

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Annexation Utility Connection Exemption Request  
(449 May Kennedy Road)

**From:** Sushil Nepal, AICP  
Planning & Development Director

**Meeting Date:** July 17, 2023

**Public Hearing:** Yes

**Advertising Date:** Not applicable

**Attachments:** A. Memorandum  
B. Maps

**Advertised By:** Not applicable

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### **PURPOSE:**

A request by William and Laura Davis to allow a parcel exceeding three acres to be exempted from annexation policy for connection to City of High Point sewer service.

### **BACKGROUND:**

It is the policy of the City of High Point to provide water and sewer utility services only to properties within the City's corporate limits. Thus, an annexation petition is required to be approved to provide utility service. A property that is located outside the corporate limits, and within the City's planning area, may apply for an exception to this policy (*City of High Point Water and Sewer Utility Extension Policy*) if it is not in the City's economic interest to annex and provide full City services at this time.

This is an administrative review and approval by the Technical Review Committee (TRC). However, City Council approval is required for a parcel over three acres. Such a request has been submitted for a 4.5 acre parcel located at 449 Mae Kennedy Road.

### **BUDGET IMPACT:**

There is no budget impact.

### **RECOMMENDATION / ACTION REQUESTED:**

Staff recommends that it is not in the City's economic interest to provide full City Services at this time, and that City Council authorize an issuance of public sewer service to this site that currently exceeds three acres in area. This approval is subject to the property owner recording a City of High Point Annexation Agreement at the Davidson County Register of Deeds office and is included in the agenda packet.



## **MEMORADUM**

**DATE:** July 17, 2023

**TO:** Jay Wagner, Mayor  
High Point City Council Members

**FROM:** Herbert Shannon, Senior Planner

**SUBJECT:** Annexation Utility Connection Exemption - 449 May Kennedy Road  
*(lying along the north side of Burton Road, 425± feet west of the Guilford/Davidson County line).*

It is the policy of the City of High Point to provide water and sewer utility services only to properties within the City's corporate limits. Thus, an annexation petition is required to be approved to provide utility service. A property that is located outside the corporate limits and within the City's planning area, may apply for an exception to this policy (*City of High Point Water and Sewer Utility Extension Policy*).

