



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. 2021-0608-14
ANNEXATION PETITION NO. #706

HARP-BARR, LLC, Memphis & Maddox, LLC, Sweet Willie, LLC, William Douglas and
Jean S. Poe, and Lennar Carolinas (6401 Apex Barbecue Road, 1216 South Salem
Street, and 1330 South Salem Street)

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 June 8, 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 June 8, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Depot 499 Annexation Plat, The John R. McAdams Company, Inc., November 19, 2020" 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 8th 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

BEGINNING AT AN IRON PIPE IN THE NORTHERN PROPERTY LINE OF THE DARYL POE AND JEANNE POE TRACT; THENCE SOUTH 88°15'40" EAST 294.44 FEET TO A POINT; THENCE SOUTH 88°15'40" EAST 73.53 FEET TO AN IRON PIPE IN THE SOUTHERN RIGHT OF WAY OF APEX BARBECUE ROAD(VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE SOUTH 88°17'21" EAST 166.15 FEET TO A POINT; THENCE SOUTH 66°51'11" EAST 52.41 FEET TO A POINT; THENCE SOUTH 66°15'45" EAST 53.82 FEET TO A POINT; THENCE SOUTH 65°14'19" EAST 41.62 FEET TO A POINT; THENCE NORTH 25°36'46" EAST 2.86 FEET TO A POINT; THENCE SOUTH 63°01'58" EAST 36.23 FEET TO A POINT; THENCE SOUTH 62°43'11" EAST 52.42 FEET TO A POINT; THENCE SOUTH 62°34'50" EAST 52.21 FEET TO A POINT; THENCE SOUTH 62°33'45" EAST 50.32 FEET TO A POINT; THENCE SOUTH 62°31'05" EAST 52.09 FEET TO A POINT; THENCE SOUTH 62°41'02" EAST 38.46 FEET TO A POINT; THENCE NORTH 27°30'20" EAST 20.00 FEET TO A POINT IN THE NORTHERN RIGHT OF WAY OF APEX BARBECUE ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY SOUTH 63°45'54" EAST 15.27 FEET TO A POINT; THENCE SOUTH 63°11'11" EAST 52.92 FEET TO A POINT; THENCE SOUTH 63°46'38" EAST 52.45 FEET TO A POINT; THENCE SOUTH 64°11'18" EAST 51.01 FEET TO A POINT; THENCE SOUTH 64°51'58" EAST 49.52 FEET TO A POINT; THENCE SOUTH 65°24'55" EAST 50.07 FEET TO A POINT; THENCE SOUTH 66°04'16" EAST 48.34 FEET TO A POINT; THENCE SOUTH 66°24'38" EAST 50.08 FEET TO A POINT; THENCE SOUTH 66°41'38" EAST 50.19 FEET TO A POINT; THENCE SOUTH 66°15'39" EAST 38.64 FEET TO AN IRON PIPE; THENCE LEAVING SAID RIGHT OF WAY SOUTH 45°09'49" WEST 21.52 FEET TO A POINT; THENCE SOUTH 66°29'41" EAST 17.50 FEET TO A POINT; THENCE SOUTH 66°51'15" EAST 51.02 FEET TO A POINT; THENCE SOUTH 67°29'37" EAST 46.49 FEET TO A POINT; THENCE SOUTH 69°10'44" EAST 47.69 FEET TO A POINT; THENCE SOUTH 70°48'55" EAST 47.97 FEET TO A POINT; THENCE SOUTH 72°26'29" EAST 49.98 FEET TO A POINT; THENCE SOUTH 73°56'45" EAST 48.27 FEET TO A POINT; THENCE SOUTH 74°36'34" EAST 49.46 FEET TO A POINT; THENCE SOUTH 74°35'50" EAST 50.79 FEET TO A POINT; THENCE SOUTH 74°07'44" EAST 48.03 FEET TO A POINT; THENCE SOUTH 73°53'30" EAST 1.43 FEET TO A POINT; THENCE SOUTH 00°46'03" WEST 62.04 FEET TO AN IRON PIPE; THENCE SOUTH 02°10'02" WEST 684.03 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 91.26 FEET, WITH A RADIUS OF 2927.20 FEET, WITH A CHORD BEARING OF SOUTH 49°51'06" WEST, WITH A CHORD LENGTH OF 91.25 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TO THE LEFT WITH AN ARC LENGTH OF 156.33 FEET, WITH A RADIUS OF 2830.49 FEET, WITH A CHORD BEARING OF SOUTH 47°19'16" WEST, WITH A CHORD LENGTH OF 156.31 FEET TO A POINT; THENCE NORTH 01°41'10" EAST 71.72 FEET TO AN IRON PIPE; THENCE SOUTH 46°03'02" WEST 85.16 FEET TO A POINT; THENCE SOUTH 44°07'53" WEST 101.67 FEET TO A POINT; THENCE SOUTH 42°07'43" WEST 101.98 FEET TO A POINT; THENCE SOUTH 40°06'18" WEST 101.05 FEET TO A POINT; THENCE SOUTH 38°00'20" WEST 102.25 FEET TO AN IRON PIPE; THENCE SOUTH 36°10'22" WEST 101.61 FEET TO A POINT; THENCE SOUTH 34°13'40" WEST 101.88 FEET TO A POINT; THENCE SOUTH 32°20'31" WEST 101.40 FEET TO A POINT; THENCE SOUTH 30°52'45" WEST 101.44 FEET TO AN IRON PIPE; THENCE SOUTH 29°32'30" WEST 100.74 FEET TO A POINT; THENCE SOUTH 28°00'14" WEST 101.56 FEET TO A POINT; THENCE SOUTH 26°31'43" WEST 101.76 FEET TO A POINT; THENCE SOUTH 24°59'56" WEST 101.74 FEET TO A POINT; THENCE SOUTH 23°14'59" WEST 38.23 FEET TO AN IRON PIPE; THENCE SOUTH 23°13'26" WEST 63.12 FEET TO A POINT; THENCE SOUTH 21°18'46"

