

ORDINANCE NO. 2022-41

**AN ORDINANCE EXTENDING THE HEART OF BREVARD
MUNICIPAL SERVICE DISTRICT TO INCLUDE THE BREVARD
HOTEL CONDITIONAL ZONING DISTRICT PARCELS**

WHEREAS, the City of Brevard has the authority, pursuant to Section § 160A-538 of the North Carolina General Statutes, to extend by annexation the boundaries of any service district when one hundred percent of the real property owners of the area to be annexed have petitioned the council for annexation to the service district.; and

WHEREAS, such a petition was filed by City Camper, LLC for the property described as PINs 8586-51-5355-000, 8586-51-6590-000, 8586-51-7374-000 on May 4, 2022; and

WHEREAS, the Brevard City Council approved and created the Brevard Hotel Conditional Zoning District on these same parcels with the passage of Ordinance #2021-17 on April 21, 2021; and

WHEREAS, a public hearing was held on June 6, 2022, in consideration of expanding the Heart of Brevard Municipal Service District to include these properties; and

WHEREAS, the City of Brevard City Council, after hearing all persons wishing to comment on this request, voted unanimously in favor of the request on that same date; and

WHEREAS, the City of Brevard prepared and made available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing the report as required by NCGS § 160A-538(c) which is attached hereto as Exhibit A; and

WHEREAS, the City of Brevard City Council finds that including these parcels in the Heart of Brevard Municipal Service District will result in increased tax revenue for the Heart of Brevard, thereby helping to further revitalize and improve the quality, character, and experience of downtown Brevard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1: The Heart of Brevard Municipal Service District is hereby amended and expanded as described in Exhibit A attached hereto.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section 3: All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

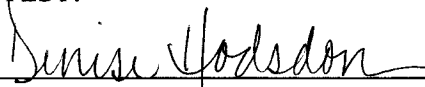
Section 4: This ordinance shall go into effect on July 1, 2022.

Adopted and approved upon second reading on this the 20th day of June 2022.





Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon
Deputy City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Mack McKeller', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke.

Mack McKeller
City Attorney

EXHIBIT A



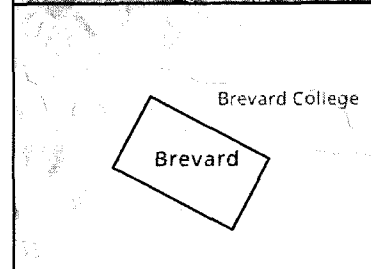
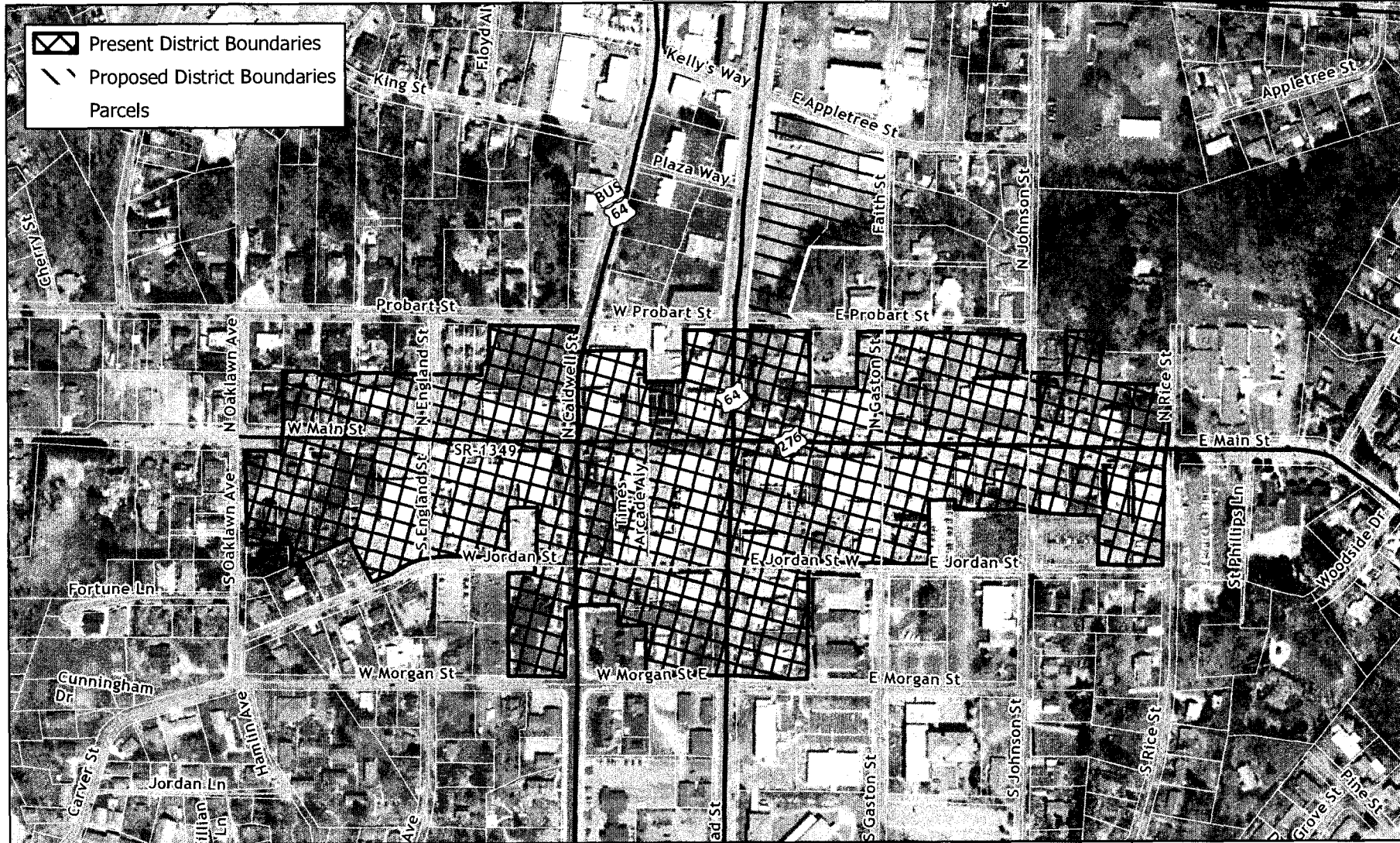
Heart of Brevard Municipal Service District Expansion Report

As required by General Statute § 160A-538(c)

As directed by Brevard City Council on May 16, 2022, this report has been prepared on May 19, 2022 and made available for public inspection in the office of the City Clerk from May 23, 2022 to June 6, 2022.

- A petition for annexation into the Heart of Brevard Municipal Service District was received by the City Clerk on May 4, 2022, as submitted by Alan O'Neal, of The Brevard Hotel LLC. Given that The Brevard Hotel LLC is the only property owner in the area to be annexed, the petition is therefore from 100% of the real property owners in the area to be annexed, and the request thereby meets the standards and requirements of General Statute § 160A-538(b) for annexation to the district.
- Plan for Extending Services
 - All three properties are within the service areas of the City of Brevard's water and sewer systems.
 - Per the signed conditions of sale of the properties to The Brevard Hotel LLC, the developer shall be responsible for all infrastructure improvements required by ordinance including but not limited to water, sewer, stormwater, sidewalks, curb and gutter, streetlights, and landscaping in the right-of-way.
 - The Heart of Brevard is prepared to accept the properties as full members, entitled to benefits such as voting membership, inclusion on committees and in advertising, and eligibility for grant/loan opportunities offered to Heart of Brevard members.
- A map of the Heart of Brevard service district, showing the present and proposed boundaries, is included on the following page.

EXHIBIT A

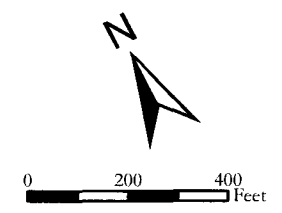


Heart of Brevard MSD Expansion

The North Carolina Department of Transportation shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. This data cannot be construed to be a legal document. Primary sources from which

Last updated: 5/16/2022

Created by the
City of Brevard
Planning Department



Coordinate System: NAD 1983 StatePlane North Carolina FIPS 3200 Feet