



Post Office Box 207 • Shelby, NC 28151-0207

MEMORANDUM

To: Mr. Rick Howell – City Manager

From: Brian Burgess, Director of Planning & Development

Date: November 12, 2024

Subject: Borders Road Parcel 22186 – Annexation

Background

The City has received a petition for annexation pursuant to NCGS 160A-31. The parcel is Cleveland County parcel #22186 off Borders Road, as well as having frontage on Marion St.

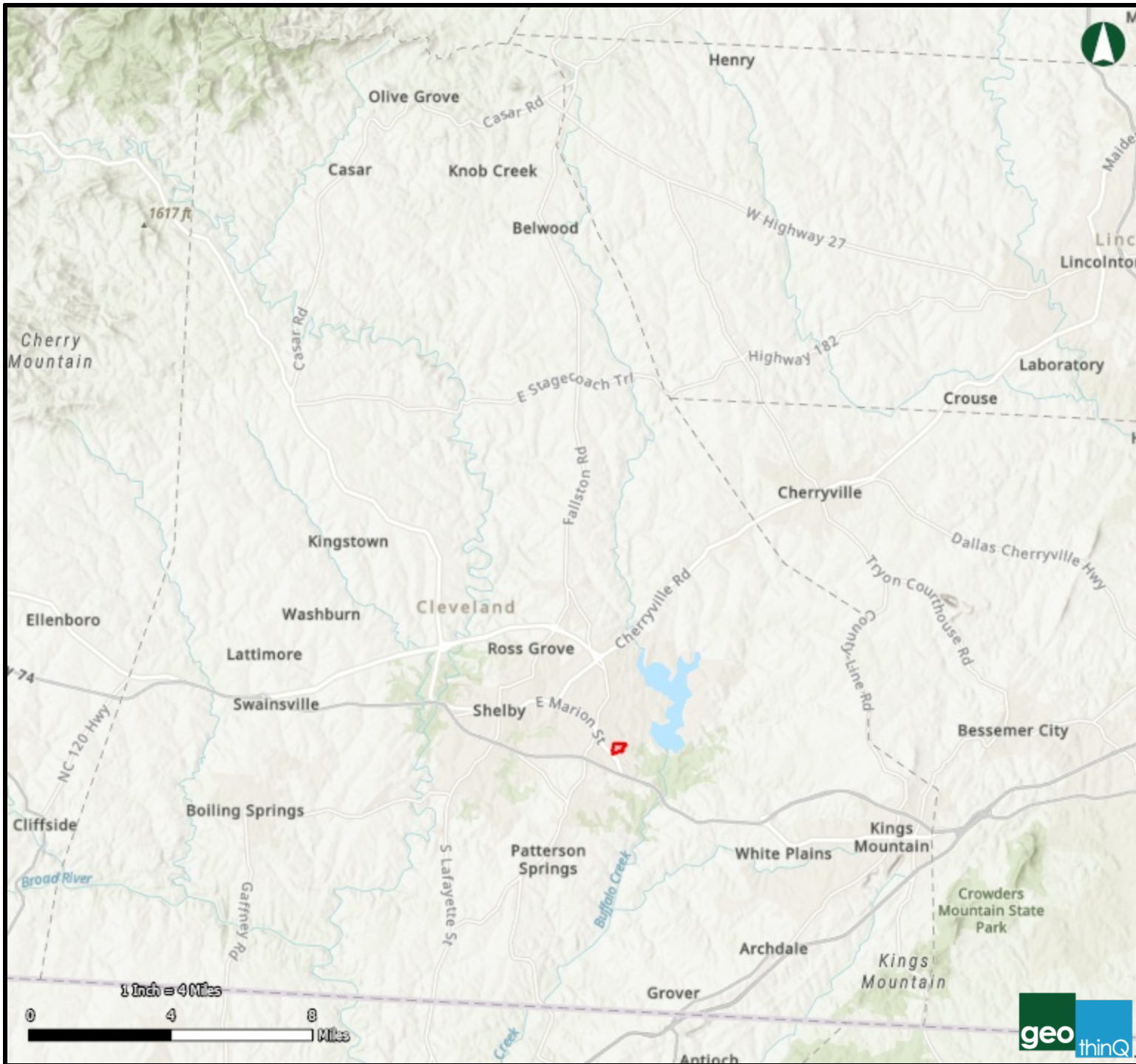
A notice of public hearing for the annexation was published in the Shelby Star on August 28th and September 4th. The property is within the City of Shelby ETJ and has requested the zoning designation of R6-CZ.

