

Ordinance #17-\_\_\_\_\_

**AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING  
EXTRATERRITORIAL JURISDICTION BOUNDARIES FOR THE CITY OF  
HENDERSONVILLE**

**WHEREAS**, the General Assembly has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes and minimum housing standards and other related measures; and

**WHEREAS**, N.C.G.S. § 160D-202 provides that the delegated municipal powers conferred by Chapter 160D may be exercised within the extraterritorial jurisdiction (“ETJ”) surrounding a municipality; and

**WHEREAS**, N.C.G.S. § 160D-202 further provides that any municipality wishing to exercise extraterritorial jurisdiction of powers conferred under the said Chapter 160D shall adopt, and may amend from time to time, an ordinance specifying the boundaries of those areas within which the City will exercise its extraterritorial jurisdiction; and

**WHEREAS**, N.C.G.S. § 160D-202 requires that the boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques, and maintained in the same manner as required by N.C.G.S. § 160A-122 for the delineation of the corporate limits; and

**WHEREAS**, the City has adopted an ordinance establishing ETJ and has amended said ordinance from time to time, most recently by means of an ordinance dated July 6, 2017, which ordinance clarified the geographical boundary of the ETJ; and

**WHEREAS**, The City has received a request from CMH Homes, Inc. seeking to have certain properties removed from the City’s ETJ; and

**WHEREAS**, N.C.G.S. § 160D-202 provides for the amendment of an ETJ ordinance and the relinquishing of any part of such jurisdiction to the appropriate county; and

**WHEREAS**, a public hearing was held before the City Council exclusion of this real property from the City’s extraterritorial jurisdiction pursuant to the requirements of Chapter 160D;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Hendersonville:

**SECTION 1.** The written boundaries of the of the extraterritorial jurisdiction of the City of Hendersonville is hereby amended by this ordinance. The new are of extraterritorial jurisdiction is described as follows:

BEGINNING at a point located in the center of Willow Road, said center also being the Laurel Park corporate limit line, and said point being approximately 135 feet east of the intersection of the center of Willow Road and the center of Country Club Road (SR 1220); thence running from

said point with the center of Willow Road (SR 1171) in a southwesterly direction approximately 2,780 feet to a point in the centerline of Willow Road where said road is intersected by an unnamed tributary of Finley Creek; thence southeasterly along the center of said unnamed tributary and Finley Creek to a point in the center of Lakeside Drive where said drive is intersected by Finley Creek; thence easterly along the centerline of Lakeside Drive to a point where said drive is intersected by Texas Street; thence southeasterly, a straight line distance of approximately 1,430 feet to a point in the centerline of Kanuga Road, said point being approximately 1,400 feet northeast of the intersection of Bonner Street with Kanuga Road; thence easterly, a straight line distance of approximately 6,030 feet to a point in the centerline of Rutledge Drive, where said drive is intersected by Kings Lane; thence northeasterly, a straight line distance of approximately 1,880 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private drive said point being approximately 550 feet north of the intersection of Stewart Street with U.S. Highway 25; thence northeasterly, a straight line distance of approximately 3,280 feet to a point in the centerline of Southern Railway's line where said line is intersected by Brooklyn Avenue; thence in a southerly direction along the centerline of the Southern Railway line to a point in the center of King Creek where said creek is intersected by said railroad line; thence in a northeasterly direction along the center of King Creek to a point in the centerline of U.S. Highway 176 where said highway is intersected by King Creek; thence northeasterly, a straight line distance of approximately 660 feet to the centerline of Old Spartanburg Highway; thence northwesterly approximately 70 feet the centerline of Old Spartanburg Highway to a property line projected; thence northeasterly along a property line projected and a property line approximately 291 feet to a property corner; said property line being the western property line of lot 9559, block 51 as shown on Henderson County property map 9578.19; thence northwesterly along a property line 64.51 feet to a property corner; thence northeasterly approximately 259 feet to a point on the City's boundary of extraterritorial jurisdiction; thence northeasterly approximately 900 feet to a point in the centerline of Airport Road thence in a northwesterly direction along the centerline of East Gilbert Street to its western terminus adjoining the lot identified as Henderson County PIN 9578449355, and continuing with the centerline of the unopened or unpaved right of way to the centerline of West Gilbert Street, and following the centerline of West Gilbert Street to the point of intersection of the centerline of Bradshaw Avenue, thence in a northeasterly direction with the centerline of Bradshaw Avenue (following the centerline of Bradshaw Avenue through the curve to the northwest) and thence continuing with the centerline of Blue Ridge Street to the point of the intersection of Blue Ridge Street and New Hope Road, thence northeasterly along the centerline of New Hope Road to a point located at the intersection of the centerline of New Hope Road and the centerline of Bat Fork; thence northerly, a straight line distance of approximately 3,580 feet to a point in the centerline of Tracy Grove Road, said point being approximately 200 feet west of the intersection of Duncan Road (State Road 1754) with Tracy Grove Road; thence northerly approximately 893 feet to a property corner located at Devils Fork Creek; thence easterly approximately 2,300 feet following property lines and Devils Fork Creek to property corner located on the western right-of-way line of Interstate 26; thence easterly approximately 180 feet along a property line projected to a point on the centerline of Interstate 26; thence northerly approximately 5,230 feet to a point located at the intersection of the centerline of Interstate 26 and a property line projected, said property line being the western property line of parcel 8609 as shown on Henderson County Property Map 9579.15, block 54; thence northerly approximately 93 feet along the western property line of said parcel to a property corner; thence easterly approximately 490 feet along the northern property line of said point to a property corner; thence northerly

approximately 520 feet along a property line to a property corner; thence easterly approximately 360 feet along the southern property line of parcel 3762 as shown on Henderson County Property Map 9579.02, block 65 to a property corner; thence easterly and southerly approximately 350 feet along property lines to a property corner; thence southerly approximately 470 feet along the western property line of lot 6536, block 64, as shown on Henderson County Property Map 9579.15, to a property corner on the eastern right-of-way line of Prince Road; thence with the eastern right-of-way line of Prince Road approximately 333 feet to a property corner; thence easterly along the southern property line of lot 6536 369.83 feet the southernmost property corner of lot 6536; thence northeasterly approximately 580 feet along the southeastern property line of lot 6536 to a property corner; thence easterly approximately 585 feet along the southern property lines of lots 2125 and 8324, block 75 as shown on Henderson County Property Map 9579.02, to a property corner; thence northerly approximately 355 feet along the eastern property line of lot 8324 to a property corner; thence easterly approximately 300 feet along a property line to a property corner, said property corner being the southeastern property corner of parcel 8324 as shown on Henderson County Property Map 9579.02, block 75; thence approximately 1,100 feet along the eastern property line of said parcel to a property corner located on the southern right-of-way line of Sugarloaf Road; thence northerly 30 feet to a point located on the centerline of Sugarloaf Road; thence easterly approximately 570 feet along the centerline of Sugarloaf Road to a point located at the intersection of the centerline of Sugarloaf Road and a property line projected, said property line being the eastern property line of parcel 4387 as shown on Henderson County Property Map 9579.02, block 86; thence northerly approximately 550 feet along said property line projected to a point located at the intersection of said property line projected and the centerline of Howard Gap Road; thence northeasterly approximately 1,230 feet along the eastern property line of parcel 9255 as shown on Henderson County Property Map 9579.02, block 87; thence westerly 142 feet along the northern property line of said parcel to a property corner; thence northerly approximately 326 feet along the eastern property line of parcel 8857 as shown on Henderson County Property Map 9579.02, block 87, to a property corner located on the southern right-of-way line of Sunset Road; thence northeasterly diagonally across Sunset Road approximately 265 feet to a property corner located on the northern right-of-way line of Sunset Road; thence northerly approximately 1,100 feet along the eastern property line of parcel 7740 as shown on Henderson County Property Map 9579.02, block 88, to a property corner; thence westerly approximately 520 feet along the northern property line of said parcel to a property corner; thence northerly 263 feet along the eastern right-of-way line of parcel 4338, as shown on Henderson County Property Map 9579.02, block 89, to a property corner; thence westerly approximately 670 feet along property lines to a property corner, said property corner being the northwestern property corner of parcel 9505 as shown on Henderson County Property Map 9579.02, block 79; thence northerly approximately 675 feet to a property corner, said property corner being the northeastern property corner of parcel 6101 as shown on Henderson County Property Map 9670, block 70; thence southeast 431 feet along a property line to a property corner, said property corner being the southeast property corner of parcel 0422 as shown on Henderson County Property Map 9670, block 80; thence northerly 271 feet along the eastern property line of said parcel to a property corner; thence easterly approximately 1,030 feet to a property corner, said property corner being the southeastern property corner of parcel 7870 as shown on Henderson County Property Map 9670, block 80; thence northerly approximately 1,400 feet along property lines to a property corner, said property corner being the southwestern property corner of parcel 6504 as shown on Henderson County Property Map 9670, block 91; thence easterly 300 feet along the southern property line of said parcel to the

