



RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-31

Annexation Petition #675
Roberts Crossing

WHEREAS, G.S. §160-A 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of her investigation.

This the 21st day of January 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #675
Roberts Crossing

To: The Town Council of the Town of Apex, North Carolina

I, Donna B. Hosch, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. § 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 21st day of January 2020.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 675 Submittal Date: 10/1/2019
Fee Paid: \$ 200.00 Check #: 33085622

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

Owner Information

DRP NC 4, LLC	073332 -9316,-6797 & 073342 -2608,-4410,-4096,-1758
Owner Name (Please Print)	Property PIN or Deed Book & Page #
<u>212-751-5965</u>	<u>MEAGHAN.MAHONEY@DWPARTNERS.COM</u>
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

Surveyor Information

Surveyor: MSS Land Land Consultants, PC
Phone: 919-510-4434 x23 Fax: _____
E-mail Address: gowersw@mssland.com

Annexation Summary Chart

Total Acreage to be annexed:	<u>24.18</u>	Reason for annexation: (select one)	
Population of acreage to be annexed:	_____	Receive Town Services	<u>X</u>
Existing # of housing units:	<u>3</u>	Other (please specify)	_____
Zoning District*:	<u>PUD-CZ</u>		

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 675

Submittal Date: 10/1/2019

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, DRP NC 4, LLC, a Delaware limited liability company, caused this instrument to be executed in its name by the Authorized Signatory of DW General Partner, LLC, its Manager pursuant to authority duly given, this the 10th day of January, 2020.

Name of Limited Liability Company DRP NC 4, LLC
By: DW General Partner, LLC, its Manager

By: [Signature]
Signature of Member/Manager

STATE OF NEW YORK

COUNTY OF NEW YORK

Sworn and subscribed before me, Meaghan Mahoney, a Notary Public for the above State and County, this the 10th day of January, 2020.

[Signature]
Notary Public

SEAL

MEAGHAN MAHONEY
Notary Public, State of New York
Reg. No. 01MA6346999
Qualified in Nassau County
My Commission Expires 8/22/2020

My Commission Expires: 8/22/2020

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

ROBERTS ROAD ASSEMBLAGE
ANNEXATION AREA

All that tract, piece or parcel of land lying and being situated in the Township of White Oak, Town of Apex, County of Wake, and State of North Carolina; being more particularly bounded and described as follows:

BEGINNING at a point marked by an iron pipe set on the southeastern right-of-way margin of NC 540 (an existing variable-width public right-of-way (NCDOT Project Reference: R-2635C; Deed Book 13838, pg 2632; Deed Book 14286, page 137)); said point also located on a southern line of lands of, now or formerly, NC Department of Transportation (Deed Book 7188, page 214; Book of Maps 1982, page 504); said point also being the **POINT OR PLACE OF BEGINNING** and having an North Carolina state plane coordinate of N 732,865.86'; E 2,033,172.29' (NAD 83 (2011)); thence; from said point of beginning, along said lands of NC Department of Transportation, and along lands of, now or formerly, Melanie J. Yelvington and Brian J.D. Enaman (Deed Book 6446, page 78), and along lands of, now or formerly, Don T. Poitras (Deed Book 8152, page 884), S 89°-46'-16" E 800.40' to an existing iron pipe; thence, continuing along said lands of Poitras, the following two courses: 1) S 89°-46'-16" E 294.29' to an existing concrete marker; 2) N 01°-04'-10" E 92.00' to an existing iron pipe marking a southwestern corner of lands of, now or formerly, Dorothy P. Thorpe and Evelyn P. Moss; thence, along said lands of Thorpe and Moss, S 85°-20'-04" E 101.34' to an existing iron pipe with cap and tack located on the southwestern right-of-way margin of Roberts Road (NCSR 1608) (an existing variable-width public right-of-way (Deed Book 1930, page 234; Deed Book 1930, page 237)); thence, along the southwestern right-of-way margin of Roberts Road, the following seven courses: 1) S 21°-51'-59" E 87.02' to a point; 2) S 20°-02'-54" E 79.67' an existing bent iron pipe; 3) S 19°-06'-54" E 488.97' to a point; 4) S 19°-45'-28" E 116.38' to a point; 5) S 21°-56'-12" E 96.73' to a point marked by an iron pipe set; 6) S 27°-16'-20" E 96.84' to a point; 7) S 33°-46'-22" E 105.74' to a point; said point being a northeastern corner of lands of, now or formerly, Haley S. Hoffler (Deed Book 16229, page 1989; Book of Maps 2002, page 561); thence, along said lands of Hoffler, and along lands of, now or formerly, Jeanne S. Collier and spouse, Matthew G. Collier (Deed Book 9665, page 1585), S 89°-59'-35" W 515.70' to an existing leaning iron pipe located in an eastern line of lands of, now or formerly, Peter Beal and wife, Penny Beal (Deed Book 11882, page 2654; Book of Maps

