

Ordinance #____-____

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**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: SMBC Leasing and Finance, Inc (Owner); Jeffrey Butt (Applicant)
File No. 26-60-ANX

WHEREAS, The City of Hendersonville has been petitioned by Jeffrey Butt (Applicant) and SMBC Leasing and Finance, Inc (Owner) 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 City Operations Building at 305 Williams Street, Hendersonville, NC 28792 at 5:45 pm, on the 1st day of October, 2026, after due notice by publication as provided by law on September 21st, 2026; 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. 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 2450' 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 proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 3400').
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 first day of October, 2026.

Being all of that real property consisting of PINs 9587-48-3861 and 9587-38-8841 described in the plat recorded in Book 2026- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9587-48-3861 and 9587-38-8841 being described by metes and bounds as follows:

BEGINNING at a 5/8" rebar with cap stamped "Holmes Geospatial" set flush with existing grade (hereafter referred to as "Holmes rebar"); said Holmes rebar lying in the eastern boundary of that North Carolina Department of Transportation (referred to as NCDOT hereafter) fee simple right of way tract as described per deed book 3731 page 303 and being the northwestern most corner of Lot 2 as shown per plat book 2021 page 13013 of the Henderson County Register of Deeds (referred to hereafter as Henderson County registry); said Holmes rebar having NC Grid NAD83 coordinates of Northing: 578918.08' Easting: 983408.15'; thence with the northern boundary of Lot 2 as shown per plat book 2021 page 13013 the following three calls; 1. S 69°48'33" E 14.73 feet to a calculated point; 2. A curve to the right having an arc length of 0.54 feet, a radius of 141.27 feet, a chord bearing of S 69°27'08" E, and a chord length of 0.54 feet to a

Holmes rebar set flush with existing grade; 3. S 84°10'04" E 112.25 feet to a calculated point lying at the southwestern most corner of the Appleland Business Park Property Owners Association property as described per deed book 1031 page 161 of the Henderson County registry; thence with the southern boundary of the property as described per deed book 1031 page 161 and the northern boundary of Lot 2 as shown per plat book 2021 page 13013 S 84°10'04" E 638.44 feet to a 1" axle found 0.7 feet below existing grade; said 1" axle being the southeastern most corner of Lot 7a as shown per plat book 1995 page 2042 and being the northeastern most corner of that property as described per deed book 3258 page 544 of the Henderson County registry; thence with the eastern boundary of Lot 7a, Lot 7, and Lot 11 of plat book 1995 page 2042 N 06°38'07" E 414.24 feet to a 4"x4" concrete monument found 1 foot above existing grade; said concrete monument being the northwestern most corner of that property as described per 1289 page 412; said concrete monument also being a common corner of Lot 11 per plat book 1995 page 2042; thence with the common boundary of deed book 1289 page 412 and Lot 11 as shown per plat book 1995 page 2042, S 84°56'34" E 91.18 feet to a 1/2" open iron pipe found 0.5 feet above existing grade; said open iron pipe lying in the western right of way line of Interstate 26 and being a common corner of Lot 11 as shown per plat book 1995 page 2042 of the Henderson County Register of Deeds; said open iron pipe being the northwestern most corner of that 3.7 acre right of way tract as described per deed book 421 page 299 of the Henderson County registry; said open iron pipe having NC Grid NAD83(2011) coordinates of Northing: 579239.87' Easting: 984307.77'; thence with the western right of way line of Interstate 26 as described per deed book 421 page 299 the following three calls; 1. S 32°35'44" E 44.26 feet to a 6" x 6" concrete right of way monument found 0.4 feet below existing grade; 2. S 32°21'25" E 196.82 feet to a 1/2" rebar found 0.3 feet above existing grade; 3. thence with a curve to the right having an arc length of 593.18 feet, a radius of 4448.67 feet, a chord bearing of S 27°41'47" E, and a chord length of 592.74 feet to a calculated point lying in the northern boundary line of the John M. Magnusson Revocable Trust property as described in deed book 1345 page 308 of the Henderson County Register of Deeds; said calculated point lying N 84° 22' 13" W 0.79 feet from a 3/4" open iron pipe found broken at existing grade; thence with the northern boundary of the John M. Magnusson Revocable Trust Property as described per deed book 1345 page 308, N 84°22'13" W 515.99 feet to a 5/8" rebar with cap stamped "Ed Holmes & Associates" found 0.0 feet above existing grade; said 5/8" rebar with cap being the northwestern most corner of the John M. Magnusson Revocable Trust property and the northeastern most corner of Lot 3 as shown per plat book 2021 page 13013 of the Henderson County registry; thence with the northern boundary of Lot 3 per plat book 2021 page 13013 the following two calls; 1. N 47°18'56" W 303.88 feet to a 1/2" rebar found 0.2 feet above existing grade; 2. N 85°01'19" W 499.94 feet to a Holmes rebar set flush with existing grade; said Holmes rebar lying in the eastern boundary of that NCDOT fee simple right of way tract as described per deed book 3731 page 303; thence with the eastern boundary of that NCDOT fee simple right of way tract as described per deed book 3731 page 303 a curve to the left having an arc length of 128.30 feet, a radius of 280.00 feet, a chord bearing of N 33°09'14" W, and a chord length of 127.19 feet to the point and place of BEGINNING containing 7.23 ± Acres.

ALSO BEING all of Lot 2 as shown per plat book 2021 page 13013 of the Henderson County Register of Deeds.

- 2: Upon and after the first day of October 2026, 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:
