

Ordinance #O-22-48

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
EXTEND THE CORPORATE LIMITS OF THE CITY AS A SATELLITE ANNEXATION**

Re: Petition for Satellite Annexation
Petitioners: United States of America, Ralph J. Werthmann- Army Corps of Engineers-
Savannah District
File No. C22-43-ANX

WHEREAS, The City of Hendersonville has been petitioned by Ralph J. Werthmann- Army Corps of Engineers- Savannah District pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 4th day of August 2022, after due notice by publication as provided by law on July 24th 2022; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is approximately 9,850’.
- b. The proposed satellite corporate limits are closer to the primary corporate limits of the Village of Flat Rock (9,300’). The City of Hendersonville and the Village of Flat Rock reentered their annexation agreement on August 3rd, 2018. The area to be annexed is located within the area that the participating municipalities agreed will not be annexed by the Village of Flat Rock and could be annexed by the City of Hendersonville.

- c. The area described is so situated that the City of Hendersonville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville.

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

- 1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the 4th day of August 2022.

Being all of that real property shown on that annexation plat recorded in Plat Book 2022 at Page _____ of the Henderson County Registry, and being also all of that real property described in deed of record in Deed Book 3904 at page 139 of the Henderson County Registry, and being described by metes and bounds as follows:

Beginning at the **Point of Beginning (POB)** at a magnetic nail set in the centerline of Crest Road (SR1803) at the southwestern corner of the subject property and having (NAD 83/2011) North Carolina grid coordinates of North 578,010.020 feet, East 986,549.356 feet and being located N32°00'04"W and a grid distance of 4,930.99 feet from NGS monument "DEND" (PID:DG4651) with the published (NAD83/2011) North Carolina grid coordinates of North 573827.40 feet, East 989163.05 feet;

thence from the **POB** and with the line of now or formerly (N/F) Bobby Ramey and wife, Wendy H. Ramey (DB 3384, PG 712; DB 1173, PG 1) N06°10'46"E a distance of 707.56 feet to a 3/4" iron pipe found; thence continuing with the Ramey line N53°49'25"W a distance of 314.22 feet to an iron axle found, a common corner between Ramey and N/F Jeffery C. Justus (DB 700, PG 854); thence with Justus line N53°27'04"W a distance of 81.78 feet to an 3/4" iron pipe found beside a stone and being a common corner between Jeffery C. Justus and N/F Boyd L. Hyder (DB 1157, PG 751); thence along the Hyder line N14°35'43"E a distance of 473.78 feet to a 1/2" iron pipe found in a ditch and being also a corner for N/F Henderson County Board of Public Education (DB 824, PG 216) ; thence with the Henderson County Board of Public Education line S65°43'08"E a distance of 1,014.61 feet to a 1/2" iron pipe found; thence continuing and passing through a corner for the Henderson County Board of Public Education and along the line of N/F Douglas Nichols and Cathy Nichols (DB 1165, PG 213) S54°51'37"E a distance of 253.37 feet to a magnetic nail set in the centerline of Crest Road (SR 1804); thence along the centerline of Crest Road the following nine (9) courses:

(1) S41°25'14"W a distance of 27.75 feet to a computed point,
 (2) thence along a curve to the left with an arc length of 217.51 feet having a radius of 2,065.79 feet and a chord bearing of S38°24'15"W and chord distance of 217.41 feet to a computed point,
 (3) thence along a tangent S35°23'16"W a distance of 295.16 feet to a computed point,
 (4) thence along a tangent S36°18'13"W a distance of 77.31 feet to a computed point,
 (5) thence along a curve to the right and with an arc length of 195.34 feet having a radius of 671.75 feet and a chord bearing of S44°38'11"W and chord distance of 194.65 feet to a computed point,
 (6) thence along a tangent S52°58'01"W a distance of 46.25 feet to a computed point,
 (7) thence along a curve to the right with an arc length of 163.56 feet having a radius of 654.19 feet, and a chord bearing of S60°07'46"W and chord distance of 163.13 feet to a computed point,
 (8) thence continuing along a curve to the right with the arc length of 157.98 feet having a radius of 1876.45 feet, and a chord bearing of S69°42'14"W and chord distance of 157.94 feet to a computed point,
 (9) thence continuing along a curve to the right with the arc length of 178.98 feet having a radius of 843.77 feet, and a chord bearing of S78°11'34"W and chord distance of 178.65 feet to a magnetic nail set in the centerline of Crest Road (SR1803) and being the **POB** and containing 20.603 acres more or less and more completely shown on a unrecorded map entitled Satellite Annexation Plat for: "The City of Hendersonville" dated May 24, 2022 by Joyner Keeny, PLLC of Rocky Mount, North Carolina.

All distances are ground horizontal distances in U.S. Survey Feet, unless otherwise noted.

- 2: Upon and after the fourth day of August 2022, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of August, 2022.

Attest:

 Barbara G. Volk, Mayor, City of Hendersonville

 Angela L. Reece, City Clerk

Approved as to form: _____ Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Angela L. Reece, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

Signature (seal)

My commission expires: _____