



2015006369

TRANSYLVANIA CO, NC FEE \$26.00
PRESENTED & RECORDED:

12-11-2015 11:29:59 AM

CINDY M OWNBEY
REGISTER OF DEEDS
BY: BETH C LANDRETH
ASSISTANT

BK: DOC 749

PG: 83-84

ORDINANCE NO. 2015-26

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein, and,

WHEREAS, the City Council has by Resolution No. 2015-19 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2015-22 fixing a date of public hearing. A public hearing on the question of this annexation was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 19th day of October, 2015, after due notice by publication on the 5th of October, 2015;

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

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-31, as amended, all of that property lying in Transylvania County, owned by Pisgah Forest Outdoors, LLC, as shown and recorded on Plat File 16, Slide 396 and Plat File 4, Slide 410 in the Transylvania County Registry (Transylvania County Property Identification Number 8597-45-4982) and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 19th day of October, 2015.

Said property is more fully described as follows:

Metes and Bounds Property Description:

Being all of Tract D (Revised) as shown on Plat File 16, Slide 396 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 total distance of 50.35 feet (passing a 5/8 inch set rebar, 0.3 feet above grade, at 20.29 feet in the northern margin of the 60 foot right of way of U.S. Highway #276) 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 total distance of 181.70 feet (passing a set 5/8 inch rebar, 0.6 feet above grade, at 30.02 feet in the northern margin of

the 60 foot right of way of U.S. Highway #276) 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 a new line South 69 degrees 23 minutes 38 seconds East for a total distance of 129.95 feet (passing a 5/8 inch set rebar, set at grade, at 99.96 feet in the western margin of a 30 foot wide right of way) to a set 5/8 inch rebar, 0.4 feet above grade, in the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 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 1.94 acres more or less.

Section 2. Upon and after the 19th day of October 2015, 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 Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-58.10.

Section 3. Pursuant to G.S. 160A-29, the Mayor of the City of Brevard shall cause to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper have general circulation in the City of Brevard.

Adopted and approved the 19th day of October, 2015.



Jimmy Harris
Mayor

ATTEST

Desiree Perry, GMC, NCCMC
City Clerk
APPROVED AS TO FORM:

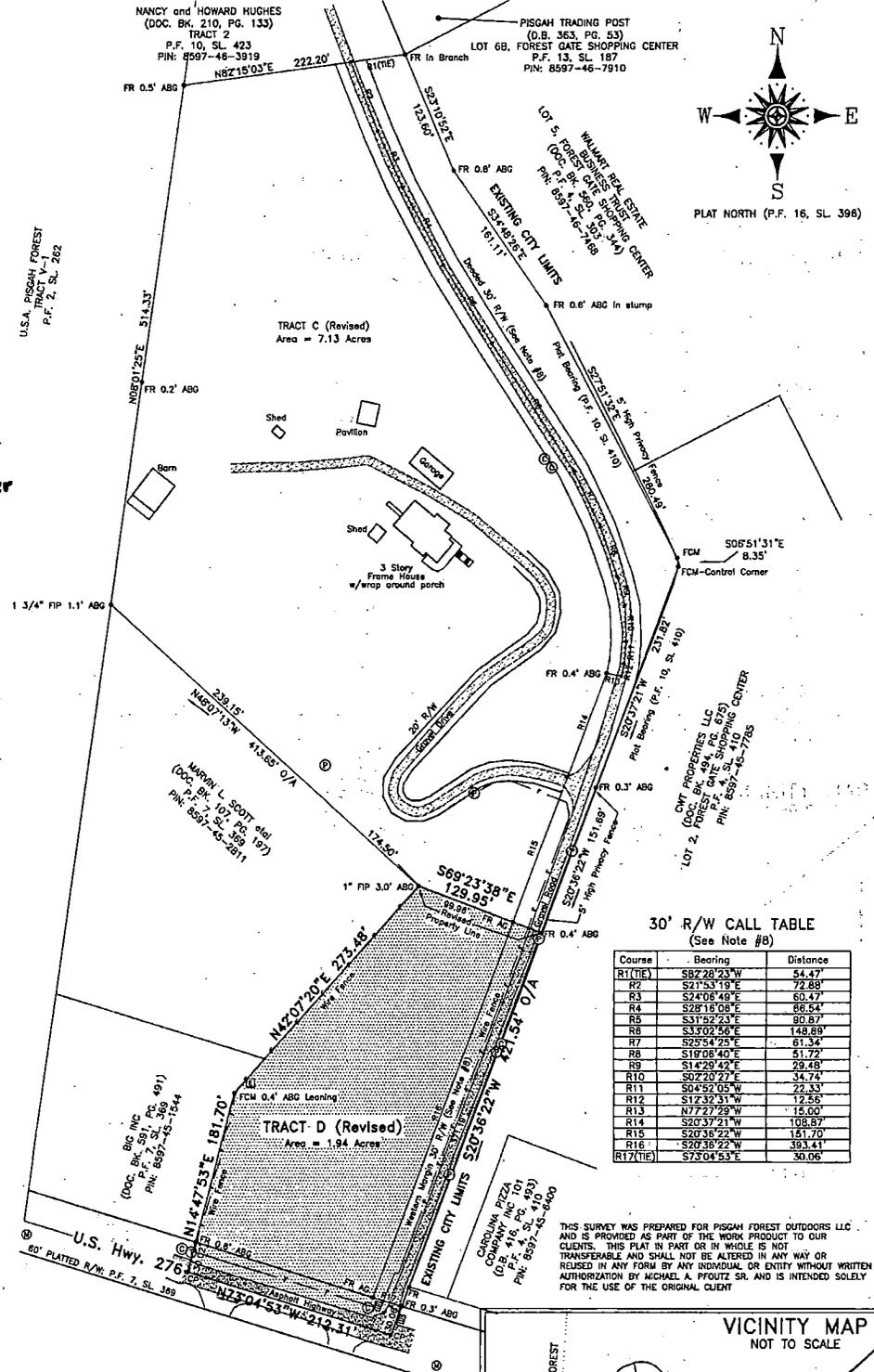


Michael K. Pratt
City Attorney

LEGEND

- PN TAX PARCEL IDENTIFICATION NUMBER
- SR SET REBAR WITH PLASTIC ID CAP
- P.F., SL PLAT FILE, SLIDE
- CP CALCULATED POINT
- FIP FOUND IRON PIPE
- FN FOUND NAIL
- FR FOUND REBAR
- C/L CENTERLINE
- R/W RIGHT OF WAY
- FCM FOUND CONCRETE MONUMENT
- D.B., PG. DEED BOOK, PAGE
- DOC. BK., PG. DOCUMENT BOOK, PAGE
- ABG ABOVE GRADE
- O/A OVERALL
- ETC. and OTHERS
- CABLE TV BOX
- UTILITY POLE
- TELEPHONE BOX
- CATCH BASIN
- ELECTRIC TRANSFORMER
- SANITARY SEWER MANHOLE
- ASPHALT
- GRAVEL/SOIL ROAD
- ANNEXATION PARCEL D (Revised)

2015006370
 TRANSLYVANIA CO, NC FEE \$21.00
 PREPARED & FORWARDED
 12-11-2015 11:30:00 AM
 CINDY M O'BAREY
 REGISTERED LAND SURVEYOR
 BY STATE OF NORTH CAROLINA
 ASSISTANT
BK: PF 16
PG: 602-602.



OWNER CERTIFICATION-ANNEXATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

6-10-15 *Paul* member manager
 DATE OWNER(S)

6-15-15 *John* member manager
 DATE OWNER(S)

STATE OF NORTH CAROLINA
 COUNTY OF TRANSYLVANIA

I, *Daniel Cobb* REVIEW OFFICER
 OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Daniel Cobb REVIEW OFFICER
 12/11/15 DATE

NOTES:

- SURVEYED IN DECEMBER 2014 AND APRIL 2015.
- AREA OF ANNEXATION TRACT D (Revised) = 1.94 ACRES (SURVEY)
- AREA IS CALCULATED BY COORDINATE COMPUTATION
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT-OF-WAYS, COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON
- PLAT REFERENCE: P.F. 2, SL. 262; P.F. 6, SL. 434; P.F. 7, SL. 389; P.F. 10, SL. 410; P.F. 10, SL. 423; P.F. 16, SL. 363; P.F. 16, SL. 398
- DEED REFERENCE: D.B. 104, PG. 101; DOC. BK. 116, PG. 492; DOC. BK. 210, PG. 125; DOC. BK. 481, PG. 634; DOC. BK. 721, PG. 357; DOC. BK. 721, PG. 395
- TAX PARCEL IDENTIFICATION NUMBER TRACT D: 8597-45-4982
- BECAUSE OF THE PROXIMITY OF THE GRAVEL DRIVE TO THE EASTERN PROPERTY LINE THERE IS INSUFFICIENT WIDTH FOR A 30 FOOT WIDE R/W (10 FEET) ON EACH SIDE OF THE EXISTING GRAVEL ROAD. THEREFORE THE 30 FOOT WIDE R/W IS BEING DEFINED AS BEING 30 FEET TO THE WEST OF THE EXISTING EASTERN PROPERTY LINE FROM ITS INTERSECTION WITH THE 60 FOOT WIDE R/W OF U.S. HIGHWAY 278 TO A POINT (AS SHOWN HEREON BY BEARING AND DISTANCE) WHERE THERE IS SUFFICIENT WIDTH FOR A 30 FOOT WIDE R/W (15 FEET) ON EACH SIDE OF THE EXISTING GRAVEL DRIVE TO RESUME WITH THE ORIGINAL CENTERLINE PLAT CALLS. ALL C/L CALLS IN THE ACCOMPANYING CALL TABLE ARE CALCULATED POINTS. THE CALLS ARE TAKEN FROM P.F. 6, SL. 434. THE INTENT OF THE CALLS GIVEN IS TO GENERALLY FOLLOW THE CENTERLINE OF THE EXISTING DRIVE BY PLAT (SEE NOTE #3 IN P.F. 6, SL. 434) AND ARE CONTROLLED BY THE LOCATION OF THE DRIVE BY SURVEY. THE 30 FOOT R/W WIDTH FOR THE GRAVEL DRIVE IS IN EFFECT FOR ITS ENTIRE LENGTH THROUGH TRACTS C (Revised) & D (Revised) AS SHOWN HEREON.

G.S. 47-30 (11) c.1.

I, MICHAEL A. FROST, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

I, MICHAEL A. FROST, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION FOUND IN PLAT FILE 16, SLIDE 396; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 10th DAY OF JUNE 2015, A.D.

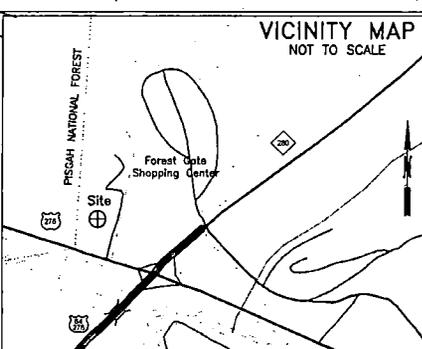
Michael A. Frost, Sr.
 MICHAEL A. FROST, Sr.
 SURVEYOR L-4458

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR SEAL
 L-4458
 MICHAEL A. FROST, Sr.

CITY OF BREVARD-ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER 2015-26 TO ANNEX THE PROPERTY DESCRIBED HEREON ON 10-11-2015 WITH THE EFFECTIVE DATE OF ANNEXATION ON 10-19-2015

Devin D. Perry
 CITY CLERK



PREPARED BY CAROLINA MOUNTAIN SURVEYING FIRM LICENSE NUMBER #P-1205 137 NORTH BROAD STREET, SUITE 2 BREVARD, NORTH CAROLINA 28712 (828) 883-2870 CMSURVEYING@COMPORIUM.NET	ANNEXATION PLAT-ORDINANCE No. _____ PREPARED FOR PISGAH FOREST OUTDOORS LLC 340 MAPLE STREET, BREVARD, NC 28712 TAX PARCEL IDENTIFICATION NUMBER: 8597-45-4982 OF PROPERTY SITUATE IN BREVARD TOWNSHIP TRANSYLVANIA COUNTY, NORTH CAROLINA	DATE	FIELD RECORDS	DRAWING NUMBER
		JUNE 10, 2015	DATA COLLECTOR	CMS14109-ANNEX
		GRAPHIC SCALE - FEET WRITTEN SCALE: 1"=80' 		COORDINATE FILE CMS14109.CRD PROJECT NUMBER CMS14109

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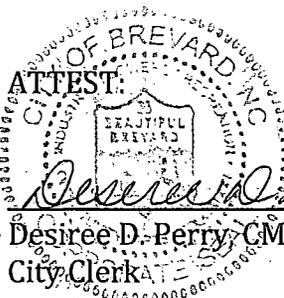
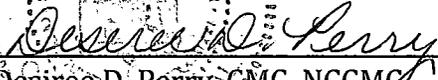
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Adopted and approved the 19th day of October, 2015.



Jimmy Harris
Mayor


ATTEST:


Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:



Michael K. Pratt
City Attorney