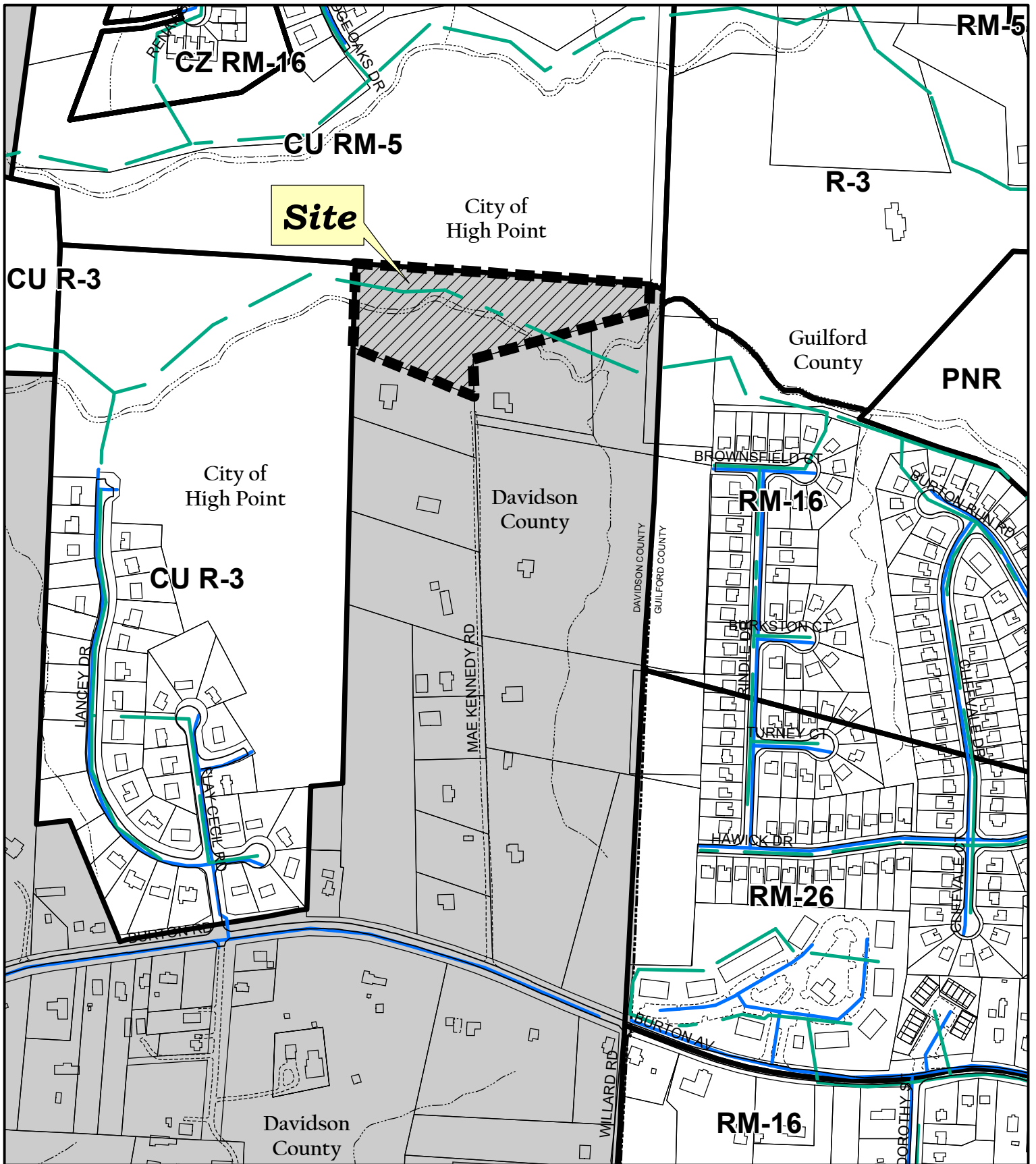
This exception is an administrative review and approval, that is conducted by the City's Technical Review Committee (TRC). Such approvals have typically been for a single family dwelling were their current well or septic tank has failed, and it is not in the City's economic interest to provide full City Services (such as weekly solid waste pick-up) for one home in the fringe portion of the City's planning area. If such a request is approved, the property owner must sign an annexation agreement that is recorded at the county register of deeds office. This agreement states that the property owner (current or future), must be annexed when requested by the City. The administrative approval of such an exemption by the TRC is limited to property that is three acres or less in size. City Council approval is required for larger parcels, with the council finding that such a request is not in conflict with the City's interests.

Such a request has been submitted for a 4.5 acre parcel located at 449 Mae Kennedy Road. The TRC has recommended approval of this annexation exemption because:

1. Mae Kennedy Road is not a publicly maintained right-of-way, it is a graveled access easement.
2. It is not in the City's interest to have city vehicles (weekly solid waste pick-up) transverse a graveled easement. Also, there is no paved cul-da-sac or turn-around area for large vehicles at the northern terminus of this easement where the parcel is located.
3. Although the site is over 3 acres in area, it is impacted by a major stream and flood plain area, that limits placement of a single family home to the southern one-acre portion of this parcel.

### **Recommendation:**

Staff recommends that it is not in the City's economic interest to provide full City Services at this time, and that City Council authorize an issuance of public sewer service to this site that currently exceeds three acres in area. This approval is subject to the property owner recording a City of High Point Annexation Agreement at the Davidson County Register of Deeds office and is included in the agenda packet.



**WATER & SEWER EXEMPTION REQUEST**

Address: 449 Mae Kennedy Road

Applicant: William and Laura Davis

Existing Zoning Boundary Subject **—————**  
 Property Boundary **- - - - -**

Planning & Development  
 Department

City of High Point



Scale: 1"=300'

G:/Planning/Secure/ba-pz/  
 2022/MXDswc-Mae Kennedy Rd

CITY OF HIGH POINT  
GUILFORD COUNTY  
NORTH CAROLINA

DECLARATION OF COVENANTS  
AND  
ANNEXATION AGREEMENT

THIS DECLARATION AND AGREEMENT, MADE THIS THE 12 day of  
June, 2023, by and between WILLIAM ZACHARY DAVIS AND LAURA  
ADRIAN DAVIS (Property Owners) (Hereinafter referred to as "owner"), and the City of High  
Point, a Municipal Corporation, of the State of North Carolina, (Hereinafter referred to as  
"City"):

WITNESSETH

WHEREAS, the Owner is seized in fee simple of certain real property located outside the corporate limits of the City of High Point; and

WHEREAS, the Owner desires to have the City provide sewer service to the below described property; and

WHEREAS, the City agrees to provide sewer service to the Owner pursuant Sections 8-2-26 and 8-2-69 or as amended of the City of High Point Code of Ordinances and the Water and Sewer Utility Extension Policy of the City of High Point.

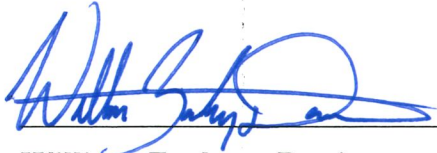
NOW, THEREFORE, the Owner, in consideration of the mutual covenants contained herein, hereby declares and agrees that following described real property is and shall be held, transferred, sold, and conveyed subject to covenants and agreements hereinafter set forth. The property being more particularly described as follows:

All that certain lot or parcel of land situated in Thomasville Township, Davidson County, North Carolina, and more particularly described as follows:

Davidson County Tax Parcel: 16-311-0-000-0015  
Deed Book 2562 Page 480 - 482  
Total Acreage: 4.54 acres

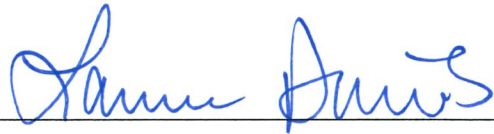
1. The City to provide sewer service to the owner under the terms, conditions, and restrictions of the North Carolina General Statutes and the City of High Point Ordinances and policies then in existence; and
2. The Owner agrees and declares his/her intentions to be annexed into the City of High Point at such future date as said property shall become contiguous to the municipal limits of the City of High Point or at the time the City Council determines in its sole discretion that the City can provide municipal services to the property. The Owner shall execute any and all documents required to accomplish the annexation.
3. The Owner agrees that the property shall not be further divided or subdivided to create more lots or principal building sites until the property is within the corporate limits of the City of High Point.
4. The Owner agrees that, following thirty (30) days notice from the City, the sewer service shall be terminated by the City if the Owner shall fail to perform the above covenants or agreements as they become due.
5. The Owner agrees to not oppose or support opposition to an annexation initiated by the City of High Point that includes any or all the property to which sewer service was provided by the City of High Point in lieu of annexation.
6. The Owner acknowledges that sewer service shall be provided based on the City's outside rate schedule.
7. The designation "Owner" as used herein shall include the parties, heirs, successors, and assigns and shall include singular, plural, masculine, feminine, or neuter as required by context.

IN WITNESS WHEREOF, the Owner has hereunto set his/her hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.



**William Zachary Davis**

Property Owner(s)



**Laura Adrian Davis**

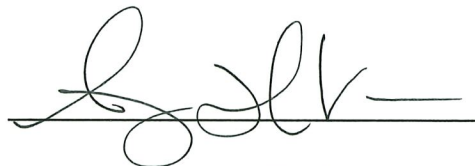
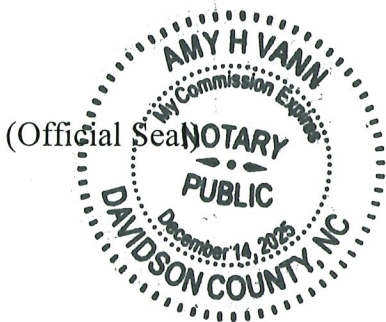
Property Owner(s)

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COUNTY OF Davidson

STATE OF North Carolina

I, Amy H Vann, a notary public of said county, do hereby certify that the above signed owner(s) personally appeared before me this day and acknowledged the execution of the forgoing instrument. Witness my hand and official stamp or seal, this 12<sup>th</sup> day of June, 2023 .



Notary Public

My Commission expires: December 14, 2025

**City of High Point**  
**Water and Sewer Utility Extension Policy**

I. Authority

Sections 8-2-26 and 8-2-69 of the High Point City Code authorize the provision of water and sewer utility services outside the City of High Point corporate limits under specified circumstances and with the approval of the City Council. This policy establishes the process by which such provision for services may be approved.

II. Purpose

This water and sewer utility extension policy is established to ensure a utility infrastructure that is efficient and operates in the best interests of the City and its residents.

III. General Policy

It is the general policy of the City of High Point to provide water and sewer utility services only to properties within the City's corporate limits and to allow the extension of such lines to serve properties only within the corporate limits. For water or sewer service to be provided to a property outside the corporate limits and within the City's planning area, as defined by the City's adopted Land Use Plan, the owner(s) of the property shall petition for voluntary annexation. An exception to this policy may be approved as provided herein.

IV. Exception to the General Policy

A property that is located outside the corporate limits and within the City's planning area may be connected to City water and sewer lines for service without annexation when the owner(s) apply for an exception to the general policy and it is approved as follows.

A. Conditions for Approval

The City's Technical Review Committee (TRC) determines that the property meets one of the following conditions:

1. Annexation of the property is prohibited due to statutory or legal constraints; or
2. The City is unable to effectively deliver all services (other than water and sewer) to the property; or
3. The location of the property, relative to the location of the primary corporate limits and City services, makes the delivery of City services to the property impractical due to costs or physical constraints.

B. Requirements

All the following requirements are met:

1. All plumbing fixtures and facilities shall comply with the appropriate building codes and/or County Health Department regulations.

2. The use of the property is limited to one dwelling unit or nonresidential establishment located on a property that is three acres or less in size. However, upon a written request by the owner(s), the City Council may approve service to a larger property or for more than one dwelling unit on a property if the City Council determines that such actions are not in conflict with City interests.
3. The owner(s) execute a written agreement with the City, in accordance with Section IV C., Written Agreement, committing to submit a voluntary annexation petition and the Planning & Development Department records the agreement in the respective office of the county register of deeds.

C. Written Agreement

The owner(s) must execute a written agreement with the City prior to a property receiving services that states while the property remains outside the corporate limits:

1. The property shall be subject to the City's outside rate schedule for water and sewer service;
2. The property shall not be further divided to create more lots or principal building sites;
3. The owner(s), or their successors or assigns, upon sufficient notice by the City, shall execute all documents required to accomplish voluntary annexation;
4. If following notice, the owner(s) fail to execute action to accomplish voluntary annexation, then the City shall terminate service to the property; and
5. The owner(s) shall not oppose or support opposition to an annexation initiated by the City that includes the property to which City water and sewer service was provided pursuant to this policy.

D. Service Connection

Connections to City water or sewer lines shall not be authorized until the Technical Review Committee approves the requested exception in accordance with this policy and the written agreement is executed and properly recorded.

E. Notification

The Planning & Development Department shall provide written notification of the Technical Review Committee's decision to the property owner(s), City Manager's Office, and the Public Services Department.

F. Appeal

If a request for an exception to the is denied by the Technical Review Committee, the owner(s) may appeal the decision to City Council for review and consideration in accordance with this policy, provided the appeal is submitted in writing to the City Clerk within 30 days of the decision.



V. Randleman Lake Water Supply Watershed

High density or intensive development is prohibited in most of the Randleman Lake Watershed Critical Area through the adoption of the "Deep River I Watershed Assessment and Stormwater Plan" and the NC Environmental Management Commission's approval of the City's alternative high-density option regulations, which is part of the City's watershed protection standards. As required by the State approved plan, the City cannot allow the extension of water and sewer lines for new development in the Randleman Lake Watershed Critical Area except in portions of the Richland Creek and Business 85/Riverdale Road sub-basins, as provided for in Section 6.2., Watershed Protection, of the High Point Development Ordinance. And, where such utility lines are present in the Randleman Lake Watershed Critical Area, service for new development is not allowed. However, a connection to the City's water and sewer lines for an existing dwelling or nonresidential establishment may be approved in accordance with Section III, General Policy or Section IV, Exception to the General Policy.

VI. Service to Government Property and Other Jurisdictions

Nothing in Section III, General Policy, shall preclude the City Council from approving the provision of water and sewer utility services to serve governmental property or to serve areas outside the City's planning area.

Approved this 4th day of October 2001  
High Point City Council

Amended December 19, 2002  
Amended August 20, 2018