

ORDINANCE NO. 58-2017

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

WHEREAS, the Shelby City Council has been petitioned by Clearwater Paper Corporation 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 at City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina on September 18, 2017 at 6:00 p.m. after due notice by publication on September 4, 2017; 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-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-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of September 18, 2017:

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:

BEGINNING at a rebar located S. 54-17-10 E. 420.23 feet from US Geological Monument "4MEA" A and runs thence S. 35-42-58 E. 291.60 feet to a pipe, the point and place of BEGINNING and runs thence a new line S. 72-13-56 E. 929.99 feet to an iron pipe; thence N. 51-03-32 E. 249.88 feet to a point, a 30' oak tree which is located S. 79-53-04 W. 19.0 feet from a rebar in the Webb line (now or formerly); thence N. 79-32-30 E. passing a rebar at 147.86 feet and continuing the same course an additional 425.17 feet for a total of 573.05 feet to a ½" iron pin which is located N. 07-36-33 E. 4.63 inches from an iron pin in the Webb line (now or formerly); thence the following 164 courses and distances with the centerline of a branch: S. 84-38-07 E. 16.92 feet; S. 46-46-41 E. 10.30 feet; N. 57-23-19 E. 18.37 feet; S. 89-11-13 E. 71.20 feet; N. 73-51-22 E. 46.2 feet; N. 59-12-38 E. 36.34 feet; N. 40-51-55 E. 43.9 feet; N. 75-06-11 E. 58.13 feet; N. 30-51-24 E. 27.08 feet; N. 36-07-18 E. 10.45 feet; S. 85-40-33 E. 10.28 feet; S. 40-11-03 E. 29.10 feet; S. 79-14-13 E. 39.92 feet; S. 07-30-54 E. 7.62 feet; S. 72-22-19 E. 11.85 feet; N. 77-25-44 E. 46.82 feet; S. 16-20-07 E.

