area. If this area were annexed, the Town would assume the annual rental cost for these street lights.
2. Garbage Collection. At present the Town provides garbage collection under contract to both Seawell Elementary School and the High School. This contract is for daily service and would continue if the area were annexed. No additional service is anticipated.
3. Sewer Service. This area is completely served with sewer at the present time and is a part of the sewer system owned and operated by the Orange Water and Sewer Authority. The Town does not own or maintain a sewer system.
4. Public Water. Public water is available in the entire area, and is provided by the Orange Water and Sewer Authority. The Town does not own or maintain a water system.
5. Street Maintenance. The two streets in this area are maintained by the State Department of Transportation. When a municipality annexes an area, it may assume maintenance of certain streets formerly maintained by the State. Generally the distribution of maintenance is determined by the function a particular road serves (major thoroughfare, local street, etc.) and results from mutual agreement by the two entities. In this case, the State has indicated in conversation that it would prefer the Town to assume maintenance of the .42 mile, east-west road which directly connects the High School with Homestead Road and which would fall entirely within the new corporate limits; while the State might continue maintenance of the .85 mile, north-south road which connects Homestead Road with Estes Drive and which would extend beyond the new corporate limits. It appears that both roads will need resurfacing within the next two years. In addition, if this area were annexed, three street name signs and six traffic control signs would be needed.
6. Storm Drainage. This area requires no additional storm drainage.
7. Fire Protection. The Town of Chapel Hill presently is providing fire protection to this property as part of an agreement with the Chapel Hill-Carrboro School Board whereby the Town provides fire protection to all school-owned property. At present, there is one fire hydrant installed at the entrance to Seawell Elementary School and one hydrant at the High School. In order to meet Town standards, it is recommended that a second hydrant be installed at Seawell

School near the building, and a second hydrant be installed on the road near the new Cultural Arts building at the High School. Since these hydrants would be located on school property, they would need to be provided by the school system. The Town would assume the monthly assessment from the Orange Water and Sewer Authority for the upkeep of hydrants located within public rights-of-way.

8. Police Protection. Police protection in this area will be the same as in other areas of the Town effective immediately upon annexation. Regular patrol of this area will be provided through rearrangement or extension of existing police patrol routes. It is anticipated that one police patrol unit would need to be added if Areas 1, 2 and 4 were annexed.
9. Transportation. The Town presently provides express bus service from this area to the central business district on a twice daily basis. This service originates at the High School at 1:45 p.m. and 2:45 p.m. No additional service is anticipated.
10. Recreation. Since there are no residents in this area, there is no anticipated increase in demand for recreation services.
11. Other Municipal Services. All other municipal services including inspection, administration, etc., will be provided upon annexation.

SECTION IV

The annual operating expenses for this area are estimated to be \$17,890. This figure represents additional cost to the Town for street signs, street lights, fire hydrants and police protection. It would be necessary to add one police patrol unit if Areas 1, 2 and 4 were annexed. These potential costs have been apportioned among the areas based on anticipated service requirements for purposes of this study. Some services are already being provided to this area (bus, fire and garbage collection) and some will require no additional personnel or equipment to serve the area. The total cost of capital improvements for this area is estimated to be \$13,097 which includes the cost of street resurfacing and a portion of the cost of a police patrol car and equipment.

The cost for these services will be provided from the General Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1979 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 14th day of May, 1979.

Alderman Smith thought this area should be annexed now so that police protection could be provided during the summer when most of the vandalism took place. Mr. Shipman reminded the Board that extending police service to this area might require changes in the police budget. THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REQUESTING OWASA TO EXTEND WATER AND SEWER LINES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby, in accordance with the agreements of sale of the water and sewer utilities by the University of North Carolina and the Town of Chapel Hill and Carrboro to the Orange Water and Sewer Authority, requests that OWASA use its best efforts as follows:

1. To extend residential water lines upon petition of the residents into areas of Chapel Hill not at present served; and
2. To extend residential sewer lines upon petition of the residents or upon a finding that a health hazard exists into areas of Chapel Hill not at present served; and

BE IT FURTHER RESOLVED that the Board requests that OWASA use its best efforts in all respects, including the above, to extend water and sewer service to the areas annexed to the Town of Chapel Hill as of January 1, 1980.

