

Ordinance #____-____

**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: Jeff C. Justus, James S. Erwin Jr. & Ruth G. Erwin
File No. C22-45-ANX

WHEREAS, The City of Hendersonville has been petitioned by Jeff C. Justus, James S. Erwin Jr. & Ruth G. Erwin 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 7th day of July 2022, after due notice by publication as provided by law on June 19th, 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) The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
- b) The nearest point on the proposed satellite corporate limit is approximately 8,060 from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
- c) The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
- d) No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.

- e) The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
- f) The area proposed for annexation is not a subdivision as defined in N.C.G.S. § 160D-802.
- g) The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
- h) The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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 seventh day of July 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 deeds of record in Deed Book 1563, page 383; Deed Book 3551, page 500; and Deed Book 711, page 217 of the Henderson County Registry, and being described by metes and bounds as follows:

PROPOSED ANNEXATION AREA DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MONUMENT (POB 1) ON THE MITER FORMING THE INTERSECTION OF THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD (S.R. 1722) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (S.F. 1791) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING NC GRID COORDINATES OF N 580,610.84, E 984,932.78; THENCE ALONG THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF UPWARD ROAD N69°52'41"W A DISTANCE OF 135.03 FEET TO A MONUMENT, THENCE S20°22'38"W A DISTANCE OF 7.61 FEET TO A MONUMENT, THENCE N69°54'11"W A DISTANCE OF 135.97 FEET TO A

MONUMENT, THENCE N66°07'48"W A DISTANCE OF 64.14 FEET TO AN IRON PIN, N65°48'42"W A DISTANCE OF 48.68 FEET TO AN IRON PIN, THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 29.33 FEET HAVING A RADIUS OF 922.70 FEET A CHORD BEARING OF N76°26'00"W AND A CHORD DISTANCE OF 29.33 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF OATES N13°14'56"E A DISTANCE OF 422.58 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF MOUNTAIN INN & LODGES, LLC. S46°57'39"E A DISTANCE OF 93.64 FEET TO AN IRON PIN, THENCE S46°56'39"E A DISTANCE OF 114.57 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF JUSTUS S76°08'56"E A DISTANCE OF 278.66 FEET TO AN IRON PIN, THENCE ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF BALLENGER ROAD (FOR THE FOLLOWING FOUR CALLS) (1) S12°45'24"W A DISTANCE OF 126.10 FEET TO AN IRON PIN, (2) THENCE S18°04'21"W A DISTANCE OF 149.78 FEET TO AN IRON PIN, (3) THENCE S19°44'13"W A DISTANCE OF 43.03 FEET TO AN IRON PIN, (4) THENCE S49°50'55"W A DISTANCE OF 54.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 165,300 S.F. OR 3.795 ACRES MORE OR LESS.

- 2: Upon and after the seventh day of July 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 _____ day of _____, 20____.

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_____.

My commission expires:
