

Ordinance #____-____

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

WHEREAS, The City of Hendersonville has been petitioned by Travis Fowler of Providence Walk, 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 6th day of January 2022, after due notice by publication as provided by law on December 19, 2021 and December 26, 2021; 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:

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 6th day of January 2022.

Being all of that real property consisting of Tracts A, B, C & D, shown on that plat recorded on Book 2021 at Page _____ of the Henderson County Registry [to be inserted at recording], said Tracts A, B, C & D being described by metes and bounds as follows:

TRACT A –

BEGINNING AT A CONCRETE MONUMENT (BROKEN TOP) BEING THE NORTHEAST CORNER OF DEED BOOK 1609 PAGE 267, TRACT 5, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': 968,445.31';
THENCE WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548, S 06°48'50" E, A DISTANCE OF 252.95' TO A CONCRETE MONUMENT (BROKEN);
THENCE LEAVING SAID RIGHT OF WAY AND WITH THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°11'07" W, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 14°59'58" W, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE ALONG THE SOUTH MARGIN OF N. MAIN STREET, N 65°23'23" E, A DISTANCE OF 149.53' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 31,639.1 SQUARE FEET, 0.726 ACRES.
BEING ALL OF TRACT A OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT B -

BEGINNING AT A CONCRETE MONUMENT, BEING THE NORTHEAST CORNER OF DEED BOOK 3797 PAGE 587, BEING S 65°23'23" E, A DISTANCE OF 149.53' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': E: 968,445.31';
THENCE FROM THE BEGINNING CORNER, FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, S 14°59'58" E, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°04'25" W, A DISTANCE OF 113.67' TO A #5 NEW IRON REBAR BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE MARGIN OF SAID RIGHT OF WAY, N 45°32'33" W, PASSING A (REFERENCE) NEW IRON REBAR A DISTANCE OF 258.72, A TOTAL DISTANCE OF 262.00' TO A CALCULATED POINT IN THE SOUTH MARGIN OF N. MAIN STREET;
THENCE WITH THE SOUTH MARGIN OF N. MAIN STREET, N 66°02'34" E, A DISTANCE OF 248.14' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 1.01 ACRES.
BEING ALL OF TRACT B OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK, LLC BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT C -

BEGINNING AT A CONCRETE MONUMENT (BROKEN), BEING THE NORTHEAST CORNER OF DEED BOOK 1424 PAGE 576, BEING S 06°48'50" E, A DISTANCE OF 252.95' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29' E: 968,445.31';
THENCE RUNNING FROM THE BEGINNING CORNER, WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548 S 06°44'04" E, A DISTANCE OF 338.51' TO A #5 NEW IRON REBAR, BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE SAID MARGIN OF 20' RIGHT OF WAY, N 45°32'33" W, A DISTANCE OF 343.83' TO A NEW #5 IRON REBAR;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 65°04'25" E, A DISTANCE OF 113.67' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, N 65°11'07" E, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT (BROKEN); WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 36,484.8 SQUARE FEET, 0.84 ACRES
BEING ALL OF TRACT C OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT D -

BEGINNING AT A ½" EXISTING IRON PIPE, IN THE LINE OF 601 DUNCAN HILL, LLC, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 594,363.81' E: 968,748.86;
THENCE WITH THE PROPERTY OF 601 DUNCAN HILL, LLC S 45°54'42" W, A DISTANCE OF 390.82' TO A NEW IRON REBAR AT THE NORTH SIDE OF BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 60°02'44" E, A DISTANCE OF 248.31' TO AN UNMARKED POINT IN BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 47°06'19" W, PASSING A #5 EXISTING IRON REBAR AT 52.64', AND PASSING ANOTHER #5 NEW IRON REBAR A DISTANCE OF 348.10', FOR A TOTAL DISTANCE OF 452.55' TO AN UNMARKED POINT IN MUD CREEK;
THENCE WITH MUD CREEK AND PROPERTY OF THE CITY OF HENDERSONVILLE, N 42°19'28" W, A DISTANCE OF 351.21' TO AN UNMARKED POINT IN MUD CREEK;
THENCE LEAVING MUD CREEK, CONTINUING WITH THE PROPERTY OF THE CITY OF HENDERSONVILLE, N 46°09'36" E, PASSING A #4 EXISTING IRON REBAR AT A DISTANCE OF 19.79, AND THENCE CROSSING BAT FORK CREEK AND RUNNING WITH THE PROPERTY SHOWN ON PLAT SLIDE 10082, AND PASSING ANOTHER #4 EXISTING IRON REBAR AT A DISTANCE OF 492.97' FOR A TOTAL DISTANCE OF 692.41' TO A #4 EXISTING IRON REBAR;
THENCE WITH THE PROPERTY SHOWN ON PLAT SLIDE 10082, N 06°44'25" W, A DISTANCE OF 14.06' TO A #5 NEW IRON REBAR, BEING A POINT IN TRACT 2 OF PLAT SLIDE 5648;

THENCE WITH PLAT SLIDE 5648, S 70°03'12" E, A DISTANCE OF 144.48' TO A ½" EXISTING IRON PIPE; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 4.260 ACRES. BEING ALL OF TRACT D OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/19/2021.

2: Upon and after the sixth day of January 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 6th day of January 2022.

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; and Angela S. Beeker, in her capacity as City Attorney, 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: _____
