



**KANNAPOLIS CITY COUNCIL
MEETING AGENDA
Kannapolis City Hall
401 Laureate Way, Kannapolis NC
November 12, 2018
6:00 AM**

Please turn off cell phones or place on silent mode.

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

PROCLAMATIONS

1. Veteran's Day - November 12, 2018

RECOGNITIONS

1. Recognition of Kannapolis 101 Participants (Annette Privette-Keller, Director of Communications)

BUSINESS AGENDA

- A. Proposed voluntary contiguous annexation of property to be combined with previously annexed property to accommodate a proposed residential subdivision of approximately 190 homes (Zachary D. Gordon, AICP, Planning Director)
- B. Final high bid offer related to the Upset Bid Sale of City Owned Property Located at 610 Kansas Street (Mike Legg, City Manager)

CITY MANAGER REPORT

CITY COUNCIL COMMENTS

CLOSED SESSION

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area (Mayor Pro tem Berry)

MOTION TO ADJOURN

UPCOMING SCHEDULE

November 26, 2018
December 10, 2018

In accordance with ADA regulations, anyone in need of an accommodation to participate in the meeting should notify the ADA coordinator at tcline@kannapolisnc.gov or 704-920-4302 at least forty-eight (48) hours prior to the meeting.



Office of the Mayor
KANNAPOLIS, NORTH CAROLINA
P R O C L A M A T I O N

VETERANS DAY NOVEMBER 12, 2018

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation; and

WHEREAS, throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

THEREFORE LET IT BE KNOWN, that the Kannapolis City Council recognizes and honors our veterans; and do hereby call upon the citizens of the City of Kannapolis to participate in services and to express gratitude to all veterans known to them; and to further extend this gratitude to the families of deceased veterans; and to solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us rededicate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.



IN WITNESS WHEREOF I have set my
Hand and caused the Great Seal of the City
of Kannapolis to be affixed this 12th day of
November 2018

Milton D. Hinman



**City of Kannapolis
City Council Meeting
November 12, 2018
Staff Report**

TO: Mayor and City Council
FROM: Annette Privette-Keller, Director of Communications
TITLE: Kannapolis 101 Participants

A. Action Requested by City Council

Recognition. No Action Required

B. Required Votes to Pass Required Action

Presentation Only, no action required

C. Background

This year we had another wonderful group of citizens who attended Kannapolis 101. This eight week program gives our residents the opportunity to get a behind the scenes look into all of our departments. They learn about the many services, programs and events we provide to the public on a daily basis.

Residents who completed Kannapolis 101 this year were:

Adael Shinn	Alberto Luevano	Anita Parker
Brenda McCombs	Christopher Dooley	Diana Shipe
Donnell Dixon	Gerry Depken	Heather Driskell
Kay Nixon	Mara Oyaneder	Mary Rigby
Michael Drye	Mike Whitney	Nathan Payne
Sam McAllister	Suzanne Irvin	Valerie Crayton
Wilfred Bailey		

D. Fiscal Considerations

None

E. Policy Issues

None

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation
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None. Recognitions Only

ATTACHMENTS:

File Name

No Attachments Available



**City of Kannapolis
City Council Meeting
November 12, 2018
Staff Report**

TO: Mayor and City Council
FROM: Zachary D. Gordon, AICP, Planning Director
TITLE: Voluntary Annexation of Property - 3901 Shiloh Church Road

A. Action Requested by City Council

- 1. Motion to approve a Resolution directing the Clerk to investigate the sufficiency of the petition and prepare a Certificate of Sufficiency**
- 2. Motion to approve a Resolution of Intent to annex property located at 3901 Shiloh Church Road - Property Identification Number (PIN) 4672-69-4483 and Fix Date of Public Hearing on Question of Annexation for November 26, 2018**

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

The owner of the subject property, Terri Gardner Sides, has submitted a petition for the voluntary annexation of property located at 3901 Shiloh Church Road. The property is currently located in an unincorporated portion of Cabarrus County in an area identified as the "Western Planning Area" of the County's long-range plan. The parcel is currently vacant and has a Cabarrus County zoning designation of CR - Countryside Residential. This annexation will allow for the property to be developed as part of a residential subdivision to be located on adjoining property that was recently annexed by the City. The petition is for a contiguous annexation. (See attached Vicinity Map).

As is required by the North Carolina General Statutes, an initial City of Kannapolis zoning designation must be applied to the property by the Planning and Zoning Commission within 60 days of the effective date of the annexation. The Planning and Zoning Commission will be reviewing a request for a conditional rezoning for a residential subdivision, which includes this property, at their December 5, 2018 meeting.

