

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: The Spinx Company, LLC (Greg Minton, EVP of Real Estate)  
File No. C23-97-ANX

**WHEREAS**, The City of Hendersonville has been petitioned by the Spinx Company 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 7th day of March 2024, after due notice by publication as provided by law on February 18<sup>th</sup> 2024; 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;

1. All The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).

4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

**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 seventh day of March 2024.

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 described in the plat recorded in Book 2024- \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.441 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE

RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, S35-16-06W 99.99 FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

- 2: Upon and after the seventh day of March 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 \_\_\_\_\_ 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:

\_\_\_\_\_