ROBERTS ROAD ASSEMBLAGE
ANNEXATION AREA

1982, page 595); thence, along said lands of Beal, N 00°-51'-35" E 22.67' to a nail at the base of an existing iron pipe; thence, continuing along said lands of Beal, and along lands of, now or formerly, Joseph Mack Jones and wife, Carrie Anne Morton Jones (Deed Book 13825, page 905; Book of Maps 1988, page 415), and along lands of, now or formerly, Harold W. Meder and wife, N. Janis Meder (Deed Book 4264, page 659), N 86°-26'-25" W 657.48' to an iron pipe set; said point lying on an easterly line of lands of, now or formerly, Francis Fuller Heirs (Deed Book 0167, page 131), thence along said lands of, now or formerly, Francis Fuller Heirs, the following four courses: 1) N00°-13'-34" E 579.91' to an existing iron pipe; 2) N89°-46'-26" W 384.75' to an existing iron pipe; 3) S 00°-13'-34" W 263.99' to an existing bent iron pipe ; 4) N 87°-35'-26" W 69.89' to an existing iron pipe marking the northeastern corner of lands of Pine Top, LLC (Deed Book 13003, page 1155; Book of Maps 2008, page 303); thence, along said lands of Pine Top, S 88°-36'-02" W 174.81' to an existing iron bar marking a southeastern corner of lands of, now or formerly, North Carolina Turnpike Authority (NCTA) & North Carolina Department of Transportation (NCDOT) (Deed Book 13870, page 2185; Book of Maps 1998, page 900); thence along said lands of NCTA and NCDOT, N 02°-03'-56" W 115.65' to an iron pipe set on the southeastern right-of-way margin of NC 540; thence, along the southeastern right-of-way margin of NC 540, the following four courses: 1) N 33°-02'-47" E 91.05' to an existing right-of-way disk; 2) N 27°-11'-44" E 51.94' to an existing right-of-way disk; 3) N 19°-56'-13" E 245.05' to an existing right-of-way disk; 4) N 38°-47'-08" E 81.42' to the point or place of beginning; containing 1,053,445 square feet, or 24.184 acres of land, more or less, as shown on a PRELIMINARY survey titled "SATELLITE ANNEXATION FOR THE TOWN OF APEX of the Lands of DRP NC 4, LLC", dated January 13, 2020, and prepared by MSS Land Consultants, PC.

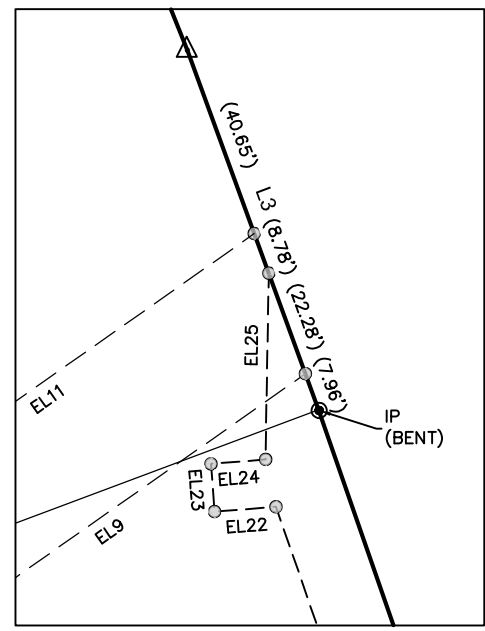
Together With that part of NC 540 Variable Width Public Right of Way more particularly described as follows:

BEGINNING at a point marked by an iron pipe set on the southeastern right-of-way margin of NC 540 (an existing variable-width public right-of-way (NCDOT Project Reference: R-2635C; Deed Book 13838, pg 2632; Deed Book 14286, page 137)); said point

