

The Cary News

- WEATHER -



CURRENT: 37 °F
Partly sunny

TODAY: High 52°F; Low 30°F. Sun through high clouds.

TOMORROW: High 44°F; Low 32°F. Drizzle.

- NEWS -

Signs of discontent over annexation

Face of Change: Mayor-elect seeks balance

Face of Change: Michael Joyce 'always one who liked challenges'

Holton sentenced for thefts, fraud

Residents give Cary officials earful on annexation

Access rules drive neighbors to distraction

16-year-old charged in shooting outside Cary apartment

One man killed, another injured when truck wrecks

Unflagging support

Site picked for new regional library in Cary

Glen Lang says so long

Britt asks for another attorney

- OBITUARIES -

Death Notices Dec. 11, 2003

Death Notices Dec. 4, 2003

Death Notices Nov. 27, 2003

Dr. Luther M. Talbert, 76, infertility pioneer

Death Notices Nov. 20, 2003

Death Notices Nov. 13, 2003

- EDUCATION -

Books bring parents, students together

Celebrities give storyline boost

Published: Thursday, December 11, 2003

Signs of discontent over annexation Cary, Holly Springs still seek compromise

By ADAM ARNOLD, STAFF WRITER

Agreement over which town will have a handful of properties within its utility service area could resolve a turf war between Cary and Holly Springs, and end Cary's efforts to forcibly annex 4,700 people.

Though hoping for accord, Cary leaders are saying only one plan the Holly Springs Board of Commissioners will consider Tuesday can meet Cary's needs.

Saying they need to protect tens of millions of dollars of infrastructure from potential encroachment by Holly Springs, Cary officials intend to annex 4,700 people in more than 50 subdivisions south of the town.

"If we could define our disagreement, it's probably over a couple of hundred acres, not 4,700 people," Holly Springs Mayor Dick Sears said.

How it came to this

Cary's Town Council will meet tonight. Shortly after the installation of four recently elected council members, including newcomers Mayor Ernie McAlister and at-large member Michael Joyce, the group will consider adoption of an annexation report



A 'StopCary.com' sign is on Penny Road at the entrance to Loch Highland Estates, just across the road from the Cary town line.

Grant Halverson

RELATED STORIES

[Annexation move gives neighborhoods common interest](#)

newspaper information

- About The Cary News
- News Deadlines
- Letters and Columns Guidelines
- Feedback

online services

- Announce your wedding
- Announce your engagement
- Obituary Form

classified

- [classified.triangle.com](#)
- Looking for a new home?

shopping

- All Around Town



advertisement

Principals leaving to open new schools

Despite more meetings, parents still feel frustrated about reassignment process

Civics comes to life

- ENTERPRISE -----

'It's an adventure!': Holiday shopping season in full swing

Friends get their wings, freedom

WakeMed shifts administrators

Carpenter Village gets first store

Starting Over/Starting Up Part 1

Starting Over/Starting Up Part 2

Starting Over/Starting Up Part 3

- CARY LIFE -----

Letter perfect: Come sit for a spell, say the wordsmiths who gather weekly to play serious Scrabble

Good wood: Minister turns love of carving into sideline that inspires faith

Art enhances public spaces: Tour highlights Cary's growing visual collection

Amphitheatre at Regency Park gets national buzz

Shrine Circus clowns cherish the hobby that spreads smiles

Music scores

It's a 'Jungle' out there

A shot at health

- SPORTS -----

Preps football coverage

Dillard Middle answers challenge: Dragons bump up, still go undefeated in football

Wrestling Round 1: Cary vs. Riverside

Athens Drive wins state soccer title

Athens Drive headed to state soccer title match

Tigers end Falcons' run

and plan of services. Adopting the report allows the process to move forward but does not commit the town to any future decisions.

Last month Cary's council voted to annex two areas south of the town comprising about 2,400 acres. Cary's intent is predicated on town officials' belief that Holly Springs leaders had tried to entice the Olive family to allow Holly Springs to voluntarily annex some of that family's land.

The Olives' land falls in an area where Cary has put in \$64 million in infrastructure, mostly for the South Cary Water Reclamation Facility, water and sewer lines, parks and the Middle Creek Community Center.

The two areas under consideration for annexation have been included in Cary's land-use plan since 1996. Roughly, the boundaries of the more northerly area, which the town calls Area 20, are Penny Road to the north, Holly Springs Road to the east, the western boundary of the Dutchman Downs subdivision and Ten Ten Road to the south.

The more southerly area, Area 21, is bounded by Ten Ten Road to the north, West Lake Road to the east, the Holly Springs town limits and Stephenson Road to the west and Optimist Farm Road to the south.

Within the southern area west to Pierce Olive Road was included in Wake County's 1997 land-use plan as being in Cary's short- and long-range urban service area. The remainder was not designated for either Cary or Holly Springs. The two towns had pursued the agreement to determine how to divide the undesignated area.

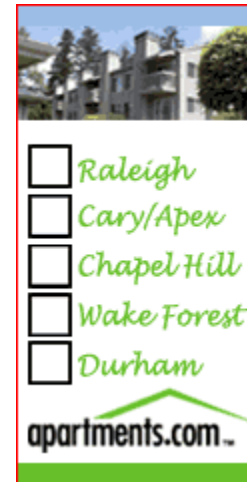
Cary and Holly Springs spent more than two years working on a utility-service boundary before negotiations unraveled in mid-November.

Cary officials have said involuntary annexation became necessary when they learned Holly Springs had approached the Olive family about a possible voluntary annexation. That action would have cut into the area behind Cary's urban services boundary for which sewer capacity is already in place.

Holly Springs officials say they did not approach the Olive family, but that the Olives came to them.

Eye of the annexation

In the middle of the turmoil are 14 parcels owned by



Falcons reach into bag of tricks

-COMMUNITY -

The Home Front

All Things Holiday

Sweet

Kildaire cows a rare breed

-OPINION -

Local Voices: Diverse neighbors enrich all our lives

In Our Opinion: A special thanks

In Our Opinion: A populist quiz

-SEARCH -

Search current site for:

Results

the Pierce and Olive families along Pierce Olive Road, between Holly Springs Road to the north and Optimist Farm Road to the south. Only four of those lots, all owned by members of the Olive family, are included in Cary's annexation plan.

The southerly of the two areas Cary proposes to annex rings the parcels, totaling almost 700 acres, owned by the families. Pierce Olive Road splits a 295-acre tract owned by Philip Olive as well as 75- and 54-acre tracts to the northwest owned by Thomas Pierce and Ellen Pierce, respectively.

Those properties are major portions of both families' holdings in the area. Wake County property records indicate the Olives own six parcels encompassing nearly 537 acres in the area with an assessed value of almost \$3.8 million.

Members of the Pierce family hold eight parcels totaling more than 148 acres valued at nearly \$3.5 million, records show.

The Olives declined to be interviewed for this story. Members of the Pierce family did not respond to telephone messages.

According to officials in Holly Springs and Cary, both families have complained that having the properties split between the towns, even for a utility boundary, would be difficult. The division would mean the family would have to track different sets of regulations from the towns.

The Cary staff report on the utility-service agreement prepared last month included a summary of property owner comments. According to the report, Jeff Pierce, who owns four acres along Pierce Olive Road, and Thomas Pierce, who has an interest in the bulk of the family's holdings, said at a public hearing on the agreement in Holly Springs the family does not want to be in any town or any town's extraterritorial jurisdiction.

Since the public hearings in both towns in October and November, the Olive family has written to request that its property go on the Holly Springs side of the line. The Pierces had no preference for a municipality, but want all their property in one or the other.

Cary's plan calls for four of the smaller and most southerly Olive properties to be annexed. The parcels would add nearly 85 acres. Downhill planning

Jeff Ulma, Cary's planning director, said there is no

magic regarding the Olive and Pierce properties except that they happen to straddle Pierce Olive Road.

The road is a ridgeline. Water west of the road flows to Rocky Branch; east of the road, it goes to Camp Branch. Both creeks find their way to the South Cary Water Reclamation Facility.

Water flows downhill and in terms of providing sewer service, that fact is crucial. The least expensive solution for any municipality providing sewer service to an area is to have the downhill and gravity help with drainage. Moving sewage uphill over a ridgeline requires a pump station. The cost of a pump station can be more than \$1 million.

More than a year ago, Ulma thought the boundary would be Rocky Branch. That fell through, he said, after Holly Springs annexed land to the east of the creek for the Sunset Oaks development.

Cary was willing to live with the road as the line because it is a natural boundary and the town provides services on the east side of the road, Ulma said.

Ulma pointed out that the Holly Springs land-use plan uses Pierce Olive Road as a boundary.

"So splitting the property wasn't a consideration when they were doing their plan, but now it appears to be," Ulma said.

Gina Bobber, Ulma's counterpart in Holly Springs, said the families have asked not to have their properties split.

Bobber displayed a series of maps showing alternative boundary alignments for the Holly Springs Board of Commissioners to consider when it discusses the utility-service boundary Tuesday.

The first would be the original proposal splitting the Olive and Pierce properties. The second would put all of the Olive land on the Holly Springs side of the line and all the Pierce land on the Cary side. The third would modify the second plan, putting all of the Olive land on the Holly Springs side except for a 157-acre parcel to the northeast, which would be on the Cary side.

Bobber said the third plan is up for discussion because of proposed routing for Interstate 540. The highway, which is still unfunded, would run along the southern boundary of the northeast Olive parcel, effectively cutting it off from the rest of the family's

parcels.

Bobber said that from a utility perspective, using Pierce Olive Road as the boundary worked.

"This seemed like a fair line and that's when we got property owners coming in and saying, 'Don't divide our land,'" Bobber said.

John Schifano, town attorney for Holly Springs, said his town's proposals are an attempt to meet the wishes of the Pierce and Olive families.

"If their desires can be accommodated, then they should be accommodated," Schifano said.

Schifano also said Holly Springs does not actively solicit any property owner for annexation.

"We never called anybody up and said, 'Do you want to annex into Holly Springs?'" Schifano said.

Bobber said annexation was offered to the Olives as a solution to having the property split — and only after the family raised concerns.

"You can voluntarily annex into Cary or you can voluntarily annex into Holly Springs," Bobber recalled saying. "We'd love to have you."

'Could it be personal?'

Officials in both towns say they want to avoid a turf battle, but stick to their accounts of what has happened.

"What we're trying to accomplish working with the Town of Cary is some sort of arrangement where we can accommodate the Pierce family and the Olive family, although this involuntary annexation resolution may make this difficult," Sears said.

Sears said both families came to the town and said they do not want their land split. He said he told both that if they wanted to keep the land together they might consider voluntary annexation into either Cary or Holly Springs.

"For the record, had I initiated the discussion with Miss Betsy Olive initially, there still would not have been anything wrong with that because a part of her property is contiguous with Holly Springs," Sears said. "Did I hope that she would choose Holly Springs as one of the two alternatives? Yup — guilty as charged. But it was and still is her decision to make regarding voluntary annexation."

Sears said he never sought out the Olives to ask them to consider involuntary annexation. He said that Betsy Olive, who has spoken for the family regarding its holdings, was approached by a developer "way before" Sears had talked with her, asking if the family would consider voluntarily annexing into Holly Springs. After that there were several conversations, e-mails and meetings in which Betsy Olive said she wanted the land to be part of Holly Springs and not to be split, Sears said.

Sears said the Olives have not filed a request for voluntary annexation.

"Could it be personal?" Sears asked of Cary's intent to annex. "Could it be that we did not as a town approve the original staff presentation? It almost sounded like it was Cary's way or the highway."

Nevertheless, Sears holds out hope for a resolution between the two towns. "I also feel very strongly that this issue can be worked out in the near future with fresh minds and fresh eyes."

'Trust but verify'

Among the fresh minds and eyes, Sears said, are those belonging to Cary Mayor-elect Ernie McAlister.

"We've got an issue we need to settle with Holly Springs," McAlister said. "The fact is today we don't have a boundary agreement that would fix the issue."

And until that agreement comes, it would be "unconscionable" not to pay attention to Cary's infrastructure investment in the area, McAlister said.

"We cannot walk away from that, supporting schools, parks and future development," McAlister said.

Lacking an agreement, "annexation is how we have to protect that," McAlister said. "We've certainly got the political will on the council to do it."

He reiterated that an agreement would be a better solution. The situation, McAlister said, is a "real challenge but a real opportunity to show we can work through situations like this in a civil and reasoned manner."

Incoming council member Michael Joyce said he is "completely against" forced annexations that have no public safety or health considerations. The action also should not be sudden or surprising to those

affected, he said.

But Joyce called the current situation a "very complicated issue."

Pierce Olive Road makes a "great dividing line" because of the sewer situation, Joyce said.

He could support a boundary agreement that used the road for the split. "That was an excellent agreement and I'm hopeful Holly Springs will adopt it, which I also hope will allow Cary to reverse its resolution of annexation," Joyce said.

Nels Roseland, who was out of town when the rest of the Cary council voted to initiate the annexation, said he would have voted for it if he had been present.

"My preferred alternative clearly would be not to annex all those people," Roseland said. "Our backs are pushed to the wall."

Council member Jack Smith said he would "keep an open mind" regarding a boundary proposal from Holly Springs.

"The key thing is trust but verify," Smith said. He said he would want the agreement to hold Holly Springs accountable to whatever its Board of Commissioners agree to.

Still, Smith plans to vote to approve the annexation report tonight. "There has to be a formal start to the process, but we have a right at any time to stop that process," Smith said.

Jennifer Robinson said she would be willing to consider an agreement using Pierce Olive Road as the boundary. But annexation could still be part of the picture.

"It may be that annexation is not predicated on whether the boundary agreement occurs," Robinson said. "Now that we have started to study annexation in this area, I think there's value in taking it through its full course with a public hearing and a vote."

For Marla Dorrel, the line at Pierce Olive Road would be acceptable. "I think if we were able to achieve that we could stand down from annexation," Dorrel said.

Julie Robison was out of town.

Legislative attention

Indirect pressure for a resolution is coming from local legislators who are also weighing in.

State Sen. Richard Stevens of Cary and state Rep. Paul Stam of Apex sent a letter to the Cary Town Council last week to express their concern.

While those possible changes in state law would not affect this proposed annexation, Cary's plan, along with a handful of other annexations proposed throughout the state, could lead to legislation to change the state's approach to the practice.

"I'm hoping they find a resolution and we don't have to change the annexation law," Stevens said.

No such legislation has been introduced. The legislature will not reconvene until May.

"Perennially there is general opposition to involuntary annexation by a lot of members," Stam said.

"There are a lot of members that would want to get rid of it totally. ... This just adds to the impetus."

While forced annexation may be appropriate in "doughnut hole" situations where a municipality completely surrounds an unincorporated area, Cary's plan, and those of Fayetteville, Wilmington and Winston-Salem, have caused "a hue and a cry," Stam said.

"By using it in a situation where it does not appear to fit, you may be causing the tool to go away even when it does fit," Stam said.

Contact Adam Arnold at 460-2609 or aarnold@nando.com

[Help](#) || [Feedback](#) || [Contact Us](#) || [Parental Consent](#) || [Privacy Policy](#) || [User Agreement](#)

© Copyright 2003, The News & Observer Publishing Company. All material found on www.carynews.com is copyrighted The News & Observer Publishing Company and associated news services. No material may be reproduced or reused without explicit permission from The News & Observer Publishing Company, Raleigh, North Carolina.

The News & Observer Publishing Company is owned by [The McClatchy Company](#).