

ORDINANCE NO. 2015-10

**AN ORDINANCE TO EXTEND THE EXTRATERRITORIAL JURISDICTION
OF THE CITY OF BREVARD, NORTH CAROLINA, AND TO
AMEND THE OFFICIAL ZONING MAP TO EXTEND THE EXTRATERRITORIAL
JURISDICTION AND DESIGNATING SUBJECT PROPERTY AS
GR-4 GENERAL RESIDENTIAL ZONING DISTRICT**

WHEREAS, North Carolina General Statute 160A-360 authorizes the City of Brevard to establish an Extraterritorial Jurisdiction and to undertake the enforcement of ordinances dealing with planning and the regulation of development within a defined area lying outside of and beyond its corporate limits for a distance of up to one mile; and

WHEREAS, the Brevard City Council received a Petition Requesting Voluntary Inclusion Into The City of Brevard Extraterritorial Jurisdiction by Newton F. and Marilyn J. Lockhart, on March 6, 2015, and by Ralph C. Jr., and Sharon P. Ward, on May 8, 2015, requesting certain real property as described herein be incorporated into the City of Brevard Extraterritorial Jurisdiction; and

WHEREAS, a public hearing on the question of this inclusion of the subject area into the City of Brevard Extraterritorial Jurisdiction was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 18th day of May, 2015, after due notice by publication on the 4th and 11th day of May, 2015, whereby public comment was received regarding said extension; and

WHEREAS, the Brevard City Council, after hearing all persons wishing to comment on the proposed extension of extraterritorial jurisdiction, desires to enact the request of the petitioners and amend Appendix D of Brevard City Code to expand the City's Extraterritorial Planning Jurisdiction; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that extraterritorial jurisdiction shall be adopted by ordinance to specify its boundaries and that these boundaries shall at all times be drawn on a map, set forth in a written description, or shown by combination of these techniques, and shall be recorded in the office of the register of deeds of the county; and

WHEREAS, North Carolina General Statute 160A-360(b) provides that when a city extends its extraterritorial jurisdiction to include an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the extension, whichever is sooner, and that, during this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-30.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA, THAT:

Section 1. By virtue of the authority granted by G.S. 160A-30, as amended, all of that property lying in Transylvania County, previously owned by, Newton F. Lockhart and Marilyn J. Lockhart, being all of the property in a deed, recorded in Deed Book 259, Page 468, Transylvania County Registry on May 31, 1983, (Transylvania Tax Office Property Identification Number 8585-10-8199-000), and currently owned by Ralph C. Jr. and Sharon P. Ward, being all of the property in a deed recorded in Deed Book 718, Page 563, Transylvania County Registry (PIN #8585-10-8199-000), 1710 North Country Club Road, is hereby incorporated and made part of the City of Brevard Extraterritorial Jurisdiction as of the 18th day of May, 2015.

Said property is more fully described as follows:

BEGINNING at an iron pin set in the north margin of Towhee Lane at its point of intersection with the eastern margin of Laurel Valley Road and running up and with the eastern margin of Laurel Valley Road the following calls: North 68 deg. 33 min. 45 sec. East 94.25 feet to an iron pin; North 29 deg. 48 min. 45 sec. East 86.90 feet to an iron pin; North 22 deg. 47 min. East 320.77 feet to an iron pin; thence leaving Laurel Valley Road in a southeasterly direction with the southwestern margin of Country Club Road the following calls: South 30 deg. 02 min. 15 sec. East 165.88 feet to an iron pin; South 29 deg. 21 min. East 194.11 feet to an iron pin; thence up and with the line of Fred Owenby, South 58 deg. 45 min. West 174.95 feet to an iron pin the line of Owenby, Galloway and the Grantor, thence down and with the line of Galloway, South 45 deg. 41 min. West 139.72 feet to an iron pin in the North margin Towhee Lane, thence along and with the north margin of Towhee Lane, North 62 deg. 31 min. 30 sec. West 207.22 feet to the point of BEGINNING. Containing 2.01 acres, more or less, as surveyed and platted by P.R. Raxter, RLS, April 26, 1983. Being all of Lots 11, 16, 17, 18 and 19, Section 2 of Montclove Estates as recorded in the office of the Register of Deeds for Transylvania County, North Carolina in Plat Book 1, Page 2.

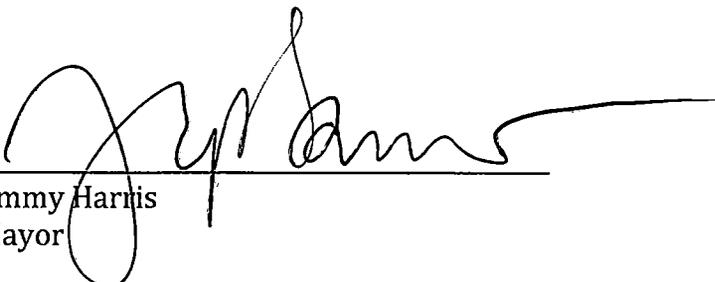
The following deed references appear on the above-said plat and survey: Deed Book 69, Page 105; Deed Book 91, Page 217; Deed Book 74, Page 303 and Deed Book 126, Page 159.

Section 2. Upon and after the 18th day of May, 2015, the above described property shall be subject to all laws, ordinances and regulations in force in the City of Brevard extraterritorial jurisdiction and shall be entitled to the same privileges and benefits as other parts of the City of Brevard Extraterritorial Jurisdiction.

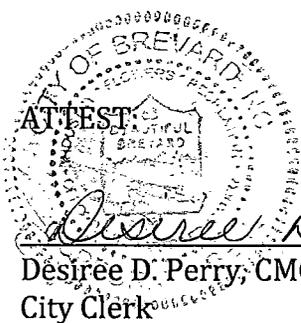
Section 3. The zoning designation of the above described property shall be GR-4 General Residential District.

Section 4. The City Clerk of the City of Brevard is hereby authorized and directed to cause the stated description of the "Area of Extraterritorial Jurisdiction" to be recorded in the Transylvania County Registry in accordance with G.S. 160A-360. The City Clerk is further authorized and directed to cause the provisions of this Ordinance to be codified into the Brevard City Code.

Adopted and approved the 18th day of May, 2015.



Jimmy Harris
Mayor


ATTEST:


Désirée D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:



Michael K. Pratt
City Attorney