

ORDINANCE NO. 12-2021

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

WHEREAS, the Shelby City Council has been petitioned by the North Point Custom Builders, LLC under G.S. 160A-58.1, as amended, to annex the area described herein; and,

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held via Zoom on March 1, 2021 at 6:00 p.m.; and,

WHEREAS, the City Council further finds that the area described herein meets the standards of GS 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is no more than three miles from the primary corporate limits of the City.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Shelby.
- c. The area described is so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in GS 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the City; and,

WHEREAS, the City Council does hereby find as a fact that said petition has been signed by all owners of real property in the area who are required by law to sign and all other requirements of GS 160A-58.1, as amended, have been satisfied; and,

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation, will be best served by annexing the area described herein:

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

Section 1. By virtue of the authority granted by GS 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of April 5, 2021:

LYING AND BEING SITUATE IN CLEVELAND COUNTY, NORTH CAROLINA, BEING LOCATED ON THE SOUTH SIDE OF COLLEGE AVENUE (NC HIGHWAY 150) AND WEST OF THE FIRST BROAD RIVER, IN THE NUMBER 2 TOWNSHIP OF CLEVELAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (#5 REBAR BENT) ON THE NORTHERN RIGHT-OF-WAY OF RIVER ROAD – SR 1272 AND IN THE RUNNING SURFACE OF SAM LATTIMORE ROAD – SR 1127,

ALSO BEING LOCATED S37°33'51"E 616.50' FROM CONTROL POINT 1 (REBAR & CAP), HAVING NCGS GRID COORDINATES OF N: 556726.87 E: 1226895.75', AND SHOWN ON SURVEY BY JOSEPH A. GRAY, PLS DATED FEBRUARY 24, 2021, THENCE FROM SAID BEGINNING POINT, WITH THE RIGHT-OF-WAY FOR RIVER ROAD, THE FOLLOWING THREE COURSES: 1) N69°01'00"W 204.87' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 633.29' AND ARC LENGTH OF 205.77' TO A POINT, 2) N78°51'32"W 206.62' TO A POINT, AND 3) N75°47'27"W 97.51' ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1044.61' AND ARC LENGTH OF 97.54' TO AN IRON PIN SET (#4 REBAR); THENCE LEAVING THE RIGHT-OF-WAY OF RIVER ROAD, WITH RIVERBEND ACRES AS SHOWN ON PLAT BOOK 10 PAGE 46 N24°18'45"W, PASSING AN IRON PIN FOUND (#5 REBAR) AT 5.97' AND AN IRON PIN FOUND (1" PIPE BENT IN ROOT) AT 1279.92', A TOTAL DISTANCE OF 1291.03' TO AN IRON PIN SET (#4 REBAR) WITHIN THE RIGHT-OF-WAY OF COLLEGE AVENUE (NC HIGHWAY 150), THENCE N75°32'44"E 233.07' TO AN IRON PIN FOUND (RAILROAD SPIKE) IN THE RUNNING SURFACE OF SAM LATTIMORE ROAD, THENCE N87°53'11"E 376.85', CROSSING THE RIGHT-OF-WAY FOR COLLEGE AVENUE, TO AN IRON PIN FOUND (#5 REBAR) NEAR A DITCH, THENCE N71°34'09"E 268.51', CROSSING A DITCH TO AN IRON PIN FOUND (#5 REBAR AT A CHERRY TREE), THENCE N83°40'51"E 45.42' TO AN IRON PIN FOUND (#5 REBAR), THENCE WITH MARY LILLIAN ELLIOTT STANKOVIC THE FOLLOWING NINE COURSES: 1) S67°56'34"E 92.88' TO AN IRON PIN FOUND (#5 REBAR), 2) S50°40'52"E 193.23' TO AN IRON PIN FOUND (#5 REBAR), 3) S52°31'26"E 147.37' TO AN IRON PIN FOUND (#5 REBAR), 4) S56°04'12"E 206.01' TO AN IRON PIN FOUND (#5 REBAR), 5) S83°04'39"E 161.71' TO AN IRON PIN (#5 REBAR), 6) N75°31'57"E 263.96' TO AN IRON PIN FOUND (#5 REBAR), 7) N57°18'15"E 198.20' TO AN IRON PIN FOUND (#5 REBAR), 8) N57°53'54"E 96.34' TO AN IRON PIN FOUND (#5 REBAR), AND 9) N45°28'20"E, PASSING AN IRON PIN SET (#4 REBAR) AT 209.49' ON THE SOUTHERN RIGHT-OF-WAY FOR COLLEGE AVENUE, A TOTAL DISTANCE OF 317.65' TO AN IRON PIN SET (#4 REBAR) INSIDE THE RIGHT-OF-WAY OF COLLEGE AVENUE, THENCE N81°51'52"E 99.00' TO AN IRON PIN SET (#4 REBAR), THENCE S72°08'08"E, PASSING AN IRON PIN SET (#4 REBAR) AT 100.00' NEAR THE BANK OF THE FIRST BROAD RIVER, A TOTAL DISTANCE OF 151.01' TO A POINT IN THE FIRST BROAD RIVER, THENCE WITH THE FIRST BROAD RIVER THE FOLLOWING THIRTEEN COURSES: 1) S14°14'29"W 67.04' TO A POINT ON THE BRIDGE OF THE FIRST BROAD RIVER, 2) S07°51'49"W 70.34' TO A POINT ON THE SOUTHERN RIGHT-OF-WAY FOR COLLEGE AVENUE, 3) S07°25'09"E 121.46' TO A POINT, 4) S20°16'25"E 223.69' TO A POINT, 5) S23°04'08"E 262.95' TO A POINT, 6) S20°29'23"E 173.26' TO A POINT, 7) S25°00'31"E 243.05' TO A POINT, 8) S12°06'48"E 194.08' TO A POINT, 9) S11°40'02"E 236.09' TO A POINT, 10) S05°00'14"E 214.08' TO A POINT, 11) S11°36'48"E 225.10' TO A POINT, 12) S20°24'02"E 108.34' TO A POINT, AND 13) S29°49'00"E 97.82' TO A POINT; THENCE LEAVING THE FIRST BROAD RIVER, ALONG A CREEK, S44°25'09"W, PASSING AN IRON PIN FOUND (1" PIPE) NEAR A CREEK AT 73.15', A TOTAL DISTANCE OF 190.84' TO AN IRON PIN FOUND (1" PIPE) NEAR A CREEK, THENCE S59°35'34"W 143.59' TO A POINT IN A CREEK, ALSO BEING A CORNER OF J. BOYTE LUTZ DEED BOOK 13Z PAGE 509 (PLAT BOOK 10, PAGE 67), THENCE LEAVING THE CREEK WITH LUTZ, N56°29'04"W, PASSING AN IRON PIN FOUND (1" PIPE) AT 11.57, A TOTAL DISTANCE OF 514.00' TO AN IRON PIN FOUND (1/2" SQUARE TUBE), ALSO BEING THE CORNER OF PID 974, THENCE WITH PID 974, N56°48'12"W 201.63' TO AN IRON PIN FOUND (#5 REBAR), ALSO BEING THE CORNER OF PID 973, THENCE WITH PID 973, N55°01'43"W 25.82' TO AN IRON PIN FOUND (1" ROD), THENCE CONTINUING WITH PID 973,

N68°12'58"W 205.14' TO AN IRON PIN FOUND (#3 REBAR), ALSO BEING A CORNER OF PID 972, THENCE WITH PID 972, S42°33'37"W 197.10' TO AN IRON PIN FOUND (#5 REBAR), ALSO BEING A CORNER OF GREGORY S. MCINTYRE IN DEED BOOK 1825 PAGE 1491, THENCE WITH MCINTYRE, N65°16'27"W 394.05' TO AN IRON PIN FOUND (#5 REBAR), THENCE CONTINUING WITH MCINTYRE, S52°38'54"W 198.13' TO AN IRON PIN FOUND (#5 REBAR) ON THE NORTHERN RIGHT-OF-WAY FOR RIVER ROAD, THENCE WITH THE RIGHT-OF-WAY FOR RIVER ROAD TWO COURSES: 1) N36°28'02"W 342.14' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2157.61' AND ARC LENGTH OF 342.50' TO A POINT, AND 2) N48°21'34"W 257.23' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 847.26' AND ARC LENGTH OF 258.23' TO THE POINT AND PLACE OF THE BEGINNING, CONTAINING 96.14 ACRES WITH 0.84 ACRES WITHIN THE ROAD RIGHT-OF-WAY FOR COLLEGE AVENUE.

Section 2. Upon and after April 5, 2021, 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 Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

Section 3. The Mayor of the City of Shelby shall cause to be recorded in the office of the Register of Deeds of Cleveland County, and in the office of the Secretary of State in 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 map shall also be delivered to the Cleveland County Board of Elections as required by GS 163-288.1.

Section 4. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (appendix A of the Shelby City Code) is hereby amended to zone 1105 River Road R10 & R6. Said area of zoning as described in Section 1.

Adopted and approved this 5th day of April 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

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Andrea Leslie-Fite

City Attorney