38.34 feet; S. 59-13-28 E. 38.55 feet; N. 37-22-11 E. 19.37 feet; S. 76-45-58 E. 45.05 feet; S. 79-09-56 E. 33.74 feet; N. 05-41-05 E. 19.04 feet; N. 70-14-39 E. 50.25 feet; S. 57-21-51 E. 43.33 feet; N. 68-14-14 E. 43.56 feet; N. 82-10-58 E. 55 feet; S. 50-10-25 E. 116.63 feet; S. 13-06-02 E. 30.49 feet; N. 63-45-29 E. 25.61 feet; S. 22-22-14 E. 28.10 feet; S. 70-37-46 E. 52.13 feet; S. 61-22-41 E. 48.33 feet; N. 85-08-56 E. 19.53 feet; S. 20-47-46 E. 12.99 feet; S. 66-31-38 E. 48.19 feet; S. 82-42-05 E. 31.97 feet; N. 72-27-35 E. 17.85 feet; S. 46-14-38 E. 44.46 feet; S. 81-10-41 E. 31.52 feet; S. 59-01-11 E. 24.20 feet; S. 87-12-02 E. 19.16 feet; N. 38-07-24 E. 26.85 feet; S. 64-57-30 E. 45.25 feet; S. 76-48-38 E. 20.18 feet; N. 44-26-00 E. 45.25 feet; S. 52-26-50 E. 35.62 feet; N. 36-50-47 E. 32.31 feet; N. 71-19-43 E. 35.5 feet; S. 67-51-35 E. 53.42 feet; S. 46-36-53 E. 47.59 feet; N. 89-04-57 E. 44.03 feet; S. 67-56-33 E. 31.84 feet; N. 03-19-35 W. 48.92 feet; N. 23-26-08 E. 24.47 feet; S. 45-51-08 E. 14.60 feet; N. 74-16-10 E. 28.05 feet; N. 56-18-51 E. 33.59 feet; S. 72-36-58 E. 49.46 feet; N. 79-33-59 E. 27.74 feet; N. 01-12-21 E. 22.48 feet; N. 80-03-02 E. 50.41 feet; S. 81-38-22 E. 27.74 feet; N. 49-30-09 E. 44.54 feet; N. 31-32-19 E. 33.48 feet; N. 59-52-48 E. 38.51 feet; S. 54-19-04 E. 44.26 feet; S. 53-41-40 E. 46.41 feet; S. 21-34-28 E. 36.70 feet; S. 72-57-02 E. 50.57 feet; S. 83-24-52 E. 60.29 feet; N. 03-15-22 E. 54.65 feet; S. 67-13-13 E. 30.11 feet; S. 30-23-55 E. 27.67 feet; N. 84-05-50 E. 64.07 feet; N. 72-59-28 E. 55.41 feet; N. 20-57-54 W. 32.86 feet; N. 31-02-41 E. 54.69 feet; S. 80-15-23 E. 24.59 feet; S. 05-32-02 E. 69.45 feet; N. 83-11-58 E. 29.47 feet; N. 23-18-17 E. 39.58 feet; N. 21-10-58 E. 37.35 feet; S. 79-52-47 E. 22.61 feet; N. 42-54-00 E. 21.49 feet; S. 59-24-57 E. 47.97 feet; S. 48-01-48 E. 25.75 feet; N. 58-24-46 E. 23.43 feet; S. 55-49-49 E. 51.85 feet; S. 71-55-45 E. 28.12 feet; N. 60-46-04 E. 71.18 feet; S. 75-09-12 E. 59.24 feet; S. 70-40-58 E. 28.31 feet; N. 84-03-11 E. 10.59 feet; S. 6-32-24 E. 22.02 feet; S. 81-46-19 E. 49.13 feet; S. 06-26-18 E. 21.65 feet; S. 80-53-50 E. 26.57 feet; S. 36-01-03 E. 13.43 feet; N. 77-52-03 E. 34.41 feet; S. 49-17-17 E. 21.31 feet; S. 20-31-51 W. 8.84 feet; S. 06-34-22 E. 22.43 feet; S. 53-03-34 E. 21.51 feet; S. 28-03-24 E. 36.08 feet; S. 81-45-41 E. 14.16 feet; S. 53-45-35 E. 15.36 feet; S. 04-20-52 W. 11.27 feet; S. 52-30-13 E. 26.11 feet; S. 77-01-14 E. 21.88 feet; N. 82-16-47 E. 15.52 feet; N. 64-52-25 E. 11.62 feet; N. 29-51-22 E. 12.03 feet; N. 54-14-52 E. 13.99 feet; N. 88-49-51 E. 14.17 feet; S. 44-11-35 E. 11.48 feet; N. 62-22-14 E. 9.46 feet; N. 76-02-25 E. 17.46 feet; S. 63-23-57 E. 13.48 feet; N. 68-22-24 E. 14.56 feet; S. 51-02-14 E. 18.76 feet; N. 82-31-22 E. 18.18 feet; S. 49-43-30 E. 12.04 feet; N. 84-18-23 E. 25.40 feet; N. 29-32-49 E. 12.65 feet; S. 78-06-36 E. 15.77 feet; N. 62-06-32 E. 23.80 feet; N. 48-17-43 E. 14.99 feet; S. 48-51-38 E. 8.14 feet; S. 67-53-13 E. 36.28 feet; S. 84-38-35 E. 53.82 feet; N. 89-54-14 E. 29.50 feet; S. 52-44-24 E. 25.88 feet; S. 50-08-54 E. 27.02 feet; S. 36-01-18 E. 31.65 feet; S. 64-37-28 E. 11.50 feet; N. 75-12-31 E. 28.40 feet; S. 65-49-44 E. 45.43 feet; N. 80-15-13 E. 39.08 feet; S. 84-15-50 E. 60.31 feet; N. 83-58-31 E. 29.74 feet; N. 48-16-27 E. 35.25 feet; N. 71-04-44 E. 28.90 feet; N. 61-25-17 E. 33.77 feet; N. 87-39-34 E. 21.30 feet; N. 83-13-17 E. 87 feet; N. 89-07-57 E. 45.61 feet; N. 86-11-28 E. 54.81 feet; S. 80-09-26 E. 36.80 feet; S. 65-36-21 E. 24.91 feet; S. 87-35-29 E. 15.68 feet; N. 52-13-51 E. 18.31 feet; N. 82-58-44 E. 6.86 feet; S. 56-15-42 E. 41.23 feet; S. 25-50-47 E. 22.74 feet; S. 43-09-38 E. 20.82 feet; S. 11-36-10 E. 37.28 feet; S. 65-26-32 E. 23.11 feet; S. 53-39-02 E. 17.19 feet; N. 87-35-16 E. 14.17 feet; N. 64-58-05 E. 37.58 feet; N. 45-27-49 E. 57.53 feet; N. 62-40-18 E. 21.69 feet; S. 63-41-59 E. 18.88 feet; S. 36-47-49 E. 28.49 feet to a point in the intersection of the centerline of the branch and Brushy Creek; thence with the south line of the Aldinger property (now or formerly)