ROBERTS ROAD ASSEMBLAGE

ANNEXATION AREA

also located on a southern line of lands of, now or formerly, NC Department of Transportation (Deed Book 7188, page 214; Book of Maps 1982, page 504); said point also being the **POINT OR PLACE OF BEGINNING** and having an North Carolina state plane coordinate of N 732,865.86'; E 2,033,172.29' (NAD 83 (2011)); thence; from said point of beginning, along said southeastern right-of-way margin of NC 540 the following four (4) courses; 1) S 38°-47'-08" W 81.42' to an existing right-of-way disk; 2) S 19°-56'-13" W 245.05' to an existing right-of-way disk; 3) S 27°-11'-44" W 51.94' to an existing right-of-way disk; 4) S 33°-02'-47" W 91.05' to an iron pipe set marking the northernmost corner of lands of, now or formerly, North Carolina Turnpike Authority (NCTA) & North Carolina Department of Transportation (NCDOT) (Deed Book 13870, page 2185; Book of Maps 1998, page 900); thence departing said southeastern margin of NC 540 N 65°-42'51" W 325.39' to a point on the northwestern right-of-way margin of said NC 540; thence along said northwestern margin N 24°17'09" E 465.04'; thence S 65°42'51" E 343.70' to the point or place of beginning. Containing 155,135 square feet, or 3.56 acres of land, more or less, as shown on a PRELIMINARY survey titled "SATELLITE ANNEXATION FOR THE TOWN OF APEX of the Lands of DRP NC 4, LLC", dated January 13, 2020, and prepared by MSS Land Consultants, PC.



DETAIL A
1" = 40'

LINE #	DIRECTION	LENGTH
EL9	S54°55'03"W	112.88'
EL10	N35°04'57"W	30.00'
EL11	N54°55'03"E	120.93'
EL12	S67°19'13"W	203.14'
EL13	N22°40'47"W	30.00'
EL14	N67°19'13"E	205.01'
EL15	N54°42'12"W	29.24'
EL16	N00°24'04"W	51.30'
EL17	N48°01'31"W	56.93'
EL18	S56°35'56"W	11.80'
EL19	N33°24'04"W	10.00'
EL20	N56°35'39"E	12.85'
EL21	N19°07'07"W	678.57'
EL22	N85°37'04"E	12.84'
EL23	N04°22'56"W	10.00'
EL24	N85°37'04"E	11.42'
EL25	N00°59'03"E	32.57'
EL26	S12°10'31"E	35.20'
EL27	S64°34'31"W	15.34'

LINE #	DIRECTION	LENGTH
L1	S85°20'04"E	101.34'
L2	S21°51'59"E	87.02'
L3	S20°02'54"E	79.67'
L4	S19°06'54"E	488.97'
L5	S19°45'28"E	116.38'
L6	S21°56'12"E	96.73'
L7	S27°16'20"E	96.84'
L8	S33°46'22"E	105.74'

FILED FOR REGISTRATION

CHARLES P. GILLIAM
REGISTER OF DEEDS
WAKE COUNTY

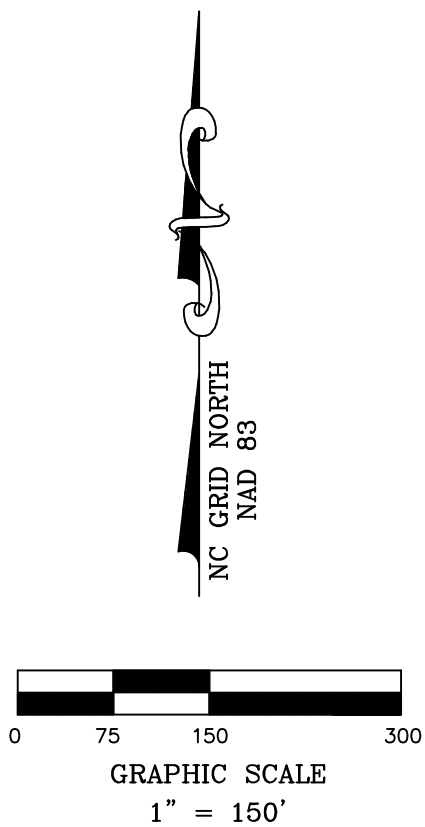
BY: _____
ASST./DEPUTY

TIME: _____

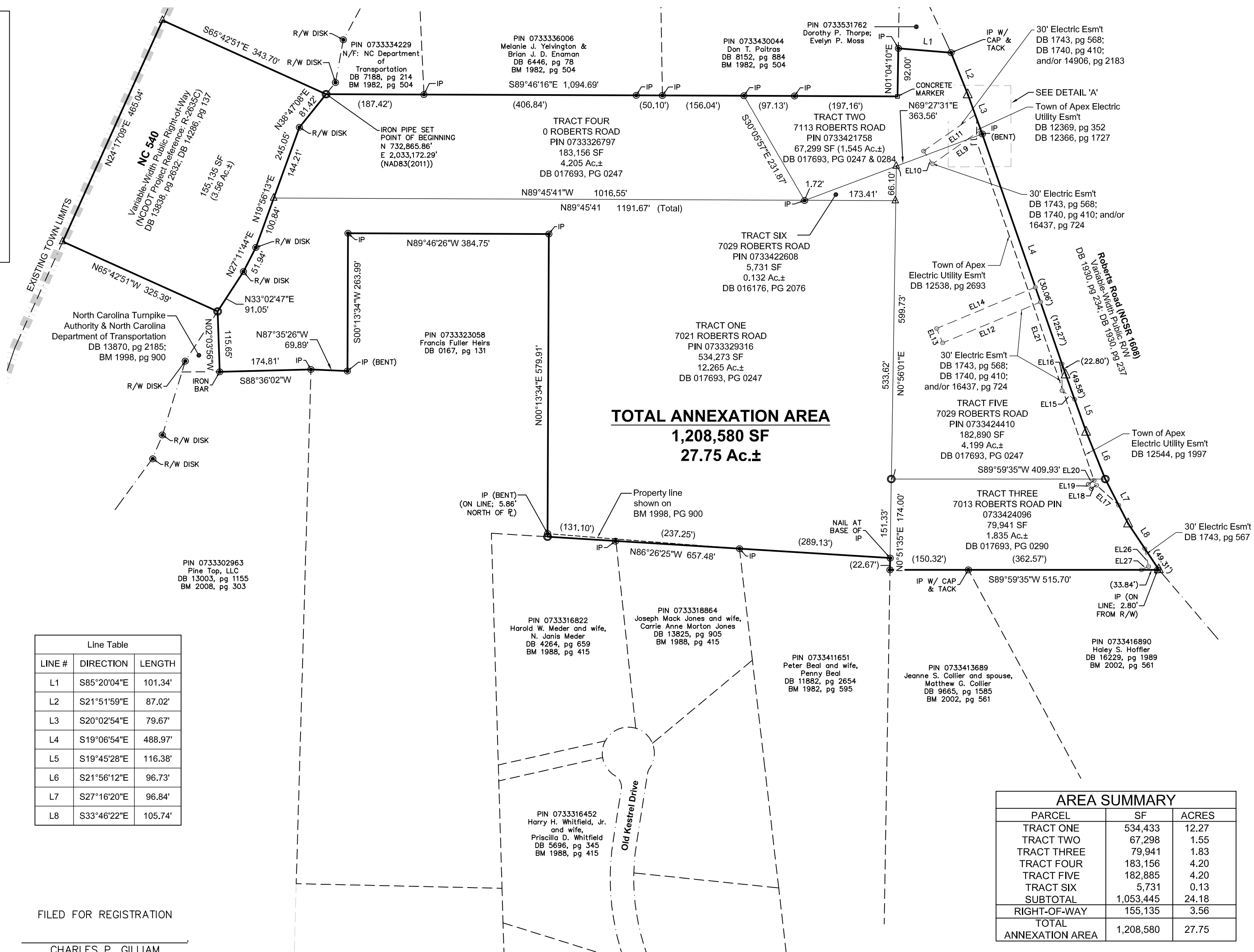
Annexation # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, _____ by the Town Council. I set my hand and seal of the Town of Apex, _____ Day/Month/Year

Donna B. Hosch, MMC, NCCMC, Town Clerk



BOOK _____, PAGE _____



PARCEL	SF	ACRES
TRACT ONE	534,433	12.27
TRACT TWO	67,298	1.55
TRACT THREE	79,941	1.83
TRACT FOUR	183,156	4.20
TRACT FIVE	182,885	4.20
TRACT SIX	5,731	0.13
SUBTOTAL	1,053,445	24.18
RIGHT-OF-WAY	155,135	3.56
TOTAL ANNEXATION AREA	1,208,580	27.75

