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## TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-002  
ANNEXATION PETITION NO. 740  
1933 OLIVE CHAPEL ROAD

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 January 10, 2023, 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 January 10, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, White Oak Township, Wake County, North Carolina (PIN#0722-91-1543), dated July 13, 2022" and recorded in Book of Maps book number 2023 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 10th day of January, 2023.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen L. Coleman, CMC, NCCCC  
Town Clerk

APPROVED AS TO FORM:

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Laurie L. Hohe  
Town Attorney

Legal Description

*ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Town of Apex, Wake County, North Carolina, and being part of Tract 2 as shown on a map of "Property of M.B. Morris", Book of Maps 1982, Page 582, and being more particularly bounded and described as follows:*

*BEGINNING at a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Russell Casavant (D.B. 18827, Pg. 2764, Lot 233), in the Kelly West, Phase 1 Subdivision, (B.M. 2000, Pg. 588) and marking a corner common to the lands now or formerly owned by Carey Holding, LLC (D.B. 16905, Pg. 448); thence, with the lands of the said Russell Casavant,*

North 18°00'31" West a distance of 39.85 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kathleen Korn (D.B. 18162, Pg. 2711), continuing a distance of 154.32 feet to a stake (found), continuing a distance of 30.00 feet to a 5/8" rebar (set), continuing a distance of 11.25 feet to a point at the southwest corner of a sidewalk easement, continuing a distance of 4.75 feet to a point at the new right-of-way line of Olive Chapel Road, S.R. 1160, continuing a distance of 30.55 feet, in all a distance of 270.72 feet to a point in the centerline of the said Olive Chapel Road; thence, with the centerline of the said Olive Chapel Road,

North 62°16'06" East a distance of 149.51 feet to a point; thence, North 67°41'32" East a distance of 333.18 feet to a point; thence, South 01°40'59" West a distance of 32.57 feet to a point at the new right-of-way line of Olive Chapel Road, continuing a distance of 15.18 feet to a point at the southeast corner of a sidewalk easement, continuing a distance of 3.28 feet to a 5/8" rebar (set) at the northwest corner of a 35 foot thoroughfare buffer, continuing a distance of 37.96 feet to a 1/2" iron pipe (found), marking a

corner common to the lands now or formerly owned by Molli Matheny and Justin Matheny (D.B. 18223, Pg. 344, Lot 134), and being in the line of the Final Subdivision Plat for Greenbrier-Phase One, Section One, (B.M. 1997, Pg. 1733), continuing a distance of 46.58 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nilsa Melendez (D.B. 18223, Pg. 344, Lot 133), continuing a distance of 58.42 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Kyle R. Raess (D.B. 12404, Pg. 920, Lot 132), continuing a distance of 64.99 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Nathan Pan (D.B. 18591, Pg. 259, Lot 131), continuing a distance of 65.05 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Mary L. Hull (D.B. 8212, Pg. 1433, Lot 130), continuing a distance of 64.96 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by William S. Greene and Ewana C. Greene (D.B. 141124, Pg. 974, Lot 129), continuing a distance of 60.25 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Ravi K. Mistry and Nisha S. Mistry (D.B. 15777, Pg. 2014, Lot 128), continuing a distance of 6.75 feet, in all a distance of 455.99 feet to a 1" iron pipe (found), marking a corner common to the lands now or formerly owned by Yulin Zhang (D.B. 18904, Pg. 487, Lot 123) and the lands now or formerly owned by Robert C. Keck, III, (D.B. 12779, Pg. 1498, Lot 122); thence, with the lands of the said Robert C. Keck, III,

North 89°37'01" West a distance of 303.55 feet to a 1/2" iron pipe (found), marking a corner common to the lands now or formerly owned by Jared Schott (D.B. 13826, Pg. 2307, Lot 120) and marking a corner common to the lands of the said Russell Casavant, continuing a distance of 39.95 feet, in all a distance of 343.50 feet to the POINT OR PLACE OF BEGINNING, containing 3.342 acres, as surveyed by Jason D. Leadingham, North Carolina Professional Land Surveyor No. L- 4734, on behalf of Scalice Land Surveying, dated July 13, 2022, and revised on August 9, 2022.

And being the same land as that conveyed from Edward P. Carey and wife, Margaret M. Carey to Carey Holdings, LLC, dated September 11, 2017, and recorded in Deed Book 16905, Page 448, Tract II, and recorded in the Wake County Registry, North Carolina.

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 Annexation Ordinance No. 2023-002, adopted at a meeting of the Town Council, on the 10th day of January, 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 10th day of January, 2023.

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Allen L. Coleman, CMC, NCCCC  
Town Clerk

(SEAL)