D. Fiscal Considerations

None

E. Policy Issues

The subject property is located in an unincorporated area of Cabarrus County that is currently zoned CR, with a 2 acre required minimum lot size. While this property is located outside of the City's corporate limits, it is within an area designated as "Proposed Kannapolis Growth Area", in an "Annexation Agreement" between the City of Kannapolis and City of Concord (see attached). The City has recently completed the extension of utilities in this area to facilitate future development. According to the City's current long range planning document - Move Kannapolis Forward 2030 Comprehensive Plan - this property is located in a designated "Primary Service Area". A Primary Service Area is "land where provision of services is preferred. These are areas to encourage development within the planning horizon. Annexation is also envisioned as a part of the agreement to provide services."

F. Legal Issues

Prior to considering the Annexation Ordinance, pursuant to NCGS 160A-31, the City Council must first direct the City Clerk to investigate the sufficiency of the petition. City Council must also adopt a Resolution of Intent to Annex and fix a public hearing date for consideration of the petition. It is requested that the public hearing date be set for November 26, 2018.

G. Alternative Courses of Action and Recommendation

1. **Motion to approve a Resolution Directing the Clerk to Investigate the sufficiency of the petition and prepare a Certificate of Sufficiency for the Petition (Recommended).**
2. **Motion to approve a Resolution of Intent to Annex for property located at 3901 Shiloh Church Road - Property Identification Number (PIN) 4672-69-4483 and Fix Date of Public Hearing on Question of Annexation (Recommended).**
3. Do not approve Resolutions.
4. Table action to a future meeting.

ATTACHMENTS:

File Name

- ❑ A-2018-05_Annexation_Request.pdf
- ❑ Vicinity_A_2018_05.pdf
- ❑ Resolution_directing_the_Clerk_to_investigate_an_intent_to_annex.pdf
- ❑ Certificarte_of_Sufficiency_3901_Shiloh_Church_Rd.pdf
- ❑ Resolution_to_set_a_public_hearing.pdf
- ❑ Legal_Gardner.pdf
- ❑ Gardner_division_draft_10-10-2018_(003).pdf
- ❑ Non-Annexation_Map_for_A-2018-03.pdf
- ❑ City_of_Concord-Annex_Agreement_-_without_metes_and_bounds_attachments.pdf

KANNAPOLIS



PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: October 5, 2018

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the City of Kannapolis, North Carolina and the boundaries of such territory are as follows:

See Attached Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. _____ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water _____ sewer _____; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. _____ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160A-385.1 or G.S. 153A-344.1, and provide proof of such rights by attachment hereto.

 X The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

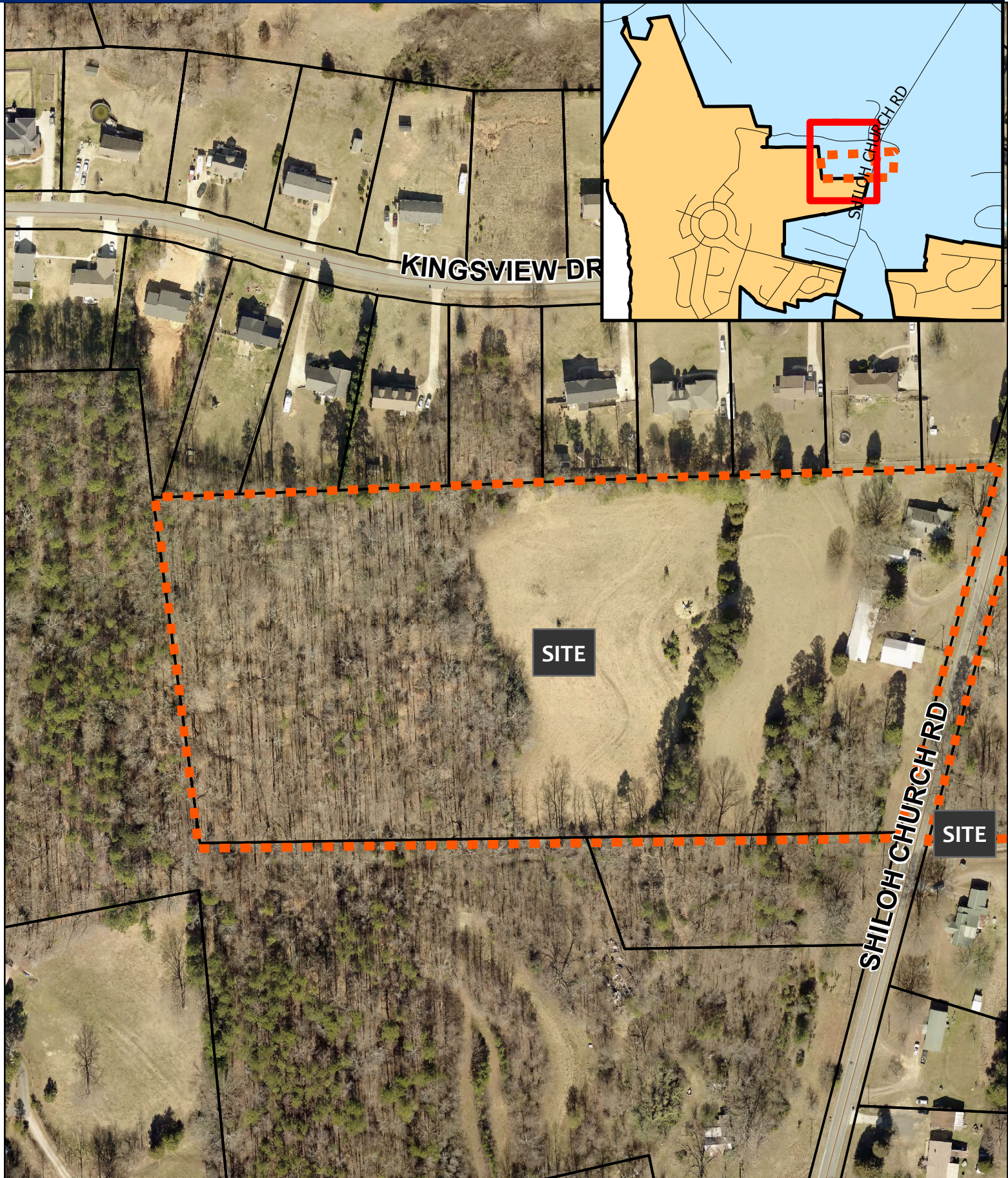
<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1. <u>Terri Gardner Sides</u>	<u>130 Elysian Drive Mooresville, NC 28117</u>	<u><i>Terri Gardner Sides</i></u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



Vicinity Map

Case Number: A-2018-05
Applicant: Shiloh Church Development Group
3901 Shiloh Church Rd.



RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE AN INTENT TO ANNEX UNDER
CHAPTER 160A ARTICLE 4A

WHEREAS, the City Council may initiate annexation of contiguous property owned by the petitioners by adopting a resolution stating its intent to annex the property of the area described herein; and

WHEREAS, N.C.G.S Chapter 160A, Article 4A, Part 1 provide that the sufficiency of the petition shall be investigated by the City Clerk of the City of Kannapolis, North Carolina before further annexation proceedings consistent within the intent to annex can take place; and

WHEREAS, the City Council of the City of Kannapolis, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the intent to annex;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kannapolis, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described intent to annex under N.C.G.S. Chapter 160A, Article 4, Part 1 and to certify as soon as possible to the City Council the result of the investigation.

ADOPTED this the 12th day of November 2018.

Milton D. Hinnant, Mayor

ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Kannapolis, North Carolina.

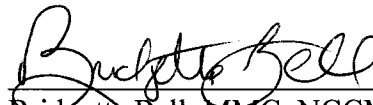
I, Bridgette Bell, City Clerk, do hereby certify that I have investigated that attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in petition is contiguous to the City of Kannapolis primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Kannapolis, this 12th day of November, 2018.

(SEAL)




Bridgette Bell, MMC, NCCMC
City Clerk

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO
CHAPTER 160A ARTICLE 4A (Part 1) SECTION 160A-31(a)

WHEREAS, pursuant to NCGS 160A-31 the City Council may initiate annexation of real property contiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kannapolis, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 26th day of November, 2018.
- Section 2. The area proposed for annexation is described as follows:
See Attached Metes and Bounds Description
- Section 3. Notice of public hearing shall be published in the Independent Tribune on November 14, 2018

ADOPTED this the 12th day of November, 2018.

Milton D. Hinnant, Mayor

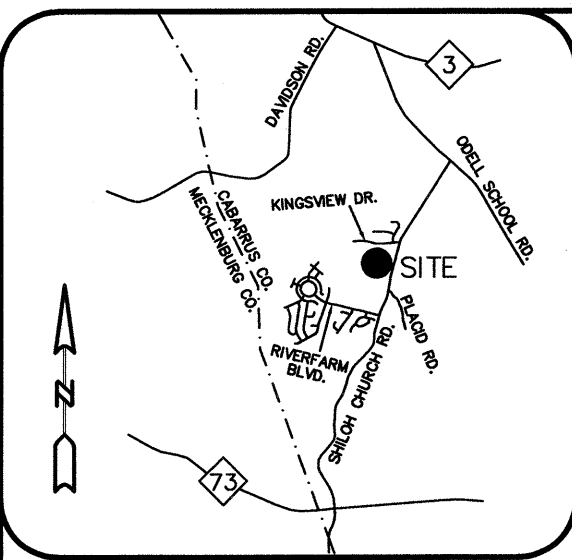
ATTEST:

Bridgette Bell, MMC, NCCMC
City Clerk

Legal Description

Lying and being in Number 3 Township, Cabarrus County, North Carolina, and lying on the western side of Shiloh Church Road (public maintenance right of way), and being a portion of the property of C.B. Gardner and wife Lois R. Gardner (Deed Book 180 at Page 92), and being more particularly described as follows:

Beginning at an existing #5 rebar on the western side of Shiloh Church Road (public maintenance right of way), said existing #5 rebar being the northeast corner of Kenneth Mack Irvin (Deed Book 443 at Page 668); thence from the POINT OF BEGINNING with the northern line of said Kenneth Mack Irvin S 88°53'36" W (passing an existing #5 rebar 0.62 feet north of line at 337.19 feet) a total distance of 424.48 feet to an existing axle, said axle being the northwest corner of said Kenneth Mack Irvin; thence with the property of Shiloh Church Development Group, LLC (Tract One, Deed Book 13213 at Page 276) the following two courses and distances: 1) S 89°09'16" W 520.39 feet to an existing stone; and 2) N 07°04'44" W 481.86 feet to an existing axle beside stone; thence with the southern line of Lots 10 through 1 of Map Book 30 at Page 47 N 87°33'44" E (passing existing #4 rebars on line at 16.65 feet and 121.99 feet, and passing existing ½" rods on line at 254.42 feet, 403.13 feet, 531.33 feet, 659.21 feet, 787.21 feet, 915.21 feet and 1043.28 feet, and passing an existing #5 rebar on line at 1133.81 feet) a total distance of 1164.21 feet to a point in the centerline of Shiloh Church Road (public maintenance right of way); thence with the centerline of Shiloh Church Road S 15°00'37" W 529.51 feet to a point in the centerline of Shiloh Church Road; thence S 89°00'17" W 21.91 feet to the POINT OF BEGINNING containing 12.079 acres.



VICINITY MAP
NOT TO SCALE

REFERENCES:

1. ALL DEEDS AND MAPS SHOWN HEREON.
2. MAP TITLED "FINAL PLAT: SUNSET RIDGE PHASE I" BY KING ENGINEERING OF CONCORD, NC, DATED NOVEMBER 14, 1996; MB. 30 PG. 47.
3. MAP TITLED "MUNICIPAL UTILITY EASEMENT OF WESTERN CABARRUS WATER IMPROVEMENTS" BY ALLEY, WILLIAMS, CARMEN, & KING, INC.; DATED DECEMBER 2, 2008; MB. 57 PGS. 5 & 6.
4. MAP TITLED "FINAL PLAT - MINOR SUBDIVISION MARIPOSA" BY SUMMIT LAND SURVEYING COMPANY; DATED JANUARY 7, 2008; MB. 55 PG. 54.

NOTES:

1. TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD.
2. AREAS DETERMINED BY COORDINATE COMPUTATIONS.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
4. NC GRID NAD 83 (2011) EPOCH 2010.00 BASIS OF BEARING DERIVED FROM NCGS NETWORK RTK BETWEEN 01-11-2018 AND 01-19-2018 (HORIZONTAL POSITIONAL ACCURACY = 0.09') USING GEOID MODEL GEOID12B. PROJECT LOCALIZED HOLDING CONTROL PT. HV-6 (N=628,750.64', E=1,475,534.41'), AND USING A COMBINED GRID FACTOR OF 0.99984971. UNITS ARE US SURVEY FEET.
5. SOURCE FOR UNDERGROUND UTILITY LOCATIONS IS ALLIED ASSOCIATES, P.A. CESI IS ONLY RESPONSIBLE FOR THE LOCATION OF ALLIED ASSOCIATES, P.A. MARKINGS AND NOT THE ACTUAL LOCATION OF UTILITIES BEING MARKED. THERE MAY BE OTHER UNDERGROUND UTILITIES ON THIS SITE OTHER THAN THOSE SHOWN. BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-632-4949).
6. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; AREAS OUTSIDE FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN) AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 3710467200K; MAP REVISED MARCH 2, 2009.

