

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: 9569-89-2546 and 9569-99-1449.  
                  Clear Creek Road- City of Hendersonville (File# C23-30-ANX)

**WHEREAS**, The City of Hendersonville has been petitioned by John Connet, City Manager of the City of Hendersonville, 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 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-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 1<sup>st</sup> day of June 2023.

Being all of that real property consisting of PINs 9569-89-2546 and 9569-99-1449 described in the plat recorded in Book 2023- \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9569-89-2546 and 9569-99-1449 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in the City of Hendersonville ETJ, Henderson County, North Carolina, being the same properties as described in Deed Book 3524, Page 291 and in Deed Book 3520, Page 392 and being more particularly described as follows:

BEGINNING at a 5/8" rebar being the northwesternmost corner of the Windsor Hills, Inc. Subdivision as shown in PC "C", Slide 301, said rebar also being the easternmost corner of BJD Partners, LLC as described in DB 1571, Page 229; said rebar having "NAD 83 (2011)" coordinates of N: 599,463.62 feet and E: 967,637.96 feet and lying a grid bearing and distance of South 72°58'25" East 11833.06 feet from NCGS CORS Station "NCHE" (with coordinates of N: 602,928.48 feet and E: 956,323.55 feet); thence from said POINT OF BEGINNING with the BJD Partners, LLC line North 31°11'53" West (passing a 3/4" crimped top pipe at 164.44 feet) a total distance of 347.12 feet to a 5/8" rebar at the southeastern corner of a property (owner unknown – formerly Asheville Federal Savings and Loan Association) as described in DB 445, Page 85; thence with said property North 04°52'48" West (passing a 5/8" rebar with "EHA" cap at 135.23 feet) a total distance of 196.97 feet to an unmarked point in the center of Mud Creek, said point also being the beginning of existing City of Hendersonville limits; thence leaving the "owner unknown" property with the existing City limits and the center of Mud Creek the following 8 (eight) calls:

- 1) North 33°05'11" East 32.90 feet to an unmarked point;
- 2) North 11°02'49" East 63.13 feet to an unmarked point;
- 3) North 43°36'44" West 31.51 feet to an unmarked point;
- 4) North 04°35'58" West 39.67 feet to an unmarked point;
- 5) North 28°16'04" East 94.23 feet to an unmarked point;
- 6) North 19°37'50" East 127.86 feet to an unmarked point;
- 7) North 29°42'29" East 113.55 feet to an unmarked point;
- 8) North 23°14'22" East 35.28 feet to an unmarked point at the intersection of the center of Mud Creek and the center of Clear Creek, said point also being the end of the existing City limits;

Thence leaving the existing City limits with the center of Clear Creek the following 22 (twenty-two) calls:

- 1) South 31°35'34" East 67.61 feet to an unmarked point;
- 2) South 37°34'58" East 138.16 feet to an unmarked point;
- 3) South 42°48'13" East 225.78 feet to an unmarked point;
- 4) South 27°25'14" East 92.05 feet to an unmarked point;
- 5) South 43°08'27" East 71.43 feet to an unmarked point;
- 6) South 73°13'01" East 129.12 feet to an unmarked point;
- 7) South 44°49'30" East 44.76 feet to an unmarked point;

- 8) South 22°33'51" East 92.60 feet to an unmarked point;
- 9) South 50°23'30" East 98.90 feet to an unmarked point;
- 10) South 73°00'53" East 78.21 feet to an unmarked point;
- 11) South 79°00'55" East 66.13 feet to an unmarked point;
- 12) North 88°56'32" East 75.40 feet to an unmarked point;
- 13) North 77°25'54" East 108.78 feet to an unmarked point;
- 14) South 80°56'59" East 49.37 feet to an unmarked point;
- 15) South 62°24'20" East 119.89 feet to an unmarked point;
- 16) South 74°55'16" East 95.70 feet to an unmarked point;
- 17) South 69°51'23" East 93.86 feet to an unmarked point;
- 18) South 86°09'07" East 88.59 feet to an unmarked point;
- 19) North 88°05'14" East 110.29 feet to an unmarked point;
- 20) North 80°36'17" East 73.51 feet to an unmarked point;
- 21) North 69°56'02" East 99.51 feet to an unmarked point;
- 22) North 66°16'11" East 119.99 feet to an unmarked point on a bridge in the center of Clear Creek Road;