southwestern property corner of said parcel; thence northerly along property lines and a property line projected approximately 880 feet to a point located within the right-of-way of Highway U.S. 64 East, said point being located at the intersection of the eastern property line projected of parcel 7577 as shown on Henderson County Property map 9670, block 92. and the southern property line projected of parcel 1167, as shown on Henderson County Property Map 9670, block 93 (North Henderson High School); thence westerly along said property line projected and said property line approximately 1,800 feet to a property corner; thence northwesterly approximately 464 feet to a property corner located at Clear Creek; thence westerly approximately 5,600 feet along Clear Creek, across Howard Gap Road and along Clear Creek to the intersection with a cross country electric power transmission line owned by Duke Power Company; thence running with the center of said power line in a westerly direction a distance of 4,250 feet to a wooden "H" frame tower near the eastern right-of-way of Interstate Highway 26 as shown on Henderson County Property Map 9660.04; thence leaving said power right-of-way and running in a southwesterly direction 1,620 feet in a straight line to a property corner in the western boundary of Parcel 2124; thence running from said property corner in a southerly direction 615 feet with said western boundary to a property corner in the northeastern right-of-way of Capps Road (S.R. 1508); thence running in a southerly direction 399 feet with the northeastern right-of-way to the southwest property corner of Parcel 3781; thence continuing across Capps Road (S.R. 1508) 60 feet to the northeast property corner of Parcel 8443; thence running from said property corner in a westerly direction 500 feet with the northern boundary line of said Parcel 8443 to a property corner on the eastern bank of Mud Creek; thence continuing from the property corner with the same course 25 feet to a point in the center of Mud Creek; thence running with the center of Mud Creek in a southerly direction 300 feet upstream to a point in the center of Mud Creek where said creek intersects Clear Creek; thence northwesterly, a straight line distance of approximately 3,700 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private road, said point being approximately 1,080 feet north of the intersection of State Road 1392 with U.S. Highway 25; thence south 76° 30' west 2,150 feet to a point on the eastern property line of that property designated as Henderson County PID 01-14540; thence south with the eastern property line of that parcel and thence continuing southerly with the eastern property line of the Baldwin property designated as Henderson County PID 01-14879 to the southeasternmost corner of that parcel, thence west southwesterly with the southern line of that parcel 383 feet to the southeasternmost corner of that parcel; thence north 90 feet to a property corner on the southeastern property line of property designated as Henderson County PID 01-13928; thence southwest 375 feet with the southeastern line of that parcel to a property corner; thence south 15 feet to the southern most property corner of that property; thence west northwest along the southern line of the Thomas L. Tatham Farm, Inc. property designated as Henderson County PID 01-13928 478 feet to a southwest corner of that parcel where the same borders the eastern margin of the right of way of Lyndhurst Drive; thence northerly 26 feet along the eastern margin of that right of way to its intersection with the McCoy property designated as Henderson County PID 01-10218; thence easterly, thence northerly, thence westerly all with the common boundary of the said McCoy parcel and the Tatham Farm property to the northwest margin of the said McCoy parcel; thence continuing with the western line of the Tatham Farm property 171.13 feet to a point at the southeast corner of the Cliffside at the Boulders, LLC property thence with the southern line of the Cliffside at the Boulders, LLC property North 87° 35' West 470.85 feet to a ¾ inch iron pipe, thence North 02° 47' West 184.04 feet to a #4 rebar, thence South 76° 30' West 944.90 feet to a calculated and unmarked point within the eastern boundary line and that property shown on the plat recorded in