This the 14th day of May, 1979.

Mr. Frankstone presented a petition requesting the Town to petition OWASA to provide sewer service to the newly annexed areas as soon as possible.

Resolution Approving a Preliminary Sketch for the Ridgefield North Subdivision Located on Ephesus Church Road

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN EPTING, THAT THE BOARD DELAY CONSIDERATION OF THIS SUBDIVISION APPROVAL UNTIL THE NEXT MEETING IN ORDER TO INVESTIGATE THE POSSIBILITY OF PURCHASING THE LAND FOR A TOWN PARK. Alderman Howes asked where the funds would come from for this purchase. He wanted some suggestions from the residents as well as the staff. Alderman Cohen requested the developer to consider less dense lots if the Town did not purchase the land. Mr. Bryan said the Board could approve the plan and still proceed with negotiations. He did not believe he should have to wait for extended negotiations. Residents were concerned that even with a park, the road planned would be a thoroughfare and would bring heavy traffic through a residential area. Alderman Kawalec moved to amend the motion to include that the Board would consider the project in two weeks if the negotiations were not successful. Alderman Howes suggested the Mayor appoint a task force to meet in the next two weeks to discuss this matter and bring back a report. The task force would be made up of a member of the Board of Aldermen, a member of the Planning Board, the Transportation Board, the Recreation Commission, the staff, Mr. Bryan, Ms. Lyman and two residents. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of Special Use Permit for the Holland Office Buildings to Herb Holland and Company, Inc.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE HOLLAND OFFICE BUILDINGS TO HERB HOLLAND AND COMPANY, INC.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Herb Holland and Company, Inc. on March 26, 1979, for a unified business development at 608 Airport Road is hereby modified to allow a change in the location of the driveway as shown on plans submitted April 12, 1979, subject to the following:

1. That the applicant be granted a 7% reduction in the off-street parking requirement as provided for in Section 4-C-21-d of the Zoning Ordinance.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the special use permit be continued in effect, and that the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial special use permit.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted April 12, 1979, continues to meet the four findings made by the Board of Aldermen on March 26, 1979 (and subsequently modified).

This the 14th day of May, 1979.

Mr. Jennings explained that when the special use permit was approved, a stipulation was added that the project use the Northampton Terrace Drive for access. The owner of Northampton had refused permission to use his drive. Therefore, the applicant requested permission to put a drive in the middle of his property. Alderman Cohen asked how the staff would respond if the planned project was apartments and the access through Northampton Terrace was refused. Mr. Jennings thought the response would be the same. Alderman Kawalec asked if the Board needed to make the four positive findings for this modification. Mr. Drake explained that they did. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN BOULTON, EPTING, HOWES, THORPE AND MAYOR WALLACE SUPPORTING AND ALDERMEN COHEN, KAWALEC, SMITH AND VICKERY OPPOSING. Alderman Smith pointed out that the Board should consider very carefully any private roads which could create a similar situation.

Resolution Granting a Modification of the Special Use Permit for the Chapel Hill Insurance Agency to Change the Design of the Parking Lot and the Location of the Proposed Office Buildings

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE CHAPEL HILL INSURANCE AGENCY TO CHANGE THE DESIGN OF THE PARKING LOT AND THE LOCATION OF THE PROPOSED OFFICE BUILDINGS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Chapel Hill Insurance Agency, Inc. for the Chapel Hill Insurance Agency Office Buildings located at 620 Airport Road is hereby modified to allow a change in the design of the parking lot and the location of the proposed office buildings as shown on plans submitted and dated March 8, 1979 subject to the following:

That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial special use permit.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted March 8, 1979 continues to meet the four findings made by the Board of Aldermen on September 11, 1978 (and subsequently modified).

This the 14th day of May, 1979.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, THORPE AND VICKERY SUPPORTING AND ALDERMEN KAWALEC AND SMITH OPPOSING.

Resolution Granting a Modification of the Special Use Permit for the Delta Upsilon Fraternity to Change the Stipulation Regarding Screening of the Parking Lot

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FROM THE DELTA UPSILON FRATERNITY TO CHANGE THE STIPULATION REGARDING SCREENING OF THE PARKING LOT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to N.C. Delta Upsilon Foundation, Inc. for the Delta Upsilon Fraternity House on East Rosemary Street is hereby modified to allow a change in the manner of screening the parking lot from the adjoining residential properties as shown on plans submitted March 24, 1979 subject to the following:

1. That the design of the fence be approved by the Historic District Commission.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.
3. That the off-street parking requirement be reduced from 38 parking spaces to 31 parking spaces as provided for in Section 6-B-2-k of the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted March 24, 1979 continues to meet the four findings made by the Board of Aldermen on June 12, 1972 (and subsequently modified).

This the 14th day of May, 1979.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC THORPE AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING.

Resolution Granting a Portable Building Special Use Permit to the University of North Carolina at Chapel Hill for Temporary Offices for the Chapel Hill Flying Club

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A PORTABLE BUILDING SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR TEMPORARY OFFICES FOR THE CHAPEL HILL FLYING CLUB

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Portable Building proposed by the University of North Carolina at Chapel Hill if developed in accordance with the plans submitted February 2, 1979 and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. Meets all required conditions and specifications;
3. Will not substantially injure the value of adjoining or abutting property, and;
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulations upon which the above findings are based are as follows:

1. That the portable building be screened from the public right-of-way of Estes Drive. Such screening shall be shown on a landscape plan to be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
2. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
3. That the portable building be removed from the Horace Williams Airport site by January 1, 1984.

BE IT FURTHER RESOLVED that the Board hereby grants a Portable Building Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Renewing a Preliminary Sketch for Farrington Hills Subdivision Located on Bayberry Drive

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION RENEWING A PRELIMINARY SKETCH FOR FARRINGTON HILLS SUBDIVISION LOCATED ON BAYBERRY DRIVE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby renews the approval of the preliminary sketch for Farrington Hills Subdivision until June 1, 1980 subject to all previously approved conditions remaining in effect.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Residential Parking Lot Special Use Permit to the Town of Chapel Hill for the Parking Lots Serving the Chapel Hill Police Facilities on Airport Road

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A RESIDENTIAL PARKING LOT SPECIAL USE PERMIT TO THE TOWN OF CHAPEL HILL FOR THE PARKING LOTS SERVING THE CHAPEL HILL POLICE FACILITIES ON AIRPORT ROAD

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the residential parking lot proposed by the Town of Chapel Hill if developed in accordance with the plans submitted February 2, 1979 and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. Meets all required conditions and specifications;
3. Will not substantially injure the value of adjoining or abutting property, and;
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulations which the above findings are based are as follows:

1. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a grading permit, building permit, and start of construction of improvements.
2. That an additional 30 feet of public right-of-way be dedicated along the property's frontage with Sparrow Trail.
3. That a landscape plan and lighting plan for the parking lot be approved by the Appearance Commission prior to issuance of a grading permit and building permit.
4. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
5. That construction begin by June 1, 1980 and be completed by June 1, 1982.

BE IT FURTHER RESOLVED that the Board hereby grants a Residential Parking Lot Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Condemnation of a Storm-sewer Easement

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING CONDEMNATION OF A STORM-SEWER EASEMENT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the construction of a piped storm drainage system from McDade Street to Brooks Street between 308 and 312 McDade Street and 309 and 311 Brooks Street will be a benefit to the properties served thereby;

BE IT FURTHER RESOLVED that the Board hereby authorizes the Town Attorney to institute eminent domain proceedings in order to secure a 15 ft. construction easement and 10 ft. storm sewer easement along the west and north sides of the lot owned by Ms. Dottie Bobo and located at 308 McDade Street (Chapel Hill Township Tax Map 84-F-12).

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing a Temporary Interfund Transfer

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING A TEMPORARY INTERFUND TRANSFER

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Finance Officer to make a temporary transfer of \$165,246.59 from the unappropriated fund balance of the General Fund to the Parking Facilities Fund. This transfer shall be repaid to the General Fund from the proceeds of the Parking Facility Bonds if the same are approved by the voters at the September Referendum; and if the Parking Facilities Bonds are not approved, the repayment will be made from other fund sources.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution in Support of Transit Operating Assistance

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

RESOLUTION IN SUPPORT OF TRANSIT OPERATING ASSISTANCE

WHEREAS the Town of Chapel Hill applied for Section 18 transit operating assistance on February 12, 1979; and

WHEREAS the State of North Carolina already administers transit operating assistance to North Carolina cities between 50,000 and 200,000 in population; and

WHEREAS according to Department of Transportation figures, the Chapel Hill transit system is among the best patronized and most efficient systems in the state; and

WHEREAS according to Department of Transportation figures, the per capita local support provided the Chapel Hill transit system is the highest in the state and almost double the state average; and

WHEREAS Chapel Hill operates an area-wide system, serving Carrboro and the UNC-CH campus and providing a genuine public-transportation alternative; and

WHEREAS the letter of May 1, 1979 from Secretary Bradshaw to Mayor Drakeford of Carrboro indicates the state is not fully committed to transit operating assistance, despite the fact that most North Carolina public transit systems already receive operating assistance administered by the Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby reiterates its request for operating assistance for the Chapel Hill transit system; and

BE IT FURTHER RESOLVED that the Town Clerk transmit copies of this resolution to Governor Hunt, Secretary Bradshaw, and the local legislative delegation.

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Requesting a Special Act in Regard to Fire Lanes

Alderman Cohen explained that the issue of fire lanes had come up in considering Coker Hills West. He proposed a resolution which would give the Town better control over the area designated as a fire lane. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REQUESTING A SPECIAL ACT IN REGARD TO FIRE LANES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Town Attorney to prepare a transmit to the local legislative delegation a special act to add the following sentence at the end of Section 5.4 of the Charter of the Town of Chapel Hill (S.L. 1975, Ch. 473, as amended):

"Where appropriate, the Board may also regulate the use of such fire lanes by non-emergency vehicles."

This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Revoking Special Parking Permits

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REVOKING SPECIAL PARKING PERMITS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the following special parking permits are revoked because the permit holds are no longer domiciled at the listed addresses:

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>	<u># Guests</u>
2 Cobb Terrace	James Jones	1	

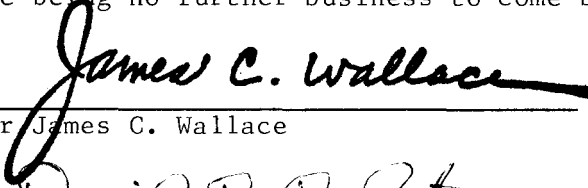
This the 14th day of May, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

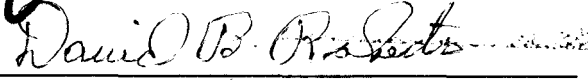
Future Agenda Items

Alderman Epting stated that in researching a deed for a client, he had found that the lane behind Huggins was owned by the Town of Chapel Hill. He believed the Board should have had this information when considering the issue of loading zones. He requested the staff to further research the title to the land and assert dominion over the property.

There being no further business to come before the Board, the meeting was adjourned.



Mayor James C. Wallace



Town Clerk David B. Roberts