



TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2021-0928-33
ANNEXATION PETITION NO. #716
Shri Varni, LLC (Apex C-Store)

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-31, 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 28, 2021, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S. §160A-31, as amended.

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-31, as amended, the territory 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 28, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Plat for The Town of Apex, Benton W. Dewar and Associates Professional Land Surveyor, dated April 28, 2021" and recorded in Book of Maps book number 2021 and page number [REDACTED], 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 28th day of September 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

LEGAL DESCRIPTION 1 OF 2

BEING LOT 1 OF THE BROADWELL/LEE PROPERTY AS RECORDED IN BOOK OF MAPS 2019 PAGE 2097; HAVING WAKE COUNTY PIN #0710827861; CONTAINING 5.985 ACRES TO THE CENTERLINE OF PUBLIC RIGHT OF WAYS, AND 5.374 ACRES EXCLUDING RIGHT OF WAYS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY (NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD (NCSR #1041);

THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 164.16 FEET ALONG OLD US 1 HWY TO A POINT; THENCE SOUTH 58 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 100.00 FEET ALONG SAID ROAD TO A POINT; THENCE SOUTH 48 DEGREES 38 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 193.10 FEET ALONG SAID ROAD TO A POINT; THENCE 41 DEGREES 10 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 30.27 FEET LEAVING SAID CENTERLINE TO A POINT ON THE NORTHERN RIGHT OF WAY OF OLD US 1 HWY; THENCE SOUTH 48 DEGREES 37 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 210.63 FEET ALONG SAID RIGHT OF WAY TO AN EIS AT THE RIGHT OF WAY INTERSECTION WITH LASHLEE WAY, A PRIVATE EASEMENT; THENCE NORTH 41 DEGREES 02 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 134.05 FEET ALONG SAID EASEMENT TO AN EIP; THENCE NORTH 27 DEGREES 53 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 131.04 FEET ALONG SAID EASEMENT TO AN EIP; THENCE NORTH 74 DEGREES 21 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 199.72 FEET LEAVING SAID EASEMENT TO AN EIP; THENCE SOUTH 41 DEGREES 10 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 18.61 FEET TO AN EIP; THENCE NORTH 05 DEGREES 42 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 209.86 FEET TO AN EIP; THENCE NORTH 15 DEGREES 23 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 321.47 FEET TO AN EIP; THENCE NORTH 79 DEGREES 30 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 245.40 FEET TO AN EMN IN THE CENTERLINE OF NEW HILL OLIVE CHAPEL ROAD; THENCE SOUTH 10 DEGREES 11 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 79.66 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTH 12 DEGREES 14 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTH 16 DEGREES 19 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTH 23 DEGREES 46 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 100.00 FEET ALONG SAID CENTERLINE TO A POINT; THENCE SOUTH 28 DEGREES 44 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 109.13 FEET TO THE POINT AND PLACE OF BEGINNING. TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. SAID PROPERTY CONTAINS 5.985 ACRES TO THE CENTERLINE, MORE OR LESS, OF WHICH 0.611 ACRES ARE IN THE RIGHT OF WAY, LEAVING 5.374 ACRES NET.

LEGAL DESCRIPTION 2 OF 2

ADJACENT RIGHT OF WAY TO BE ANNEXED

BEING 0.079 ACRES/3,443 SF OF OLD US 1 HWY, LOCATED ALONG THE FRONTAGE OF 3605 OLD US 1 HWY, NEW HILL, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MAG NAIL AT THE APPARENT INTERSECTION OF OLD US 1 HWY (NCSR #1011) AND NEW HILL OLIVE CHAPEL ROAD (NCSR #1141); THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 133.10 FEET ALONG THE CENTERLINE OF OLD US 1 HWY TO A POINT; THENCE SOUTH 67 DEGREES 06 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 31.06 FEET ALONG SAID CENTERLINE; THENCE SOUTH 58 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 69.01 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 28 DEGREES 25 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 32.08 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OILD US 1 HWY; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 914.80 FEET AND AN ARC LENGTH OF 99.88 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 38 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 99.83 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY OF OLD US 1 HWY; THENCE NORTH 28 DEGREES 29 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 33.51 FEET TO THE POINT A PLACE OF BEGINNING. TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. SAID PROPERTY CONTAINS 0.079 ACRES MORE OR LESS.
STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-0928-33, adopted at a meeting of the Town Council, on the 28th day of September 2021, 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 29th day of September 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)