

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: Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC  
File No. C23-38-ANX

**WHEREAS**, The City of Hendersonville has been petitioned by Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC 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 1<sup>st</sup> day of June 2023, after due notice by publication as provided by law on May 21<sup>st</sup> 2023; 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 5,400 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits 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 a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the petition.

- 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 first day of June 2023.

Being all of that real property consisting of PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 described in the plat recorded in Book 2023- \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 being described by metes and bounds as follows:

BEING AN ANNEXATION BOUNDARY OF LOT 1, LOT 2, LOT 3, LOT 4 AND LOT 5 OF ASHEVILLE INDUSTRIAL OWNER LLC PROPERTY SHOWN ON SLIDE 14437 AND FOUND IN BOOK OF RECORD 3925, PAGE 710 AND BOOK OF RECORD 3970, PAGE 091 BOUNDED AS FOLLOWS:

BEGINNING AT AN EXISTING CAPPED REBAR THE COMMON CORNER OF LOT 3 AND DEED BOOK 420, PAGE 099 IN THE SOUTHEASTERN LINE OF DEED BOOK 965, PAGE 651, TRACT 1;

THENCE S 84°30'38" E A DISTANCE OF 413.26' TO AN EXISTING CAPPED REBAR;

THENCE S 03°53'58" W A DISTANCE OF 307.94' TO AN EXISTING CAPPED REBAR;

THENCE S 04°00'13" W A DISTANCE OF 158.14' TO AN EXISTING #4 REBAR;

THENCE S 03°53'04" W A DISTANCE OF 150.04' TO AN EXISTING #4 REBAR;

THENCE S 86°07'21" E A DISTANCE OF 569.23' TO AN EXISTING CAPPED REBAR;

THENCE S 86°04'07" E A DISTANCE OF 415.15' TO AN EXISTING CAPPED REBAR;

THENCE S 86°05'52" E A DISTANCE OF 191.13' TO AN EXISTING BENT #4 REBAR;

THENCE S 86°05'06" E A DISTANCE OF 170.69' TO AN EXISTING SPINDLE IN THE CENTERLINE OF MCMURRAY ROAD, S.R. 1790. SAID SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 583896.335', EASTING- 983472.227' WITH A COMBINED FACTOR OF 0.99977472;

THENCE WITH THE CENTERLINE OF SAID ROAD THE FOLLOWING 24 COURSES:

THENCE S 04°41'50" W A DISTANCE OF 64.74' TO A POINT;

THENCE S 05°38'56" W A DISTANCE OF 146.33' TO A POINT;

THENCE S 05°51'59" W A DISTANCE OF 142.70' TO A POINT;  
 THENCE S 06°25'49" W A DISTANCE OF 145.04' TO A POINT;  
 THENCE S 05°41'54" W A DISTANCE OF 94.58' TO A POINT;  
 THENCE S 06°04'54" W A DISTANCE OF 94.74' TO A POINT;  
 THENCE S 06°02'17" W A DISTANCE OF 48.13' TO A POINT;  
 THENCE S 05°30'31" W A DISTANCE OF 50.73' TO A POINT;  
 THENCE S 05°52'55" W A DISTANCE OF 94.40' TO A POINT;  
 THENCE S 06°19'38" W A DISTANCE OF 95.68' TO A POINT;  
 THENCE S 06°10'50" W A DISTANCE OF 96.09' TO A POINT;  
 THENCE S 05°52'32" W A DISTANCE OF 287.68' TO A POINT;  
 THENCE S 06°05'01" W A DISTANCE OF 166.93' TO AN EXISTING SPINDLE;  
 THENCE S 06°05'01" W A DISTANCE OF 26.54' TO A;  
 THENCE S 06°09'40" W A DISTANCE OF 97.15' TO A POINT;  
 THENCE S 05°32'15" W A DISTANCE OF 95.93' TO A POINT;  
 THENCE S 06°08'45" W A DISTANCE OF 45.70, TO A SPINDLE SET IN THE CENTERLINE OF SAID ROAD;  
 THENCE CONTINUING WITH SAID CENTERLINE S 06°08'45"W A DISTANCE of 48.96' TO A POINT;  
 THENCE S 06°27'28"W A DISTANCE OF 95.64' TO A POINT;  
 THENCE S 05°58'58"W A DISTANCE OF 98.38' TO A POINT;  
 THENCE S 05°32'08"W A DISTANCE OF 47.25' TO A POINT;  
 THENCE S 05°12'35"W A DISTANCE OF 46.47' TO A POINT;  
 THENCE S 04°32'57"W A DISTANCE OF 50.98' TO A POINT;  
 THENCE S 03°58'46"W A DISTANCE OF 49.74' TO A POINT;  
 THENCE S 01°51'24"W A DISTANCE OF 49.41' TO A POINT;  
 THENCE S 01°08'50"E A DISTANCE OF 49.06' TO AN EXISTING SPINDLE IN THE CENTERLINE OF  
 MCMURRAY ROAD, S.R. 1790, IN THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26. SAID  
 SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 581579.594', EASTING- 983244.193'  
 WITH A COMBINED FACTOR OF 0.99977646;  
 THENCE WITH THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26 THE FOLLOWING 13 COURSES:  
 N 85°08'49"W A DISTANCE OF 43.25' TO AN EXISTING #5 REBAR;  
 THENCE S 02°57'47"W A DISTANCE OF 70.49' TO AN EXISTING #5 REBAR;  
 THENCE N 32°46'03" W PASSING A #5 REBAR SET AT 434.94' A TOTAL DISTANCE OF 591.97' TO AN  
 EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 37°42'36" W A DISTANCE OF 291.52' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 33°13'39" W A DISTANCE OF 201.27' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 553.46', WITH A RADIUS OF 7788.13', WITH A CHORD BEARING OF N 35°27'12" W, WITH A CHORD LENGTH OF 553.34', TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°12'28" W A DISTANCE OF 200.56' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°19'35" W A DISTANCE OF 840.29' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°11'08" W A DISTANCE OF 108.38' TO A #5 REBAR SET;

THENCE N 81°37'53" W A DISTANCE OF 43.01' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 36°56'29" W A DISTANCE OF 105.57' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 361.03', WITH A RADIUS OF 2717.10', WITH A CHORD BEARING OF N 31°56'53" W, WITH A CHORD LENGTH OF 360.77', TO A #5 REBAR SET;

THENCE S 78°49'44" E A DISTANCE OF 38.31' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE LEAVING SAID RIGHT OF WAY OF N 79°22'05" E A DISTANCE OF 11.52' TO AN EXISTING CAPPED REBAR;

THENCE N 53°30'01" E A DISTANCE OF 25.01' TO AN EXISTING CAPPED REBAR;

THENCE N 30°18'20" E A DISTANCE OF 25.00' TO AN EXISTING CAPPED REBAR;

THENCE N 13°49'26" E A DISTANCE OF 25.06' TO AN EXISTING CAPPED REBAR;

THENCE S 71°20'36" E A DISTANCE OF 86.02' TO A #5 REBAR SET;

THENCE S 86°04'10" E A DISTANCE OF 278.72' TO A #5 REBAR SET;

THENCE N 03°54'21" E A DISTANCE OF 202.07' TO AN EXISTING CONCRETE MONUMENT WITH CAP;

THENCE N 08°27'41" E A DISTANCE OF 276.11' TO AN EXISTING CAPPED REBAR;

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 2845116.8 SQUARE FEET, 65.31 ACRES.

- 2: Upon and after the first day of June 2023, 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

\_\_\_\_\_  
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; 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 \_\_\_\_\_, 20\_\_\_\_.

My commission expires:

\_\_\_\_\_