

ORDINANCE NO. 44

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE VILLAGE OF FLAT ROCK, NORTH CAROLINA

WHEREAS, the Village Council of the Village of Flat Rock, North Carolina, has been requested, by petitions submitted pursuant to N.C.G.S. §160A-31, as amended, to annex the land areas described herein; and

WHEREAS, the Village Council has by resolution directed the Village Clerk to investigate the sufficiency of such petitions; and

WHEREAS, the Village Clerk has certified the sufficiency of such petitions, and a public hearing on such annexation was held at the Flat Rock Village Hall on November 10, 2005, after due notice by publication on October 25, 2005; and

WHEREAS, the Village Council does hereby find as a fact that said petitions meet the requirements of the said N.C.G.S. §160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Village Council:

SECTION I. By virtue of the authority granted by N.C.G.S. §160A-31, as amended, the following described land areas, located in Henderson County, North Carolina, are hereby annexed and made a part of the Village of Flat Rock, such annexation to become effective on January 1, 2006:

PARCEL ONE: BEGINNING at a cotton gin pin set in the center of the intersection of Erkwood Drive (S.R. 1164) and Rutledge Drive (S.R. 1166), said point having North Carolina Grid coordinates of Northing = 578,461.03 feet and Easting = 969,968.35 feet, said point being N 45° 54' 34" W, 3,896.28 feet from the North Carolina Grid Monument "Water" (Grid coordinates: N = 575,750.03 feet, E = 972,766.83 feet, N.A.D. 83, combined factor of 0.9997748); thence southerly along the centerline of Rutledge Drive the following seven courses and distances: S 14° 15' 51" W, 65.23 feet; S 11° 47' 50" W, 69.30 feet; S 07° 10' 03" W, 65.81 feet; S 06° 02' 21" W, 66.52 feet; S 03° 57' 38" W, 98.45 feet; S 02° 00' 10" W, 64.87 feet; and S 00° 23' 07" E, 64.87 feet to a cotton gin pin; thence departing the centerline of Rutledge Drive in a northwesterly direction along the existing limits of the Village of Flat Rock, N 37° 20' 27" W, 114.44 feet, thence N 42° 08' 32" W, 277.28 feet to an iron pin; thence departing the existing limits of the Village of Flat Rock in a northeasterly direction, N 70° 49' 47" E, 148.28 feet to an iron pipe; thence N 32° 45' 44" E, 150.00 feet to a 5/8" rebar; thence N 32° 45' 44" E, 30.18 feet to a cotton gin pin in the centerline of Erkwood Drive; thence southeasterly along the centerline of Erkwood Drive S 53° 27' 45" E, 89.98 feet to the point of beginning; and containing 1.48 acres.

PARCEL TWO: BEGINNING at an iron pipe, said point having North Carolina Grid coordinates of Northing = 577,123.37 feet and Easting = 970,751.47 feet, said point being N 55° 43' 47" W, 2,438.79 feet from North Carolina Grid Monument "Water" (Grid coordinates: N =

575,750.03 feet, E = 972,766.83 feet, N.A.D. 83, combined factor of 0.9997748); thence S 01° 45' 00" W, 403.73 feet to an iron pin at the existing limits of the Village of Flat Rock 30 feet from the centerline of Rutledge Drive (S.R. 1166); thence in a northwesterly direction along the existing limits of the Village of Flat Rock the following four courses and distances: N 45° 57' 55" W, 40.03 feet; N 45° 23' 40" W, 265.60 feet; N 45° 27' 14" W, 141.57 feet; and N 44° 55' 05" W, 35.72 feet to an iron pin; thence departing the said existing limits of the Village of Flat Rock in a northeasterly direction N 43° 02' 00" E, 231.81 feet to an iron pin; thence S 62° 07' 00" E, 224.15 feet to the point of beginning; and containing 2.22 acres.

PARCEL THREE: BEGINNING at a point in the existing limits of the Village of Flat Rock (pursuant to House Bill 206, April 24, 1995), said point being in a line 30 feet north of the centerline of Rutledge Drive and in the line of a parcel of land described in a deed recorded in Deed Book 841 at page 93, and having North Carolina Grid coordinates of Northing = 576,165.92 feet and Easting = 971,525.06 feet, and being located a grid bearing and distance of N 71° 29' 00" W, 1,309.57 feet from North Carolina Grid Monument "Water" (Grid coordinates: N = 575,750.03 feet, E = 972,766.83 feet, N.A.D. 83, combined factor of 0.9997748); thence in a northerly direction N 12° 05' 03" E, 560.28 feet to a rebar with cap, and N 04° 38' 58" E, 234.06 feet to an iron pin; thence easterly N 88° 34' 27" E, 260.82 feet to an iron pin; thence southerly S 14° 10' 37" E, 27.01 feet to an iron pipe, S 12° 04' 19" E, 167.57 feet to an iron pipe, S 13° 20' 08" E, 185.00 feet to a point, and S 12° 47' 13" E, 132.38 feet to a point; thence easterly N 60° 45' 12" E, 223.87 feet to an iron pipe, N 80° 50' 52" E, 292.28 feet to an iron pipe, and N 80° 50' 52" E, 29.82 feet to a point; thence southerly S 13° 36' 27" E, 103.40 feet to a point; thence easterly along the centerline of a box culvert under the Greenville Highway (N.C. 225, formerly U.S. 25) N 79° 15' 58" E, 15.79 feet, and N 80° 20' 31" E, 13.49 feet to a point; thence continuing easterly along the line of Memminger Creek and King Creek with the line of Statonwoods Subdivision (Plat Book 8, page 6) the following courses and distances: N 89° 31' 07" E, 165.77 feet; N 77° 05' 07" E, 101.96 feet; N 56° 26' 07" E, 70.58 feet; N 68° 41' 07" E, 79.74 feet; S 59° 31' 53" E, 69.89 feet; N 23° 48' 07" E, 50.49 feet; N 74° 38' 07" E, 157.39 feet; N 04° 51' 07" E, 79.62 feet; N 52° 12' 07" E, 151.58 feet; S 72° 06' 53" E, 48.91 feet; N 45° 37' 14" E, 15.39 feet; N 45° 27' 26" E, 68.66 feet; N 45° 30' 49" E, 82.50 feet; N 75° 07' 44" E, 66.59 feet; N 82° 09' 44" E, 55.81 feet; N 23° 58' 16" W, 58.24 feet; S 86° 42' 16" E, 113.77 feet; S 86° 42' 16" E, 68.63 feet; N 33° 36' 44" E, 107.28 feet; N 33° 36' 44" E, 87.51 feet; N 39° 52' 44" E, 81.91 feet; N 39° 52' 44" E, 30.39 feet; N 05° 47' 44" E, 44.66 feet; N 43° 30' 44" E, 84.97 feet; N 55° 28' 44" E, 155.44 feet; N 55° 28' 44" E, 26.12 feet; N 16° 53' 44" E, 38.83 feet; N 48° 16' 44" E, 93.46 feet; N 35° 47' 44" E, 199.84 feet; N 26° 06' 44" E, 67.25 feet; N 10° 24' 00" W, 2,000.23 feet; N 01° 24' 07" E, 86.13 feet; and N 18° 36' 15" E, 254.20 feet to a nail in a railroad trestle at a point in the centerline of a 200 foot wide Norfolk Southern Railroad right of way; thence southerly along said railroad right of way centerline the following courses and distances: S 22° 07' 33" E, 70.39 feet; S 21° 57' 18" E, 44.58 feet to a point; thence along an arc of a 766.06 radius curve to the left, chord bearing and distance S 39° 17' 06" E, 456.38 feet, an arc length of 463.41 feet to a point; thence S 56° 36' 54" E, 72.76 feet; S 57° 08' 48" E, 133.04 feet; S 57° 11' 27" E, 136.14 feet; S 57° 07' 58" E, 107.96 feet; S 57° 03' 23" E, 514.34 feet; S 56° 50' 50" E, 98.82 feet; S 55° 31' 07" E, 99.98 feet; S 53° 38' 21" E, 99.98 feet; S 48° 59' 32" E, 99.98 feet; S 44° 06' 35" E, 99.98 feet; S 39° 25' 31" E, 91.63 feet; S 36° 01' 22" E, 8.37 feet; S 33° 44' 53" E, 99.98 feet; S 28° 52' 08" E, 99.98 feet; S 23° 53' 18" E, 99.98 feet; S 18° 40' 54" E, 99.98 feet; S 15° 41' 27" E, 14.07 feet; S