Recommendation

The request has been reviewed by applicable staff/departments and approval of the contiguous annexation request is recommended.

Attachments

Location Map
Annexation Plat
Application Package
Notice of Public Hearing



Cleveland Country Tax Map

03/18/2024



REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

REVIEW OFFICER OF CLEVELAND COUNTY, CERTIFY THAT MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF SHELBY, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION. I (WE) FURTHER CERTIFY THAT THE RESIDUAL TRACT ON THIS PLAN CANNOT BE FURTHER SUBDIVIDED USING THE MINOR SUBDIVISION PLAT APPROVAL PROCESS WITHIN TWO YEARS OF THE DATE OF RECORDATION.

OWNER DATE

CERTIFICATE OF MINOR PLAT APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SHELBY UNIFIED DEVELOPMENT ORDINANCE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SHELBY UDO ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN OFFICE OF THE REGISTER OF DEEDS WITHIN THIRTY DAYS OF THE DATE BELOW.

UDO ADMINISTRATOR DATE

I, KEITH BURNS, REGISTERED LAND SURVEYOR NO. L-5265, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, OR

- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:

CLASS OF SURVEY: AA
POSITIONAL ACCURACY: H: 0.05 V: 0.07
GPS PROCEDURE: REAL-TIME KINEMATIC
DATE OF SURVEY: 11/03/2023
DATUM/EPOCH: NAD83/2011
PUBLISHED/FIXED CONTROL USE: DQ2953
GEOID MODEL: 18
COMBINED GRID FACTOR: 0.99984130
UNITS: US SURVEY FEET

FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265

N/F CLEVELAND COUNTY FAIR ASSOCIATE

DB 6K PG 329
PID 2556851566
ZONE R20

N/F PC NC MARION RIDGE LLC

DB 1822 PG 2667
PID 2556855069
ZONE R6

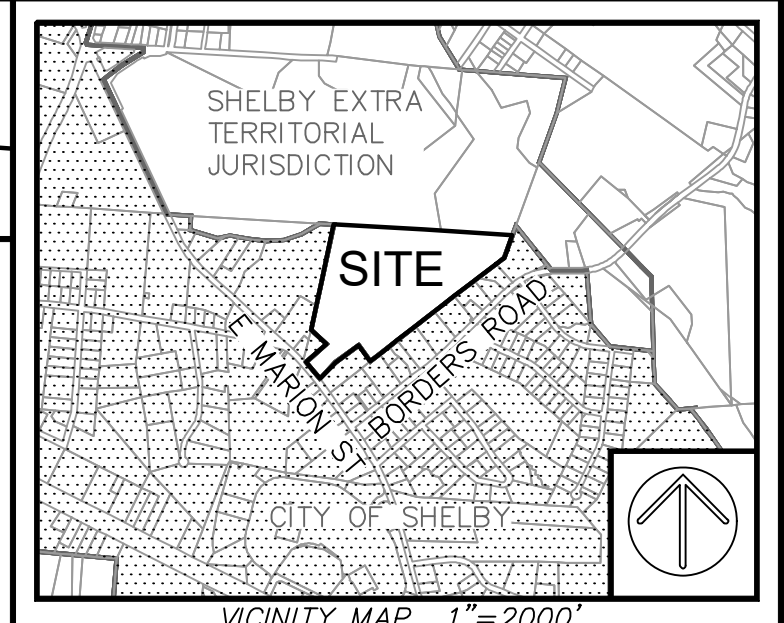
N/F ROSE IRIS B LEIGH MARY B ETALS

DB 16E PG 809
PID 2556946968
ZONE R20
PER GIS

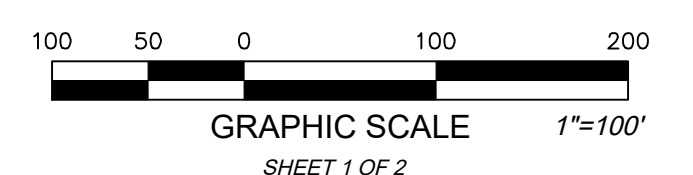
LINE TABLE with columns LABEL, BEARING, DISTANCE. Rows LE10 through LE15.