Thence with the center of Clear Creek Road South 14°27'22" East 222.36 feet to an unmarked point at the northeastern corner of the Harrison property as described in DB 3264, Page 676; thence leaving the center of Clear Creek Road with the Harrison property South 78°04'38" West (passing a 5/8" rebar with "EHA" cap at 22.27 feet) a total distance of 216.77 feet to a 3/8" iron rod; thence South 11°53'25" East 38.44 feet to a rebar; thence South 78°07'01" West 115.62 feet to a rebar with "1603" cap; thence continuing with the Harrison line and the Hayes property as described in DB 1610, Page 70 on a bearing of South 14°58'10" West (passing a rebar with "1603" cap at 72.89 feet) a total distance of 187.24 feet to a rebar with "1603" cap; thence with the Brown property as described in DB 1596, Page 163 on a bearing of South 06°23'17" West 96.85 feet to a rebar with "1603" cap; thence North 85°09'22" East (passing a rebar with "1603" cap at 380.53 feet) a total distance of 386.13 feet to a 5/8" rebar with "EHA" cap along the edge of pavement of Clear Creek Road; thence leaving the Brown property with the edge of Clear Creek Road on a bearing of South 14°40'07" West 56.79 feet to 5/8" rebar with "EHA" cap at the northeastern corner of the Limerick Properties, LLC property as described in DB 1569, Page 666; thence leaving the edge of Clear Creek Road with the Limerick Properties, LLC line South 82°10'03" West 356.93 feet to a rebar with "1603" cap; thence with the Jeffrey Holbert line as described in DB 1657, Page 655 on a bearing of North 80°48'10" West 162.45 feet to an unmarked point in a branch at the northeastern corner of the Curtis and Juanita Holbert property as described in DB 1612, Page 441; thence with said Holbert line and the branch the following 6 (six) calls:

- 1) North 85°27'50" West 15.27 feet to an unmarked point;
- 2) North 48°47'24" West 37.86 feet to an unmarked point;
- 3) North 64°09'02" West 83.61 feet to an unmarked point;
- 4) North 72°24'23" West 29.63 feet to an unmarked point;
- 5) North 85°19'54" West 24.86 feet to an unmarked point;
- 6) South 87°00'39" West 21.44 feet to an unmarked point;

Thence leaving the branch and continuing with said Holbert line South 06°44'45" West (passing a 5/8" rebar at 18.83 feet) a total distance of 270.04 feet to a 3/4" open top pipe at the northeastern corner of Section G of Section 1 of the Pinehurst Subdivision as shown if PC "C", Slide 118; thence leaving the Holbert line with the Pinehurst line North 83°03'54" West (passing a 5/8" iron rod at 100.06 feet) a total distance of 136.79 feet to a 3/4" crimped top pipe; thence North 60°41'32" West 172.41 feet to a 3/4" open top pipe at the northeastern most corner of the

Windsor Hills, Inc. Subdivision; thence leaving the Pinehurst line with the Windsor Hills, Inc. Line North 45°49'00" West 218.34 feet to a 5/8" rebar with "EHA" cap; thence North 11°53'13" West (passing a 3/4" crimped top pipe at 83.86 feet; and passing another 3/4" crimped top pipe at 230.65 feet) a total distance of 290.00 feet to a 3/4" crimped top pipe; thence North 71°38'18" West (passing a 3/4" crimped top pipe at 89.88 feet) a total distance of 185.04 feet to a 3/4" crimped top pipe; thence South 40°37'17" West 163.91 feet to a 3/4" crimped top pipe; thence North 60°17'50" West 150.79 feet to a 3/4" crimped top pipe; thence North 73°11'39" West 128.96 feet to the POINT AND PLACE OF BEGINNING, containing 26.76 acres, more or less.

- 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, 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 \_\_\_\_\_, 2023.

My commission expires: \_\_\_\_\_