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and the center line of Brushy Creek the following 22 calls: S. 22-41-17 W. 51.38 feet; S. 1-41-33 W. 68.29 feet; S. 27-04-04 E. 107.39 feet; S. 60-24-58 E. 109.71 feet; S. 85-10-21 E. 202.51 feet; S. 73-15-52 E. 100.98 feet; S. 63-03-39 E. 144.29 feet; S. 61-01-26 E. 64.81 feet; S. 41-16-35 E. 64.37 feet; S. 19-48-14 E. 111.02 feet; S. 27-13-16 E. 58.58 feet; S. 34-42-17 E. 39.20 feet; S. 68-40-17 E. 20.22 feet; S. 89-35-53 E. 50.36 feet; S. 63-43-49 E. 107.61 feet; S. 67-45-13 E. 111.40 feet; S. 45-19-47 E. 66.14 feet; S. 26-48-22 E. 74.02 feet; S. 30-47-35 E. 100.34 feet; S. 22-03-37 E. 126.27 feet; S. 08-27-31 W. 54.62 feet; S. 18-49-21 W. 108.44 feet; ; thence leaving said creek and running with the line of NC Department of Transportation (now or formerly) property (Deed 1667 Page 1305) the following 4 calls: S 29-33-03 W 289.77 feet to a rebar; S 29-33-03 W 92.84 feet to a point in a 10 inch oak tree; S 35-59-19 W 155.19 feet to a rebar; N 89-00-56 W 400.79 feet; to a point in the NC Department of Transportation (now or formerly) property; thence with the west line of the NC Department of Transportation line (now or formerly) S. 16-11-31 W. 443.97 feet; thence with the NC Department of Transportation line (now or formerly) N. 83-18-21 W. 1,139.96 feet to a rebar with cap, a common corner of the Hawkins and NC Department of Transportation properties (now or formerly); thence with Jimmy P. Hawkins line (now or formerly) N. 83-17-53 W. 969.37 feet to an iron pin; thence with the lines of Jimmy P. Hawkins and Eskridge Grove Baptist Church (now or formerly) N. 85-10-36 W. 1,969.50 feet (a portion of which line lies generally south of a pasture fence maintained by Jimmy P. Hawkins and pipes along said fence for an encroachment area of 0.665 acres) to a rebar; thence with a line of other property owned by the Grantor N. 20-44-20 W. 1,052.15 feet to a rebar; thence a line with other property owned by the Grantor S. 74-54-08 W. 740.64 feet to a rebar; thence a line with other property owned by the Grantor S. 05-16-23 E. 528.40 feet to a rebar; thence S. 69-15-11 W. 26.22 feet to a rebar; thence N. 20-44-49 W. 451.60 feet to an iron pin; thence N. 29-22-09 W. 76.19 feet to a rebar; thence N. 74-54-21 E. 26.11 feet to a point; thence N. 27-31-02 W. 58.52 feet to an iron pin; thence N. 31-59-55 W. 439.93 feet to an iron pin; thence N. 32-55-08 W. 298.67 feet to a rebar; thence N. 32-55-08 W. 719.52 feet to the point and place of **BEGINNING**, containing 252.024 acres according to an annexation composite plat made by Bankhead Surveying, PA, Firm License Number C-0972, on August 3, 2017.

Being comprised of all or a portion of the following parcels deeded to the Grantor herein and recorded in the Cleveland County Register of Deeds: Deed Book 1744, page 19-22, Deed Book 1674, page 55 and Deed Book 1620, page 1896. There is also conveyed herein all of the Grantor's right to those certain easements recorded in Book 1535, Page 949 and Page 953, Cleveland County Registry.

Section 2. Upon and after September 18, 2017, 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.

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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 the aforementioned properties General Industrial. Said area of zoning as described in Section 1.

Adopted and approved this 18th day of September 2017.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney