



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. 2021-0622-16
ANNEXATION PETITION NO. #712
Kings View Trail

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 June 22, 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-58.1, 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-58.1, 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 June 22, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, dated April 16, 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 22nd day of June 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

ANNEXATION AREA #1

Beginning at a point, said point being located in the eastern right-of-way of N.C.S.R. 6112 (Kings View Trail) and, more specifically, being the most northern property corner of Wake County PIN 0731.03-40-7544, now or formerly owned by the Town of Apex; said point of Beginning also being a common corner of Rosewood 1322, LLC (PIN 0731.04-51-4493) and the dividing line between Town of Apex and NCDOT maintenance for Kings View Trail; thence from said Beginning point along the eastern right-of-way of Kings View Trail S 39°40'59" W 474.70 feet to a point; thence continuing along a curve of said right-of-way to the left having a radius of 5030.00 feet and a chord bearing and distance of S 42°14'52" W 452.30 feet to a point; thence with said right-of-way S 41°46'15" W 180.54 feet to a point on the eastern right-of-way edge of N.C.S.R. 1170 (Pleasant Plains Road); thence following the Pleasant Plains Road right-of-way along a curve to the left having a radius of 303.92 feet and a chord bearing and distance of N 26°11'29" W 56.50 feet to a point common to CSX Transportation railroad right-of-way, Kings View Trail, and Pleasant Plains Road; thence along the western right-of-way of Kings View Trail, also being the eastern right-of-way of CSX Transportation, the following five (5) calls: N 44°51'27" E 53.23 feet; N 44°51'27" E 150.47 feet; N 42°42'46" E 213.01 feet; N 40°46'17" E 239.08 feet; and N 39°42'22" E 429.31 feet to a point in the western right-of-way of Kings View Trail; thence crossing said right-of-way S 50°14'14" E 44.04 feet to the point and place of Beginning, containing 1.07 acres more or less.

And more particularly described in Town of Apex Resolution No. 20-1201-13 as "the section of Kings View Trail (SR 6112) from its intersection with Pleasant Plains Road (SR 1170) northward to the end of the Town of Apex municipal limits, consisting of a length of approximately 0.2 miles"; also being the area labeled KINGS VIEW TRAIL (VARIABLE WIDTH PUBLIC R/W) and bounded by Town of Apex corporate limits along its southern, western, and northern edges, all as shown on that annexation plat entitled "TOWN OF APEX 'Pleasant Park'" by Smith and Smith Surveyors, and recorded in Book of Maps 2015, Page 339 in the Wake County Registry; and described as "Right of Way Tract 2" in DEED FOR TURNPIKE PROJECT RIGHT OF WAY recorded in Deed Book 13994 Page 1298 in the Wake County Register.

ANNEXATION AREA #2

Commencing at a point, said point being located in the eastern right-of-way of N.C.S.R. 1170 (Pleasant Plains Road) and also being in the eastern right-of-way of CSX Transportation railroad right-of-way and the western right-of-way of Kings View Trail (Town of Apex variable width public right-of-way); thence following along the eastern right-of-way of CSX Transportation a tie line S 43°41'10" W 11.41' to a new point of Beginning within Pleasant Plains Road right-of-way; thence from said Beginning point along the eastern right-of-way of CSX Transportation S 45°39'41" W

38.32 feet; thence continuing along said right-of-way the following two (2) calls: S 46°44'04" W 12.77 feet and S 46°44'04" W 20.69 feet; thence leaving CSX Transportation railroad right-of-way and following the western right-of-way edge of Pleasant Plains Road along a curve to the right having a radius of 223.92 feet and a chord bearing and distance of S 21°27'49" E 49.44 feet; thence continuing along said right-of-way S 65°15'26" E 25.35 feet to a point; thence into Pleasant Plains Road right-of-way the following four (4) calls: a curve to the left having a radius of 243.92 feet and a chord bearing and distance of N 13°12'56" W 16.26 feet; N 00°58'42" W 16.63 feet; N 06°54'39" E 56.52 feet; and N 23°51'34" E 19.42 feet to the point and place of Beginning, containing 0.052 acres more or less.

And more particularly described as RIGHT-OF-WAY AREA #1 and RIGHT-OF-WAY AREA #2 in DEED OF RIGHT OF WAY recorded in Deed Book 17694 Page 1208 in the Wake County Register.

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. 2021-0622-16, adopted at a meeting of the Town Council, on the 22nd day of June 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 23rd day of June 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)