SITE CALCULATIONS	
TOTAL AREA	16.497 ACRES
NUMBER OF PARCELS BEFORE SUBDIVISION	1
NUMBER OF PARCELS IN SUBDIVISION	2
AREA IN LOTS	16.497 ACRES

SHILOH CHURCH DEVELOPMENT GROUP, LLC
TRACT ONE, DB. 13213 PG. 276
4672-68-0812

BRETT L. FOWLER and wife,
STEWART VAN EVERY FOWLER
DB. 1621 PG. 251
4672-58-5733

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

I, _____, REVIEW OFFICER OF
CABARRUS COUNTY, CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

SUBJECT PROPERTY IS ZONED CR
(PER CABARRUS COUNTY GIS)

THE FOLLOWING DATA FOR ZONE CR WAS TAKEN FROM
THE CABARRUS COUNTY DEVELOPMENT ORDINANCE
SECTION 5-5 CONVENTIONAL SUBDIVISION STANDARDS

PRINCIPAL (MINIMUM FEET)
FRONT YARD (MINOR COLLECTOR) = 75
FRONT YARD (LOCAL ROAD) = 50
SIDE YARD (SINGLE) = 20
SIDE YARD (TOTAL) = 40
REAR YARD = 30

- LEGEND
- EXISTING CORNER AS DESCRIBED
 - SET #5 REBAR WITH CAP
 - ⊗ NO POINT SET

- BOUNDARY AS SURVEYED
- TIE LINE
- BOUNDARY BY DEED OR MAP
- EASEMENT
- OVERHEAD UTILITY LINE
- STREAM OR BRANCH
- FENCE
- WATER LINE
- GAS LINE

- WATER VALVE
- HYDRANT
- UTILITY POLE

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

I, DAVID L. HAYWOOD, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED RECORDED IN DEED BOOK
180, PAGE 92); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM
DEEDS OR MAPS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS
1:16,200; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED;
AND THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A
COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10th DAY OF OCTOBER, A.D., 2018.

PROFESSIONAL LAND SURVEYOR

LICENSE NO. L-4822

MINOR SUBDIVISION SURVEY FOR PROPERTY OF:

C.B. Gardner and wife Lois R. Gardner

NUMBER 3 TOWNSHIP, CABARRUS COUNTY, NC

OWNER: TERRI GARDNER SIDES
1151 ELYSIAN DR.
MOORESVILLE, NC 28117

FOR: SHERWOOD DEVELOPMENT GROUP
1151 ELYSIAN DR.
CONCORD, NC 28027

DATE: 10-08-2018
SCALE: 1" = 100'
JOB NO.: 180212.000
ACAD FILE: Gardner Division.dwg

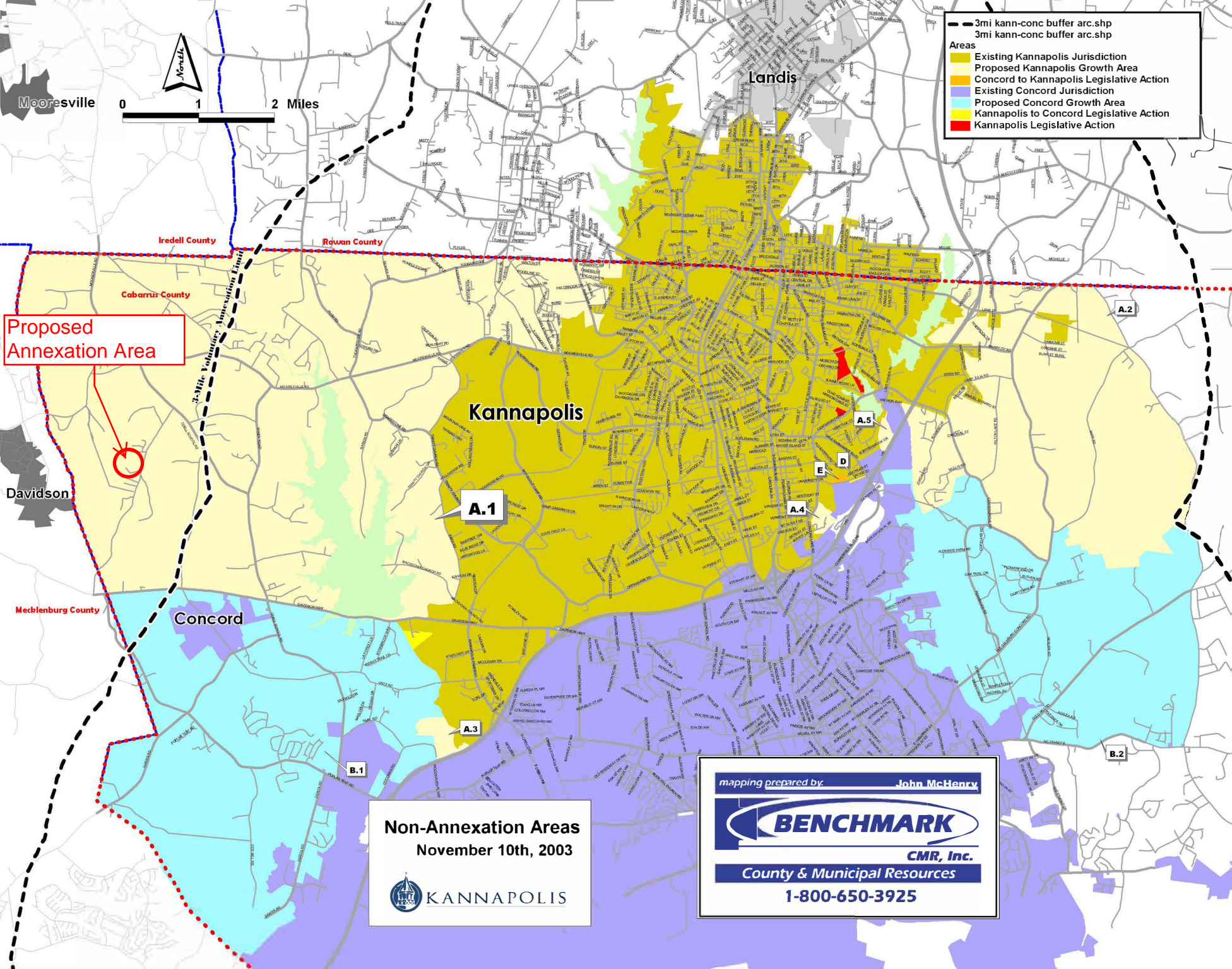
COMPUTED BY: RAP
DRAWN BY: RAP
CHECKED BY: DLH

SCALE IN FEET

0 100 200 300

Civil - Geotechnical - Surveying

45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
N.C. FIRM LICENSE NO. C-0263
© CESI 2018



- 3mi kann-conc buffer arc.shp
- 3mi kann-conc buffer arc.shp
- Areas
- Existing Kannapolis Jurisdiction
- Proposed Kannapolis Growth Area
- Concord to Kannapolis Legislative Action
- Existing Concord Jurisdiction
- Proposed Concord Growth Area
- Kannapolis to Concord Legislative Action
- Kannapolis Legislative Action

Proposed Annexation Area

Non-Annexation Areas
November 10th, 2003



KANNAPOLIS

mapping prepared by **John McHenry**



BENCHMARK

CMR, Inc.

County & Municipal Resources

1-800-650-3925

STATE OF NORTH CAROLINA

ANNEXATION AGREEMENT

COUNTY OF CABARRUS

WHEREAS, the City of Kannapolis, a North Carolina municipal corporation, (hereinafter "Kannapolis") and the City of Concord, a North Carolina municipal corporation, (hereinafter "Concord") have undertaken a joint planning effort to encourage the orderly development of the unincorporated areas adjacent to the two municipalities; and

WHEREAS, Kannapolis and Concord desire to reduce uncertainty among residents and property owners in the potential growth areas of the municipalities which will improve planning by both public and private interests in such areas; and

WHEREAS, the General Statutes of North Carolina, Chapter 160A, Section 58.21 et seq. authorized municipalities to enter into binding agreements relating to future annexations and designating areas which are not subject to annexation by each participating municipality; and

NOW, THEREFORE upon the premises contained herein the parties hereto agree as follows:

1. This Agreement is executed pursuant to the authority of Article 4A, Part 6 of G.S. Chapter 160A of the North Carolina General Statutes (the "Act").
2. Subject to the provisions hereinafter stated, Kannapolis shall not annex the following area(s) shown on Exhibit "B.1" and "B.2" which are incorporated herein as a part of this Agreement.
3. Subject to the provisions hereinafter stated, Concord shall not annex the following area(s) shown on Exhibit "A.1," "A.2," "A.3," "A.4," and "A.5" which are incorporated herein as a part of this Agreement.
4. The effective date of this Agreement is December 11, 2003, or the date of adoption of an ordinance approving this Agreement by the last participating city to do so, whichever is later, and shall terminate at 12:01 am on the tenth anniversary following the effective date, or as otherwise terminated as provided herein.
5. This Agreement shall not be effective unless and until each participating city has held a public hearing on this Agreement, or the participating cities have held a joint public hearing, prior to adopting the ordinance approving this Agreement. Until such time as the required public hearings are held and the respective approving ordinances are adopted, this Agreement shall be considered a proposed agreement.

6. At least sixty (60) days prior to the adoption of any annexation ordinance affecting geographical area which is subject to this Agreement, the participating city proposing such annexation shall give written notice to the other participating city of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Agreement delineated by roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.
7. This Agreement may be modified or terminated only by a subsequent amending agreement adopted and executed by each participating cities. Any amending agreement shall be adopted by ordinance after public hearings as provided in G.S. 160A-31(c).
8. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating city unless approved by the Cabarrus County Board of County Commissioners. Provided, however, that any area where this Agreement is not binding because of failure of the Board of County Commissioners to approve it, shall become subject to this Agreement if a subsequent annexation brings it within three miles. The approval of a Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S. 160A-58.24(c) and (e) and 160A-31(c).
9. This Agreement may be terminated by a participating city, by repealing the ordinance which approved this Agreement and providing a five year advance written notice to the other participating city. Upon the expiration of the five-year notice period, this Agreement shall terminate.
10. From and after the effective date of this Agreement, no participating city may adopt an annexation ordinance as to all or any portion of an area in breach of this Agreement:
11. Nothing in this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
12. This Agreement contains the entire agreement between the participating cities.

IN WITNESS WHEREOF, the Mayors of the participating cities execute this Agreement in duplicate, to become effective as provided in paragraph 4 hereinabove, this the _____ day of December, 2003.

CITY OF KANNAPOLIS

By: O. Ray Moss
O. Ray Moss, Mayor

ATTEST:

Bridgette Bell
Bridgette Bell, CMC, City Clerk

APPROVED AS TO FORM:

Walter M. Safrit, II
Walter M. Safrit, II, City Attorney



CITY OF CONCORD

By: Scott Padgett
Scott Padgett, Mayor

ATTEST:

Vickie C. Weant
Vickie Weant, CMC, City Clerk

APPROVED AS TO FORM:

Albert Benshoff
Albert Benshoff
City Attorney





**City of Kannapolis
City Council Meeting
November 12, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Sale of City Owned Property Located on Kansas Street

A. Action Requested by City Council

Motion to approve final high offer of \$56,103.20 and authorize the City Manager to negotiate and execute the necessary documents to consummate the conveyance of the property to the final high bidder, BPH Property Management, LLC.

B. Required Votes to Pass Required Action

Majority present at meeting

C. Background

In July, Staff received a written offer from Matthew C. Erich to purchase approximately 0.24 acres of City owned land known as "610 Kansas Street" for \$45,000. The current tax value for the property is as follows:

- Building \$21,260
- Other Buildings & Extra Features \$6,210
- Land \$51,260
- Total Tax Value \$78,730

City Council approved a Resolution at it's July 14, 2018 meeting authorizing the upset bid process for selling of the property. The property is located on Kansas Street and was then used by the Public Works Department, but no longer needed.

After the completion of five (5) rounds of upset bids, Staff has received a final bid for the 0.24 acre. After the close of the last ten (10) day upset bid period, the \$56,103.20 offer by BPH Property Management, LLC stands as the final high offer. The original offer made by Matthew C. Erich was \$45,000.

D. Fiscal Considerations

If approved, Staff would complete the transaction of selling the 0.25 acre parcel at 610 Kansas Street to BPH Property Management, LLC. The revenue generated would be deposited into the General Fund increasing overall fund balance.

While the final offer is lower than the total tax value, the prevailing thought is that the buildings are of little value and would be removed. By taking that off the tax rolls and adding in the cost of demolition, it appears that the final offer actually would exceed the tax/market value.

E. Policy Issues

The North Carolina General Statute § 160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property.

F. Legal Issues

None

G. Alternative Courses of Action and Recommendation

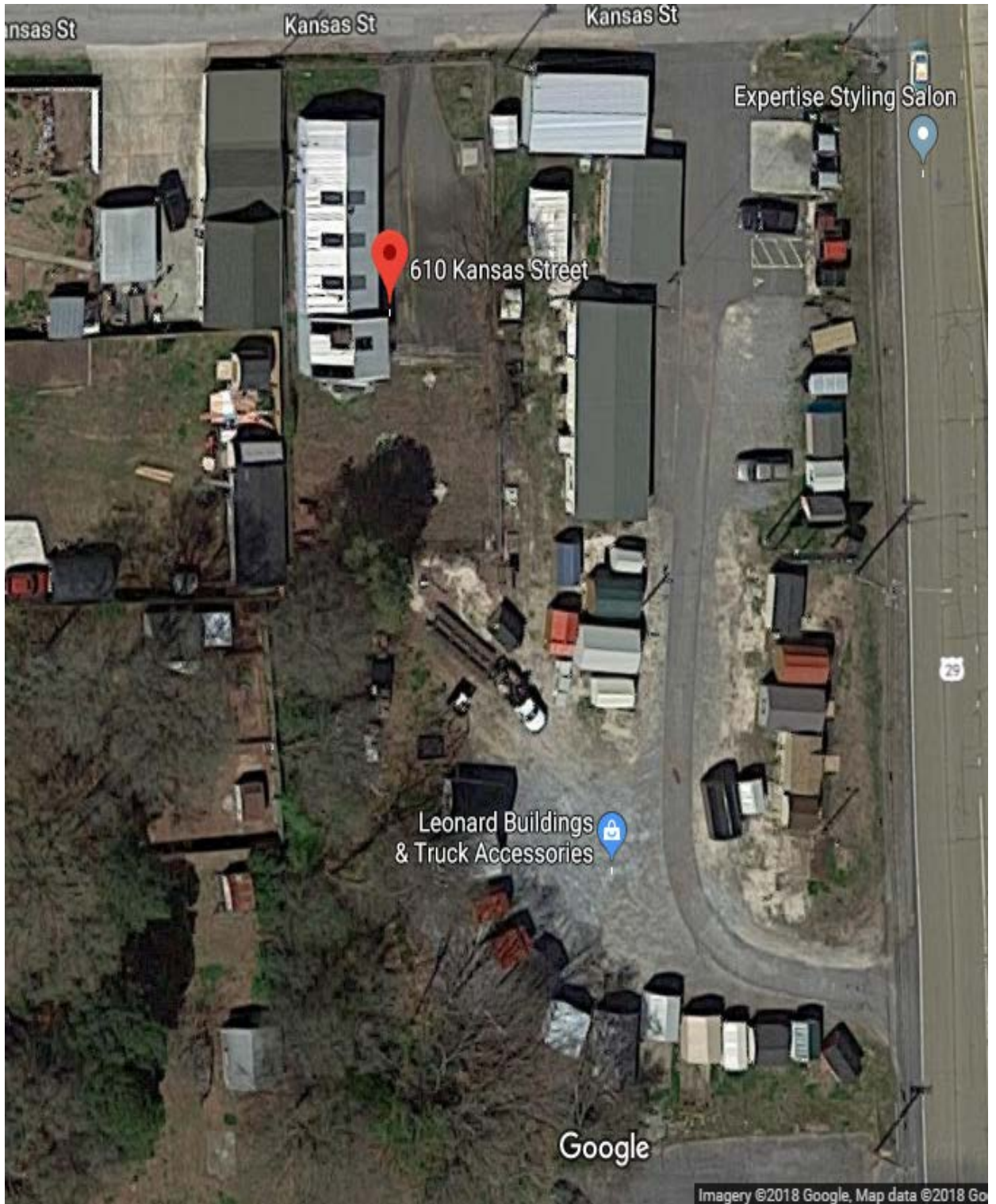
1. **Motion to approve final high offer of \$56,103.20 and authorize the City Manager to negotiate and execute the necessary documents to consummate the conveyance of the property to the final high bidder, BPH Property Management, LLC. (Recommended)**
2. Reject the offer and retain ownership, thus allowing for it to appreciate over time.
3. Reject the offer and direct Staff to hire an appraiser to "double check" the value and then re-value further options. (Based on the current lot value, it's size and permitted uses, Staff doesn't believe conducting an appraisal is cost effective solution)
4. Table action to a future meeting

ATTACHMENTS:

File Name

- ☐ 610_Kansas_Street_Aerial_View.pdf
- ☐ 610_Kansas_Street_Upset_Bid_Notice_5th_Round_Deadline_10-22-2018.pdf

Aerial View of 610 Kansas St.



View of Property from Kansas St.





PUBLIC NOTICE SALE OF CITY PROPERTY

An offer of \$56,103.20 has been submitted for the purchase of a certain property owned by the City of Kannapolis located at 610 Kansas Street, Kannapolis, NC 28083 more specifically described as follows: Approximately 0.24 acres of land which can be further identified as Cabarrus County Property Identification Number 5622-09-4138-0000, recorded in Cabarrus County Deed Book 627, Page 720.

Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk, 401 Laureate Way, Kannapolis, N.C., by 5:00 p.m., Monday October 22, 2018. At that time, the City Clerk shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer to an amount not less than \$58,958.36.

A qualifying higher bid must be accompanied by an official bid form, provided by the City, and a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.

The buyer must pay cash or certified check at closing.

The City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Further information may be obtained at the office of the City Clerk, 401 Laureate Way, Kannapolis, N.C., or by telephone 704-920-4333 during normal business hours.

PUBLISH FRIDAY, OCTOBER 12, 2018



**City of Kannapolis
City Council Meeting
November 12, 2018
Staff Report**

TO: Mayor and City Council
FROM: Mike Legg, City Manager
TITLE: Closed Session

A. Action Requested by City Council

GS. 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client privilege and G.S. 143.318.11 (a) (4) for discussing matters relating to the location or expansion of industries or businesses in the area (Mayor Pro tem Berry)

MOTION TO ADJOURN

B. Required Votes to Pass Required Action

C. Background

D. Fiscal Considerations

E. Policy Issues

F. Legal Issues

G. Alternative Courses of Action and Recommendation

ATTACHMENTS:

File Name

No Attachments Available