Plat Book 2022 at Slide 14278, Henderson County registry, having PIN: 9650-90-0668, thence with the boundary of said Parcel 9650-90-0668 the following six calls: (1) South 15°50'03" West 489.03 feet to an iron pin set; thence (2) North 81°15'24" West 195.17 feet to a ¾ inch iron pin; thence on the same course (3) North 81°15'24" West 39.30 feet to an iron pin set; thence (4) North 24°00'40" East 184.78 feet to an iron pin set; thence (5) North 22°05'49" West 131.82 feet to an iron pin set having NC Grid coordinates of N: 600,425.37' and E: 958,834.48' as shown on Plat Book 2022 Slide 14278, Henderson County registry, thence (6) North 46°40'03" West 81.91 feet to a calculated and unmarked point within the western boundary of said Parcel 9650-90-0668, thence South 76° 30' West 452.79 feet ~~570 feet; thence south 76° 30' west a distance of 2350 feet~~ to a point in the centerline of Stoney Mountain Road where said road is intersected by a private drive situated between Henderson County PID 01-14999 on the west and Henderson County PID 99-70298 on the east, said point being approximately 1,740 feet northwest of the intersection of State Road 1453 with Stoney Mountain Road; thence southwesterly, a straight line distance of approximately 2,020 feet to a point in the centerline of N.C. Highway 191 where said highway is intersected by Holly Hill Drive, said point being approximately 1,710 feet northwest of the intersection of two private roads with N.C. Highway 191; thence southeasterly approximately 6,350 feet to the ridge line of Long John Mountain; thence southeasterly approximately 2,050 with the ridge line of Long John Mountain to a northern property corner in the northern property line of parcel 1620, said parcel also being known as Laurel Park Place and being shown on Henderson County Property Map 9559.20; thence running from said northern property corner with said northern property line in a southeastern direction approximately 880 feet to a property corner of said parcel 1620; thence running from said property corner with the southern property line of parcel 1620 in a southwestern direction approximately 560 feet to a southeastern property corner of parcel 1620; thence running from said southeastern property corner with a property line of said parcel 1620 in a northwestern direction 159.97 feet to a corner on the Laurel Park corporate limit line; thence running with the Laurel Park corporate limit line in a southern direction to a corner in the center of U.S. Highway 64W; thence leaving said Laurel Park corporate limit line and running from said corner with the center of U.S. Highway 64W in a southeastern direction approximately 860 feet to the center of the intersection of U.S. Highway 64W and Glasgow Lane as shown on Henderson County Property Map 9568.05; thence running from said intersection with the center of Glasgow Lane in a southwestern direction approximately 1,370 feet to a point in the centerline of the Norfolk and Southern Railroad, said centerline also being the Laurel Park corporate limit line; thence continuing with the Laurel Park corporate limit line in a southern direction to a point in the center of Willow Road; thence west along the center of Willow Road approximately 310 feet to the point of BEGINNING.

Subject to the territorial jurisdiction of the City as established by ordinance(s).

**SECTION 2. SEVERABILITY.** If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after September 2, 2024.

Adopted this first day of August, 2024.

Attest:

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Barbara G. Volk, Mayor, City of Hendersonville

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Jill Murray, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney