

RESOLUTION NO. 2015-02

**A RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE
THE SUFFICIENCY OF A PETITION FOR AN ANNEXATION PURSUANT TO
NCGS 160A-31, AS AMENDED**

WHEREAS, a petition was received on February 11, 2015, requesting the annexation of a contiguous area described in said petition as the William P. Bryson, Jr., Lucy W. Bryson, Nancy B. Hughes, and Howard T. Hughes property (Tract C), and the Bryson Development and Development Limited Partnership property (Tract D), Transylvania County Property Identification Number(s) 8597-46-3120 and 8597-45-4982 and located on U.S. Highway #276.

Metes and Bounds Property Description:

Being all of two tracts of property as shown on Plat File 4, Slide 223 and further identified as "Tract C" as recorded in Document Book 481, Page 634 and the remaining unidentified tract to the south of "Tract B" and surrounding "Tract C" to the north and east being hereinafter described and identified as "Tract D" as recorded in Document Book 210, Page 125, both tracts being subdivided out of a larger parcel as recorded in Deed Book 104, Page 101 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry.

THENCE South 20 degrees 36 minutes 22 seconds West for a distance of 50.35 feet to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a distance of 181.70 feet to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the Scott line North 48 degrees 07 minutes 13 seconds West for a distance of 413.65 feet to a 1 3/4 inch found iron pipe 1.1 feet above grade in the line of the U.S. Government Tract V-1 said tract being recorded in Plat File 2, Slide 262;

THENCE with the U.S. Government line North 08 degrees 01 minutes 25 seconds East for a distance of 514.33 feet to a 5/8 inch found rebar 0.5 feet above grade the southwest corner of the Nancy and Howard Hughes property and being identified as Tract B as recorded in Document Book 210, Page 133 and also shown on Plat File 10, Slide 423 as recorded in the Transylvania County Registry;

THENCE following the Hughes line North 82 degrees 15 minutes 03 seconds East for a distance of 222.20 feet to a 5/8 inch found rebar in the centerline of a branch, the common property corner of Hughes and the southwest property corner of Pisgah Trading Post being further identified as Lot 6B of the Forest Gate Shopping Center recorded in Plat File 4, Slide 410 and Plat File 13, Slide 187 as recorded in Deed Book 363, Page 53 and also being the northwest corner of Lot 5 of the Forest Gate Shopping Center and being further identified as the Walmart Tract on Plat File 4, Slide 410 and owned by Walmart Real Estate Business Trust as recorded in Document Book 560, Page 344;

THENCE along the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410 the following six (6) calls South 23 degrees 10 minutes 52 seconds East for a distance of 123.60 feet to a 5/8 inch found rebar 0.8 feet above grade;

THENCE South 34 degrees 48 minutes 26 seconds East for a distance of 161.11 feet to a 5/8 inch found rebar in a stump 0.6 feet above grade;

THENCE South 27 degrees 51 minutes 32 seconds East for a distance of 280.49 feet to a found concrete monument;

THENCE South 06 degrees 51 minutes 31 seconds East for a distance of 8.35 feet to a found concrete monument;

THENCE South 20 degrees 37 minutes 21 seconds West for a distance of 231.82 feet to a 5/8 inch set rebar 0.3 feet above grade with a plastic identification cap;

THENCE South 20 degrees 36 minutes 22 seconds West for a distance of 522.89 feet to a 5/8 inch found rebar the point and place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 9.07 acres more or less.

WHEREAS, said petition has been received by the City Council of the City of Brevard, North Carolina; and

WHEREAS, NCGS 160A-31, as amended, provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

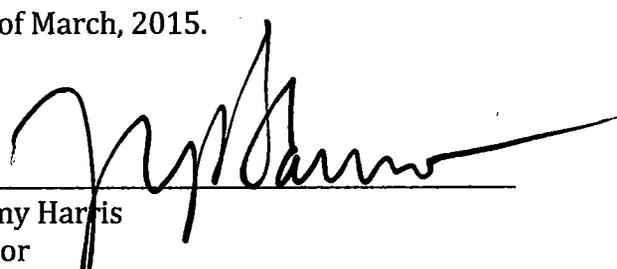
WHEREAS, the City Council of the City of Brevard deems it advisable to proceed in response to this request for annexation.

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

Section 1. The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

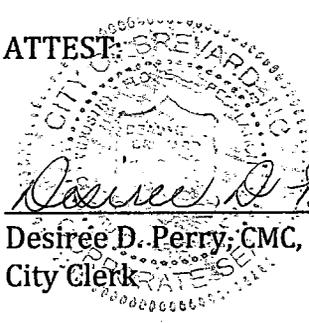
Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 2nd day of March, 2015.



Jimmy Harris
Mayor

ATTEST:




Desiree D. Perry, CMC, NCCMC
City Clerk