



TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
SATELLITE ANNEXATION PETITION NO. 749
APEX GATEWAY PHASE 2 – 244.87 ACRES

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 7:00 p.m. on February 28, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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-58.2, as amended, the described non-contiguous territory is hereby annexed and 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 February 28, 2023. The three (3) survey plats that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map Set (3 Total Sheets) for the Town of Apex dated December 28, 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 28th day of February, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Annexation Area 1 (As Surveyed Legal Description)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LANDS DEPICTED IN DEED BOOK 2316 PAGE 883, DEED BOOK 2207 PAGE 426; DEED BOOK 2252 PAGE 612, DEED BOOK 2148 PAGE 1047, BOOK 2148 PAGE 1134, DEED BOOK 2301 PAGE 443, DEED BOOK 318 PAGE 352, DEED BOOK 2330 PAGE 938, DEED BOOK 2015 PAGE 1112, DEED BOOK 1141 PAGE 345 AND DEED BOOK 757 PAGE 592. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" IRON PIPE FOUND ON A NORTH EASTERN CORNER OF THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115), SAID IRON PIPE HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:726,078.59', E:2,014,614.07' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, IN A CLOCKWISE DIRECTION ALONG A NORTHERN BOUNDARY LINE IN THE BARBOUR KATHLEEN B. PROPERTY (DB 367 PG 115) SOUTH 81 DEGREES 58 MINUTES 20 SECONDS WEST A DISTANCE OF 315.77 FEET TO A 5/8" REBAR WITH CAP; THENCE NORTH 34 DEGREES 07 SECONDS 21 MINUTES WEST A DISTANCE OF 73.59 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 279.92 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 55 DEGREES 47 MINUTES 03 SECONDS WEST A DISTANCE OF 30.81 FEET TO A COMPUTED POINT IN THE CENTER OF NC HIGHWAY 751; THENCE SOUTH 34 DEGREES 10 MINUTES 03 SECONDS EAST A DISTANCE OF 296.52 FEET TO A COMPUTED POINT; THENCE NORTH 55 DEGREES 38 MINUTES 45 SECONDS EAST A DISTANCE OF 29.64 TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 34 DEGREES 15 MINUTES 32 SECONDS EAST A DISTANCE OF 117.62 FEET TO A COMPUTED POINT; THENCE SOUTH 34 DEGREES 15 MINUTES 32 SECONDS EAST A DISTANCE OF 256.89 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 35 DEGREES 35 MINUTES 11 SECONDS EAST 249.29 FEET AND A RADIUS OF 6,270.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 38 DEGREES 34 MINUTES 29 SECONDS EAST 245.92 FEET AND A RADIUS OF 6,670.00 FEET TO A COMPUTED POINT; THENCE SOUTH 38 DEGREES 43 MINUTES 21 SECONDS EAST A DISTANCE OF 157.84 FEET TO A COMPUTED POINT; THENCE SOUTH 71 DEGREES 52 MINUTES 46 SECONDS EAST A DISTANCE OF 161.00 FEET TO A COMPUTED

POINT ALONG THE NORTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY SOUTH 82 DEGREES 35 MINUTES 51 SECONDS WEST 259.30 FEET TO A 5/8" INCH REBAR SET; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 22 MINUTES 04 SECONDS WEST 761.55 FEET AND A RADIUS OF 11,840.67 FEET TO A COMPUTED POINT; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING WITH LINES IN THE MAGNIN MARY ELIZABETH GEEK PROPERTY (DB:1764, PG: 3) NORTH 00 DEGREES 36 MINUTES 55 SECONDS EAST A DISTANCE OF 174.32 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 69 DEGREES 07 MINUTES 03 SECONDS WEST A DISTANCE OF 480.86 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 04 DEGREES 09 MINUTES 52 SECONDS EAST A DISTANCE OF 90.02 FEET TO A NC DOT RIGHT OF WAY DISK FOUND ALONG THE NORTHERN RIGHT OF WAY OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY SOUTH 78 DEGREES 36 MINUTES 24 SECONDS WEST A DISTANCE OF 360.29 FEET TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 36 MINUTES 47 SECONDS WEST A DISTANCE OF 60.00 FEET TO A COMPUTED POINT; THENCE SOUTH 78 DEGREES 35 MINUTES 10 SECONDS WEST A DISTANCE OF 266.38 FEET TO A 1/2" RIGHT OF WAY CAP SET; THENCE SOUTH 79 DEGREES 30 MINUTES 47 SECONDS WEST A DISTANCE OF 60.31 FEET TO 1" IRON REBAR WITH CAP FOUND; THENCE SOUTH 78 DEGREES 32 MINUTES 16 SECONDS WEST A DISTANCE OF 119.69 FEET TO A 3/4" IRON REBAR WITH CAP FOUND; THENCE SOUTH 78 DEGREES 35 MINUTES 55 SECONDS WEST A DISTANCE OF 107.94 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 78 DEGREES 41 MINUTES 21 SECONDS WEST A DISTANCE OF 86.62 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE SOUTH 78 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF 141.75 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING WITH EASTERN LINES IN THE ARLEX PROPERTIES, LLC PROPERTY (DB:2069, PG: 168) NORTH 15 DEGREES 18 MINUTES 52 SECONDS WEST A DISTANCE OF 487.93 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE SOUTH 89 DEGREES 09 MINUTES 04 SECONDS WEST A DISTANCE OF 197.08 FEET TO A 1/2" IRON PIPE WITH CAP FOUND ON AN EASTERN CORNER OF THE KUNAL ENTERPRISES, LLC PROPERTY (DB: 1124, PG:371); THENCE WITH EASTERN LINES IN SAID PROPERTY NORTH 29 DEGREES 21 MINUTES 59 SECONDS WEST A DISTANCE OF 68.12 FEET TO AN AXLE FOUND; THENCE NORTH 02 DEGREES 02 MINUTES 09 SECONDS EAST A DISTANCE OF 445.87 FEET TO AN AXLE FOUND; THENCE WITH AN EASTERN LINE IN THE POE INEZ M. & JERRY C. TRUSTEE DEWEY C. POE TRUST (DB 755 PG 518) NORTH 00 DEGREES 06 MINUTES 26 SECONDS EAST A DISTANCE OF 1,087.05 FEET TO A 1/2" IRON PIPE WITH A CAP FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 00 SECONDS EAST A DISTANCE OF 420.69 FEET TO A BROKEN CONCRETE MONUMENT WITH EXPOSED REBAR; THENCE LEAVING SAID PROPERTY AND WITH A SOUTHERN LINE IN THE UNITED STATES OF AMERICA PROPERTY NORTH 87 DEGREES 55 MINUTES 54 SECONDS EAST A DISTANCE OF 635.18 FEET TO A US ARMY CORPS OF ENGINEERS CONCRETE MONUMENT WITH A DISK FOUND; THENCE WITH A SOUTHERN LINE IN THE JAIME UPCHURCH PROPERTY (DB 2012 PG 289) NORTH 60 DEGREES 37 MINUTES 52 SECONDS EAST A DISTANCE OF 43.17 FEET TO A 1/2" IRON PIPE WITH CAP FOUND; THENCE NORTH 60 DEGREES 36 MINUTES 10 SECONDS EAST A DISTANCE OF 573.18 FEET TO A 1" IRON PIPE FOUND; THENCE NORTH 60 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 54.27 FEET TO A 1" IRON PIPE FOUND ALONG THE WESTERN RIGHT OF WAY OF NC HIGHWAY 751; THENCE NORTH 60 DEGREES 35 MINUTES 55 SECONDS EAST A DISTANCE OF 29.81 FEET TO A COMPUTED POINT; THENCE

WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 16 MINUTES 33 SECONDS WEST 57.22 FEET AND A RADIUS OF 12,000.00 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 51 MINUTES 00 SECONDS WEST 54.43 FEET AND A RADIUS OF 10,366.27 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES 33 MINUTES 14 SECONDS WEST 200.19 FEET AND A RADIUS OF 10,367.68 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 14 MINUTES 53 SECONDS WEST 157.13 FEET AND A RADIUS OF 18,752.40 FEET TO A COMPUTED POINT; THENCE SOUTH 77 DEGREES 02 MINUTES 02 SECONDS WEST A DISTANCE OF 30.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 0.79 FEET TO A COMPUTED POINT ALONG THE WESTERN RIGHT OF WAY OF NC HIGHWAY 751; THENCE LEAVING SAID RIGHT OF WAY AND WITH EASTERN LINES IN THE PIERPONT WILLIAM R. ETUX AND BARBARA E. PEIRPONT PROPERTY (DB:1915 PG:1170) SOUTH 77 DEGREES 37 MINUTES 11 SECONDS WEST A DISTANCE OF 72.57 FEET TO A 1/4" IRON ROD FOUND; THENCE NORTH 25 DEGREES 54 MINUTES 27 SECONDS WEST A DISTANCE OF 442.50 FEET TO A 1" AXLE FOUND; THENCE ALONG A SOUTHERN LINE IN THE ROBERTO CRESCENCIO PROPERTY (DB: 1629, PG:303), SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 65.13 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 66.65 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 49 MINUTES 09 SECONDS EAST A DISTANCE OF 542.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE ALONG AN SOUTHERN LINE IN THE TIMOTHY SEAGROVES PROPERTY (DB 711, PG 749) SOUTH 89 DEGREES 47 MINUTES 11 SECONDS EAST A DISTANCE OF 406.30 TO A 1.25" GUN BARREL; THENCE SOUTH 89 DEGREES 06 MINUTES 54 SECONDS EAST A DISTANCE OF 485.11 FEET TO A 1.25" IRON PIPE FOUND; THENCE WITH THE US GOVERNMENT PROPERTY NORTH 89 DEGREES 57 MINUTES 13 SECONDS EAST A DISTANCE OF 352.30 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 14.94 FEET TO A REBAR WITH A CAP; THENCE SOUTH 00 DEGREES 45 MINUTES 27 SECONDS EAST A DISTANCE OF 30.00 FEET TO A 1" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 96.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE WITH A WESTERN LINE IN THE MILLS CHATHAM INVESTMENT PROPERTIES LLC PROPERTY (DB 2294 PG 400) SOUTH 01 DEGREES 03 MINUTES 08 SECONDS WEST A DISTANCE OF 171.91 FEET TO A 1/2" IRON PIPE WITH A WHITE CAP AND TACK FOUND; THENCE SOUTH 00 DEGREES 42 MINUTES 32 SECONDS WEST A DISTANCE OF 280.64 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 43 MINUTES 35 SECONDS WEST A DISTANCE OF 318.70 FEET TO A 1/2" IRON PIPE FOUND; THENCE SOUTH 00 DEGREES 41 MINUTES 08 SECONDS WEST A DISTANCE OF 979.44 FEET TO A 1" IRON PIPE FOUND, SAID IRON PIPE BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 7,490,543 SQUARE FEET OR 171.96 ACRES, MORE OR LESS.

Annexation Area 2 (As Surveyed Legal Description)

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, CHATHAM COUNTY, TOWNSHIP OF NEW HOPE, BEING ALL OF THE LAND DEPICTED IN DEED BOOK

2330 PAGE 738. ALL REFERENCES TO DEED BOOKS AND PLAT BOOKS IN THIS DESCRIPTION REFER TO THE RECORDS OF THE CHATHAM COUNTY AND WAKE REGISTER OF DEEDS OFFICE, NORTH CAROLINA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT OF WAY DISK FOUND ALONG THE SOUTHERN RIGHT OF WAY LINE OF US 64 HIGHWAY, SAID DISK HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:724,599.73', E:2,014,861.45' AND BEING THE TRUE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING IN A CLOCKWISE DIRECTION AND WITH THE RIGHT OF WAY OF US 64 HIGHWAY NORTH 82 DEGREES 54 MINUTES 23 SECONDS EAST A DISTANCE OF 160.19 FEET TO A 5/8" REBAR SET; THENCE NORTH 82 DEGREES 53 MINUTES 07 SECONDS EAST A DISTANCE OF 625.77 FEET TO A 5/8" REBAR FOUND; THENCE NORTH 83 DEGREES 08 MINUTES 25 SECONDS EAST A DISTANCE OF 85.45 FEET TO A COMPUTED POINT ALONG THE WAKE COUNTY/CHATHAM COUNTY LINE; THENCE NORTH 81 DEGREES 57 MINUTES 11 SECONDS EAST A DISTANCE OF 96.16 FEET TO A COMPUTED POINT ALONG THE EASTERN RIGHT OF WAY OF NEW OLIVE CHAPEL HILL ROAD; THENCE WITH SAID RIGHT OF WAY SOUTH 52 DEGREES 02 MINUTES 38 SECONDS WEST A DISTANCE OF 105.61 FEET TO A COMPUTED POINT; THENCE SOUTH 15 DEGREES 59 MINUTES 17 SECONDS WEST A DISTANCE OF 1,304.57 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 11 DEGREE 39 MINUTES 03 SECONDS WEST 194.08 FEET AND A RADIUS OF 1,031.04 FEET TO A COMPUTED POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 06 DEGREES 02 MINUTES 53 SECONDS WEST 123.25 FEET AND A RADIUS OF 1,434.58 FEET TO A COMPUTED POINT; THENCE NORTH 86 DEGREES 24 MINUTES 50 SECONDS WEST A DISTANCE OF 60.00 FEET TO A COMPUTED POINT ALONG THE WAKE COUNTY/CHATHAM COUNTY LINE; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 06 DEGREES 02 MINUTES 53 SECONDS EAST 128.40 FEET AND A RADIUS OF 1,494.58 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF NEW HILL ROAD; THENCE SOUTH 15 DEGREES 55 MINUTES 22 SECONDS WEST A DISTANCE OF 878.54 FEET TO A 2" IRON PIPE FOUND; THENCE NORTH 84 DEGREES 48 MINUTES 37 SECONDS WEST A DISTANCE OF 1,121.89 FEET TO A 3/4" IRON PIPE FOUND; THENCE WITH AN EASTERN LINE IN THE APEX STORAGE PARTNERS LLC PROPERTY (DB:712, PG:945) NORTH 00 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 1,985.81 FEET TO A COMPUTED POINT ALONG THE SOUTHERN RIGHT OF WAY OF US HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES 06 MINUTES 11 SECONDS EAST 714.43 FEET AND A RADIUS OF 11,459.16 FEET TO A COMPUTED POINT; THENCE NORTH 82 DEGREES 54 MINUTES 12 SECONDS EAST 214.33 FEET TO A RIGHT OF WAY DISK FOUND SAID DISK BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING 3,176,117 SQUARE FEET OR 72.91 ACRES, MORE OR LESS.

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 Satellite Annexation Ordinance No. 2023-_____, adopted at a meeting of the Town Council, on the 28th day of February, 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 28th day of February, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)