

ORDINANCE NO. 12

AN ORDINANCE BY THE COUNCIL OF THE VILLAGE OF FLAT ROCK TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF FLAT ROCK, NORTH CAROLINA

WHEREAS, the Village of Flat Rock Council has been petitioned under N.C.G.S. §160A-31, as amended, to annex the area described herein; and

WHEREAS, the Village of Flat Rock Council has by resolution directed the Village Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Village Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at St. John in the Wilderness, at 7:00 PM on the 11th day of February, 1999, after due notice by publication on Monday, February 1st and 8th, 1999; and

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

NOW, THEREFORE, BE IT ORDAINED by the Village of Flat Rock Council of the Village of Flat Rock, North Carolina;

SECTION I. By virtue of the authority granted by N.C.G.S. § 160A-31, as amended, the following described territory, is hereby annexed and made a part of the Village of Flat Rock as of the 11th day of February, 1999;

BEGINNING at a PK nail in the center of the intersection of Highland Lake Road (S.R. 1783) with the center of Highland Park Drive (S.R. 1823) at the northernmost corner of that property conveyed to Kerry P. Lindsey in Deed Book 664 at Page 455; thence from said beginning point and running approximately with the center of Highland Park Drive, the following four (4) courses and distances: South 51 deg. 00 min. 00 sec. East 922.32 feet to a PK nail, South 42 deg. 06 min. 45 sec. East 581.83 feet to a PK nail, South 51 deg. 42 min. 00 sec. East 252.32 feet to a PK nail, and South 54 deg. 39 min. 00 sec. East 272.65 feet to a PK nail; thence leaving the center of Highland Park Drive and running with the northwestern edge of that property conveyed to Varney in Deed Book 478 at Page 329, South 32 deg. 45 min. 00 sec. West 187.61 feet to an iron pin; thence with the southwestern edge of said Varney property, South 50 deg. 29 min. 00 sec. East 630 feet to an iron pin at the southernmost corner of said Varney tract and the westernmost corner of that property conveyed to McWhirt in Deed Book 662 at Page 74; thence with the western edge of said McWhirt property, South 50 deg. 29 min. 00 sec. East 317.01 feet to an iron pin; thence with the southeastern edge of said McWhirt property, North 43 deg. 08 min. 00 sec. East 204.39 feet to a PK nail in the center of Highland Park Drive (S.R. 1823); thence approximately with the center of Highland Park Drive, South 49 deg. 14 min. 00 sec.

East 377.63 feet to a PK nail at the easternmost corner of that property conveyed to Kerry P. Lindsey in Deed Book 664 at Page 455; thence with the northwestern edge of a 30 foot wide right of way, South 53 deg. 00 min. 00 sec. West 566.57 feet to an iron pin; thence South 50 deg. 36 min. 59 sec. East 15.18 feet to an iron pin; thence South 09 deg. 28 min. 59 sec. East 434.41 feet to an iron pin; thence South 38 deg. 05 min. 13 sec. East

350.44 feet to an iron pin; thence South 65 deg. 27 min. 48 sec. East 118.02 feet to a point at the westernmost corner of that property conveyed to Young in Deed Book 905 at Page 125; thence with the southern edge of said Young property, South 67 deg. 19 min. 48 sec. East 294.67 feet to an iron pin in the western edge of that property conveyed to Baumberger in Deed Book 308 at Page 17; thence with a portion of the western edge of said Baumberger property, South 02 deg. 16 min. 48 sec. West 75.97 feet to an iron pin in the northern edge of a 15 foot wide alley; thence with the northern edge of said 15 foot wide alley, North 86 deg. 58 min. 09 sec. West 242.09 feet to an iron pin; thence South 02 deg. 22 min. 23 sec. West 281.93 feet to an iron pin; thence South 57 deg. 15 min. 32 sec. West 475.24 feet to a concrete monument; thence with the northeastern edge of that property conveyed to Corn in Deed Book 737 at Page 744, North 45 deg. 17 min. 09 sec. West 646.47 feet to a point at the northernmost corner of said Corn property; thence North 31 deg. 48 min. 57 sec. West 667.56 feet to a point; thence North 52 deg. 18 min. 20 sec. East 264.84 feet to an iron pin at the easternmost corner of Lot 252 of Highland Lake Subdivision as shown on plat thereof recorded in Plat Book 1 at Page 153 and reindexed in Plat Cabinet B, Slide 77, Henderson County Registry; thence North 36 deg. 58 min. 28 sec. West 351.57 feet to an iron pin at the northernmost corner of Lot 237 of Highland Lake Subdivision as shown on Plat Book 1 at Page 153 and reindexed in Plat Cabinet B, Slide 77; thence South 51 deg. 27 min. 35 sec. West 296.34 feet to an iron pin at the westernmost corner of Lot 234 of Highland Lake Subdivision; thence North 40 deg. 48 min. 55 sec. West 153 feet to an iron pin; thence South 52 deg. 23 min. 48 sec. West 121.98 feet to a point in the approximate center of Markley Road; thence approximately with the center of Markley Road the following two (2) courses and distances: North 39 deg. 35 min. 00 sec. West 163.29 feet and North 23 deg. 22 min. 31 sec. West 391.87 feet; thence leaving the center of Markley Road and running North 89 deg. 01 min. 51 sec. East 168.82 feet to an iron pin in the southeast corner of that property conveyed to Thornhill in Deed Book 673 at Page 563; thence North 00 deg. 53 min. 45 sec. West 339.72 feet to an iron pin at the northeast corner of that property conveyed to Ruth in Deed Book 848 at Page 521; thence South 89 deg. 11 min. 51 sec. West 150.12 feet to an iron pin; thence South 89 deg. 11 min. 51 sec. West 199.04 feet to a point; thence North 01 deg. 00 min. 00 sec. West 74.20 feet to a point; thence South 89 deg. 00 min. 00 sec. West 170.31 feet to a point in the center of Highland Lake Drive (S.R. 1825); thence approximately with the center of Highland Lake Drive, the following ten (10) courses and distances: North 00 deg. 28 min. 00 sec. West 75 feet to a point, thence on an arc of a curve to the right with a radius of 252.47 feet and an arc length of 172.21 feet (having a chord bearing and chord distance of North 23 deg. 44 min. 18 sec. East 168.89 feet) to a point, thence on an arc of a curve to the left with a radius of 595.80 feet and an arc length of 252.94 feet (having a chord bearing and chord distance of North 31 deg. 02 min. 29 sec. East 251.04 feet) to a point, thence North 10 deg. 39 min. 23 sec. East 174.41 feet to a point, thence on an arc of a curve to the left with a radius of 362.98 feet and an arc length of 314.60 feet (having a chord bearing and chord distance of North 14 deg. 08 min. 45 sec. West 304.84 feet) to a point, thence North 42 deg. 32 min. 37 sec. West 182.85 feet to a point, thence North 46 deg. 54 min. 50 sec.

West 196.24 feet to a point, thence North 56 deg. 27 min. 37 sec. West 259.24 feet to a point, thence on an arc of a curve to the right with a radius of 768.56 feet and an arc length of 212.62 feet (having a chord bearing and chord distance of North 28 deg. 26 min. 34 sec. West 211.95 feet) to a railroad spike, and thence North 33 deg. 08 min. 00 sec. West 200.39 feet to a railroad spike in the center of Highland Lake Road (S.R. 1783); thence approximately with the center of Highland Lake Road, the following two (2) courses and distances: North 71 deg. 36 min. 00 sec. East 182.70 feet to a railroad spike and North 55 deg. 08 min. 00 sec. East 89.71 feet to the point and place of BEGINNING, and containing 82.77 acres, more or less, as shown on that survey by Freeland-Clinkscales & Associates, Inc. of N.C., entitled "Portion of Highland Lake", dated November 27, 1998, and being Drawing No. 1846least.

SECTION II. Upon and after the 11th day of February, 1999, the above described territory and its citizens and property 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 in Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION I hereof, together with a duly certified copy of the Ordinance. Such a map shall also be delivered to the Henderson County Board of Elections as required by N.C.G.S. §163-288.1.

SECTION IV. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Village of Flat Rock.

ADOPTED this, the 11th day of February, 1999.

AYES: _____ NOES: _____ ABSENT: _____

APPROVED:

Cyrus C. Highlander, Mayor
Village of Flat Rock

ATTEST:

Rowena M. Sweezy, Village Clerk

APPROVED AS TO FORM:

Kenneth Youngblood, Village Attorney

NORTH CAROLINA

HENDERSON COUNTY

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 12 duly adopted by the Village Council of the Village of Flat Rock, North Carolina, at a meeting held **February 11, 1999, at 7:00 PM in the St. John in the Wilderness Parish Hall**, Flat Rock, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Village to be affixed, this the 11th day of February, 1999.

Rowena M. Sweezy, Village Clerk

NORTH CAROLINA

HENDERSON COUNTY

I, _____, a Notary Public, do hereby certify that Rowena M. Sweezy, Village Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notary seal this the _____ day of _____, 1999.

Notary Public

My Commission Expires: _____