

**CITY OF GRAHAM
SPECIAL SESSION
TUESDAY, JULY 9, 2019
9:00 A.M.**

The City Council of the City of Graham met in special session at 9:00 a.m. on Tuesday, July 9, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Chip Turner
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Bob Ward, City Attorney
Bryan Coleman, City Attorney

Council Members Absent:

Council Member Griffin McClure

Mayor Jerry Peterman called the meeting to order and presided at 9:00 a.m.

City Attorney Bob Ward explained that the purpose of the special meeting was to consider an ordinance to rescind the approval of an annexation ordinance adopted by the Council on July 2, 2019. Mayor Peterman made a motion to adopt an ordinance rescinding the annexation ordinance to extend the corporate limits of the City of Graham, North Carolina for an area off of Rogers Road (AN1901). Seconded by Council Member Wiggins. All voted in favor of the motion.

ORDINANCE
RESCINDING
ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF
CITY OF GRAHAM, NORTH CAROLINA
FOR AN AREA OFF OF ROGERS ROAD (AN1901)

WHEREAS, Shugart Enterprises, LLC pursuant to G.S. 160A-31 petitioned the City of Graham to annex certain property off Rogers Road (AN1901); and

WHEREAS, a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on July 2, 2019, after due notice by publication on June 20, 2019; and

WHEREAS, the City Council upon conclusion of the public hearing adopted an Ordinance annexing 111.439 acres as more particularly set forth in the Annexation Ordinance (AN1901) and recorded in the Alamance County Register of Deeds on July 3, 2019 in Book 03892, Start Page 0657 and End Page 0659 which is incorporated herein by reference; and

WHEREAS, it was subsequently discovered that the property described in said Annexation Ordinance (AN1901) had been transferred by deed recorded in Book 03892, Page 0251 and End Page 0255 by Shugart Enterprises, LLC to Clayton Properties Group, Inc. at 1:50:06 p.m. on July 2, 2019 prior to the hearing by the City Council which said deed is hereby incorporated by reference; and

WHEREAS, it appearing that the petitioner, Shugart Enterprises, LLC, at the time of said hearing was not the owner of said property and therefore was not the real party in interest and otherwise without standing to request said annexation at said hearing; and

WHEREAS, Clayton Properties Group, Inc., the legal owner at the time of said hearing would be the proper party to request annexation of said property; and

WHEREAS, the City Council determined that the legal owner of said property not having filed a valid annexation petition and not properly before the City Council, the action by the City Council on July 2, 2019 would not be valid as to the annexation of said property described in (AN1901); and

WHEREAS, the City Council therefore determined that said Ordinance (AN1901) adopted on July 2, 2019 should be rescinded; and

WHEREAS, the City Council at a meeting of this body upon notice duly convened on July 9, 2019 in accordance with the Open Meetings Law (G.S. Section 143-318.12(b)(2)) to consider this matter of the rescission of said Annexation Ordinance (AN1901); and

NOW THEREFORE, the City Council does hereby RESCIND AND REPEAL the action of July 2, 2019 adopting Annexation Ordinance (AN 1901); and said action adopting said Ordinance is otherwise of no effect.

The Mayor of the City of Graham shall direct city staff to take all actions required to give full force and effect to this action and shall cause to be recorded in the office of the Register of Deeds of Alamance County, this ORDINANCE RESCINDING ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF CITY OF GRAHAM, NORTH CAROLINA FOR AN AREA OFF OF ROGERS ROAD (AN1901).

Adopted this, the 9th day of July, 2019.

With no further business, at 9:07 a.m. Mayor Pro Tem Lee Kimrey made a motion to adjourn, seconded by Council Member Chip Turner. All voted in favor of the motion.

Frankie Maness, City Manager