

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO APPROVE AND RATIFY AN ANNEXATION AGREEMENT**

WHEREAS, Boyd L. Hyder, hereinafter “Customer” is the owner of certain real property consisting of those lots identified as Tracts B, C, D and E, and a 1.00 acre lot identified as “1.00 AC (PROPOSED FILL AREA)”, all of the foregoing lots being shown on the plat recorded in Plat Book 2003 Page 4768 of the Henderson County Registry, Customer having acquired said lots by those deeds recorded in Deed Book of Record 3180 at Page 55 and Book of Record 3419 at Page 447, both of the Henderson County Registry; and

WHEREAS, Tract E and Tract D are not within the corporate limits of the City of Hendersonville, NC, and are not contiguous to the primary corporate limits of the City of Hendersonville; and

WHEREAS, the Customer has requested sewer service to Tract E for the purpose of developing Tract E and a portion of Tract D; and

WHEREAS, it is the policy of the City of Hendersonville that real property outside of the City limits be required to irrevocably submit a petition for annexation into the corporate limits as a condition of receiving sewer service; and

WHEREAS, because Tract D and Tract E are part of that subdivision shown on that plat recorded in Plat Book 2003 at Page 4768 of the Henderson County Registry, but are not currently contiguous to the City municipal corporate boundaries, the City cannot annex Tract D and Tract E without annexing the entirety of said subdivision; and

WHEREAS, Customer has agreed to irrevocably petition the City of Hendersonville for the annexation of Tract D and Tract E if and when either of said tracts qualify for annexation by the City of Hendersonville as a contiguous annexation pursuant to N.C.G.S. § 160A-31; and

WHEREAS, the City has agreed to permit Customer to have sewer service to Tracts C and D upon the conditions stated herein;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the Annexation Agreement dated February 17, 2022, by and between the City of Hendersonville and Boyd L. Hyder, attached hereto, is approved and ratified as presented.

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