NOTES: 1. THIS PARCEL APPEARS TO LIE IN FEMA FLOOD ZONE X... 2. ELEVATIONS ARE BASED ON NAVD 88 DATUM... 3. COORDINATES ARE BASED ON NC GRID NAD 83(2011)... 4. ZONING CLASSIFICATION PER THE CLEVELAND COUNTY GIS... 5. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS... 6. THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL 2556946968 TO THE CITY OF SHELBY.

TOTAL AREA TO BE ANNEXED 1810982 Sq.Ft. 41.574 Ac.



- LEGEND: Calculated Point, Iron Rebar Found, Open Top Pipe Found, Axle Found, Iron Rod Found, Angle Iron Found, Conc. Monument Found, Iron Rebar Set, Property Line, City Limits.



SHEET 1 OF 2 AN ANNEXATION PLAT PREPARED FOR: WEEKS DEVELOPMENT GROUP

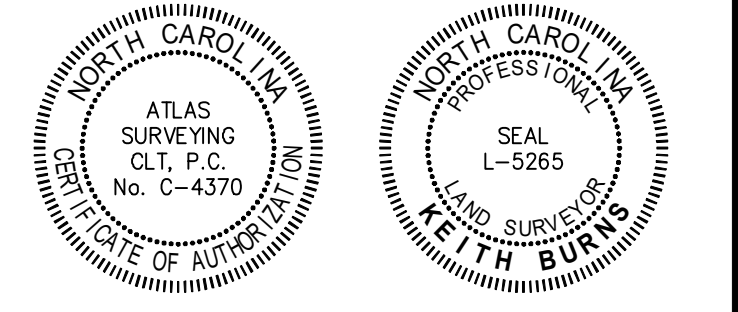
PARCEL ID No. 2556946968 1853 E MARION STREET CLEVELAND COUNTY, NORTH CAROLINA CURRENT OWNER OF RECORD: ROSE IRIS B LEIGH MARY B ETALS

FIELD WORK: RJC FIELD CHECK: RKB DRAWN BY: RM DATE: 03-27-2024 SCALE: 1"=100' PROJECT No.: CLT-23099 FILE: CLT-23099 TOPO.DWG

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

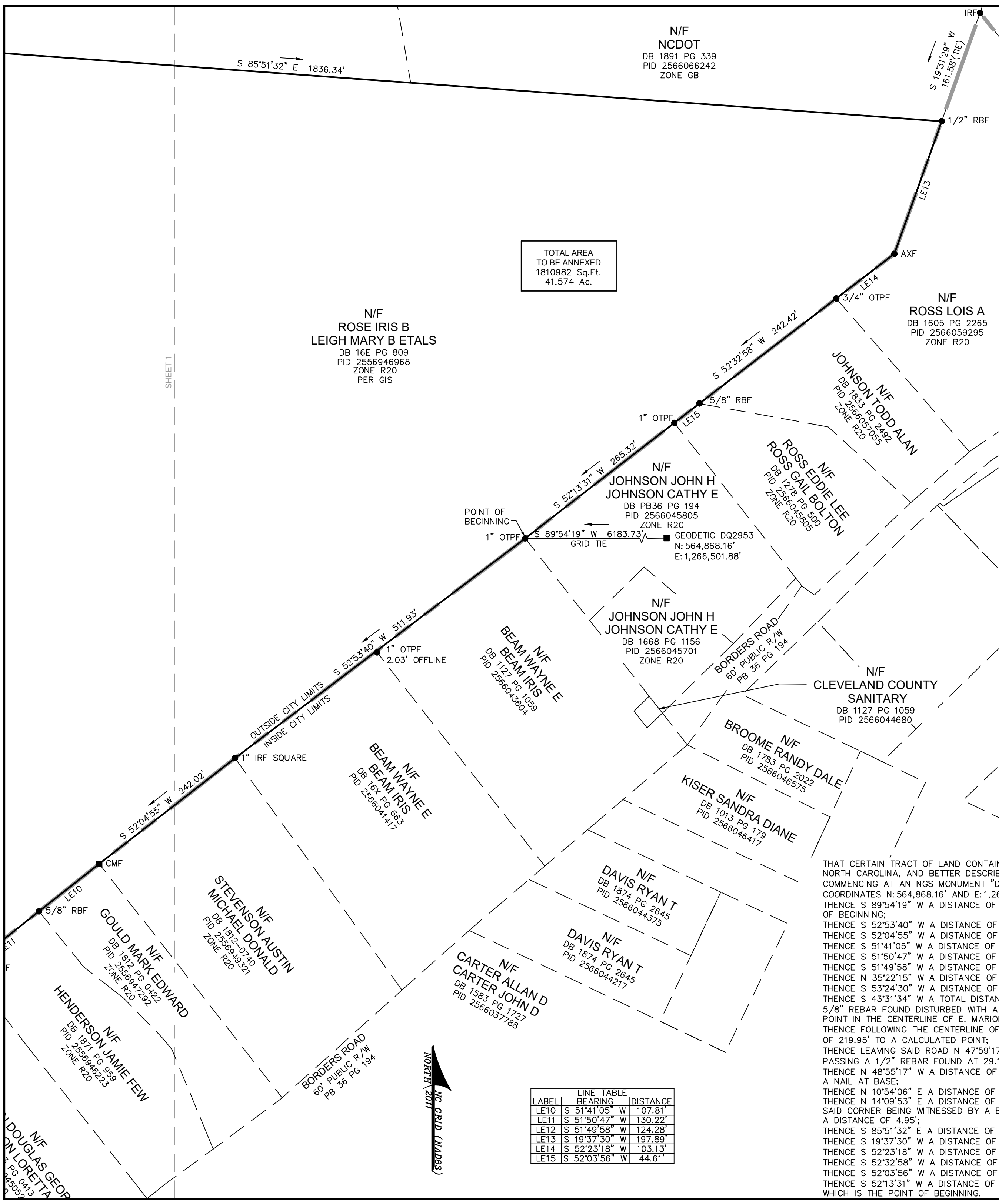
FOR REVIEW ONLY

KEITH BURNS P.L.S. No. L-5265



ATLAS SURVEYING, INC.

13331 YORK CENTER DRIVE, SUITE E CHARLOTTE, NC 28273 PHONE: (980) 949-8475 WEBSITE: WWW.ATLASSURVEYING.COM



TOTAL AREA
TO BE ANNEXED
1810982 Sq.Ft.
41.574 Ac.

LINE TABLE		
LABEL	BEARING	DISTANCE
LE10	S 51°41'05\"	107.81'
LE11	S 51°50'47\"	130.22'
LE12	S 51°49'58\"	124.28'
LE13	S 19°37'30\"	197.89'
LE14	S 52°23'18\"	103.13'
LE15	S 52°03'56\"	44.61'

NOTES

1. THIS PARCEL APPEARS TO LIE IN FEMA FLOOD ZONE X, FIRM MAP 3710255600J, 3710256600J, COMMUNITY 370064, 370302, EFFECTIVE DATE 02-20-2008.
2. ELEVATIONS ARE BASED ON NAVD 88 DATUM.
3. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
4. ZONING CLASSIFICATION PER THE CLEVELAND COUNTY GIS, THE CURRENT ZONING CLASSIFICATION OF SURVEYED PROPERTY IS COUNTY R20
5. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
6. THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL 2556946968 TO THE CITY OF SHELBY.

REFERENCES

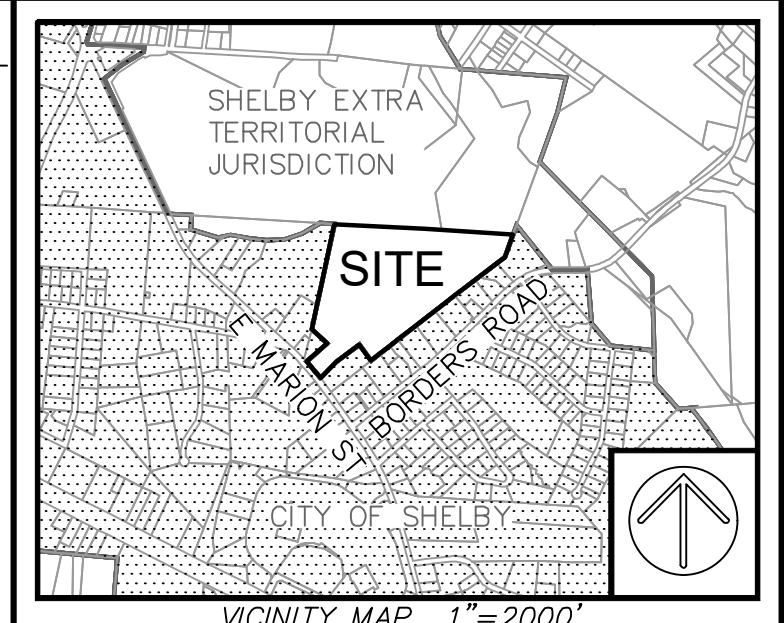
- | | |
|---------------------|---------------------|
| 1. DB 1171 PG 0399 | 11. DB 1826 PG 2548 |
| 2. DB 16X PG 663 | 12. DB 1822 PG 2667 |
| 3. PB 5 PG 49 | 13. PG 20 PG 171 |
| 4. DB 1812 PG 740 | 14. DB 982 PG 481 |
| 5. DB 1812 PG 422 | 15. DB 1605 PG 2265 |
| 6. PB 24 PG 33 | 16. DB 1833 PG 2492 |
| 7. DB 1783 PG 415 | 17. DB 1278 PG 500 |
| 8. DB 1888 PG 2152 | 18. PB 20 PG 166 |
| 9. DB 1881 PG 526 | 19. DB 19J PG 556 |
| 10. DB 1262 PG 1123 | 20. PB 36 PG 194 |

REVIEW OFFICER CERTIFICATION

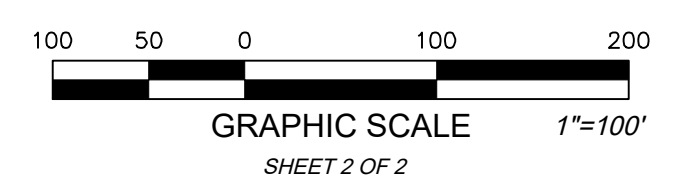
STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

REVIEW OFFICER OF CLEVELAND COUNTY, CERTIFY THAT MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____



- LEGEND
- ▲ CALCULATED POINT
 - RBF ● IRON REBAR FOUND
 - OTPF ● OPEN TOP PIPE FOUND
 - AXF ■ AXLE FOUND
 - IRF ● IRON ROD FOUND
 - AIF ■ ANGLE IRON FOUND
 - CMF ■ CONC. MONUMENT FOUND
 - RBS ○ IRON REBAR SET
 - PROPERTY LINE
 - CITY LIMITS



SHEET 2 OF 2
AN ANNEXATION PLAT PREPARED FOR:
WEEKS DEVELOPMENT GROUP

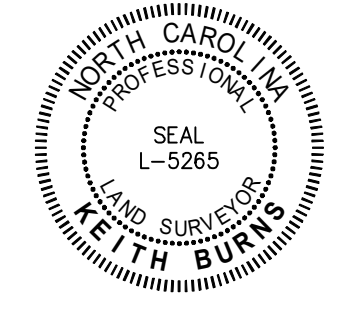
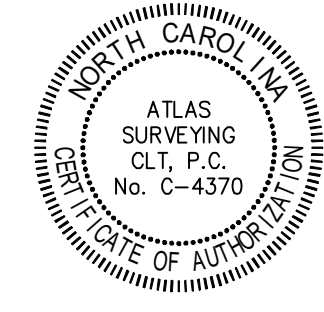
PARCEL ID No. 2556946968
1853 E MARION STREET
CLEVELAND COUNTY, NORTH CAROLINA
CURRENT OWNER OF RECORD:
**ROSE IRIS B
LEIGH MARY B ETALS**

FIELD WORK: RJC
FIELD CHECK: RKB
DRAWN BY: RM
DATE: 03-27-2024
SCALE: 1\"/>

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FOR REVIEW ONLY

KEITH BURNS
P.L.S. No. L-5265



ATLAS
SURVEYING, INC.

13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM



City of Shelby
Planning and Development Services Department

Petition for Annexation
(Satellite or Contiguous)

The undersigned Petitioner(s) requests annexation of the property described in accordance with the provision of NCGS 160A-58 (Satellite Annexations) or NCGS 160A-29 (Contiguous Annexations):

Address of Subject Property:

Parcels 22186, 22301, 22284

Applicant(s) Name: Todd Doupona
Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173
Email: tdoupona@wdgse.com
Phone: 919-901-8299

Owner(s) Name: Wayne E. Beam/Iris C. Beam
Email:
Phone:

* If more than one individual owner, attach additional pages with owners' information. *

Provide a brief description of the subject property. Attach additional pages or documentation if necessary.
This is a proposed single family subdivision located on approximately 46 acres at 1853 East Marion Street in Light Oak, North Carolina.

Signature of Owners:

Signatures of all Individual Property Owner(s) and Spouses, if any

Wayne E. Beam
Signature of Owner

If Owner is a Partnership, signature(s) of at least one General Partner

Iris C. Beam
Signature of Owner

If Owner is a Corporation:
Registered Name of Corporation

(Corp. Seal) Signature of President/Vice President

Attested by:
Signature of Secretary/Assistant Secretary

(If additional signatures are necessary, continue on separate sheet and attach to the Petition.)

STATE OF North Carolina

COUNTY OF Cleveland

I, Serella M. Greene, a Notary Public for said County and State, do hereby certify that Wayne E. Beam and Eric C. Beam, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 15th day of March, 2024.

(SEAL)



Serella M. Greene
Notary Public

My Commission Expires: October 24, 2026

If Owner is a Partnership:

I, _____, a Notary Public for said County and State, do hereby certify that _____, being one/all of the partners of the General Partnership known as _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, _____.

(SEAL)

Notary Public

My Commission Expires: _____

If Owner is a Corporation:

I, _____, a Notary Public for said County and State, do hereby certify that _____, personally appeared before me this day and acknowledged he (or she) is _____ of _____, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____, sealed with its Corporate Seal and attested by as its _____.

Witness my hand and official seal, this the _____ day of _____, _____.

(SEAL)

Notary Public

My Commission Expires: _____



City of Shelby

CONTIGUOUS ANNEXATION CHECKLIST Requirements for filing an application

- 1. One (1) completed **checklist** (this form).
- 2. One (1) completed **application**, signed by the applicant.
- 3. Application fee of **\$500.00**. Make checks payable to "City of Shelby".
The check is in the mail
- 4. One (1) copy of a **metes and bounds description** or a reference to the location within a recorded subdivision plat of the specific property for which annexation is requested.
- 5. One (1) copy of information as to the location of a **recorded document** by which undersigned owner(s) acquired ownership of the property in question (i.e. Record Book 1106, Page 923 or File No. 91 E 296, and/or any other source).
- 6. Three (3) copies of an **annexation plat**, no larger than 24" by 36" and drawn to scale, that shows metes and bounds. **Must be sealed by a registered engineer, surveyor, architect, or landscape architect licensed to practice in the State of North Carolina.*
- 7. One (1) copy of the **Cleveland County Tax Map**, at 8.5" by 11", showing the location of the subject property.
- 8. One (1) copy or PDF version, at 8.5" by 11", of the **metes and bounds, annexation plat, tax map, and any additional information** submitted for review.
- 9. **Contact person/Appointed Agent** (See Appointment of Agent Application) identified. This person will be contacted to provide additional information and will receive the written Decision Letter.



City of Shelby
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

Parcels 22186, 22301, 22284

I, Wayne E. Beam/Iris C. Beam, owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 2556946968, 2566041417, 2566043604, located in Cleveland County, North Carolina, do hereby appoint Todd Doupona to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

I further authorize Todd Doupona to act as my agent in all matters, formal and informal, and to receive all official correspondence as it relates to the ZONING PERMIT REVIEW and APPROVAL PROCESS.

Wayne E. Beam
Iris C. Beam

03-11-24

Signature of Property Owner

Date

Applicant(s) Name: Todd Doupona
Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173
Email: tdoupona@wdgse.com
Phone: 919-901-8299

STATE OF North Carolina
COUNTY OF Cleveland

I, Serella M. Greene, a Notary Public for said County and State, do hereby certify that Wayne E. Beam and Iris C. Beam, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 11th day of March, 2024.

(SEAL)



Serella M. Greene
Notary Public

My Commission Expires: October 24, 2026

MAIL TO ⁴ BRIDGES, GILBERT & FOSTER, P.A., P. O. Box 2365, Shelby, NC 28151
 INSTRUMENT PREPARED BY: R. L. Gilbert, III (NO TITLE SEARCH PERFORMED)

QUITCLAIM DEED

STATE OF NORTH CAROLINA, CLEVELAND COUNTY

THIS DEED, made and entered into this the 6 day of December, 1995, by and between GAIL B. HUMPHRIES and husband, DWIGHT S. HUMPHRIES, of Cleveland County, North Carolina, hereinafter called Grantor, and DIANA B. WRIGHT (of Cleveland County, North Carolina), IRIS B. ROSE (of Cleveland County, North Carolina), MARY B. LEIGH (of Cleveland County, North Carolina), WAYNE E. BEAM (of Cleveland County, North Carolina), and WILDA ELOISE BEAM (of Buncombe County, North Carolina), Heirs of the Estate of Esther Allen Beam, hereinafter called Grantees.
 1853 E. MARION ST. Shelby, NC 28152

THAT said Grantor, for and in consideration of the sum of \$10.00 to her in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey and forever quitclaim unto the Grantees, their heirs, and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain parcel of land lying and being in NUMBER SIX (#6) TOWNSHIP, Cleveland County, North Carolina, and being more particularly described as follows:

BEING that certain property as described in a certain deed from E. L. Beam, Commissioner, to Ernest E. Beam and wife, Esther Allen Beam, dated May 22, 1951, and recorded in Book 6-L, Page 625, of the Cleveland County Registry, consisting of two tracts, more particularly described as follows:

BEGINNING at a stone in the Shelby and Kings Mountain Road, Lester Roberts' corner, running with his line N 52 E 98 poles to a stone, a new corner; thence a new line N 52 W 76 poles to a small white oak, a new corner; thence with The County Home line, N 86 W 14 poles to a stone, Thomas Allen's corner; thence with his line S 13-1/4 W 87-3/4 poles to a stone in the Shelby Road; thence with the road S 36 E 26 poles to the beginning, containing 30 acres, more or less.

BEGINNING at a small white oak a new corner in the County Home property line running with same S 86 E 100 poles to a stake, Thomas Kendrick and County Home corner; thence with Kendrick's line, S 20 W 12 poles to a stone, Lester Roberts corner; thence with his line S 52 W 45 poles to a stone, a new corner of Lot 6; thence a new line with lot 6, N 2 W 76 poles to the BEGINNING, containing 15 acres, more or less.

THERE IS EXCEPTED from the above described property a tract of land comprised of "Beam's Trailer Park" being more particularly described as follows:

BEGINNING at a point in the center of East Marion Street, being the old Southwestern corner in the above tract; running thence with the centerline of East Marion Street, N 35-41-33W 87.54 feet to a point in the center of the street; thence continuing with the centerline, N 37-18-43W 92.24 feet to a point, a new corner; thence a new line N 43-33-58E 264.15 feet to a point; thence N 53-32-28E 298.49 feet, a new corner; thence S 35-14-19E 212.48 feet to a point in the old southern boundary; thence with the old line, S 52-13-31W 554.13 feet to the place of BEGINNING, containing 2.66 acres, more or less, according to a survey by Ledford, Bankhead & Associates, dated December 6, 1989.

The purpose of this deed is to provide for a division of real property pursuant to the provisions of the Will and Trust Agreement of Esther Allen Beam.

To have and to hold the aforesaid lot or parcel of land and all privileges thereunto belonging to them, the Grantees, their heirs and/or successors and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under them.

The designation Grantor and Grantees as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

INTERNET
14395

COPY

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THAT CERTAIN TRACT OF LAND CONTAINING 41.574 ACRES, LOCATED IN CLEVELAND COUNTY NORTH CAROLINA, AND BETTER DESCRIBED AS FOLLOWS:
COMMENCING AT AN NGS MONUMENT "DQ2953" LOCATED WITH NORTH CAROLINA STATE PLANE COORDINATES N:564,868.16' AND E:1,266,501.88';
THENCE S 89°54'19" W A DISTANCE OF 6183.73' TO A 1" OPEN TOP PIPE, WHICH IS THE POINT OF BEGINNING;
THENCE S 52°53'40" W A DISTANCE OF 511.93' TO A 1" SQUARE IRON ROD FOUND;
THENCE S 52°04'55" W A DISTANCE OF 242.02' TO A CONCRETE MONUMENT FOUND;
THENCE S 51°41'05" W A DISTANCE OF 107.81' TO A 5/8" REBAR FOUND;
THENCE S 51°50'47" W A DISTANCE OF 130.22' TO A 1/2" IRON ROD FOUND;
THENCE S 51°49'58" W A DISTANCE OF 124.28' TO A 5/8" IRON ROD FOUND;
THENCE N 35°22'15" W A DISTANCE OF 212.49' TO A 5/8" REBAR SET;
THENCE S 53°24'30" W A DISTANCE OF 298.51' TO A 5/8" IRON ROD FOUND;
THENCE S 43°31'34" W A TOTAL DISTANCE OF 264.11', PASSING THROUGH A 5/8" REBAR FOUND DISTURBED WITH A NAIL FOUND AT BASE AT 233.49', TO A CALCULATED POINT IN THE CENTERLINE OF E. MARION STREET;
THENCE FOLLOWING THE CENTERLINE OF SAID ROAD N 40°17'42" W A DISTANCE OF 219.95' TO A CALCULATED POINT;
THENCE LEAVING SAID ROAD N 47°59'17" E A TOTAL DISTANCE OF 314.47', PASSING A 1/2" REBAR FOUND AT 29.10', TO A 5/8" REBAR SET;
THENCE N 48°55'17" W A DISTANCE OF 218.45' TO A 1/2" REBAR FOUND BENT WITH A NAIL AT BASE;
THENCE N 10°54'06" E A DISTANCE OF 267.48' TO A 1" OPEN TOP PIPE FOUND;
THENCE N 14°09'53" E A DISTANCE OF 838.18' TO A MAG NAIL FOUND IN A STONE, SAID CORNER BEING WITNESSED BY A BLAZE IN A 18" HICKORY LOCATED S 26°56'53" E A DISTANCE OF 4.95';
THENCE S 85°51'32" E A DISTANCE OF 1836.34' TO A 1/2" REBAR FOUND;
THENCE S 19°37'30" W A DISTANCE OF 197.89' TO AN AXLE FOUND;
THENCE S 52°23'18" W A DISTANCE OF 103.13' TO A 3/4" OPEN TOP PIPE FOUND;
THENCE S 52°32'58" W A DISTANCE OF 242.42' TO A 5/8" REBAR FOUND;
THENCE S 52°03'56" W A DISTANCE OF 44.61' TO A 1" OPEN TOP PIPE FOUND;
THENCE S 52°13'31" W A DISTANCE OF 265.32' TO A 1" OPEN TOP PIPE FOUND;
WHICH IS THE POINT OF BEGINNING.

NOTICE OF PUBLIC HEARING CONDITIONAL ZONING MAP AMENDMENT

The public will please take notice that the City Council of the City of Shelby will conduct a public hearing during its regular meeting on **Monday, September 9, 2024, at 6:00 p.m.** in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina to consider a petition for a conditional zoning district. The proposed area to be considered for the conditional zoning district application includes one parcel on East Marion Street and two parcels on Borders Road, further described as Cleveland County Parcel Numbers 22186, 22301, and 22284, and approximately 46.14 acres in size.

A map of the property and proposed site plan are on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

NOTICE OF PUBLIC HEARING TO ANNEX 41.57 acres on East Marion Street and Borders Road

In the event there is a passing vote to approve the conditional zoning request described above, the City Council of the City of Shelby will conduct a Public Hearing during its regular meeting on Monday, September 9, 2024, at 6:00 p.m. in the Don Gibson Theatre at 318 South Washington Street, Shelby as required by North Carolina General Statutes (G.S.) Chapter 160A, Article 4A to consider the annexation of one of the same parcels (parcel 22186 on East Marion Street). A map of the proposed annexation is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Both Public Hearings will be held during the regular meeting of City Council on **Monday, September 9, 2024 at 6:00 p.m.** in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina.

Persons interested in being heard on the conditional zoning matter and/or the annexation matter are invited to comment on the proposed ordinance amendment at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Carol Williams
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on Wednesday August 28, 2024 and the same ad again on Wednesday September 4, 2024.

Mail invoices with affidavits to Audrey Whetten Godfrey, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

ORDINANCE NO. 58-2024

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

WHEREAS, the Shelby City Council has been petitioned by Todd Doupona under G.S. 160A-31, 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 at **the Don Gibson Theatre, 318 South Washington Street, Shelby, North Carolina** on September 9, 2024 at 6:00 p.m. **after due notice by publication on August 28, 2024 and September 4, 2024;** and,

WHEREAS, the City Council does hereby find as 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-31, 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-31, as amended, the following described contiguous territory is hereby annexed and made part of the City of Shelby as of September 9, 2024:

That certain tract or parcel of land situated, lying, and being in the City of Shelby, Cleveland County, North Carolina and being more particularly described as follows:

CLEVELAND COUNTY TAX PARCEL NUMBER 22186:

Being the full contents of the 41.574 acre tract, bound by Borders Road, and the Marion St.

TITLE REFERENCE: See Deed at Book 16E, Page 874 of the Cleveland County Registry.

Section 2. Upon and after September 9, 2024, the above-described territory, also known as Cleveland County Parcel Number 22186, 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 160A-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.

Adopted and approved this 18th day of November 2024.

Ordinance No. 58-2024
November 18, 2024
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O. Stanhope Anthony, III Mayor

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney