



TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2023-
SATELLITE ANNEXATION PETITION NO. 761
Calyx Senior Living of Apex (Kobra LLC) – 7.259 acres

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council 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 Apex Town Hall at 6:00 p.m. on September 12, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. §160A-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on September 12, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, Wake County, North Carolina, White Oak Township (PIN# 0732-19-6422, including right-of-way BM 2014 / 384-386 and DB 8739/1293), Land Surveyor dated July 26, 2023" and recorded in Book of Maps book number 2023 and page number _____, Wake County Registry.

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 Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake 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 12th day of September, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

ANNEXATION LEGAL DESCRIPTION

PARCEL OF LAND LOCATED IN WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NEW IRON PIPE HAVING NC GRID COORDINATES N: 729,334.62', E: 2,031,356.11' NAD 83/11 AS DETERMINED BY AN ACTUAL GPS SURVEY (COMBINED GRID FACTOR 0.9998686), SET IN THE NORTHERN RIGHT OF WAY OF DOMINIK COURT (SR 1600), SAID IRON PIPE MARKING THE SOUTHEAST CORNER OF THAT PROPERTY OWNED BY TOWN OF APEX (DEED BOOK 9991, PAGE 1308, BOOK OF MAPS 2002, PAGE 1467 LOT 1 WAKE COUNTY REGISTRY) AND SAID IRON PIPE BEING IN THE EXISTING TOWN OF APEX CORPORATE LIMITS; THENCE LEAVING THE NORTHERN RIGHT OF WAY OF DOMINIK COURT WITH THE TOWN OF APEX ALONG THE EXISTING TOWN OF APEX CORPORATE LIMITS THE FOLLOWING TWO (2) CALLS, 1) N 00° 31' 04" W 49.68' TO AN EXISTING IRON PIPE, 2) N 62° 31' 07" W 69.95' TO AN EXISTING IRON PIPE, SAID IRON PIPE BEING IN THE EASTERN LINE OF THAT PROPERTY OWNED BY ROY B. MILLER (DEED BOOK 2799, PAGE 154 WAKE COUNTY REGISTRY); THENCE LEAVING THE EXISTING TOWN OF APEX CORPORATE LIMITS WITH THE EASTERN LINE OF ROY B. MILLER AND PROCEEDING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS N 00°

29' 33" W 235.19' TO AN EXISTING IRON PIPE, SAID IRON PIPE BEING IN THE SOUTHERN RIGHT OF WAY OF JENKS ROAD (SR 1601); THENCE WITH THE SOUTHERN RIGHT OF WAY OF JENKS ROAD THE FOLLOWING THREE (3) CALLS, 1) S 76° 38' 59" E 59.32' TO AN EXISTING RIGHT OF WAY DISK, 2) A CURVE TO THE LEFT HAVING ARC LENGTH 357.06', RADIUS OF 2080.00', CHORD BEARING AND DISTANCE OF S 86° 35' 18" E 356.62' TO A CALCULATED POINT, SAID CALCULATED POINT BEING IN THE EXISTING TOWN OF APEX CORPORATE LIMITS, 3) PROCEEDING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS A CURVE TO THE LEFT HAVING ARC LENGTH 106.41', RADIUS OF 2080.00', CHORD BEARING AND DISTANCE OF N 87° 01' 42" E 106.39' TO AN EXISTING RIGHT OF WAY DISK, 2) S 81° 56' 11" E

131.39' TO AN EXISTING RIGHT OF WAY DISK, SAID RIGHT OF WAY DISK BEING IN THE WESTERN RIGHT OF WAY OF NC 540; THENCE WITH THE WESTERN RIGHT OF

WAY OF NC 540 AND CONTINUING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS THE FOLLOWING TWO (2) CALLS, 1) S 09° 16' 09" W 304.14' TO AN EXISTING RIGHT OF WAY DISK, 2) S 05° 37' 20" W

110.33' TO AN EXISTING RIGHT OF WAY DISK IN THE WESTERN RIGHT OF WAY OF NC 540 AND THE NORTHERN RIGHT OF WAY OF DOMINIK COURT; THENCE WITH THE NORTHERN RIGHT OF WAY OF DOMINIK COURT AND CONTINUING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS S 74° 18' 12" W 168.90' TO AN EXISTING RIGHT OF WAY DISK; THENCE LEAVING THE NORTHERN RIGHT OF WAY OF DOMINIK COURT AND CONTINUING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS S 27° 16' 47" W 30.00' TO A

CALCULATED POINT IN THE CENTERLINE OF DOMINIK COURT; THENCE WITH THE CENTERLINE OF DOMINIK COURT AND CONTINUING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS THE FOLLOWING TWO (2) CALLS, 1) N 62° 43' 13" W 231.75' TO A CALCULATED POINT, 2) N 62° 58' 48" W 176.12' TO A CALCULATED POINT; THENCE LEAVING THE CENTERLINE OF DOMINIK COURT AND CONTINUING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS THE FOLLOWING TWO (2) CALLS, 1) N 27° 01' 11" E 29.72'

TO A CALCULATED POINT, 2) N 00° 31' 04" W 0.32' BACK TO THE POINT AND PLACE OF BEGINNING, CONTAINING 5.459 ACRES OR 0.0085 SQUARE MILES MORE OR LESS.

AREA IN RIGHT OF WAY

BEGINNING AT AN EXISTING IRON PIPE, SAID IRON PIPE BEING IN THE SOUTHERN RIGHT OF WAY OF JENKS ROAD (SR 1601); THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF JENKS ROAD ALONG AND WITH THE NEW TOWN OF APEX CORPORATE LIMITS N 00° 29' 33" W 156.71' TO A CALCULATED POINT IN THE NORTHERN RIGHT OF WAY OF JENKS ROAD; SAID CALCULATED POINT BEING IN THE EXISTING TOWN OF APEX CORPORATE LIMITS; THENCE WITH THE NORTHERN RIGHT OF WAY OF JENKS ROAD AND PROCEEDING ALONG THE EXISTING TOWN OF APEX CORPORATE LIMITS THE FOLLOWING TWO (2) CALLS, 1) S 81° 40' 19" E 83.30' TO A CALCULATED POINT, 2) A CURVE TO THE LEFT HAVING ARC LENGTH 331.31', RADIUS OF 1920.00', CHORD BEARING AND DISTANCE OF S 86° 36' 51" E 330.81' TO A CALCULATED POINT; THENCE LEAVING THE NORTHERN RIGHT OF WAY OF JENKS ROAD AND THE EXISTING TOWN OF APEX CORPORATE LIMITS PROCEEDING ALONG THE NEW TOWN OF APEX CORPORATE LIMITS S 00° 51' 25" E 160.04' TO A CALCULATED POINT, SAID CALCULATED POINT BEING IN THE SOUTHERN RIGHT OF WAY OF JENKS ROAD; THENCE ALONG AND WITH THE

SOUTHERN RIGHT OF WAY OF JENKS ROAD THE FOLLOWING TWO (2) CALLS, 1) A CURVE TO THE RIGHT HAVING ARC LENGTH 357.06', RADIUS OF 2080.00', CHORD BEARING AND DISTANCE OF N 86° 35' 18" W 356.62' TO AN EXISTING RIGHT OF WAY DISK, 2) N 76° 38' 59" W 59.32' BACK TO THE POINT AND PLACE OF BEGINNING, CONTAINING 1.800 ACRES OR 0.028 SQUARE MILES MORE OR LESS

AS SHOWN ON PLAT ENTITLED "SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX", PROPERTY AS DESCRIBED IN DEED BOOK 8739 PAGE 1293 WAKE COUNTY REGISTRY, STANDING IN THE NAME OF KOBRA LLC., BY THOMAS A. TELLUP, PLS, SUMMIT DESIGN AND ENGINEERING SERVICES PROJECT 22-0086, DATED APRIL 28, 2023, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAME.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2023-_____, adopted at a meeting of the Town Council, on the 12th day of September, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 12th day of September, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

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