TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM November 9, 2020

TO: Mayor and Board of Commissioners

FROM: Debora P. Diáz, Town Manager

REF: Public Hearing

1. Annexation of Lots 3 and 4, Pine Grove Subdivision (Attached PH-1)

At the October 12, 2020 meeting the Board of Commissioners received a Petition for Voluntary Annexation of the only two lots remaining in the Pine Grove Subdivision, Lots 3 and 4, which are located at the west-end of West First Street. Several Town departments have been involved in this matter and all have worked with the Town Attorney to assure compliance with North Carolina law and the Town Code for extension of corporate limits. The annexation will require an amendment to the Town's Zoning Map; Lots 3 and 4 are proposed to be zoned Low Density Residential, which corresponds with adjacent and nearby zoning.

In 2008, the owner of Lot 1A, which was a combination of Lots 1 and 2 of the Pine Grove Subdivision, petitioned the Town for voluntary annexation of the property. It was approved, and on March 26, 2008, the Board of Commissioners approved the property to be zoned Low Density Residential. Since 2008 Lot 1A sold to Guy and Regina Bunch, who also acquired the original Lot 3 of the subdivision, and not long ago Lot 4 was purchased by Gary and Susan Mason. The Masons were most interested in being located in Town, and the Bunches agreed for their property to also be annexed. By annexing these properties, both lots will be able to connect to the Town's water system, which is already in place; take advantage of solid waste collection and disposal services; and, participate in other services and benefits provided to the Town's taxpayers.

The attached packet of information, which was shared with all adjoining property owners, posted on the Town's website, and placed in printed format at the main entrance to the Town Hall, includes:

- The public hearing notices;
- The fully executed Petition for Voluntary Annexation;
- The Ordinance to Extend the Corporate Limits of the Town of Kill Devil Hills;
- The Resolution Directing the Town Clerk to Investigate the Petition; and, the Resolution Fixing the Date of Public Hearing;
- The Ordinance to Extend the Corporate Limits of the Town of Kill Devil Hills;
- The Ordinance Amending the Official Zoning Map;

- Several maps of Lots 3 and 4, Pine Grove subdivision, including individual depictions of each property; a vicinity map; an adjoining property owners map; and a map showing Dare County's zoning designation of the property;
- Zoning information for the Town and Dare County; and
- Verification that public hearing signs were placed on site.

Additionally, the Town has received a utility easement request from the Masons, owners of Lot 4. Because Lot 4 is split by the West First Street right-of-way, in order for them to install a septic system on the eastern portion of their property the Board will need to approve the attached easement agreement.

One inquiry from an adjoining property was received by the Town Clerk. The Walker Boys Investment Holdings, LLC, owners of Pt of 5, Partridge Estate, immediately adjacent to the Mason's property submitted the attached e-mail message, which was addressed by the Town Clerk. They have no concerns with the pending annexation.

Staff recommends the Board of Commissioners accept the petition for annexation and other aspects of this item. A motion will be in order to approve:

- An Ordinance to Extend the Corporate Limits of the Town of Kill Devil Hills, North Carolina by
- An Ordinance Amending the Official Zoning Map of the Town of Kill Devil Hills to designate the zoning of Lots 3 and 4, Pine Grove Subdivision, as Low Density Residential; and,
- The wastewater easement requested by the Masons for Lot 4.

TOWN OF KILL DEVIL HILLS

Land Where Flight Began

(Town Logo)

NOTICE OF PUBLIC HEARINGS ON A
PETITION REQUESTING VOLUNTARY ANNEXATION, AN ORDINANCE TO EXTEND THE CORPORATE LIMITS, and AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF KILL DEVIL HILLS

NOTICE is hereby given that the Kill Devil Hills Board of Commissioners will conduct a public hearing to receive public comment, both written and oral, in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, on Monday, November 9, 2020 at 6:00 o'clock p.m., on the question of annexation into the Town of Kill Devil Hills the area described in this notice and on zoning this property Low Density Residential Zone.

The area proposed for annexation is described as follows:

A. Tract Three-Lot No. 3, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

B. Tract Four-Lot No. 4, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

The registered plat of the Pine Grove Subdivision, filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377 is hereby attached to this *NOTICE OF PUBLIC HEARING ON A PETITION REQUESTING VOLUNTARY ANNEXATION AND AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF KILL DEVIL HILLS* as Exhibit A.

C. Lots 3 and 4 of the Pine Grove Subdivision, described above, are proposed to be zoned Low Density Residential.

All documents and maps related to this annexation and zoning may be viewed at the Main Entrance to the Kill Devil Hills Town Hall, 102 Town Hall Drive; they will be placed on a table under the portico for your convenience. Additionally, they may be viewed online by using the following link: https://www.kdhnc.com/878/November-9-2020-Board-of-Commissioners-M. Any questions regarding this proposed annexation, or zoning of the properties may be directed to the Town Clerk, Mary Quidley, 252.449.5302, mary@kdhnc.com.

At the conclusion of the public hearing, the Board of Commissioners may take action on the Petition Requesting Voluntary Annexation of Contiguous Property and on the zoning of this property to Low Density Residential, said action to include approval, disapproval or tabling the matter for further consideration.

Posted this 28th day of October 2020.

Mary E. Quidley
Town Clerk

Coastland Times: please publish as a legal ad on 10.28.2020 and 11.4.2020

TOWN OF KILL DEVIL HILLS

Land Where Flight Began

NOTICE OF PUBLIC HEARINGS ON A
PETITION REQUESTING VOLUNTARY ANNEXATION, AN ORDINANCE TO EXTEND THE CORPORATE LIMITS, and, AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF KILL DEVIL HILLS

NOTICE is hereby given that the Kill Devil Hills Board of Commissioners will conduct a public hearing to receive public comment, both written and oral, in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, on Monday, November 9, 2020 at 6:00 o'clock p.m., on the question of annexation into the Town of Kill Devil Hills the area described in this notice and on zoning this property Low Density Residential Zone.

The area proposed for annexation is described as follows:

A. Tract Three-Lot No. 3, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

B. Tract Four-Lot No. 4, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

The registered plat of the Pine Grove Subdivision, filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377 is hereby attached to this *NOTICE OF PUBLIC HEARING ON A PETITION REQUESTING VOLUNTARY ANNEXATION AND AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF KILL DEVIL HILLS* as Exhibit A.

C. Lots 3 and 4 of the Pine Grove Subdivision, described above, are proposed to be zoned Low Density Residential.

All documents and maps related to this annexation and zoning may be viewed at the Main Entrance to the Kill Devil Hills Town Hall, 102 Town Hall Drive; they will be placed on a table under the portico for your convenience. Additionally, they may be viewed online by using the following link: https://www.kdhnc.com/878/November-9-2020-Board-of-Commissioners-M. Any questions regarding this proposed annexation, or zoning of the properties may be directed to the Town Clerk, Mary Quidley, 252.449.5302, mary@kdhnc.com.

At the conclusion of the public hearing, the Board of Commissioners may take action on the Petition Requesting Voluntary Annexation of Contiguous Property and on the zoning of this property to Low Density Residential, said action to include approval, disapproval or tabling the matter for further consideration.

Posted this 26th day of October 2020.

Mary E. Quidley
Town Clerk

Copies to: Mayor and Board of Commissioners, Town Manager, Town Attorney in their packet materials; all department heads; all Town bulletin boards; KDH Sunshine List, including all local news media; KDH Electronic Distribution List; KDH social media; website; annexation petitioners; adjoining property owners; file

TOWN OF KILL DEVIL HILLS
PUBLIC SERVICES

Post Office Box 1719, 107 Town Hall Drive
Kill Devil Hills, NC 27948
Administration (252) 480-4080 Fax (252) 441-6136
Office Hours: 8:00 a.m. – 5:00 p.m. Mon. – Fri.
Water Plant (252) 480-4090
www.kdhnc.com

STEPHEN F. ALBRIGHT
Director

DEREK A. DAIL
Assistant Director

MARCIA OLLIS
Administrative Services

ALFRED W. BURTON
Water Plant

WILLIAM H. WATERFIELD
Water Systems

L. RANDOLPH TURNER
Streets

LYNN E. LINDSEY
Solid Waste

November 09, 2020

Memorandum

To: Debora P. Diaz, Town Manager

From: Derek A. Dail, Assistant Public Services Director

Subject: **Public Services Recommendation of the Voluntary Annexation of Lot 3 and Lot 4 of the Pine Grove Subdivision**

Public Services hereby provides our support to annex Lots 3 and 4 of the Pine Grove Subdivision, designate zoning of the properties as Low Density Residential, and extend the corporate limits to the southern limits of Lot 4 and the W. First Street. The annexation of these two parcels and adjustment to the zoning district makes logical sense and will enable the properties to connect to the Town's water system, be provided solid waste services by the Town and take advantage of other services available to the Town properties and their owners. Without the annexation, there are complications with regards to access to water and solid waste services that may limit the development options of the properties as the County does not have any water infrastructure nor any solid waste service routes in the vicinity of these properties.

The rezoning will also bring the western portion of the W. First Street right-of-way fully into the Town's corporate limits.

Also included in the annexation request is a wastewater easement request by the owner of Lot 4 to cross under w. first street to a portion of the property on the east side of W. First Street. The proposed wastewater system is to be located on the opposite side of the street from the property due to environmental regulations. Public Services has reviewed this request and has no objections to the request.

Again, Public Services supports and recommends the annexation of the Lots 3 and 4 of the Pine Grove Subdivision and provides no objection to the wastewater easement requested by the owner of Lot 4.

Quidley, Mary

From: Rodney Walker <mlpobx@yahoo.com>
Sent: Wednesday, November 04, 2020 9:06 AM
To: Quidley, Mary
Subject: Re: Annexation-Lot 3/4 Pine Grove

Mary,

Thank you so much for your quick response and taking the time to explain in more detail. This helps a lot.

Have a great day,

Tara Walker
Major League Plumbing
of the Outer Banks, LLC
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.mlpobx.com&c=E,1,DqeI2VIWcA-vTaFcvk7f4DAL_xPM6Nss2Nq8mhuuepqnhr_Sh8DZXmyYl2wcAuvNy2t5a_53P0-VgFn21ZNv5MD4yw5h-tx0wmPJF7M4l3sy5kuGYQC2HFZXCYI,&typo=1

> On Nov 3, 2020, at 3:39 PM, Quidley, Mary <MARY@kdhnc.com> wrote:
>
> No. There's no affect to your property at all. If approved, Lots 3 and 4 will come into the Town of Kill Devil Hills with a designated zoning of Low Density Residential, which corresponds to the zoning currently assigned that property by Dare County. Since there is no access to Lots 3 and 4 from Colington Road, fire response and potentially law enforcement response, if not provided by the Town, would have to come out of Colington go north to access either Landing Drive or West First Street and then proceed west to the end of West First Street to respond to any call. Actually, Kill Devil Hills' fire and police services would be the first agencies called to respond because of proximity to the property.
>
> I hope this helps a bit.
>
> Thanks so much for your response and inquiry.
>
> Mary (E. Quidley)
> KDH Town Clerk
> mary@kdhnc.com
> 252.449.5302
>
>
>
> -----Original Message-----
> From: Rodney Walker [mailto:mlpobx@yahoo.com]
> Sent: Tuesday, November 03, 2020 3:29 PM
> To: Quidley, Mary <MARY@kdhnc.com>
> Subject: Annexation-Lot 3/4 Pine Grove
>
> Hello Mary,
>
> I am the owner of 1064 Colington Road, one of the adjacent properties to lot 3 and lot 4 of the Pine Grove subdivision.
>

> I received the packet of information pertaining to the voluntary annexation.
>
> I have read through the information and just want to make sure that the zoning change pertaining to these two lots in no way will affect my property and the way it is zoned. It will just simply mean that the two lots adjacent will be able to use their property in a different manner, as long as I have no issues with this I will not need to attend the meeting or do anything further.
>
> Thank you,
>
> Tara Walker
> Major League Plumbing
> of the Outer Banks, LLC
> https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.mlpobx.com&c=E,1,HpdA034JFaW4kf1JcfNKm75X4-2Iq6TKpd-iZGauxW1xY8wvZnn7Pbb3_WGABcgiRBAc8wfqheKWCC4ulTU6w0GTDybM6IaVXUM4mf07&typo=1

TOWN OF KILL DEVIL HILLS

Post Office Box 1719, 102 Town Hall Drive
Kill Devil Hills, North Carolina 27948
252-449-5300
www.kdhnc.com

Mayor
BENJAMIN A. SPROUL

Mayor Pro Tem
IVY RAY INGRAM

Commissioners
TERRY L. GRAY
BERNARD B. MCAVOY, JR.
JOHN L. WINDLEY

Town Manager
DEBORA P. DIAZ

Assistant Town Manager
SHAWN R. MURPHY

Town Clerk
MARY E. QUIDLEY

Town Attorney
CASEY C. VARNELL

October 26, 2020

Walker Boys Investment Holdings, LLC
112 Soundshore Drive
Kill Devil Hills, NC 27948; and

Cori Davies
108 Osprey Lane
Kitty Hawk, NC 27949; and

Superintendent Dave Hallac
Cape Hatteras National Seashore
1401 National Park Drive
Manteo, NC 27954

REF: Voluntary Annexation of Lot 3 and Lot 4 of the Subdivision Known as Pine Grove, which adjoin real property in which you have an interest; and zoning designation of this property as Low Density Residential

At their regular meeting on Monday, October 12, 2020 the Board of Commissioners of the Town of Kill Devil Hills received a petition from the owners of Lots 3 and 4, Pine Grove Subdivision for the voluntary annexation of those lots into the Town of Kill Devil Hills. At that meeting, the Board of Commissioners scheduled this matter for public hearing on Monday, November 9, 2020 at 6:00 p.m., in the Meeting Room at the Administration Building, 102 Town Hall Drive off Colington Road to receive public comment both written and oral on the annexation and on the potential zoning of both lots Low Density Residential, which corresponds to the zoning designation currently in place by Dare County.

Attached to this letter is a packet of information pertaining to the annexation and zoning designation. Should you have any questions about either issue, please give me a call; my contact information appears below. Written comments may be mailed, delivered in person, or submitted by e-mail to me, or the Board of Commissioners: boc@kdhnc.com. All printed comments will be maintained in the permanent record of the meeting.

With kindest regards,

Sincerely,

Mary E. Quidley
Town Clerk
Town of Kill Devil Hills
mary@kdhnc.com
252.449.5302

Ordinance Number _____

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF KILL DEVIL HILLS, NORTH CAROLINA

WHEREAS, the Board of Commissioners of the Town of Kill Devil Hills has been petitioned under NCGS § 160A-31 and NCGS §160A-58, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Kill Devil Hills Town Hall at 6:00 p.m. on November 9, 2020 after due notice by posting to the Town of Kill Devil Hills website, https://www.kdhnc.com/878/November-9-2020-Board-of-Commissioners-M, and advertising the public hearing in The Coastland Times, a local distributions newspaper; and

WHEREAS, the Board of Commissioners of the Town of Kill Devil Hills does hereby find that said petition meets the requirements of NCGS § 160A-31 and NCGS §160A-58, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Kill Devil Hills, North Carolina:

Section 1. By virtue of the authority granted by NCGS §160A-31 and NCGS §160A-58, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified map is hereby annexed and made part of the Town of Kill Devil Hills, North Carolina as of the date of adoption of this Ordinance on November 9, 2020. The plats that describe the annexed territory are:

A. Lot 3, Pine Grove Subdivision, by Styons Surveying Services for Mark P. Pearson and Scott A. Smith, File # 08-137, dated and sealed on September 30, 2008.

Please Return to the Town of Kill Devil Hills Town Clerk,
P.O. Box 1719 Kill Devil Hills, NC 27948

B. Revised Wetlands Plat of Lot 4, Pine Grove Subdivision, by Styons Surveying Services for Gary M. Mason and Susan R. Mason, File # 19-292, originally dated and sealed on December 12, 2019 and revised on March 11, 2020.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Kill Devil Hills, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Kill Devil Hills. Said territory shall be subject to municipal taxes according to NCGS §160A-58.10, as amended.

Section 3. The Clerk of the Town of Kill Devil Hills, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Dare County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Dare County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the _____ day of November, 2020.

Town Seal

_____
Ben Sproul
Mayor

ATTEST:

_____
Mary E. Quidley, Town Clerk

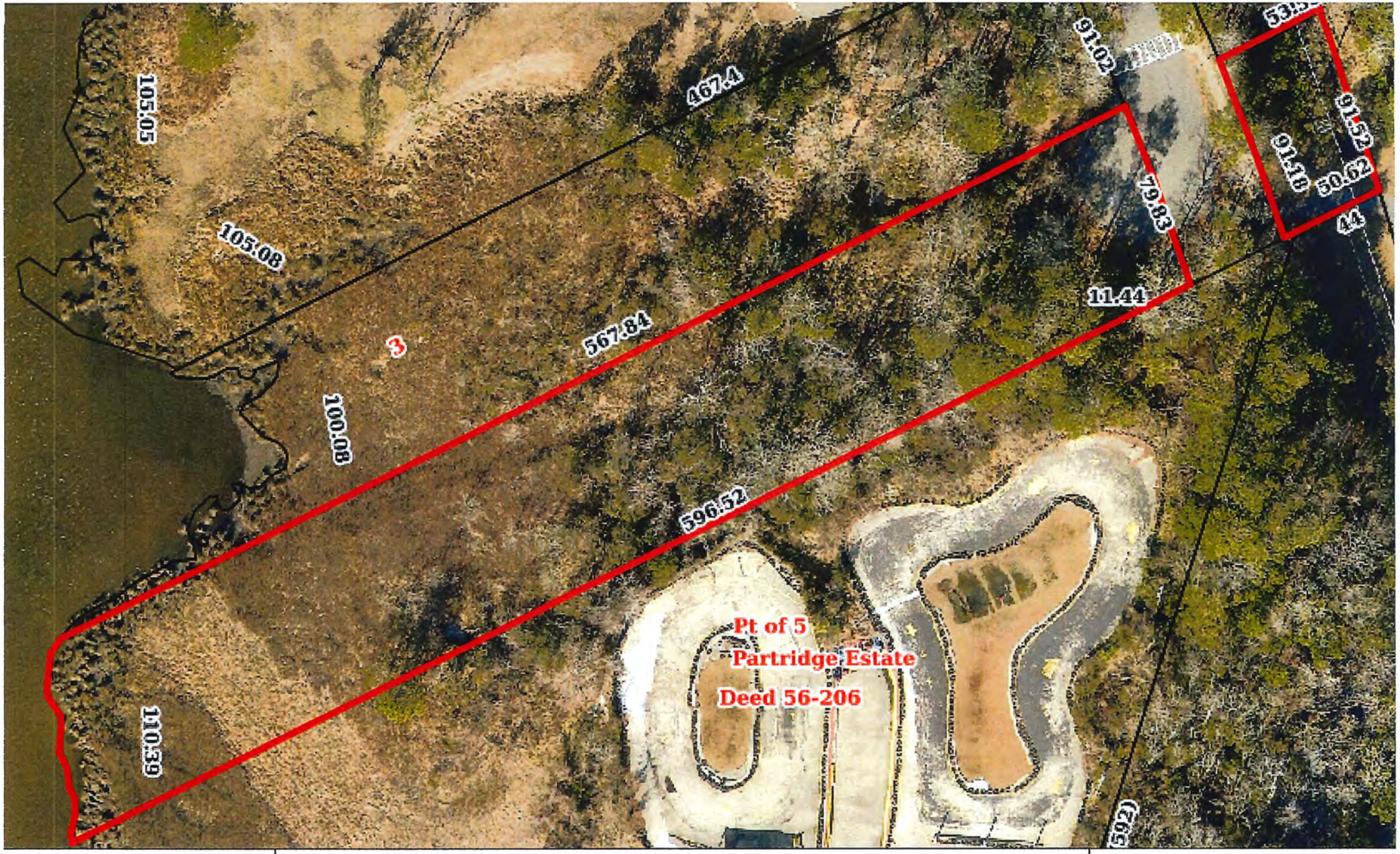
APPROVED AS TO FORM:

_____
Casey Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE TOWN OF KILL DEVIL HILLS, was placed in the Kill Devil Hills Town Code Book on the _____day of _____, 2020 at _____ ___.m.

_____
James Michael O'Dell
Deputy Town Clerk

Please Return to the Town of Kill Devil Hills Town Clerk,
P.O. Box 1719 Kill Devil Hills, NC 27948

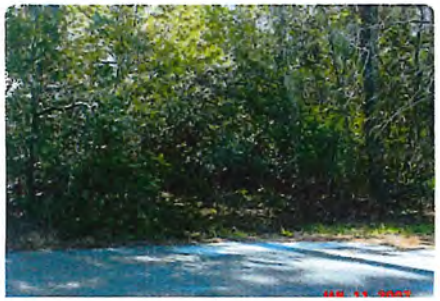


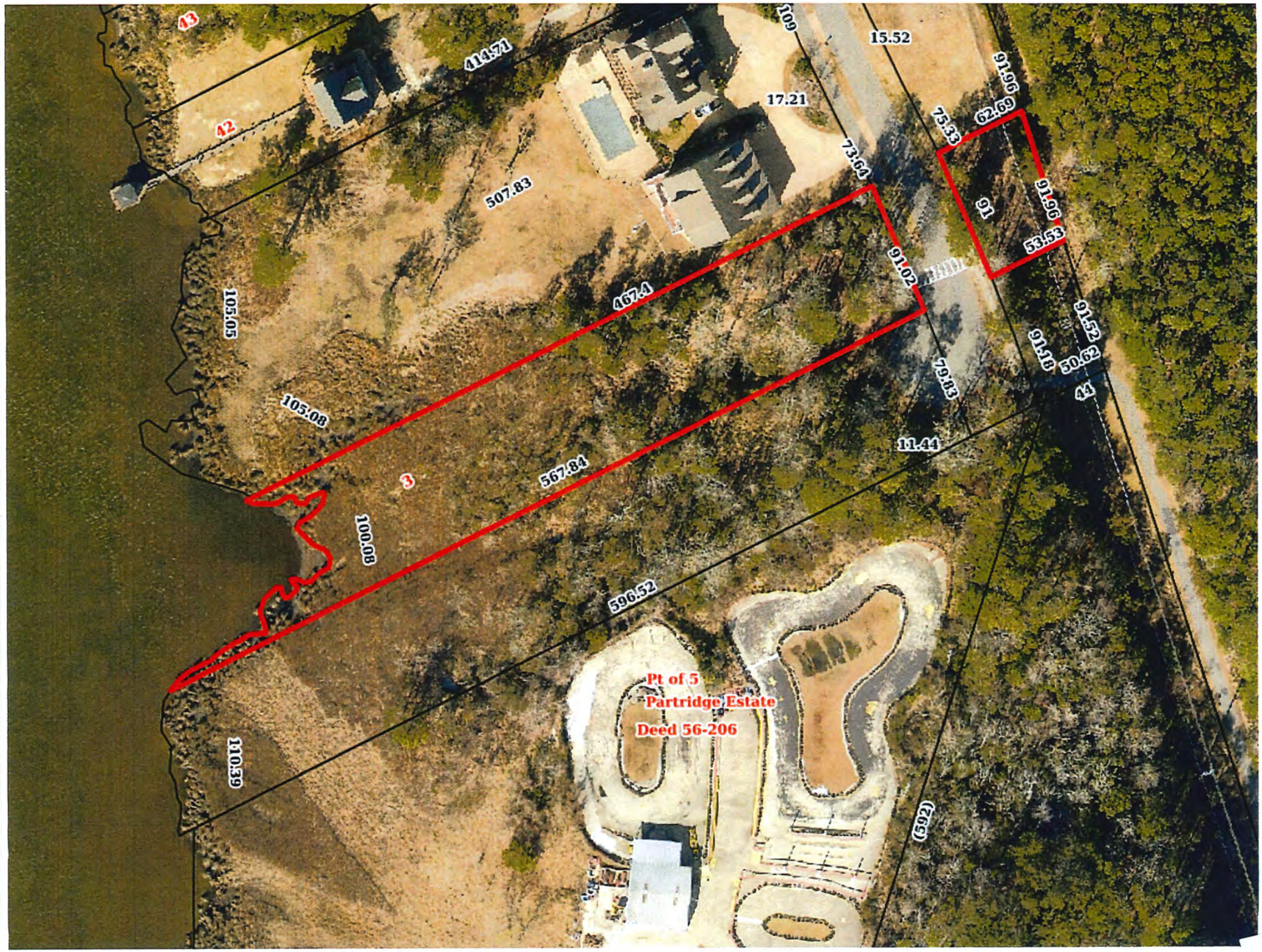
This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

1420 W First ST
Kill Devil Hills NC, 27948
Parcel: 008096004
Pin: 988417118191

Owners: Mason, Gary M -Primary Owner
Mason, Susan R -Primary Owner
Land Value: $184,300
Misc Value: $0
Building Value: $0
Total Value: $184,300

Tax District: Kill Devil Hills Out
Subdivision: Pine Grove
Lot BLK-Sec: Lot: 4 Blk: Sec:
Property Use: Vacant Land (Private)
Building Type:
Year Built:




43
42
414.71
507.83
109
15.52
17.21
91.96
62.69
75.33
73.64
91
91.96
53.53
91.02
467.4
105.05
105.08
79.83
91.18
91.52
50.62
44
11.44
567.84
3
100.08
596.52
Pt of 5
Partridge Estate
Deed 56-206
110.39
(292)

Unofficial Document

MINIMUM BUILDING SETBACKS

.... FRONT YARD — 30'
.... SIDE YARD — 8'
.... REAR YARD — 20 % OF LOT DEPTH, NOT TO EXCEED 30'

FILED
DORIS A. FAY
Register of Deeds
Dare County, N. C.

CURVE DATA					
NO.		DELTA	RADIUS	TANGENT	ARC
C-1	℄	[illegible]	[illegible]	125.00'	[illegible]
C-2	℄	[illegible]	1911.053'	125.00'	244.267'

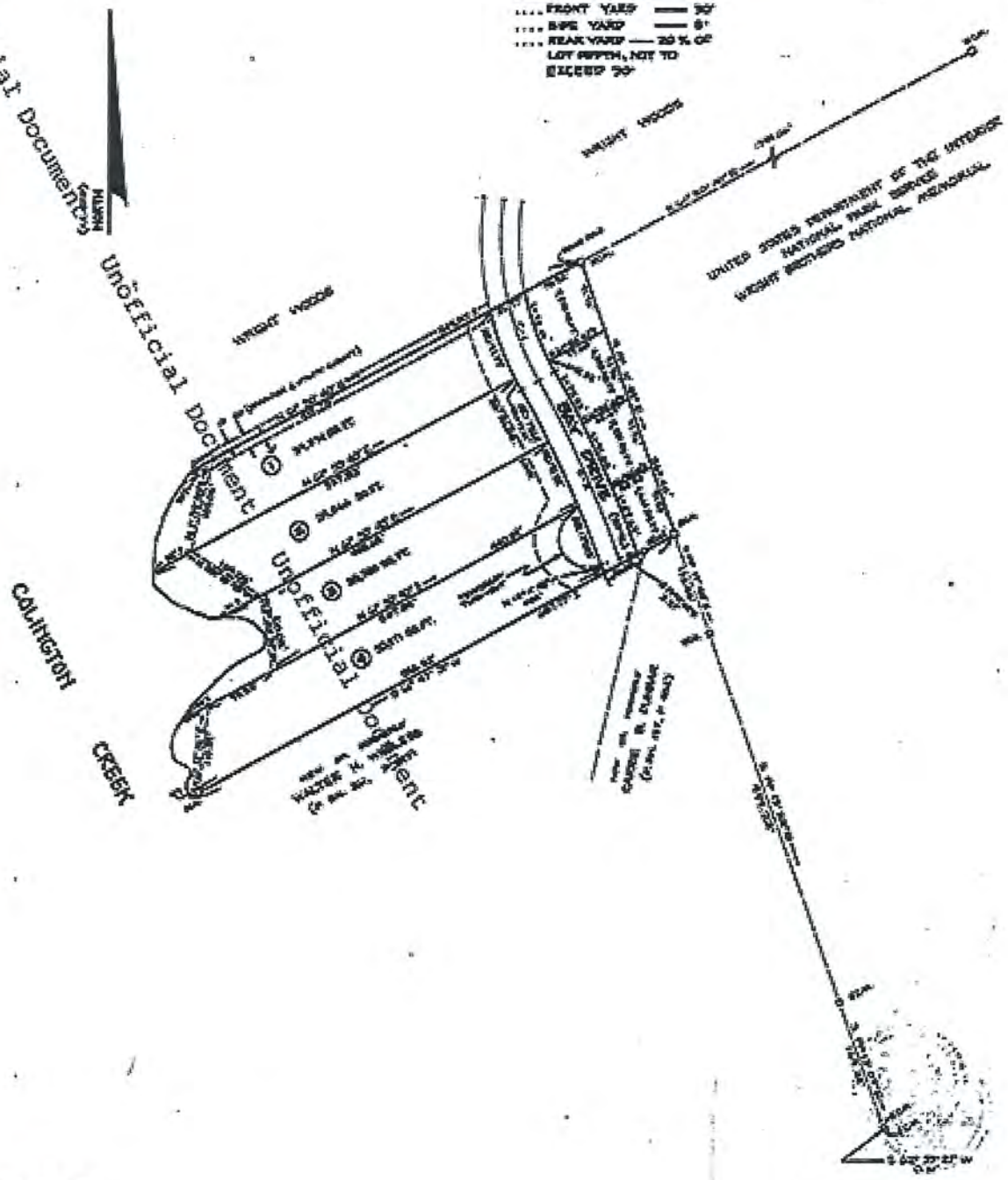
NOTE:

... PORTIONS OF THIS SUBDIVISION MAY LIE WITHIN AREAS OF ENVIRONMENTAL CONCERN AND BE SUBJECT TO THE REGULATIONS OF THE COASTAL AREA MANAGEMENT ACT, C.A.M.A. AND/OR U.S.A.C.O.E. JURISDICTIONAL LINE HAS NOT BEEN ESTABLISHED.

... THE RIGHT-OF-WAY OF BAY DRIVE EXTENDS TO THE SOUTHERN PROPERTY LINE.

... TOTAL LOT AREAS ...

LOT NO.	WEST OF BAY DR.	EAST OF BAY DR.	TOTAL AREA
1	39,374.00 FT.	7,280.00 FT.	46,654.00 FT.
2	39,060 " "	6,343 " "	45,403 " "
3	38,380 " "	8,231 " "	46,611 " "
4	50,971 " "	4,661 " "	55,632 " "



PINE GROVE

ATLANTIC TOWNSHIP DARE COUNTY
NORTH CAROLINA

DATE: AUGUST 10, 1983

TOWN OF KILL DEVIL HILLS

Land Where Flight Began

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO NCGS 160A-31 and NCGS §160A-58

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Commissioners of the Town of Kill Devil Hills has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Kill Devil Hills, North Carolina that:

1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road, on Monday, November 9, 2020 at 6:00 o'clock p.m.

2. The area proposed for annexation is described as follows:

   A. Tract Three-Lot No. 3, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

   B. Tract Four-Lot No. 4, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

   The registered plat of the Pine Grove Subdivision, filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377 is hereby attached to this *NOTICE OF PUBLIC HEARING ON A PETITION REQUESTING VOLUNTARY ANNEXATION AND AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF KILL DEVIL HILLS* as Exhibit A.

3. Notice of this hearing shall be published in The Coastland Times, a newspaper having general circulation in the Town of Kill Devil Hills at least 10 days prior to the date of the public hearing.

Town Seal

Ben Sproul
Mayor

ATTEST:

Mary E. Quidley
Town Clerk

TOWN OF KILL DEVIL HILLS

Land Where Flight Began

Resolution Directing the Town Clerk to
Investigate a Petition Received under N.C.G.S. 160A-31 and NCGS §160A-58

WHEREAS, a petition requesting annexation of an area described in said petition was received on 7th day of October 2020 by the Board of Commissioners; and

WHEREAS, N.C.G.S. § 160A-31 and NCGS §160A-58 provides that the sufficiency of the petition shall be investigated by the Town of Kill Devil Hills Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Commissioners of the Town of Kill Devil Hills deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Kill Devil Hills that

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the result of the investigation.

Ben Sproul, Mayor

ATTEST:

Mary E. Quidley, Town Clerk

Petition Requesting Voluntary Annexation **Date: September 29, 2020**

To the Board of Commissioners of the Town of Kill Devil Hills:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Kill Devil Hills.

2. The area to be annexed is Lot 3, Pine Grove Subdivision, contiguous, to the Town of Kill Devil Hills, and the boundaries of such territory are as follows:

Lot 3, Contiguous, Pine Grove Subdivision – Deed Book/Page 1983/492 – Styons Surveying Services Plat Attachment File Number 06-137, and as noted in the property deed, provided to the Town by the Bunches, and as noted in the property deed, and in the name of Mark P. Pearson and Scott A. Smith, and owned by

Bunch, Guy D., Jr.
Bunch, Regina L.
Guy D. Bunch, III
1414 West First Street
Kill Devil Hills, NC 27948

Physical Address: 1418 West First Street
Pine Grove Subdivision
Parcel #: 008096003
PIN #: 988417118292

2A. The area to be annexed is not contiguous to the Town of Kill Devil Hills and the boundaries of such territory are as follows:

Lot 4, Non-contiguous, Pine Grove Subdivision – Deed Book/Page 2004/631 – Styons Surveying Services Plat Attachment File Number 19-292 and owned by

Mason, Gary M.
Susan R. Mason
621 Enterprise Way
Maryville, Tennessee 37801

Physical Address: 1420 West First Street
Pine Grove Subdivision
Parcel #: 008096004
PIN #: 988417118191

Please Return to: Town of Kill Devil Hills Town Clerk, P.O. Box 1719,
102 Town Hall Drive, Kill Devil Hills, North Carolina 27948

The proposed parcels meet all of the following statutory standards and provisions governing non-contiguous annexation by a North Carolina municipality:

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. *The nearest point on the proposed satellite corporate limits of Lots and 3 and 4, Pine Grove Subdivision, is less than three miles from the primary corporate limits of the Town of Kill Devil Hills.*

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section. *There is no other city in the near vicinity of Lots 3 and 4, Pine Grove Subdivision.*

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits. *The Town of Kill Devil Hills will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits. West First Street, owned and maintained by the Town of Kill Devil Hills, is immediately adjacent to each of Lots 3 and 4, Pine Grove Subdivision. Each lot has the ability to connect to an existing public water line owned and maintained by the Town of Kill Devil Hills. Public collection and disposal of refuse will be provided. Fire and police emergency response are currently designated as the first dispatched units in the event of an incident or fire at Lots 3 and 4, Pine Grove Subdivision, as determined by Dare County Emergency Management. That level of service will continue for each lot on completion of the voluntary annexation.*

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. *Pine Grove Subdivision is a four-lot tract, approved by the County of Dare, and recorded in 1985. Lots 1 and 2 were recombined into Lot 1R and it was annexed into the Town of Kill Devil Hills on December 14, 2009; Lot 3 is being voluntarily annexed in accordance with the provisions of this petition; Lot 4, Pine Grove Subdivision is also being voluntarily annexed in accordance with the provision of this petition, and it is the last remaining lot in the original Pine Grove Subdivision.*

(5) The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city. *The area square footage of Lot 3, Pine Grove Subdivision, 45,500 square feet; and, the area square footage of Lot 4, Pine Grove Subdivision, 54,000 square feet, do not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kill Devil Hills, approximately 5.67 square miles.*

3. We acknowledge that any zoning vested rights acquired pursuant to N.C.G.S. 160A-385.1 or N.C.G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Please Return to: Town of Kill Devil Hills Town Clerk, P.O. Box 1719,
102 Town Hall Drive, Kill Devil Hills, North Carolina 27948

Name	Address	Do you declare vested rights (yes/no)	Signatures of all Property Owners
1. Guy D. Bunch, Jr. Regina L. Bunch Guy D. Bunch, III Contiguous Lot 3, Pine Grove Subdivision – Deed Book/Page 1983/492	1414 West First Street Kill Devil Hills, NC 27948		Guy D. Bunch, Jr. Regina L. Bunch Guy D. Bunch, III
2. Gary M. Mason and Susan R. Mason Non-contiguous Lot 4, Pine Grove Subdivision – Deed Book/Page 2004/631	621 Enterprise Way Maryville, TN 37801		Gary M. Mason Susan R. Mason

State of North Carolina

County of Currituck

I, Geraldine Jackson, a Notary Public for said County and State, do hereby certify that the land owner(s), Guy D. Bunch, Jr., Regina L. Bunch, and Guy D. Bunch, III, mentioned on this voluntary annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 20 day of October, 2020.

Notary Public

GERALDINE JACKSON
NOTARY PUBLIC
Currituck County
North Carolina
My Commission Expires 10/17/2023

Please Return to: Town of Kill Devil Hills Town Clerk, P.O. Box 1719, 102 Town Hall Drive, Kill Devil Hills, North Carolina 27948

My commission expires October 17, 2023

State of Tennessee

County of ~~Kn~~ Alcoa

I, Terri Smith, a Notary Public for said County and State, do hereby certify that the land owner(s), Gary M. Mason and Susan R. Mason, mentioned on this voluntary annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 9 day of October, 2020.

Notary Public

My commission expires July 26, 2023

TERRI SMITH
STATE OF TENNESSEE NOTARY PUBLIC
KNOX COUNTY

North Carolina
County of Dare
Town of Kill Devil Hills

This is to certify that the undersigned Town Clerk for the Town of Kill Devil Hills did investigate the sufficiency of the aforesaid petition for voluntary annexation in accordance with NCGS 160A-31(c) and I do hereby certify that the said petition appears to be correct and sufficient in all respects.

This the 17th day of October, 2020.

SEAL

KILL DEVIL HILLS
Birthplace of Aviation
NORTH CAROLINA

Mary E. Quidley
Town Clerk
Town of Kill Devil Hills

Please Return to: Town of Kill Devil Hills Town Clerk, P.O. Box 1719, 102 Town Hall Drive, Kill Devil Hills, North Carolina 27948

North Carolina
County of Dare

I, the undersigned Notary Public, do hereby certify that Mary E. Quidley personally appeared before me, and acknowledged that she is the Town Clerk for the Town of Kill Devil Hills and that she executed the Certification of the Petition for Voluntary Annexation as presented in this document.

This 21st day of October, 2020.

Witness my hand and official seal this 21st day of October, 2020.

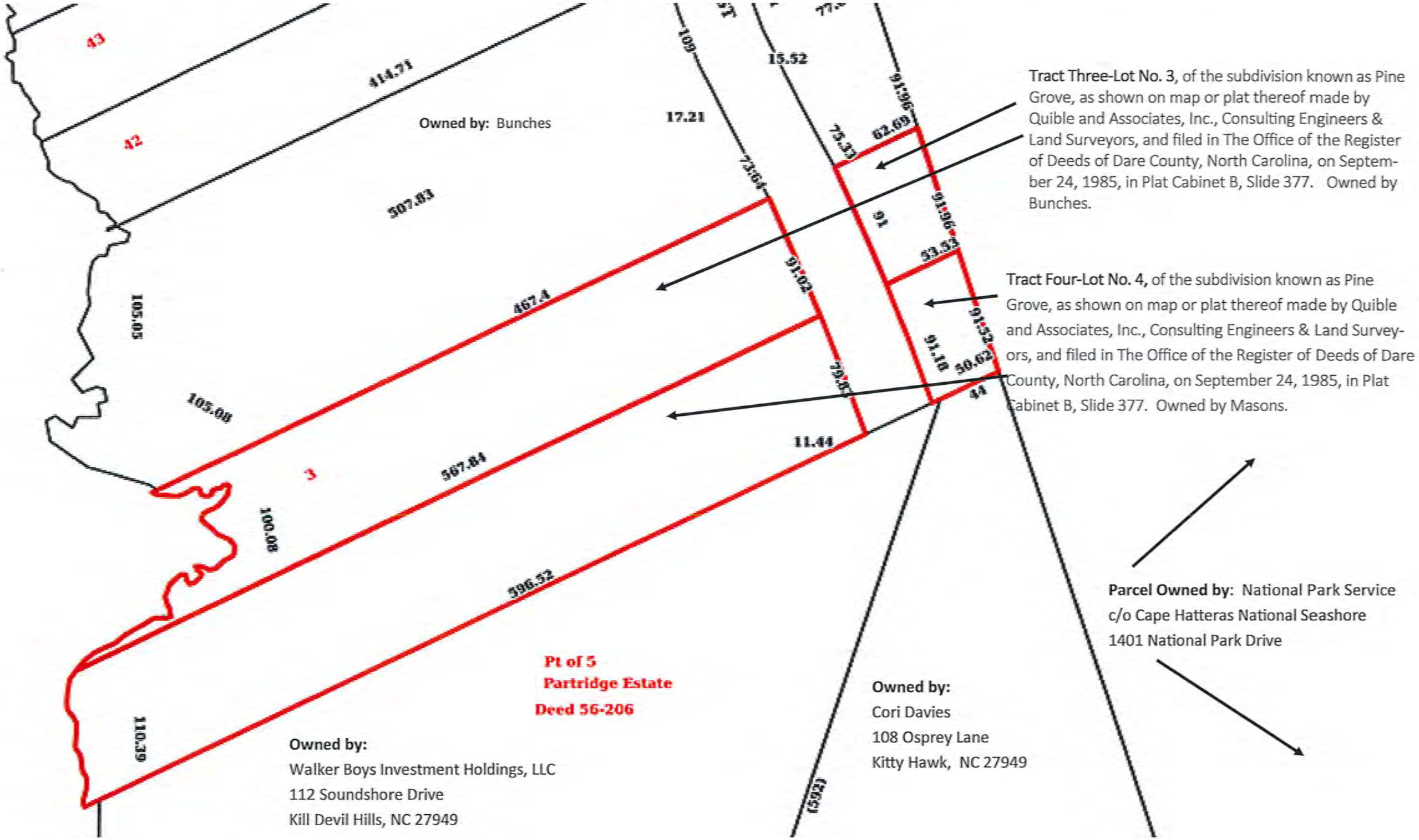
Jan Michael O'Dell
Notary Public

My commission expires May 4, 2025

JAMES MICHAEL O'DELL
Notary Public - North Carolina
Dare County
My Commission Expires May 4, 2025

Please Return to: Town of Kill Devil Hills Town Clerk, P.O. Box 1719,
102 Town Hall Drive, Kill Devil Hills, North Carolina 27948

PETITION FOR VOLUNTARY ANNEXATION: 11.9.2020 - ADJOINING PROPERTY OWNERS



Ordinance Number _____

AN ORDINANCE AMENDING
THE OFFICIAL ZONING MAP OF THE
TOWN OF KILL DEVIL HILLS

BE IT HEREBY ORDAINED by the Board of Commissioners of the Town of Kill Devil Hills that, in accordance with the provisions of NCGS Chapter 160A Article 19. Planning and Regulation of Development. Part 1. General Provisions, and the provisions of the Kill Devil Hills Town Code, Chapter 153, Zoning, § 153.021 Zoning Map Adoption, the Zoning Map of the Town of Kill Devil Hills shall be amended by adding the properties listed below, and depicted on Exhibit A which is attached to and made a part of this ordinance, which shall be zoned Low Density Residential Zone, as follows:

A. Lot 3, Pine Grove Subdivision, by Styons Surveying Services for Mark P. Pearson and Scott A. Smith, File # 08-137, dated and sealed on September 30, 2008. Owned by the Bunches.

B. Revised Wetlands Plat of Lot 4, Pine Grove Subdivision, by Styons Surveying Services for Gary M. Mason and Susan R. Mason, File # 19-292, originally dated and sealed on December 12, 2019 and revised on March 11, 2020. Owned by the Masons.

This amendment to the Official Zoning Map of the Town of Kill Devil Hills, shall be in full force and effect from and after the _____ day of _____, 2020. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the _____ day of _____, 2020, by a vote of _____ in favor and _____ opposed.

SEAL

_____
Ben Sproul
Mayor

ATTEST:

_____
James Michael O'Dell
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF KILL DEVIL HILLS, was placed in the Kill Devil Hills Town Code Book on the _____day of _____, 2020 at _____ ___.m.

_____
James Michael O'Dell
Deputy Town Clerk

TOWN OF KILL DEVIL HILLS
LOW DENSITY RESIDENTIAL ZONES (RL)

§ 153.115 INTENT.

(A) The Low Density Residential (RL) Zone is established as an area in which the principle use of the land is for single-family residences and is intended to preserve and enhance low-to-medium density neighborhoods.

(B) In the RL Zone, buildings or lands shall be used for one or more of the following specified permitted uses or conditional uses and none other.

(Ord. 99-08, passed 5-10-99; Am. Ord. 01-02, passed 2-28-01)

§ 153.116 PERMITTED USES.

In the RL Zone, buildings and/or land shall be used for the following purposes:

(A) Single-family dwellings;

(B) Duplex dwellings;

(C) On-site accessory uses or buildings to divisions (A) or (B) of this section;

(D) Swimming pools, tennis courts (residential or private);

(E) Publicly-owned access areas and supporting facilities; publicly-owned recreation parks; privately-owned access areas;

(F) Home occupations as defined herein;

(G) Town-owned and leased facilities; and

(H) Places of worship and accessory uses.

(Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-02, passed 2-22-06)

§ 153.117 CONDITIONAL USES.

(A) *Playgrounds.* All playgrounds and parks in the RL Zone shall be operated by a governmental entity or nonprofit organization (except daycare centers and private schools) and the sponsoring agency shall provide in writing a maintenance schedule and shall designate those parties who shall be responsible for the periodic maintenance and policing of the grounds and resolution of any conflicts.

(B) Overhead transmission systems in accordance with §§ 153.280 - 153.288.

(Ord. 91-08, passed 11-18-91; Am. Ord. 97-05, passed 6-25-97; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 06-20, passed 8-14-06; Am. Ord. 16-18, passed 6-27-18)

§ 153.118 NONCONFORMITIES.

See §§ 153.050*et seq.*

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.119 BUILDING HEIGHT LIMITS.

(A) No structure shall exceed a living space height of 35 feet, as measured from average ground elevation to top plate.

(B) No structure shall exceed a total height of 42 feet.

(C) No structure shall have more than three levels of living space.

(D) Antennas for personal use and chimneys are exempt from height restrictions.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 02-16, passed 9-25-02)

§ 153.120 SITE REQUIREMENTS.

(A) *Lot dimensions.* All parcels shall have a minimum width of 50 feet.

(B) *Lot area.*

(1) The minimum building site shall be 15,000 square feet.

(2) The minimum building site for a duplex or two single-family dwellings shall be 20,000 square feet.

(3) Exempt recombination plats for lots platted prior to June 14, 1983 shall have a minimum lot size of 7,500 square feet.

(C) *Density.* Multi-family: Six units per acre.

(D) *Exceptions.*

(1) Where a lot or parcel of land has an area of less than the above required minimum area and was of record on June 14, 1983, such lot may be occupied by one family, provided the minimum side, front and rear requirements are complied with as set forth in § 153.121.

(2) Residential subdivisions are provided for in § 152.37(H)(3), the minimum lot size shall be 7,500 square feet.

(E) *Lot coverage.*

(1) A building erected or structurally altered shall be located on a lot and in no case shall there be more than two principal structures with associated accessory structures on a lot.

(2) Maximum allowable lot coverage by principal use, all accessory structures, vehicular circulation areas and parking - 40%. (For exceptions, see § 153.082.)

(3) Soils classified as wetlands shall be factored into lot coverage calculation based on the following schedule:

(a) If the lot is composed of less than 25% of its total area in wetland soils, then 75% of that area classified as wetlands may be used in calculating lot coverage;

(b) If the lot has between 25% to 50% of its total area in wetland soils, then 50% of that area classified as wetlands may be used in calculating lot coverage;

(c) If the lot has between 50% to 75% of its total area in soils classified as wetlands, then 25% of that area classified as wetlands may be used in calculating lot coverage;

(d) If the lot has 75% or more of its total area classified as wetlands, none of that area classified as wetlands may be used in calculating lot coverage.

(4) *Permeable pavement lot coverage calculations.*

(a) For lots 7,500 square feet in area or greater, the use of permeable paving systems, including porous concrete, porous asphalt, concrete grid pavers and permeable interlocking concrete pavers for parking spaces, drive aisles, and vehicular circulation areas, shall allow for a reduction in the calculated lot coverage. Material to fill the open cells of the pavement system types shall consist of open graded fine aggregate, open graded washed aggregate, sod turf grasses native to the southeast coastal environment and exhibit medium to high permeability rates. All permeable paving systems shall comply with the criteria of the North Carolina Division of Water Quality Stormwater Best Management Practices Manual (current edition). The following calculated reductions are allowed:

1. Porous concrete without washed stone base: 40% reduction.

2. Porous concrete with at least six inches of washed stone base: 60% reduction.

3. Porous asphalt, concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least four inches of washed stone base: 40% reduction.

4. Porous asphalt concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids with at least seven inches of washed stone base: 60% reduction.

5. The pavement section shall consist of the surface course or layer for infiltration, a bedding course (as required), an aggregate storage layer, and a woven geotextile fabric layer to prevent clogging.

6. Edge restraints shall be provided on all concrete grid pavers, permeable interlocking concrete pavers, and plastic reinforcing grids to confine the pavement installation. The pavement surface course structural properties shall be designed to withstand the applied vehicular loading pursuant to the specified application.

(b) In no case shall the total area that is occupied and obstructed by any structure above the ground, including but not limited to parking and drive aisles exceed 45% of the area of the lot.

(c) For additional coverage under the previous pavement reduction, 50% of the required parking shall be outside of the footprint of any structure or covering.

(F) *Drainage/stormwater runoff.* All development is required to follow the provisions in § 153.070.

(G) *Land disturbance.* See § 153.071.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01; Am. Ord. 04-10, passed 5-26-04; Am. Ord. 11-07, passed 4-11-11; Am. Ord. 16-5, passed 9-11-17; Am. Ord. 16-20, passed 7-19-18)

§ 153.121 SETBACKS.

(A) *Side yard.*

(1) The minimum side yard setback requirements on a lot with an area of 5,000 square feet or less shall be 6 feet from each side.

(2) The minimum side yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 8 feet from each side.

(3) The minimum side yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 10 feet from each side.

(B) *Front yard.*

(1) The minimum front yard setback requirements on a lot with an area of 5,000 square feet or less shall be 15 feet from the front property line.

(2) The minimum front yard setback requirements on a lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be 30 feet from the front property line.

(3) The minimum front yard setback requirements on a lot with an area exceeding 7,500 square feet shall be 30 feet from the front property line.

(C) *Rear yard.* The minimum rear yard setback requirements on any lot shall be 20% of the total depth of the lot but shall not exceed 30 feet from the rear property line.

(D) *Double frontage.*

(1) The minimum rear yard setback requirements on any double-frontage lot with an area of 5,000 square feet or less shall be 20% of the lot depth.

(2) On all lots over 5,000 square feet, the required front yard setback shall be provided on both front and rear of a double frontage lot.

(E) *Corner lot.*

(1) The minimum setback requirements on a corner lot with an area of 5,000 square feet or less shall be as follows:

(a) Side yard: 6 feet.

(b) Side street: 7½ feet.

(2) The minimum setback requirements on a corner lot with an area of more than 5,000 square feet but not more than 7,500 square feet shall be as follows:

(a) Side yard: 8 feet.

(b) Side street: 15 feet.

(3) The minimum setback requirements on a corner lot with an area exceeding 7,500 square feet shall be as follows:

(a) Side yard: 10 feet.

(b) Side street: 15 feet.

(Am. Ord. 01-02, passed 2-28-01; Am. Ord. 03-10, passed 6-25-03)

§ 153.122 SIGNS.

(A) No illuminated sign shall be permitted in the RL Zone. House numbers may be illuminated.

(B) See § 153.077.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.123 OFF-STREET PARKING, DRIVEWAYS, CURBS.

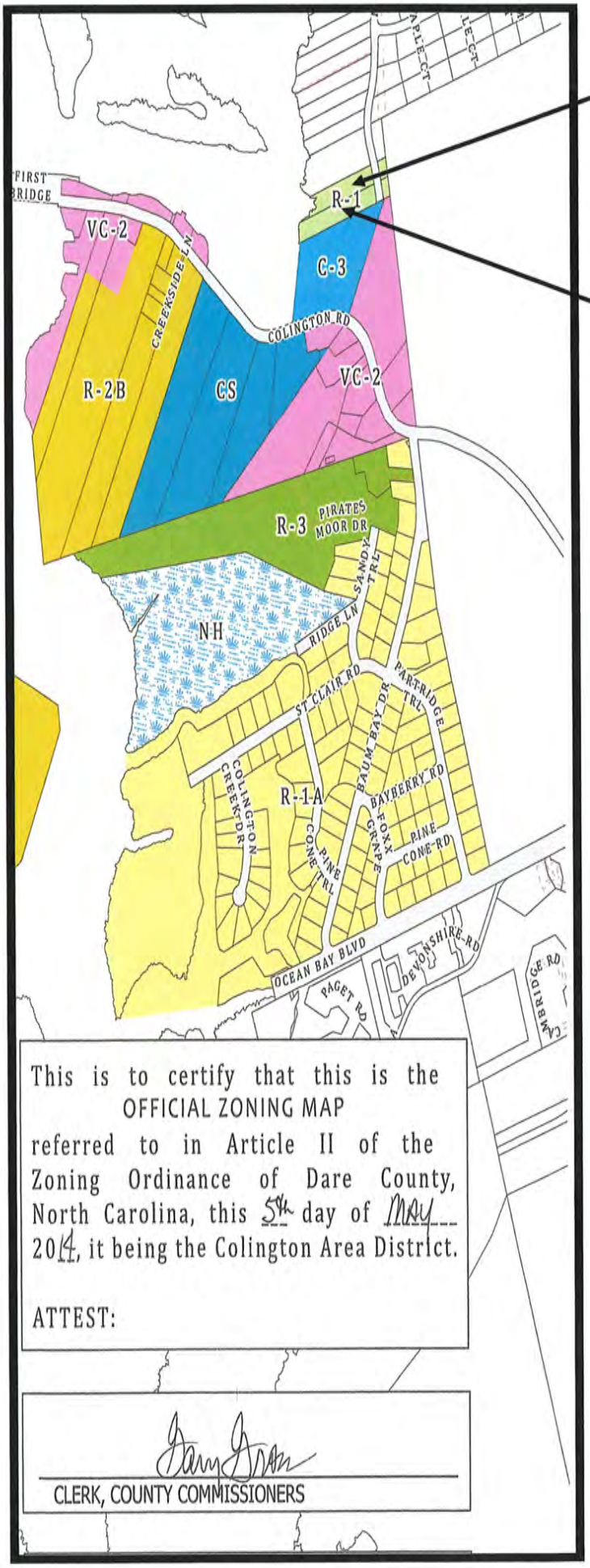
See § 153.076.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)

§ 153.124 BUFFERS AND SCREENING.

See § 153.073.

(Ord. 91-08, passed 11-18-91; Am. Ord. 01-02, passed 2-28-01)



A. Tract Three-Lot No. 3, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

B. Tract Four-Lot No. 4, of the subdivision known as Pine Grove, as shown on map or plat thereof made by Quible and Associates, Inc., Consulting Engineers & Land Surveyors, and filed in The Office of the Register of Deeds of Dare County, North Carolina, on September 24, 1985, in Plat Cabinet B, Slide 377.

DARE COUNTY LOW DENSITY RESIDENTIAL DISTRICT – R-1

SECTION 22-21 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

The following regulations shall apply to the R-1 low-density residential district:

(a) Intent. The R-1 district is intended to encourage the development of permanent low-density residential neighborhoods. These districts are located primarily in areas susceptible to environmental damage from more intensive uses of the land.

(b) Permitted uses. The following uses shall be permitted by right:

(1) Detached single-family dwellings, not to include mobile homes.

(2) Customary accessory buildings, including private swimming pools and tennis courts.

(3) County owned or leased facilities.

(c) Conditional uses. The following uses are permitted, subject to the requirements of this district, and additional regulations and requirements imposed by the Board of Commissioners as provided in Article X of this chapter:

(1) Churches and cemeteries.

(2) Fire stations, schools and other public buildings.

(3) Home occupations.

(4) Private clubs, including boat launching areas, golf courses, tennis courts, community centers, libraries, picnic areas, beach clubs and concessions integral thereto; provided, that there is no open commercial activity and that no sign other than a directional sign is allowed.

(5) Public and private utility facilities (must provide a vegetated buffer strip at least ten feet in height where the facility abuts a residential lot or use).

(6) Special Exceptions – Family child-care homes as defined in Section 22-2 and subject to the authorization provisions of Section 22-29.1.

(Adopted on 11-5-90)

(7) Small child care homes, large child care homes, and small child care centers as defined in Section 22-2, only as an accessory use of an existing or proposed church.

(Adopted on 11-5-90)

(8) University campuses.

a. University campuses may include educational buildings, service facilities, student housing, research facilities and other uses normally associated with college campuses.

b. The minimum lot size shall be no less than 30 acres.

c. There will be no commercial uses on the campus. (Adopted on 2-1-10)

(9) Cluster home developments subject to the provisions of Section 22-31.1.

(d) Dimensional requirements.

(1) Minimum lot size

a. Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area.

Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area.

Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area.

(Amended 9-19-94)

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 25 feet.

(6) Maximum allowable lot coverage by principal use and all accessorystructures: 30%.

(7) Height limitation: 35 feet.

(11-20-75, art. 7, 7.06)

(8) Height limitation for R-1 on Hatteras Island:

(a) Lots 7,499 square feet or less in area – building height shall be limited to a total of 35 feet measured as an average of the peak of the roof.

(b) Lots 7,500 square feet to 14, 999 square feet in area – building height shall be limited to 35 feet to the top plat of the ceiling of the highest habitable floor for a total building height of 42 feet, measured as an average of the peak of the roof.

(c) Lots 15,000 square feet or greater in area – building height shall be limited to 35 feet for the highest horizontal structural member of the highest habitable floor, plus 10 feet for interior walls or a top plat level of 45 feet, plus 7 additional feet for attic space and roof line design, for a total building height of 52 feet, measured at the peak of the roof.

(Adopted on 11-16-92)

(9) Height limitations for university campuses:

(a) Maximum building height shall be limited to 70 feet.

(b) An additional 2 feet of setback per foot of building height over 35 feet shall be established to any property line for structures exceeding 35 feet in height. (Adopted 2-1-10)

(Am. Ord. passed 9-16-2019)

TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: November 9, 2020
TIME: 6:00 pm
LOCATION:
KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC
APPLICATION: Extension of corporate limits and zoning designation - Lots 3 and 4 Pine Grove subdivision
For more information about this application contact the Planning and Inspections Dept. at (252) 449-5318

TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: November 9, 2010
TIME: 6:00 pm
LOCATION:
KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC
APPLICATION: Extension of current
lots and zoning designation - Lots
3 and 4 Pine Grove Subdivision
For more information about this application
contact the Planning and Inspections Dept.
at (252) 449-5318

TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: November 9, 2020
TIME: 6:00 pm
LOCATION:
KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC
APPLICATION: Extension of corporate limits and zoning designation - Lots 3 and 4 Pine Grove subdivision
For more information about this application contact the Planning and Inspections Dept. at (252) 449-5318

TOWN OF KILL DEVIL HILLS
PUBLIC HEARING
DATE: November 9, 2020
TIME: 6:00pm
LOCATION:
KILL DEVIL HILLS TOWN HALL
102 Town Hall Drive
Kill Devil Hills, NC
APPLICATION: Extension of corporate limits and zoning designation - Lots 3 and 4 Pine Grove subdivision
For more information about this application contact the Planning and Inspections Dept. at (252) 449-5318

NORTH CAROLINA
COUNTY OF DARE

This easement agreement is made and entered this _____ day of _____, _____ between _____, herein referred to as "_____," and the Town of Kill Devil Hills, herein referred to as "KDH."

RECITALS

WHEREAS, _____ is the owner of _____as shown in Plat Cabinet _____ Slide _____ of the Dare County Registry, hereinafter "_____," which lot is located along the _____ margin of the right of way of West First Street, in KDH; and

WHEREAS, _____ is also the owner of _____, _____ Subdivision as shown in Plat Book _____, Page _____, Dare County Registry, hereinafter "_____," which lots are located along the _____ margin of the right of way of _____ in KDH and are directly across _____ from _____ above; and

WHEREAS, _____ desires to install beneath West First Street a sewer force main, said utility lines to run from _____ to _____ and has requested KDH to grant an easement for such purposes; and

WHERES, KDH has agreed to grant such easement upon the terms and conditions contained herein;

NOW, THEREFORE, said KDH, for and in consideration of the sum of ten dollars, other good and valuable consideration, to them, in hand paid, and the mutual terms, and conditions contained herein, do hereby grant, bargain, sell, and convey unto said _____, a perpetual right and easement to construct, install, repair and maintain, beneath _____, an underground sewer force main extending from _____, as described above, to _____, as described above, and to go upon said lands whenever the same is reasonably necessary for the purpose of constructing, inspecting, maintaining, and repairing said utility lines; provided that said utility line shall be placed within the bounds of an easement _____ in width, under _____ at a place between the aforesaid lots to be determined by KDH. Further conditions imposed upon _____ in consideration of the aforementioned grant of rights by KDH shall be as follows:

1. Owner shall be required to consult with KDH as to the proposed location of all utility infrastructure encompassed by this agreement prior to installation.

2. It shall be owner's obligation to locate all utility infrastructure installed pursuant to this agreement when called upon to do so in the future by KDH or any other authorized entity.

3. All utility infrastructure installed pursuant to this agreement shall be installed within a conduit or other appropriate casing, said conduit or casing to be approved by KDH.

Further, _____, by execution hereof covenants and agrees that _____ shall: (a) shall be responsible for all costs and expenses of the construction, operation and maintenance of such utility lines; (b) shall restore any damage to the property or vegetation within the right of way of _____ to its condition prior to disturbance by _____; (c) shall be responsible for any damage to _____ caused by _____'s use of this easement; and, (d) shall forever indemnify and hold harmless KDH from any costs, expenses, damages or liabilities associated with the aforesaid covenants. This easement shall run with the land of _____ and the covenants contained herein shall apply to the heirs, successors, and assigns of _____ forever.

TO HAVE AND TO HOLD said right and easement to the said _____ and his successors in title forever.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

SEAL

TOWN OF KILL DEVIL HILLS

_____
_____, Mayor

_____
_____

NORTH CAROLINA
COUNTY OF DARE

I, a Notary Public, of the County and State written above, so hereby certify that _____ personally came before me and being first duly sworn deposes and says: that he is the Mayor of the Town of Kill Devil Hills, that the foregoing instrument was signed by her on behalf of the Town of Kill Devil Hills by authority duly given per the minutes of the Board of Commissioners, dated _____, the seal of the Town was

affixed by the Town Clerk and the Town Clerk acknowledged the said writing to be the act and deed of the Town of Kill Devil Hills by and through the Board of Commissioners.

Witness my hand and seal this the _____ day of _____, 20_____.

NOTARIAL SEAL

_____
Notary Public

My commission expires: _____

NORTH CAROLINA
COUNTY OF DARE

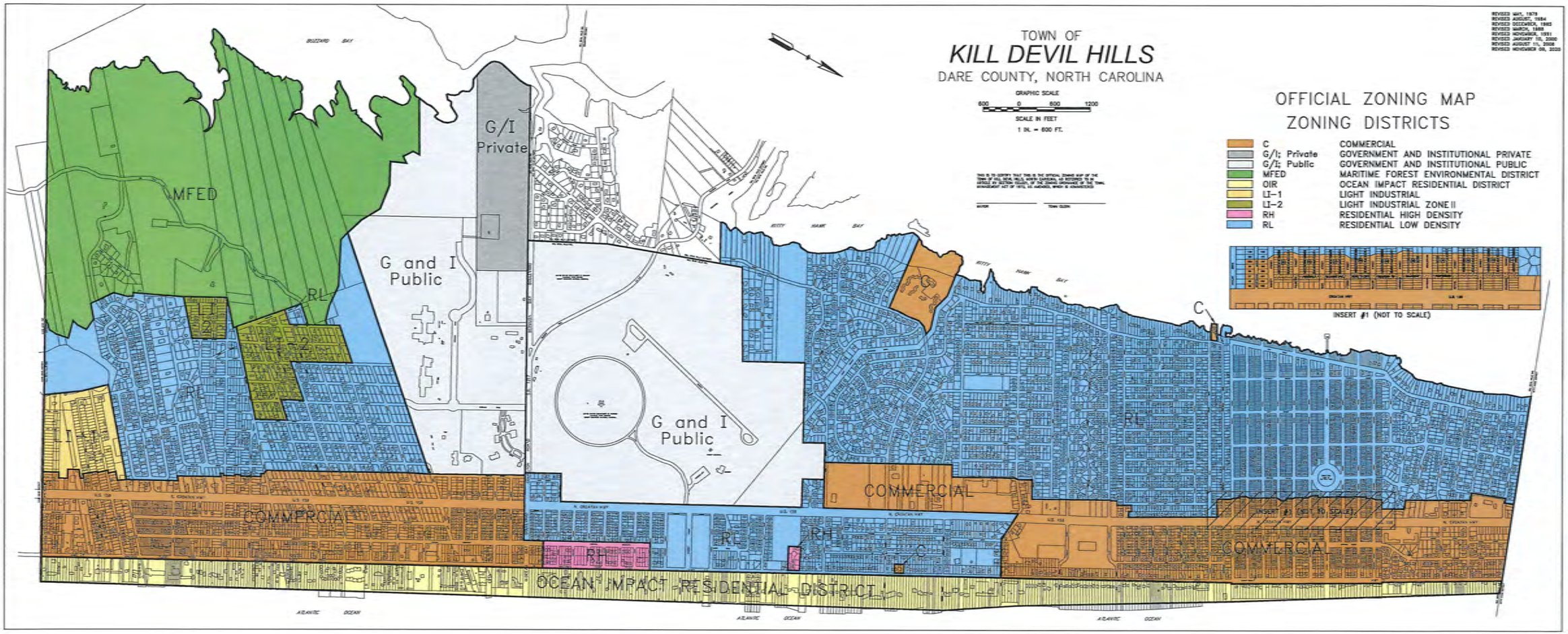
I, a Notary Public, of the County and State written above, so hereby certify _____ personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this the _____ day of _____, 20_____.

NOTARIAL SEAL

_____
Notary Public

My commission expires: _____


TOWN OF
KILL DEVIL HILLS
DARE COUNTY, NORTH CAROLINA
GRAPHIC SCALE
600 0 600 1200
SCALE IN FEET
1 IN. = 600 FT.
OFFICIAL ZONING MAP
ZONING DISTRICTS
C COMMERCIAL
G/I; Private GOVERNMENT AND INSTITUTIONAL PRIVATE
G/I; Public GOVERNMENT AND INSTITUTIONAL PUBLIC
MFED MARITIME FOREST ENVIRONMENTAL DISTRICT
OIR OCEAN IMPACT RESIDENTIAL DISTRICT
LI-1 LIGHT INDUSTRIAL
LI-2 LIGHT INDUSTRIAL ZONE II
RH RESIDENTIAL HIGH DENSITY
RL RESIDENTIAL LOW DENSITY
INSERT #1 (NOT TO SCALE)
MFED
G/I Private
G and I Public
G and I Public
RL
RL
RL
RH
RH
COMMERCIAL
COMMERCIAL
COMMERCIAL
OCEAN IMPACT RESIDENTIAL DISTRICT
C