WEST 102.56 FEET TO A POINT; THENCE SOUTH 19°14'15" WEST 102.34 FEET TO A POINT; THENCE SOUTH 17°17'15" WEST 101.06 FEET TO A POINT; THENCE SOUTH 16°16'37" WEST 100.94 FEET TO A POINT; THENCE SOUTH 16°30'48" WEST 99.68 FEET TO AN IRON PIPE; THENCE SOUTH 17°33'06" WEST 98.63 FEET TO A POINT; THENCE SOUTH 19°12'54" WEST 98.15 FEET TO A POINT; THENCE SOUTH 21°07'08" WEST 99.78 FEET TO A POINT; THENCE SOUTH 23°11'04" WEST 97.92 FEET TO A POINT; THENCE SOUTH 24°54'47" WEST 38.40 FEET TO A POINT; THENCE SOUTH 25°36'27" WEST 22.58 FEET TO AN IRON PIPE; THENCE NORTH 89°17'29" WEST 64.48 FEET TO AN IRON PIPE; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 66.11 FEET, WITH A RADIUS OF 2804.10 FEET, WITH A CHORD BEARING OF NORTH 25°32'13" EAST, WITH A CHORD LENGTH OF 66.11 FEET TO A POINT; THENCE NORTH 89°17'29" WEST 353.78 FEET TO A CONCRETE MONUMENT; THENCE NORTH 00°17'39" EAST 911.20 FEET TO AN IRON PIPE; THENCE SOUTH 89°59'35" WEST 879.26 FEET TO AN IRON PIPE; THENCE NORTH 88°24'26" WEST 416.05 FEET TO AN IRON PIPE; THENCE NORTH 88°58'59" WEST 428.33 FEET TO AN IRON PIPE; THENCE NORTH 89°42'10" WEST 67.13 FEET TO AN IRON PIPE IN THE EASTERN RIGHT OF WAY OF N.C. HIGHWAY 540 (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY NORTH 14°10'11" WEST 25.98 FEET TO A CONCRETE MONUMENT; THENCE NORTH 29°27'03" WEST 279.28 FEET TO A CONCRETE MONUMENT; THENCE NORTH 10°30'20" WEST 258.11 FEET TO A CONCRETE MONUMENT; THENCE NORTH 31°49'46" WEST 302.09 FEET TO A CONCRETE MONUMENT; THENCE NORTH 19°25'27" WEST 348.05 FEET TO AN IRON PIPE; THENCE NORTH 01°06'22" EAST 289.07 FEET TO AN IRON PIPE IN THE CENTERLINE OF A CREEK; THENCE WITH SAID CENTERLINE SOUTH 62°05'16" EAST 8.68 FEET TO A POINT; THENCE SOUTH 75°58'33" EAST 23.59 FEET TO A POINT; THENCE SOUTH 54°32'13" EAST 16.14 FEET TO A POINT; THENCE SOUTH 28°27'52" EAST 21.06 FEET TO A POINT; THENCE SOUTH 52°11'00" EAST 19.37 FEET TO A POINT; THENCE NORTH 80°16'49" EAST 16.94 FEET TO A POINT; THENCE NORTH 27°19'34" EAST 14.43 FEET TO A POINT; THENCE NORTH 74°27'19" EAST 9.44 FEET TO A POINT; THENCE SOUTH 50°24'04" EAST 7.19 FEET TO A POINT; THENCE SOUTH 36°21'02" EAST 23.88 FEET TO A POINT; THENCE NORTH 39°19'42" EAST 12.17 FEET TO A POINT; THENCE NORTH 05°51'07" WEST 17.89 FEET TO A POINT; THENCE NORTH 50°03'59" EAST 8.76 FEET TO A POINT; THENCE SOUTH 73°12'41" EAST 16.32 FEET TO A POINT; THENCE SOUTH 21°18'53" EAST 18.47 FEET TO A POINT; THENCE SOUTH 72°13'16" EAST 13.54 FEET TO A POINT; THENCE NORTH 61°51'46" EAST 21.65 FEET TO A POINT; THENCE NORTH 74°00'24" EAST 50.54 FEET TO A POINT; THENCE NORTH 19°57'12" EAST 44.74 FEET TO A POINT; THENCE NORTH 06°03'59" WEST 20.11 FEET TO A POINT; THENCE NORTH 35°44'44" EAST 23.04 FEET TO A POINT; THENCE NORTH 69°35'37" EAST 22.30 FEET TO A POINT; THENCE SOUTH 84°36'00" EAST 31.56 FEET TO A POINT; THENCE NORTH 68°46'46" EAST 23.80 FEET TO A POINT; THENCE NORTH 88°42'18" EAST 17.10 FEET TO A POINT; THENCE SOUTH 54°50'03" EAST 18.40 FEET TO A POINT; THENCE NORTH 80°46'03" EAST 40.56 FEET TO A POINT; THENCE NORTH 58°20'09" EAST 25.29 FEET TO A POINT; THENCE NORTH 44°32'26" EAST 24.34 FEET TO A POINT; THENCE NORTH 71°02'31" EAST 19.10 FEET TO A POINT; THENCE NORTH 47°24'16" EAST 37.55 FEET TO A POINT; THENCE NORTH 81°51'36" EAST 25.80 FEET TO A POINT; THENCE NORTH 36°15'39" EAST 27.41 FEET TO A POINT; THENCE NORTH 20°21'02" WEST 17.38 FEET TO A POINT; THENCE NORTH 11°59'13" EAST 2.08 FEET TO A POINT; THENCE NORTH 58°12'58" EAST 29.12 FEET TO A POINT; THENCE NORTH 82°43'32" EAST 21.16 FEET TO A POINT; THENCE NORTH 05°01'51" WEST 12.48 FEET TO A POINT; THENCE NORTH 77°16'23" WEST 12.42 FEET TO A POINT; THENCE NORTH 37°17'58" EAST 22.50 FEET TO A POINT; THENCE NORTH

73°27'07" EAST 34.86 FEET TO A POINT; THENCE NORTH 03°15'44" EAST 13.46 FEET TO A POINT; THENCE NORTH 45°09'32" WEST 11.24 FEET TO A POINT; THENCE NORTH 53°48'21" EAST 6.23 FEET TO A POINT; THENCE SOUTH 68°53'55" EAST 13.88 FEET TO A POINT; THENCE NORTH 60°34'12" EAST 52.94 FEET TO A POINT; THENCE NORTH 78°46'01" EAST 46.77 FEET TO A POINT; THENCE NORTH 67°46'44" EAST 48.56 FEET TO A POINT; THENCE NORTH 74°58'45" EAST 43.00 FEET TO A POINT; THENCE SOUTH 89°36'23" EAST 38.18 FEET TO A POINT; THENCE SOUTH 79°42'51" EAST 22.68 FEET TO A POINT; THENCE SOUTH 29°26'17" EAST 17.84 FEET TO A POINT; THENCE NORTH 69°48'36" EAST 16.45 FEET TO A POINT; THENCE SOUTH 68°17'51" EAST 51.96 FEET TO A POINT; THENCE NORTH 73°12'05" EAST 27.64 FEET TO A POINT; THENCE SOUTH 79°24'02" EAST 15.42 FEET TO A POINT; THENCE SOUTH 74°12'31" EAST 45.28 FEET TO A POINT; THENCE SOUTH 39°16'28" EAST 36.13 FEET TO A POINT; THENCE SOUTH 08°43'30" WEST 18.30 FEET TO A POINT; THENCE SOUTH 50°53'39" EAST 18.00 FEET TO A POINT; THENCE NORTH 88°17'02" EAST 36.36 FEET TO A POINT; THENCE SOUTH 13°58'03" EAST 21.80 FEET TO A POINT; THENCE SOUTH 81°03'00" EAST 42.96 FEET TO A POINT; THENCE SOUTH 30°57'25" EAST 26.88 FEET TO A POINT; THENCE SOUTH 75°54'58" EAST 40.54 FEET TO A POINT; THENCE SOUTH 70°25'00" EAST 15.28 FEET TO A POINT; THENCE NORTH 84°19'40" EAST 27.52 FEET TO A POINT; THENCE SOUTH 80°36'18" EAST 37.25 FEET TO A POINT; THENCE SOUTH 42°44'12" WEST 13.86 FEET TO A POINT; THENCE SOUTH 64°51'55" WEST 13.95 FEET TO A POINT; THENCE SOUTH 64°16'15" EAST 26.38 FEET TO A POINT; THENCE SOUTH 51°02'50" EAST 20.28 FEET TO A POINT; THENCE SOUTH 76°30'27" EAST 49.09 FEET TO A POINT; THENCE SOUTH 02°56'27" WEST 22.78 FEET TO A POINT; THENCE SOUTH 68°53'00" EAST 39.44 FEET TO A POINT; THENCE SOUTH 74°05'57" EAST 21.64 FEET TO A POINT; THENCE NORTH 54°46'33" EAST 12.67 FEET TO A POINT; THENCE SOUTH 78°44'03" EAST 50.69 FEET TO A POINT; THENCE SOUTH 17°24'42" EAST 10.77 FEET TO A POINT; THENCE NORTH 81°02'40" EAST 18.57 FEET TO A POINT; THENCE NORTH 57°30'16" EAST 25.96 FEET TO A POINT; THENCE SOUTH 49°12'49" EAST 22.49 FEET TO A POINT; THENCE SOUTH 75°13'50" EAST 36.68 FEET TO A POINT; THENCE NORTH 43°03'04" EAST 18.03 FEET TO A POINT; THENCE SOUTH 43°29'16" EAST 25.33 FEET TO A POINT; THENCE NORTH 84°54'55" EAST 33.14 FEET TO A POINT; THENCE SOUTH 49°52'36" EAST 29.02 FEET TO A POINT; THENCE NORTH 47°30'27" EAST 22.64 FEET TO A POINT; THENCE SOUTH 44°10'50" EAST 48.34 FEET TO A POINT; THENCE NORTH 77°35'58" EAST 27.83 FEET TO A POINT; THENCE SOUTH 44°55'44" EAST 20.62 FEET TO A POINT; THENCE NORTH 67°39'06" EAST 23.64 FEET TO A POINT; THENCE NORTH 09°17'48" WEST 14.71 FEET TO A POINT; THENCE NORTH 56°08'00" EAST 16.99 FEET TO A POINT; THENCE SOUTH 84°08'50" EAST 9.11 FEET TO A POINT; THENCE SOUTH 21°28'59" EAST 19.37 FEET TO A POINT; THENCE NORTH 77°01'03" EAST 25.20 FEET TO A POINT; THENCE NORTH 52°22'39" EAST 13.09 FEET TO A POINT; THENCE NORTH 34°19'37" EAST 31.41 FEET TO A POINT; THENCE SOUTH 83°30'24" EAST 9.86 FEET TO A POINT; THENCE SOUTH 73°18'34" EAST 60.44 FEET TO A POINT; THENCE NORTH 25°37'49" EAST 32.53 FEET TO A POINT; THENCE SOUTH 40°49'03" EAST 28.47 FEET TO A POINT; THENCE NORTH 36°58'17" EAST 21.69 FEET TO A POINT; THENCE SOUTH 76°44'46" EAST 21.44 FEET TO A POINT; THENCE SOUTH 14°26'49" WEST 27.21 FEET TO A POINT; THENCE SOUTH 86°41'52" EAST 6.78 FEET TO A POINT; THENCE NORTH 87°14'33" EAST 24.64 FEET TO A POINT; THENCE SOUTH 40°22'08" EAST 36.29 FEET TO A POINT; THENCE SOUTH 13°37'04" EAST 24.06 FEET TO A POINT; THENCE SOUTH 82°58'59" EAST 35.03 FEET TO A POINT; THENCE SOUTH 73°33'17" EAST 23.68 FEET TO A POINT; THENCE SOUTH 25°37'21" EAST 34.01 FEET TO A POINT; THENCE SOUTH 06°57'32" EAST 21.00 FEET TO A POINT; THENCE SOUTH 53°23'42" EAST 38.38

FEET TO A POINT; THENCE SOUTH 83°14'09" EAST 8.53 FEET TO A POINT; THENCE NORTH 33°23'35" EAST 11.26 FEET TO A POINT; THENCE SOUTH 68°50'30" EAST 18.96 FEET TO A POINT; THENCE NORTH 81°37'03" EAST 18.18 FEET TO A POINT; THENCE SOUTH 39°21'14" EAST 5.22 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK NORTH 00°20'56" EAST 1168.68 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 6,849,127 SQUARE FEET, 157.234 ACRES AND BEING THE SAME AREA AS SHOWN ON THE PLAT BY THE JOHN R MCADAMS COMPANY TITLED ANNEXATION MAP OF DEPOT 499 DATED NOVEMBER 19TH, 2020.

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. 2021-0608-14, adopted at a meeting of the Town Council, on the 8th 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 9th day of June 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)