

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 15.

Date of Request: May 7, 2008

Date Request Received: May 7, 2008

Board Meeting Date Requested: May 19, 2008

Board Meeting Date Assigned: May 19, 2008

Short Title: Town Of Burgaw Board Of Commissioners: Request To The Pender County Commissioners To Allow The Town To Expand Its Extraterritorial Jurisdiction (ETJ) Up To Two Miles Beyond The Corporate Limits Of The Town.

Request Status:
 Request is proceeding to Board of Commissioners
 More information is needed – see attached
 Request on hold – no further information needed
 Other:

Background: The Town of Burgaw has held a series of three public hearings concerning the proposed ETJ expansion. Through the reduction of the originally proposed ETJ area, the town has been able to address nearly all of the property owners' concerns that were voiced at these meetings.

(Administrative Use Only)

Specific Action Requested: The Town of Burgaw request the Pender County Board of Commissioners pass an ordinance conveying all zoning, subdivision, and building inspection authority within the proposed ETJ area to the Town of Burgaw.

CONTRACT TYPE

The former Interim County Manager, Al Greene, recommended that the Pender County Board of Commissioners hold a public hearing before taking action on this item.

Renewal
 For Service(s)
 Intergovernmental – County as Grantee
 County as Grantor
 Other Funds:
 Revision
 For Equipment
 Federal Grantor
 State Grantor
 Grant or
 County Funds

Requested by: Town Of Burgaw Commissioners
Department: Town Of Burgaw
Title: N/A
Contact Phone: 910 259-2151
Contact Fax: 910 259-6644

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: Signed:

FINANCE Sufficient Funds Available
Date Rec'd: Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on



Town of Burgaw

109 N. Walker Street, Burgaw, NC 28425

Phone: (910) 259-2151, Fax (910) 259-6644, email: townofburgaw@townofburgaw.com

Kenneth Cowan
Mayor

R. Eugene Brown
Mayor Pro Tem

Commissioners:
Jan Dawson
Wilfred Robbins
John Wharton
Howard Walker

Martin Beach
Interim Town
Manager

Sylvia Raynor
Town Clerk

Robert Kenan
Town Attorney

May 7, 2008

Mr. Al Greene, Interim County Manager
Pender County
805 South Walker Street
Burgaw NC 28425

Dear Mr. Greene:

The Town of Burgaw has recently completed a large scale involuntary annexation. In conjunction with this recent annexation, the Town of Burgaw wishes to expand its Extraterritorial Jurisdiction (ETJ).

Although the Town of Burgaw has conducted several voluntary and involuntary annexations since the town was incorporated in 1879, the original ETJ that was adopted in 1974 has never been expanded. In fact, our original ETJ was actually reduced with the incorporation of St. Helena in 1989.

In requesting this expansion, the Town of Burgaw is hoping to address land use and development related issues. These objectives are outlined below:

- 1) **Provide the Town with a Development Buffer-** In expanding the ETJ, we believe the proposed footprint provides the town with a reasonable development buffer for the corporate limits. This development buffer is essential in helping insure that the development that occurs in the immediate area outside of town is consistent with development, both existing and subsequent, within the Town of Burgaw.
- 2) **Reduce Jurisdictional Confusion between Town and County-** Currently, the town's ETJ is based on a 1-mile buffer around the original corporate lines of the Town of Burgaw. In the past, the fact that this ETJ line is not based on identifiable geographical features has caused problems for both the Pender County and Town of Burgaw Planning and Building Inspections Departments.
- 3) **Conform with the Statutory Requirements-** As proposed and required by GS 160A-360 (b), the new ETJ was determined by following along the perimeter of geographical features which are

identifiable on the ground (property lines, roads, or other points of reference) rather than a fixed distance from the corporate limits.

Please be advised that prior to submitting this request to the Pender County Board of Commissioners, the Town of Burgaw held a series of three public hearings in which the Board of Commissioners and Planning Board received public comment regarding the proposed ETJ expansion. Following these public hearings, the town removed nearly all of the affected property owners who voiced opposition to the proposed ETJ expansion. Please find an enclosed copy of Resolution 2008-13 (*Resolution Stating the Town of Burgaw's Intent to Extend its Extraterritorial Jurisdiction*) as well as a map depicting the proposed ETJ boundary.

If you should have any questions please contact me at 259-2151 ext 3008.

Thank you in advance for your assistance with this matter.

Respectfully Yours,

A handwritten signature in cursive script that reads "Martin Beach" followed by a small flourish.

Martin Beach
Interim Town Manager

RESOLUTION 2008-13
RESOLUTION STATING THE TOWN OF BURGAW'S INTENT TO EXTEND ITS
EXTRATERRITORIAL JURISDICTION

WHEREAS, North Carolina General Statute (hereinafter G.S.) 160A-360 establishes the guidelines for municipalities to exercise extraterritorial jurisdiction up to a mile beyond its corporate limits, and

WHEREAS, the Town of Burgaw Board of Commissioners, at their January 8, 2008 meeting, expressed its intent to expand the town's extraterritorial jurisdiction up to two miles upon receiving approval from the Pender County Board of Commissioners and enabling legislation from the North Carolina General Assembly, and

WHEREAS, pursuant to G.S. 160A-360, all property owners included in the proposed extraterritorial jurisdiction area were notified via first class of all public hearings, and

WHEREAS, pursuant to G.S. 160A-364, the Town of Burgaw printed a public notice in a newspaper having general circulation (*Pender Post*) on the following dates; March 5, 2008, March 12, 2008, March 26, 2008, April 2, 2008, and

WHEREAS, the Town of Burgaw Board of Commissioners held a public informational hearing to receive comments from the public regarding the proposed extraterritorial jurisdiction expansion on March 18, 2008, and

WHEREAS, the Town of Burgaw Planning and Zoning Board held a public hearing to receive comments from the public regarding the proposed extraterritorial jurisdiction expansion on March 20, 2008, and

WHEREAS, the Town of Burgaw Board of Commissioners held a public hearing to consider the proposed extraterritorial jurisdiction expansion on April 8, 2008, and

WHEREAS, the Town of Burgaw Board of Commissioners voted to pass Resolution 2008-13 (Resolution Stating the Town of Burgaw's Intent to Extend its Extraterritorial Jurisdiction) along with Exhibit A (Map of Proposed Extraterritorial Jurisdiction), and

WHEREAS, according to the Pender County Tax Office the following property owners are within the area included in the Town of Burgaw's proposed extraterritorial jurisdiction:

3208-99-5572-0000-RICHARD A THOMAS	3218-07-8962-0000-PAUL M LENNON JR
3218-08-6880-0000-GREGORY DALE MATHEWS ET AL	3218-08-8400-0000-WILLIAM BEVERAGE JR
3218-09-3673-0000-WILLIAM HENRY BLAKE	3218-09-7383-0000-WILLIAM H BLAKE ET AL
3218-18-0784-0000-OSCAR HALLETT HILBURN ET AL	3218-28-4425-0000-BOWEN CAPUTO FAMILY
3218-29-7962-0000-DALE L HAND ET AL	3218-39-8656-0000-MARION W BOWEN
3218-53-0502-0000-RED MOUNTAIN TIMBER CO LLC	3218-78-7615-0000-L FRANKLIN FUTCH
3219-02-7986-0000-KAREN HYATT	3219-03-5630-0000-JAMES DANIEL SANDERSON
3219-03-5731-0000-CHRISTOPHER SANDERSON	3219-03-6365-0000-RICHARD DAVID SANDERSON
3219-03-6500-0000-RICHARD SANDERSON	3219-03-7127-0000-RICHARD SANDERSON
3219-03-9262-0000-SARA LOUISE SANDERSON	3219-04-2279-0000-JAMES SANDERSON
3219-04-2452-0000-JAMES SANDERSON	3219-04-3075-0000-JAMES SANDERSON
3219-04-3108-0000-JAMES SANDERSON	3219-11-8577-0000-MARION W BOWEN
3219-12-2510-0000-JAMES BARNHILL JR	3219-12-4552-0000-JAMES BARNHILL JR
3219-12-7509-0000-MARTIN H BEACH	3219-12-9654-0000-ABNER RIVENBARK
3219-13-3324-0000-LEON D BELLAMY	3219-13-6023-0000-RICHARD SANDERSON
3219-13-8292-0000-RICHARD SANDERSON	3219-14-1133-0000-RICHARD SANDERSON
3219-17-9091-0000-RALPH E DAVIS JR	3219-20-1122-0000-JANICE SIDDALL BUTLER
3219-20-1670-0000-ELEANOR A KAZARAS	3219-20-2885-0000-JESSICAN BOWEN
3219-20-3197-0000-DOROTHY G KING	3219-20-7514-0000-HILDA A LANIER
3219-20-9485-0000-JENNI ALDRIDGE	3219-20-9678-0000-HILDA A LANIER
3219-21-2927-0000-DAVID L BOWEN	3219-21-3072-0000-N W CHANNEL INC
3219-21-5189-0000-BRADLEY J BEAUCHEMIN	3219-21-5936-0000-TREVOR D EDWARDS
3219-21-7286-0000-ARNOLD H BEAUCHEMIN	3219-21-9562-0000-MICHAEL W RAAB
3219-22-2731-0000-THURMAN E JOHNSON	3219-22-4821-0000-WILLIAM JOHN KNOERZER
3219-22-5783-0000-RICHARD AUGI	3219-22-7930-0000-THELMA V BROWN
3219-23-4730-0000-JAMES SANDERSON	3219-24-0891-0000-JAMES SANDERSON
3219-26-1935-0000-DANA SCHEETZ	3219-26-2895-0000-ROLAND CLIFTON SMITH
3219-26-4821-0000-ROLAND CLIFTON SMITH	3219-26-5660-0000-HAYDEE J HENDRIX

3219-26-5721-0000-JOHN A MCCOMMAS
3219-26-7540-0000-CHARLES ALFRED JONES
3219-26-9422-0000-JOHN L MITCHELL
3219-27-5263-0000-WILLIAM W JACKSON
3219-27-8151-0000-GARRY D LANE
3219-28-7465-0000-NIELS JORGENSEN
3219-30-0248-0000-JENNI ALDRIDGE
3219-31-9816-0000-THELMA V BROWN
3219-36-0308-0000-DALTON RALLIS
3219-36-1976-0000-JANET G RYAN
3219-36-2310-0000-BEVERLY CIMINO
3219-36-4218-0000-WILBERT ALLEN RIVENBARK
3219-36-7335-0000-SABRINA LEA CRAMER
3219-38-6179-0000-NATHAN CARL RIVENBARK
3219-57*6637-0000-TC&I TIMBER CO LLC
3229-08-2851-0000-BEDIE M THIGPEN
3238-19-2887-0000-H DAVIS BURTON III
3238-68-0206-0000-VIRGINIA C WILLIAMS
3239-08-5753-0000-JAMES EARL SIMPSON
3239-08-7942-0000-ROBERT SIMPSON
3239-08-8721-0000-JAMES EARL SIMPSON SR
3239-17-7632-0000-CURTIS M DAIL
3239-18-3116-0000-ROY LEE JOHNSON JR
3239-18-6374-0000-STAG PARK PROPERTIES
3239-28-3122-0000-MARION LEE JOHNSON
3239-28-4442-0000-PEARLINE JOHNSON
3239-35-1248-0000-PARK LAKE PROPERTIES LLC
3239-36-1828-0000-STONEY B MCKOY
3239-37-0308-0000-STONEY B MCKOY
3239-46-6503-0000-LINDA LANE JORDAN
3239-46-8841-0000-LINDA LANE JORDAN
3239-55-3417-0000-SIDNEY M LANE ET AL
3239-62-5639-0000-J P MOORE HEIRS
3239-65-2919-0000-BENNY D COLE ET AL
3239-65-8764-0000-IVEY BLACKBURN JR
3239-66-3860-0000-BENNY D COLE
3239-66-6144-0000-STANLEY WAYNE LANIER
3239-75-3921-0000-STEVEN MICHAEL LANIER
3239-79-1728-0000-DAVID HOWARD RUFUS FAMILY
3310-30-0103-0000-JOSEPH G ROGERS
3310-30-9290-0000-NATHAN CARL RIVENBARK SR
3310-60-6671-0000-ELLIS J TURNER
3310-61-7677-0000-JAMES R SELLERS
3310-61-9472-0000-FRANKLIN D RIVENBARK
3310-70-2726-0000-FRANKLIN D RIVENBARK
3310-70-4823-0000-FRANKLIN D RIVENBARK
3310-70-6739-0000-FRANKLIN D RIVENBARK
3310-70-8429-0000-FRANKLIN D RIVENBARK
3310-71-0021-0000-FRANKLIN D RIVENBARK
3310-71-1196-0000-FRANKLIN D RIVENBARK
3310-71-5120-0000-FRANKLIN D RIVENBARK
3310-81-2629-0000-NICHOLAS R DILLON
3320-53-8253-0000-CLAUDE KIRK CRUMPLER SR
3320-71-1700-0000-WHRENS C WILLIAMS TRUSTEE
3320-80-7398-0000-ROBERT LEE JR
3320-81-1299-0000-GATHA JORDAN ROWELL
3320-81-4025-0000-PENDER COUNTY
3320-81-5574-0000-PENDER COUNTY
3320-81-7424-0000-WILLIAM ROBERT BELL
3320-81-8830-0000-GRADY LEE FENNELL
3320-82-4138-0000-GRADY LEE FENNELL
3320-82-7992-0000-FREDA WOODS
3320-82-8994-0000-SHERESE SMITH
3320-90-2962-0000-WILLIE WRIGHT JR
3320-90-5827-0000-MAJOR WRIGHT
3320-90-8624-0000-PENDER REAL ESTATE GROUP LLC
3320-91-0305-0000-ISAAC J SPARROW III
3320-91-3077-0000-FRANK WRIGHT
3320-91-6248-0000-BURGAW CREEK LLC
3320-91-7898-0000-MILTON FENNELL
3320-92-2103-0000-PENDER COUNTY
3320-92-3647-0000-ROBERT J ALBERTI II

3219-26-6566-0000-MARIE B HALL
3219-26-8436-0000-ROY MARVIN WELLS
3219-27-4208-0000-KENNETH WAYNE MCLENDON
3219-27-6198-0000-CHAUNCEY B PHELPS
3219-27-9094-0000-FIDEL HERANDEZ
3219-29-6826-0000-NATHAN CARL RIVENBARK SR
3219-30-1451-0000-DAVID R SUTTON
3219-33-3968-0000-WHRENS C WILLIAMS TRUSTEE
3219-36-1314-0000-JAMES L ROYAL
3219-36-2298-0000-NANCY HUNT
3219-36-2991-0000-NATHAN CARL RIVENBARK SR
3219-36-5229-0000-ROBIN L FOWLER
3219-37-0080-0000-DENNIS HART
3219-48-8829-0000-NATHAN C RIVENBARK JR
3219-79-4567-0000-NATHAN C RIVENBARK JR
3229-99-7220-0000-CIRCA DESIGN INC
3238-57-0745-0000-FOUR BY FOUR HOLDING CO LLC
3238-86-6289-0000-FORESTRY PTNR LLC
3239-08-6963-0000-MAJOR WRIGHT
3239-08-8477-0000-BEN CLINTON HEIRS
3239-09-6438-0000-CURTIS RAY MARSHALL
3239-18-0230-0000-CLEOPATRA MARSHALL
3239-18-6161-0000-STAG PARK PROPERTIES
3239-25-5455-0000-R J MARSHBURN ET AL
3239-28-4176-0000-MARION LEE JOHNSON
3239-29-4483-0000-ROY ROWE JR
3239-35-1941-0000-WLS PROPERTIES INC
3239-36-2349-0000-STONEY B MCKOY
3239-38-2302-0000-STONEY B MCKOY
3239-46-7180-0000-LINDA LANE JORDAN
3239-47-9922-0000-LINDA LANE JORDAN
3239-56-8259-0000-SIDNEY M LANE ET AL
3239-65-0134-0000-MARGARET D LEEUWENBURG
3239-65-3862-0000-REBECCA L WALDRON
3239-66-0168-0000-TERRY SPENCER
3239-66-5447-0000-LINDA LANE JORDAN
3239-66-9019-0000-FAYE LANIER GARDNER
3239-76-6676-0000-FAYE GARDNER
3310-20-8140-0000-RONALD CHADWICK
3310-30-5243-0000-GEORGE W RIVENBARK
3310-60-1332-0000-NATHAN CARL RIVENBARK JR
3310-60-8673-0000-JOEL P LARSON
3310-61-8427-0000-JAMES R SELLERS
3310-70-0729-0000-FRANKLIN D RIVENBARK
3310-70-4613-0000-FRANKLIN D RIVENBARK
3310-70-5592-0000-FRANKLIN D RIVENBARK
3310-70-7883-0000-FRANKLIN D RIVENBARK
3310-70-9724-0000-FRANKLIN D RIVENBARK
3310-71-0482-0000-FRANKLIN D RIVENBARK
3310-71-3143-0000-FRANKLIN D RIVENBARK
3310-80-0589-0000-FRANKLIN D RIVENBARK
3310-91-5925-0000-JOHN H WILLIAMS HEIRS
3320-70-9955-0000-E R CASEY ESTATE
3320-80-6862-0000-ELIZABETH M JAMES
3320-80-9462-0000-ESTHER L BOSTIC
3320-81-2659-0000-MARIA LEE BELL
3320-81-4182-0000-BLUE STAR INVESTMENTS LLC
3320-81-6322-0000-ROY L HAND
3320-81-8144-0000-FRANK WRIGHT
3320-81-9224-0000-JOSEPH F BOYLES
3320-82-6134-0000-PENDER COUNTY
3320-82-8097-0000-JOYCE BOWMAN
3320-82-9153-0000-ANNIE BRYANT BANNERMAN
3320-90-3483-0000-NORMAN E SNEEDEN JR
3320-90-6784-0000-EDDIE LEVELL
3320-91-0064-0000-GEORGE FRANKS
3320-91-1199-0000-ARDELL S WRIGHT
3320-91-4976-0000-PENDER COUNTY
3320-91-7660-0000-ALEX WILLIAMS HEIRS
3320-92-0240-0000-PENDER COUNTY
3320-92-2945-0000-MARGIE F PATTERSON
3320-92-4347-0000-PENDER COUNTY

3320-92-6908-0000-BETSY M CAMPBELL
3320-93-0033-0000-HARDY PHILYAW HEIRS
3320-93-6881-0000-MASONBURG PROPERTIES
3330-00-1402-0000-ROBERT EDWARD SMITH
3330-01-6001-0000-JUDSON BRINKLEY CROOM
3330-04-6038-0000-MASONBURG PROPERTIES
3330-12-3317-0000-MILTON FENNELL
3330-33-2999-0000-NORWOOD BLANCHARD
3330-53-8648-0000-WINTON LANDS LLC
3219-35-7531-0000-WILLIE FRANKLIN EUBANKS
3310-20-7152-0000-NATHAN CARL RIVENBARK SR
3239-66-1757-0000-TERRY & SHERRY M SPENCER
3310-61-5328-0000-FRANKLIN D RIVENBARK
3310-61-7270-0000-FRANKLIN D RIVENBARK
3310-71-1393-0000-FRANKLIN D RIVENBARK
3320-43-2367-0000-DOLORES A MCPHAIL
3320-92-2567-0000-PENDER COUNTY
3330-33-5812-0000-NORWOOD P BLANCHARD

3320-92-8119-0000-MILTON FENNELL
3320-93-4064-0000-FREDA WOODS
3320-93-8041-0000-MILTON FENNELL
3330-01-4604-0000-SIBLE F PETERSON HEIRS
3330-03-5409-0000-GRADY LEE FENNELL
3330-05-8420-0000-MAXIME MORIN JR
3330-24-9233-0000-NORWOOD P BLANCHARD
3330-33-8169-0000-WINTON LANDS LLC
3330-54-6714-0000-WILLIAM NAUMUK
3219-46-2444-0000-LOIS SMITH COBB
3310-90-1903-0000-RAYMOND R BOST JR
3310-61-4504-0000-FRANKLIN D RIVENBARK
3310-61-6362-0000-FRANKLIN D RIVENBARK
3310-61-8160-0000-FRANKLIN D RIVENBARK
3320-43-0265-0000-RACHEL PEARSALL
3320-80-6341-0000-ANNIE BELL WILLIAMS
3320-92-4647-0000-PENDER COUNTY

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BURGAW THAT:

1. The Town of Burgaw formally requests the Pender County Board of Commissioners convey all zoning and building inspection authority in the proposed extraterritorial jurisdiction, as depicted on Exhibit A, to the Town of Burgaw.
2. Upon receiving approval for the proposed extraterritorial jurisdiction expansion from the Pender County Board of Commissioners, the Town of Burgaw plans to seek enabling legislation from the North Carolina General Assembly to extend its extraterritorial jurisdiction up to two mile beyond its corporate limits.

Approved this eighth day of April, 2008.

Signed: _____

Attest: _____