GENERAL NOTES:

- All distances are horizontal ground distances and areas were computed using the coordinate method, unless otherwise noted hereon.
- The subject property is not located within a Special Flood Hazard Area as scaled from NFIP FIRM Number 3720073300J; Effective Date: May 2, 2006.
- Wetlands and stream buffers are not addressed by this survey.
- This survey was prepared for the parties and purpose indicated hereon. Any extension of the use beyond the purpose agreed to between the client and surveyor exceeds the scope of the engagement. Only copies of this survey with the Land Surveyor's original signature & an original embossed, ink or scanned seal are the product of the Land Surveyor.
- Property identification numbers taken from the official tax records of Wake County.
- All underground utilities shown hereon are based solely on visible ground surface evidence. Prior to any construction and/or excavation, the exact vertical & horizontal locations must be determined.
- Zoning: PUD-CZ
- References: DB 167, pg 130 & 131; DB 1705, pg 67; DB 1787, pg 170; DB 8068, pg 1768; DB 16176, pg 2073 & 2080; DB 17693, pg 247; DB 17693, pg 284; DB 17693, pg 290; BM 1998, pg 900; BM 1998, pg 415; BM 1982, pg 815.

I, Matthew A. Hayes, PLS (L-4516), certify that this survey is of an existing parcel or parcels of land and does not create a street or change an existing street; I also certify that this plat was drawn under my supervision from an actual survey performed under my supervision (deed description(s) shown hereon under "References"); that the boundaries not surveyed are clearly indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1:10,000+; that the Global Positioning System (GPS) survey and the following information was used to perform the GPS survey:

Class of survey: Class A
Positional accuracy: 0.02' H; 0.02' V
Type of GPS field procedure: OPUS
Date(s) of Survey: March 20, 2013
Datum/Epoch: NAD 83(2011) (EPOCH:2010.0000)
Published/Fixed-control use: OPUS used
Geoid model: NAVD88 (GEOID12A)
Combined grid factor: 0.99990063
Units: US Survey Feet

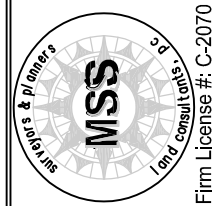
Witness my original signature, registration and seal.

Matthew A. Hayes, PLS



SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St.
Suite E
Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: govorsw@mssland.com



"Committed to Total Quality Service"
Firm License #: C-2070
D:_BEAZER_HOMES\BZH-19-01\dwg\Roberts_Tracts_AnnexationMap_Rev.dwg

SATELLITE ANNEXATION MAP
for the
TOWN OF APEX
of the Lands of
DRP NC 4, LLC

Checked by: MAH

Drawn by: BAO

Date: Jan. 13, 2020

North Carolina

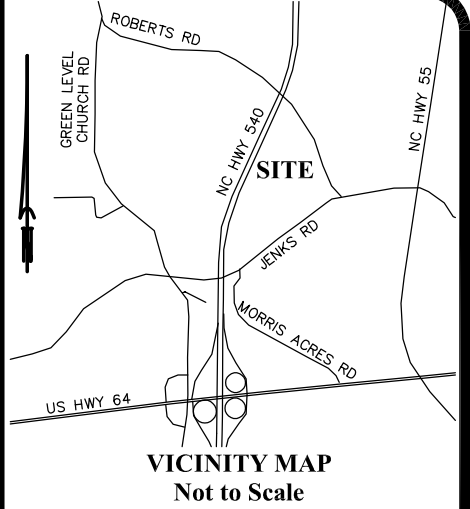
Wake County

White Oak Township

Town of Apex ETJ

LEGEND

- Existing Monumentation
- Iron Pipe Set
- Mathematical Points
- IP Iron Pipe
- IR Iron Rebar
- CM Concrete Marker
- SFHA Special Flood Hazard Area
- N/F Now or Formerly
- DB / BM Deed Book / Book of Maps
- R/W Right-of-Way
- Esmt. Easement
- (0.00') Tie Distance (Chord Distance)
- Town Limits





Annexation #675

Greenmoor

540

Falcons Reach

**Meadows
at Walden
Creek**



RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. § 160A-31 AS AMENDED

Annexation Petition #675
Roberts Crossing

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6:00 o'clock p.m. on the 4th day of February 2020.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 21st day of January 2020.

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC, Town Clerk