

Ordinance # ___ - ___

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

IN RE: Petition for Contiguous Annexation
Parcel Number: 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770
The Highland-Lakewood (File# C23-92-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Travis Fowler of Lakewood Hendersonville, LLC, pursuant to North Carolina General Statutes (NCGS) 160A-31, 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 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 4th day of January 2024, after due notice by publication as provided by law on December 24, 2023 and December 31, 2023; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

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 that:

- 1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 4th day of January 2024.

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770 described in the plat recorded in Book 2023- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770 being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;
thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;
thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;
thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;
thence N 12°15'38" E a distance of 76.14' to a magnetic nail;
thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;
thence S 59°32'02" E a distance of 69.71' to a #5 rebar;
thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;
thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;
thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;
thence S 03°39'17" W a distance of 216.85' to a spike;
thence S 00°36'39" W a distance of 32.07' to a concrete monument;
thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;
thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;
thence with the right-of-way of Interstate 26 the following fourteen calls:
N 51°53'55" W a distance of 109.99' to a calculated point;
thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;
thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;
thence S 38°26'52" W a distance of 29.18' to a calculated point;
thence N 51°53'55" W a distance of 181.95' to a calculated point;
thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
thence N 37°48'06" W a distance of 207.56' to a #5 rebar;
thence N 37°48'06" W a distance of 32.00' to the centerline of Clear Creek;
thence with the centerline of Clear Creek the following eight calls:

N 34°36'07" E a distance of 101.80' to a calculated point;
thence N 53°37'31" E a distance of 159.48' to a calculated point;
thence N 38°23'40" E a distance of 263.30' to a calculated point;
thence N 44°12'54" E a distance of 162.61' to a calculated point;
thence S 89°51'50" E a distance of 135.37' to a calculated point;
thence N 66°45'25" E a distance of 336.74' to a calculated point;
thence N 74°39'41" E a distance of 142.13' to a calculated point;
thence N 64°26'02" E a distance of 590.12' to a calculated point;
thence S 03°36'36" W a distance of 320.62' to a #5 rebar with a Parker Cap;
thence S 03°36'36" W a distance of 160.56' to a concrete monument;
thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

- 2: Upon and after the 4th day of January 2024, 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 January 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, 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, and Jill Murray, 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 _____, 2022.

My commission expires: _____
