



CITY OF DURHAM

To: Karmisha R. Wallace, Senior Assistant to the City Manager

From: Steven L. Medlin, AICP, Planning Director

Date: November 18, 2014

Re: 2015 Long Session Legislative Request

Please consider the following request for the 2015 Long Session Legislative Agenda:

Title

An Act To: Amend the charter of the City of Durham to allow the City Council to annex adjacent streets and street rights-of-way directly adjacent to a property subject to a voluntary annexation petition in voluntary annexation ordinance.

Requestor

City-County Planning (Staff resources are Patrick Young [Assistant Planning Director] and Scott Whiteman [Planning Supervisor])

Subject

Prior to 2012, the City routinely annexed adjacent right-of-way when approving voluntary annexation petitions. During the overhaul of the annexation statues in 2011 and 2012, a provision was added prohibiting cities from annexing a right-of-way unless the existing City limit is directly across the street. This has resulted in numerous incidences of areas of unincorporated Durham County jurisdiction abutted by property within the City of Durham.

This results in several areas of concern:

- 1) Primary emergency services responsibility along un-annexed streets is retained by the County volunteer fire departments (VFD) and the Sheriff's Office (rather than the City Fire and Police Departments). The adjacency of properties in the City limits creates confusion for emergency responders, regarding primary response responsibility; and
- 2) City street lights and sidewalks not being installed on streets adjacent to development located within the City, since the NC Department of Transportation (NCDOT) will typically not allow the installation of these improvements in NCDOT street rights-of-way; and
- 3) Streets being built to NCDOT standards, rather than City standards.

An example of this is the segment of Hocutt Road in eastern Durham adjacent to the proposed Ravenstone (Extension) subdivision (see highlighted in yellow on the attached map).

Costs

The City would assume some costs for maintenance and service delivery within these rights-of-way if this proposal is approved. However, it is likely that these areas that citizens will demand street lights, sidewalk and other City-maintained improvements in the future, and these may need to be constructed by the City if the area is annexed at a later date (ie: following approval of annexation of adjacent properties).

Comments

This request should be relatively non-controversial and should be supported by key stakeholders, particularly the development community.

cc: Keith Chadwell, Deputy City Manager
Patrick Baker, City Attorney
Don O'Toole, Deputy City Attorney
Patrick O. Young, AICP, Assistant Planning Director
Scott Whiteman, Planning Supervisor

Context Map:
BDG1400005/Z1400014A
Ravenstone Extension

-  Case Area
-  Parcel Lines
-  Streams
-  Wetlands
-  Watershed Overlay District Boundary
-  Water
-  Corps Land
-  Floodplain
-  Zoning
-  County Line

0 500 1,000 Feet



DURHAM COUNTY
 DURHAM City/County Planning Department
 7/11/2014