13° 42' 03" E, 85.92 feet; S 08° 54' 39" E, 99.98 feet; S 03° 51' 52" E, 99.98 feet; S 00° 06' 58" W, 99.98 feet; S 00° 53' 50" W, 384.04 feet; and S 00° 53' 50" W, 34.86 feet to a nail in railroad tracks; thence departing said railroad right of way centerline and continuing in a westerly direction along the centerline of Highland Lake Road (S.R. 1783) the following courses and distances: S 60° 13' 53" W, 45.07 feet to a point; thence along an arc of a 324.31 foot radius curve to the left, chord bearing and distance S 44° 26' 10" W, 176.55 feet, an arc length of 178.55 feet to a point; thence S 28° 38' 27" W, 175.17 feet to a point; thence along an arc of a 2,389.71 foot radius curve to the left, chord bearing and distance W 26° 25' 26" W, 184.89 feet, an arc length of 184.94 feet to a point; thence S 24° 12' 24" W, 72.49 feet to a point; thence along an arc of a 147.99 foot radius curve to the right, chord bearing and distance N 45° 20' 36" E, 106.73, an arc length of 109.10 feet to a point, thence S 66° 28' 55" W, 116.80 feet to a point; and thence along an arc of a 194.20 foot radius curve to the right, chord bearing and distance S 74° 39' 53" W, 55.28 feet, an arc length of 55.47 feet to a point; thence departing the said Highland Lake Road centerline in a northerly direction N 30° 36' 31" W, 33.28 feet to a point in the existing limits of the Village of Flat Rock, said point being the intersection of a line 30 feet north of the centerline of Highland Lake Road and a line 30 feet east of the centerline of Highland Lake Drive (S.R. 1825); thence along the said existing limits the following courses and distances: along an arc of a 164.20 foot radius curve to the right, chord bearing and distance N 78° 37' 23" W, 78.91 feet, an arc length of 79.69 feet to a point; thence N 64° 42' 02" W, 457.36 feet to a point, thence along an arc of a 416.59 foot radius curve to the left, chord bearing and distance N 83° 16' 27" W, 265.38 feet, an arc length of 270.09 feet to a point; thence S 78° 09' 09" W, 78.95 feet to a point; thence along an arc of a 4,783.75 foot radius curve, chord bearing and distance S 80° 09' 52" W, 335.88 feet, an arc length of 335.95 feet to a point; thence S 82° 12' 21" W, 87.59 feet to a point; thence along an arc of a 456.88 foot radius curve to the left, chord bearing and distance S 74° 51' 06" W, 116.96 feet, an arc length of 117.28 feet to a point; thence S 67° 29' 51" W, 125.46 feet to a point; thence along an arc of a 425.40 foot radius curve to the left, chord bearing and distance S 57° 52' 05" W, 142.32 feet, an arc length of 142.99 feet to a point; thence S 48° 14' 20" W, 66.53 feet to a point; thence along an arc of a 2,407.29 foot radius curve to the right, chord bearing and distance S 50° 27' 27" W, 186.37 feet, an arc length of 186.41 feet to a point; thence S 52° 41' 02" W, 45.20 feet, and S 53° 03' 40" W, 94.43 feet to a point; thence along an arc of a 3,736.36 foot radius curve to the left, chord bearing and distance S 50° 58' 13" W, 272.60 feet, an arc length of 272.66 feet to a point; thence S 84° 52' 47" W, 185.60 feet, and S 53° 08' 43" W, 83.77 feet to a point; thence along the arc of a 303.89 foot radius curve to the right, chord bearing and distance S 70° 37' 22" W, 182.54 feet, an arc length of 185.40 feet to point; and thence S 88° 06' 02" W, 242.69 feet to a point on the west side of the Greenville Highway; thence southerly along said Greenville Highway S 13° 18' 55" E, 124.28 feet to a concrete monument; thence departing the Greenville Highway in a westerly direction the following courses and distances: S 74° 08' 59" W, 462.45 feet to a concrete monument; thence N 02° 41' 42" W, 113.79 feet to a concrete monument; thence S 74° 07' 49" W, 102.73 feet to a concrete monument; thence S 02° 41' 15" E, 239.98 feet to a point in the existing limits of the Village of Flat Rock, said point being in a line 30 feet north of the centerline of Rutledge Drive; thence continuing westerly along said existing limits N 58° 46' 09" W, 104.18; N 59° 29' 23" W, 162.46 feet; N 60° 16' 08" W, 285.30 feet; N 62° 16' 11" W, 54.43 feet; and N 63° 48' 30" W, 53.41 feet to the point of beginning; and containing 107.28 acres.

SECTION II. Upon and after January 1, 2006, the above-described land areas and the citizens residing and property located therein shall be subject to all debts, laws, ordinances and regulations in force in the Village of Flat Rock and shall be entitled to the same privileges and benefits as other parts of the Village of Flat Rock.

SECTION III. The Mayor of the Village of Flat Rock shall cause to be recorded in the office of the Register of Deeds for Henderson County, and in the office of the Secretary of State of North Carolina, in Raleigh, North Carolina, accurate maps of the annexed land areas described in Section I hereof, together with a duly certified copy of this ordinance. Such maps shall also be delivered to the Henderson County Board of Elections, as required by N.C.G.S. §163-288.1.

ADOPTED this the 10th day of November 2005.

Rowena M. Sweezy, CMC
Village Clerk

Ray E. Shaw, Jr.
Mayor

APPROVED AS TO FORM:

Sharon B. Alexander
Village Attorney

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I HEREBY CERTIFY that the foregoing is a true and accurate copy of Ordinance No. 44, An Ordinance Extending the Corporate Limits of the Village of Flat Rock, North Carolina, duly adopted by the Village Council of the Village of Flat Rock at a meeting held at the Flat Rock Village Hall on November 10, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official seal of the Village of Flat Rock to be affixed, this the ____ day of November 2005.

Rowena M. Sweezy, CMC
Village Clerk

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Michelle D. Parker, a Notary Public, do hereby certify that Rowena M. Sweezy, Village Clerk, of the Village of Flat Rock, North Carolina, personally appeared before me this day and acknowledged that she executed the foregoing certification.

WITNESS my hand and notarial seal this the ____ day of November 2005.

Michelle D. Parker, Notary Public

My commission expires: _____