

**MAYOR**  
Michael L Alvarez

**MAYOR PRO TEM**  
David L. Cohn

**TOWN MANAGER**  
Scott J. Kaufhold, P.E.



**TOWN COUNCIL**

Gordon B. Daniels

Gary M. Savoie

Amy R. Stanton

Mark A. Wireman

**Indian Trail Town Council  
Regular Meeting  
Tuesday, August 9, 2016  
Civic Building—6:30 PM**

**AGENDA**

- 1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**
- 2. MOMENT OF SILENCE**
- 3. AGENDA ADDITIONS & DELETIONS** **Action**
- 4. MOTION TO APPROVE AGENDA** **Action**
- 5. COUNCIL ACTION REGARDING LEGAL SERVICES:**
  - a) Accept resignation from Town Attorney K. Merritt
  - b) Give consideration to finding/appointing new legal counsel to represent the Town of Indian Trail.  
(Council Member Stanton)
- 6. PRESENTATIONS**
  - a) Introduction of the new Director of Engineering and Public Works, Mr. Patrick Sadek.
- 7. PUBLIC COMMENTS**
- 8. CONSENT AGENDA** **Action**
  - a) Approval of Budget Amendments #s 553, 558, 559, 612, & 613
  - b) Approval of Draft Minutes July 12, 2016 Regular Town Council Meeting
  - c) Approval of Tax Month End Report July 2016
  - d) Approval of Certificate of Sufficiency-regarding the Clerk's investigation of Annexation Petition #142 for Parcel# 07045001
  - e) Approval of Resolution #R160712-02-Resolution Fixing the Date of the Public Hearing for Annexation Petition #142 for September 13, 2016
  - f) Approval of Resolution #R160809-01-Resolution Directing the Clerk to Investigate an Annexation Petition: Annexation #143-request for voluntary annexation parcels 07120005 90 and 0712008. Parcels are approximately 8 acres total and located on the northeast side of Hawfield Road

- g) Approval of Resolution #R160809-02-Resolution Directing the Clerk to Investigate an Annexation Petition: Annexation #144-request for a voluntary annexation for parcel 07090761. Parcel is approximately 0.68 acres and located on Mustang Drive.
- h) Approval of Proclamation for Constitution Week September 17-23, 2016 as requested by the John Foster Chapter of the Daughters of the American Revolution.
- i) Acknowledgement of receipt of the Local Government Commission-203 (LGC-203) Report for the period ending June 30, 2016.

**9. PUBLIC HEARINGS**

**Action**

- a) **ZT2016-001 Sun Valley Hotel-Motel Uses:** Proposed amendment to Unified Development Ordinance Chapters 520 and 1020 and creation of new Chapter 7220 to permit hotel-motel uses within the Sun Valley Village Center overlay district and related amendments; Ordinance #0160809-245. Applicant: Moser Group.

**10. OLD BUSINESS ITEMS**

**None**

**11. NEW BUSINESS ITEMS**

**Action**

- a) Give consideration to adopting the State's Policy for Public Information Requests. (Council Member Stanton)
- b) Council to appoint one of their own membership to be Indian Trail's representative on the Charlotte Regional Transportation Planning Organization (CRTPO). (Mr. Kaufhold)
- c) Council to consider to approve S&ME Stormwater System Mapping Services Proposal. (Mr. Sadek)
- d) Council to discuss and take action as necessary regarding the mural proposed by the Indian Trail Historical Society to paint at Carolina Courts. (Mr. Kaufhold)
- e) Council to consider directing the Town Attorney to investigate whether there is any discriminatory effect and resident disenfranchisement by some Council Members and some management staff introducing new town policies to limit free speech, limiting access to public information, direct violations of equal protection, and possible direct discrimination and harassment of one Council Member and residents; including contacting the United States Department of Justice, EEOC, and the North Carolina Attorney General. (Councilman Daniels)

**12. DISCUSSION ITEMS**

- a) Solid Waste and Recycling RFP Level of Service Discussion: discussion regarding the levels of service to be advertised in the upcoming solid waste and recycling RFP and related items. (Mr. Burhans)

**13. UPDATES**

- a) Manager's Update: Scott Kaufhold, Town Manager

**14. COUNCIL COMMENTS**

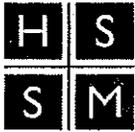
**15. CLOSED SESSION**

**Action**

**16. ADJOURN**

**Action**

5a



**HAMILTON STEPHENS  
STEELE + MARTIN, PLLC**  
ATTORNEYS AT LAW

201 South College Street, Suite 2020  
Charlotte, North Carolina 28244-2020  
Telephone: 704.344.1117  
Facsimile: 704.344.1483

August 2, 2016

Keith J. Merritt  
Email: kmerritt@lawhssm.com  
704-227-1056

**VIA U.S. MAIL and EMAIL**

Mr. Michael Alvarez  
Mayor, Town of Indian Trail  
P.O. Box 2430  
Indian Trail, North Carolina 28079

*Re: Resignation as Town Attorney*

Dear Mr. Alvarez:

This letter is to inform you that I have decided to resign as the attorney for the Town of Indian Trail. I have enjoyed my eight years as the Town Attorney and wish the Town continued success in the future. I will be available to meet with the person selected as the interim Town Attorney in order to transition any pending matters.

My resignation will be effective at 5:00 p.m. on Friday August 5, 2016. However, if it would be of assistance to the Town in transitioning to an interim Town Attorney, I am willing to make my resignation effective as of the termination of the Town Council meeting on August 9, 2016. If the Town Manager could let me know the Town's preference as to the timing of my resignation it would be appreciated.

Sincerely,

  
Keith J. Merritt

KJM

Cc: Scott Kaufhold (via email)  
David Cohn (via email)  
Gordon Daniels (via email)  
Gary Savoie (via email)  
Amy Stanton (via email)  
Mark Wireman (via email)  
Kelley Southward, Town Clerk (via email)

5a

## Kelley Southward

---

**From:** Scott Kaufhold  
**Sent:** Wednesday, August 03, 2016 12:53 PM  
**To:** Merritt, Keith J.; Michael Alvarez; Dave Cohn; Gordon Daniels; Gary Savoie; Amy Stanton; Mark Wireman  
**Cc:** Kelley Southward  
**Subject:** RE: Resignation as Town Attorney

Thank you for your service to the Town for these several years. We accept your resignation effective 5pm Tuesday, August 9, 2016.

Thanks,

Scott J. Kaufhold, P.E.  
Indian Trail Town Manager  
704-821-1314

---

**From:** Merritt, Keith J. [mailto:KMerritt@lawhssm.com]  
**Sent:** Tuesday, August 02, 2016 11:21 AM  
**To:** Michael Alvarez; Dave Cohn; Gordon Daniels; Gary Savoie; Amy Stanton; Mark Wireman  
**Cc:** Scott Kaufhold; Kelley Southward  
**Subject:** Resignation as Town Attorney

Please see the attached letter regarding my resignation. As always, please feel free to contact me if you have any questions.

Keith

**Keith J. Merritt**  
Phone: 704.227.1056  
Fax: 704.344.1483



201 South College Street, Suite 2020  
Charlotte, NC 28244-2020  
Main Phone: 704.344.1117

**CONFIDENTIALITY NOTE:** The information contained in this message is being transmitted to and is intended for the use of the individual named above and is PRIVILEGED and CONFIDENTIAL. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone at 704.344.1117 and destroy this message. Thank you in advance for your cooperation.

**IRS CIRCULAR 230 NOTICE:** To ensure compliance with the requirements of IRS Circular 230, we inform you that any U.S. tax advice contained in this communication or attachment hereto is not intended or written to be used and cannot be used for the purpose of avoiding penalties under the Internal Revenue Code or for promoting, marketing or recommending to another party any transaction or matter addressed in this communication or attachment.

5b

# TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

**This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.**

Submitted By:  Council Member Amy R. Stanton  Department:  Council

Contact Phone # ( ) \_\_\_\_\_ Date Submitted  July 28, 2016

Date of Town Council Meeting to consider this item:  August 9, 2016

Please indicate how much time you expect this matter to take:  15

Description (give short summary of topic, this is how item appears on the Agenda.)

Give consideration to finding new legal counsel to represent the Town of Indian Trail.

Who will attend Council meeting able to respond to questions? Give name & title:

Council Member Stanton

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Old Business	

\*Board, commission, or group requesting joint meeting: \_\_\_\_\_

Supply General Statute or local ordinance that governs this item (attach copy)

NCGS 160A-173

Has this item been reviewed by Town Attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ (Attach recommendation.)

What action is requested of the Council?

discuss process for appointing a new Town Attorney, and if necessary, appoint an interim attorney

What action is requested of the Manager? \_\_\_\_\_

Are Town funds required? Yes / No \$ \_\_\_\_\_ Funding Source \_\_\_\_\_

**\*\* If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper \*\***

*Amy R. Stanton* 7/28/16

5b

Part 6. City Attorney.

**§ 160A-173. City attorney; appointment and duties.**

The council shall appoint a city attorney to serve at its pleasure and to be its legal adviser.  
(1971, c. 698, s. 1.)



[Coates' Canons:](#)  
[NC Local Government Law](#)

- [About this Blog](#)
- [About the Authors](#)

Search

Search

## Selecting and Appointing a New City or County Attorney: Answers to Frequently Asked Questions

### About the author

Frayda Bluestein



[View Other Posts](#)

This entry was posted on October 6th, 2014 and is filed under [Appointments & Oaths](#), [Board Structure & Procedures](#).



Each city and county in North Carolina is required to appoint an attorney “to serve at its pleasure and be its legal advisor.” See [G.S. 160A-173](#) (cities) and [153A-114](#) (counties). Some cities and counties -typically larger jurisdictions – have in-house attorneys who are employees of the unit. Most local governments contract with attorneys who are in private practice. The statutes do not establish any specific requirements for the selection process or standards for selecting a city or county attorney. Here are some answers to questions about selecting and appointing a new city or county attorney.

**We’re a really small town with a small budget. We would prefer to just contract for specific services as we need them. Can we do that?**

No. Cities and counties are required to appoint a specific person or firm to serve as the official attorney to represent them.

**Does that mean we can only have one attorney and that person must provide all of our legal services?**

No. The unit is free to hire or contract with additional attorneys or firms to provide particular services as needed.

**Do we have to advertise, solicit bids, or request proposals for this position?**

No. There is no requirement for advertisement or bidding, regardless of whether the attorney will be an employee or an independent contractor. This means that the unit can structure the process as it sees fit. Options include simply choosing someone, negotiating with several people, or soliciting applications or proposals. If the attorney will be an employee of the unit, then local policies and ordinances for hiring employees may apply. The governing board is also free, however, to modify or waive those policies should it conclude that a different process is warranted for hiring an attorney.

**If we solicit applications or proposals, are those records subject to public access?**

If the attorney will be an employee of the unit, then the records will be confidential under the applicable personnel privacy statute – [G.S. 160A-168](#)

(cities), [153A-98](#) (counties). Proposal or bids of potential contract attorneys will be public records.

**What about records pertaining to our current attorney or past attorneys, such as their contracts, billing, and payment records? Do prospective applicants and other members of the public have a right of access to those records?**

For contract attorneys, the answer is yes. All of these types of records will be public, but some records may contain confidential information that must be redacted. It's unlikely that the contract or payment records will contain any confidential information, but bills sometimes contain detail about time spent on particular matters. If a record includes, for example, information about specific personnel matters, it may be necessary to redact that information.

For in-house employee attorneys, the public will have access only to the limited set of information that is public under the city and county personnel privacy statutes. This includes the terms of a contract (if any), current salary and salary history, and information about promotions, certain types of position classification changes, and disciplinary actions.

**Are there any minimum requirements or qualifications that a person must have in order to serve as city or county attorney?**

The only requirement is that the person must be licensed to practice law in North Carolina. There are no special requirements for representing a local government as a client.

**Are we required to hire or contract with someone who has experience or training in local government law?**

No, it's not required, but I strongly recommend it. An attorney who represents a local government must know many aspects of general law, including torts, contracts, employment law, and criminal law, but must also be aware of how the law applies in the context of a legal framework that is unique to local governments. In addition, local government law includes areas of law that simply don't apply to private entities, such as public finance, public records, competitive bidding, open meetings, ethics and conflicts of interest.

**Can the board discuss attorney candidates in closed session?**

Yes, if the attorney will be an employee of the city or county. In that case, the discussion will be authorized under [G.S. 143-318.11\(a\)\(6\)](#) (the personnel exception).

Maybe, if the attorney will be an independent contractor. The personnel exception generally does not apply to independent contractors. But it does allow closed-session discussion of public officers. Is a city or county attorney a public officer? As described in David Lawrence's blog posts [here](#) and [here](#), there are arguments in favor and against the notion that a city or county attorney is a public officer. If they are public officers, their appointment may be discussed in closed session. For those contract attorneys who represent multiple jurisdictions, however, their designation as a public officer could create problems under the dual office holding statute.

**Must the board formally vote to appoint the attorney, or may this be done by consensus or by delegation to the manager?**

The statutes specifically require the governing board to appoint the attorney, so this action must be taken in a properly noticed meeting, a quorum being present, by majority vote in open session. This is true whether the unit is hiring an employee or contracting with a private attorney.

**Following an election, if the new board wishes to retain the same attorney, must that person be reappointed?**

No, but there is no harm in doing so. The board is considered to be a continuous body. The appointment continues even when the board members change. The current attorney will continue in office unless the appointment is terminated by the board or has ended under the terms of the existing contract or employment.

**Must the city or county attorney take an oath of office?**

As noted earlier, it is not entirely clear whether city and county attorneys are "public offices" under state law such that an oath is required. There is some case law suggesting that a city attorney is a public officer, and due to some of the powers county attorneys have, a court may well consider them public officers. You can read more about what constitutes a public office, and the upsides and downsides of swearing in the attorney [here](#), and [here](#) and [here](#).

**Are there any training programs for new city and county attorneys?**

The North Carolina Association of Municipal Attorneys, the North Carolina Association of County Attorneys, and the School of Government collaborate in offering two conferences per year for city attorneys and two conferences per year for county attorneys. The municipal attorneys conferences occur every year in March at the School of Government in Chapel Hill and in early August at different venues within the state. The county attorneys conferences occur every February at the School of Government and in July at different venues within the state. Each of these conferences offers training in various topics, which change every year, and always include one hour of ethics.

The School of Government has previously offered a course for new city and county attorneys but we have replaced that course with a new approach. A 1/2-day "fundamentals" course will now be offered as a separate program on the morning of the February conference for the county attorneys, and on the morning of the March conference for municipal attorneys.

New city and county attorneys are also encouraged to attend introductory programs offered by the School of Government in core subjects, such as [local government finance](#), [planning and development regulation](#), [public employment law](#), [economic development](#), and [construction contracting](#). Finally, for those attorneys who can commit the time for it, the School's flagship course, [Municipal and County Administration](#), provides a broad overview of local government law, finance and administration. This course extends over 8 weeks from September to April each year and provides valuable information, as well as an opportunity learn from and interact with local government officials in various roles from across the state.

**What publications, and other resources are recommended for new city and county attorneys?**

**Books**

- [County and Municipal Government in North Carolina](#) (new edition forthcoming in early 2015)



Batch Id: BWC      Posting Date: 04/20/16      Budget Year: 6      Fund: 45      Reason: Amended Budget  
\* Account Not on File in Budget Year: 6

Expenditure Account Revenue Account	Account Description Account Description	Change Description	Amend Budget	Chg to Budget	Seq
45-00-8180-599-001	Chestnut Pkwy Extension Design	Chestnut ext Phase 2	209,056.00	209,056.00	1
45-00-3985-980-012	Transfer from 2012 Bond Issuance				
Total Amend Budget:		Total Change To Budget:	209,056.00	209,056.00	

Revenue Posting Summary			Amend Antic	Chg to Antic
45-00-3985-980-012	Transfer from 2012 Bond Issuance	Chestnut ext Phase 2	209,056.00	209,056.00
Total Amend Anticipated:		Total Change To Anticipated:	209,056.00	209,056.00

G/L Posting Summary			
G/L Debit:			
45-99-9999-999-999	Budgetary Control	209,056.00	
G/L Credit:			
45-99-9999-999-999	Budgetary Control	209,056.00	
Total Debits:		Total Credits:	209,056.00

Entries:	1	Total Amend Budget:	209,056.00	Total Change To Budget:	209,056.00
		Total Amend Anticipated:	209,056.00	Total Change To Anticipated:	209,056.00

There are NO errors in this listing.

April 20, 2016  
10:30 AM

TOWN OF INDIAN TRAIL  
Budget Amend Batch Update/Posting Report

Page No: 1

---

Batch: BWC	Updated Entries:	1	Ref Num:	553	Reason:	Amended Budget
	Total Amend Budget:	209,056.00		Total Change To Budget:	209,056.00	
	Total Amend Anticipated:	209,056.00		Total Change To Anticipated:	209,056.00	
	Total Debits:	209,056.00		Total Credits:	209,056.00	

---



---

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	1	11,000.00			
Transfer Out:	1	11,000.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: BWC	Updated Entries: 2	Updated Amount: 22,000.00	Ref Num:	559	

---

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	11,000.00	11,000.00	0.00	0.00
Total of All Funds:		0.00	0.00	11,000.00	11,000.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	11,000.00
Transfer Out:	1	11,000.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	22,000.00

There are NO errors in this listing.

## Branden Chopelas

---

**From:** Scott Kaufhold  
**Sent:** Wednesday, April 27, 2016 4:22 PM  
**To:** Vicky Watts  
**Cc:** Finance Director; Branden Chopelas  
**Subject:** RE: DPW Budget Transfer Request

ok please proceed

**From:** Vicky Watts  
**Sent:** Wednesday, April 27, 2016 4:16 PM  
**To:** Scott Kaufhold  
**Cc:** Finance Director; Branden Chopelas  
**Subject:** DPW Budget Transfer Request

For your approval:

Date: 4/27/2016 FY 2015-2016 Budget

BUDGET	AMOUNT	FROM ACCOUNT NO.	DESCRIPTION	BUDGET	TO ACCOUNT NO.	DESCRIPTION	PURPOSE
DPW	11,000.00	10-40-4260-397-001	Community Forestry	Engineering	10-20-4510-397-000	Contract Services	Operational & Fiscal Review

Thank you,

*Vicky Watts*  
Engineering Contract Analyst

**INDIAN TRAIL**

Engineering Department  
130 Blythe Drive  
PO Box 2430  
Indian Trail, NC 28079

Office: (704) 821-1314  
Fax: (704) 821-1381



April 27, 2016  
04:02 PM

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Page No: 1

Batch Id: AGADDY Batch Date: 04/27/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4920-493-000 COMMUNITY EVENTS	Transfer Out	Allocate funds for Community Pride/Trash	1,175.00	1
10-40-4920-493-016 COMMUNITY PRIDE WEEK	Transfer In	Allocate funds for Community Pride/Trash	1,175.00	2

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	1,175.00	1,175.00	0.00	0.00
Total of All Funds:		0.00	0.00	1,175.00	1,175.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	1,175.00
Transfer Out:	1	1,175.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	2,350.00

There are NO errors in this listing.



**Community Trash Day**

**Saturday April 16, 2016**

**Account # 10-40-4920-493-016**

**Budget**

Shredder- Cintas (3hours)- \$250

Public Relations- \$375

Banners/Signs- \$350

Safety/Booth Supplies \$100

Misc \$100

---

Total: \$1175

JT

---

	Updated Entries	Updated Amount			
( Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	1	1,175.00			
Transfer Out:	1	1,175.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: AGADDY	Updated Entries:	2	Updated Amount:	2,350.00	Ref Num: 558

---



---

Batch Id: AGADDY    Batch Date: 07/12/16    Batch Type: Standard

---

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4260-354-000 GROUNDS MAINTENANCE	Transfer Out	Allocate funds for parks	20,000.00	1
10-40-4260-354-001 PARKS GROUND MAINTENANCE	Transfer In	Allocate funds for parks	10,000.00	2
10-40-4260-260-001 Park Supplies	Transfer In	Allocate funds for parks	10,000.00	3

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	20,000.00	20,000.00	0.00	0.00
Total of All Funds:		0.00	0.00	20,000.00	20,000.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	2	20,000.00
Transfer Out:	1	20,000.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	3	40,000.00

There are NO errors in this listing.

---

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	2	20,000.00			
Transfer Out:	1	20,000.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: AGADDY	Updated Entries:	3	Updated Amount:	40,000.00	Ref Num: 612

---





## National Night Out

Tuesday, August 2, 2016

Account # 10-80-6130-493-002

### Budget

Entertainment \$350

Kids Zone \$400

Public Relations Promo Items- \$350

Banners Signs - \$150

EMT \$150

Deputies \$200

Contest Prizes \$250

Misc. Supplies \$100

---

Total- \$1950

A handwritten signature or set of initials, possibly 'JT', written in black ink.



**Sunset Series- Concert III**

**Friday July 22, 2016**

**Account # 10-80-6130-493-001**

**Budget**

Banners Signs- \$100

PR - \$200

Activities Giveaways- \$100

Deputies- \$500

EMT-\$200

Misc. - \$100

---

Total- \$1200.

JI

July 18, 2016  
11:01 AM

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Page No: 1

Batch Id: AGADDY Batch Date: 07/18/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-80-6130-493-000 Community Events	Transfer Out	To allocate funds from community events	3,150.00	1
10-80-6130-493-001 Sunset Series - Concert III	Transfer In	To allocate funds from community events	1,200.00	2
10-80-6130-493-002 National Night Out	Transfer In	To allocate funds from community events	1,950.00	3

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	3,150.00	3,150.00	0.00	0.00
Total of All Funds:		0.00	0.00	3,150.00	3,150.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	2	3,150.00
Transfer Out:	1	3,150.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	3	6,300.00

There are NO errors in this listing.

8a (end)

July 18, 2016  
11:01 AM

TOWN OF INDIAN TRAIL  
Expenditure Batch Update/Posting Report

Page No: 1

---

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	2	3,150.00		
Transfer Out:	1	3,150.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 3	Updated Amount: 6,300.00	Ref Num: 613	

---

8d

**CERTIFICATE OF SUFFICIENCY**  
**ANNEXATION PETITION #142 FOR PARCEL 07045001**

**To the Town Council of the Town of Indian Trail, North Carolina:**

I, Kelley Southward, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 12<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Kelley Southward, Town Clerk

8e

STATE OF NORTH CAROLINA )  
TOWN OF INDIAN TRAIL )

RESOLUTION #R160712-02

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION # 142 for Parcel #07045001 PURSUANT TO G.S. 160A-31**

WHEREAS, petition requesting annexation of the areas described herein have been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 13<sup>th</sup> day of September, 2016.

Section 2. The area proposed for annexation is described as follows:

Being a parcel of land located in Vance Township, Union County, North Carolina and being more particularly described as follows: Beginning at a ½” existing iron rebar having North Carolina state plane coordinates of N:485,876.38; E: 1,516,677.52 (NAD 83/2011). Said existing iron rebar being located on the southerly margin of a 60’ right of way of Unionville Indian Trail Road and being on the westerly line of the Nancy Ellen Stamey (trustee) property as recorded in Book 5316, Page 879 in the Union County Public Registry.

Thence, with the aforesaid Nancy Ellen Stamey property S 03° 48’ 27” W for a distance of 724.69 feet to a 1” existing iron rebar located at the northwest corner of the F.W. Huntley Construction Company, LLC property as recorded in Book 232, Page 242.

Thence, with the F.W. Huntley Construction Company, LLC property S 03° 39’ 45” W for a distance of 1173.69 feet to a 1” existing iron bar located on the northerly line of the Victoria Medford property as recorded in Book 235, Page 386.

Thence, with the Victoria Medford property N 85° 52’ 48” W for a distance of 590.64 feet to a point on the easterly right of way of Oakwood Lane (S.R. #1561, 60’ right of way).

Thence, with the easterly right of way of Oakwood Lane the following twelve (12) calls:

- (1) N 24° 34' 53" W for a distance of 17.76 feet to a point on a line.
- (2) N 36° 18' 04" W for a distance of 68.19 feet to a point on a line.
- (3) N 43° 04' 43" W for a distance of 253.10 feet to a point on a line.
- (4) N 36° 27' 56" W for a distance of 49.68 feet to a point on a line.
- (5) N 27° 02' 35" W for a distance of 73.57 feet to a point on a line.
- (6) N 11° 38' 10" W for a distance of 84.35 feet to a point on a line.
- (7) N 16° 07' 36" W for a distance of 71.36 feet to a point on a line.
- (8) N 27° 43' 29" W for a distance of 59.24 feet to a point on a line.
- (9) N 32° 38' 51" W for a distance of 312.48 feet to a point on a line.
- (10) N 21° 54' 55" W for a distance of 105.54 feet to a point on a line.
- (11) N 04° 25' 16" W for a distance of 78.34 feet to a point on a line.
- (12) N 03° 55' 48" E for a distance of 163.28 feet to a point on the southerly right of way of Unionville Indian Trail Road.

Thence, with the southerly right of way Unionville Indian Trail Road the following four calls:

- (1) N 56° 58' 20" E for a distance of 123.01 feet to a point on a line.
- (2) N 59° 29' 09" E for a distance of 296.72 feet to a point on a line.
- (3) N 63° 08' 23" E for distance of 331.38 feet to a point on a line.
- (4) N 62° 27' 22" E a distance of 686.44 feet to the point and place of beginning.

The parcel as described contains 36.607 acres more or less. All as shown on a boundary survey of the Franklin Howey, Jr. property by Eagle Engineering, Inc. (Russell L. Whitehurst, PLS) and dated February 26, 2016.

Section 3. Notice of the public hearing shall be published in a newspaper having general circulation in the Town of Indian Trail, North Carolina, at least ten (10) days prior to the date of the public hearing.

---

Michael L. Alvarez, Mayor

ATTEST:

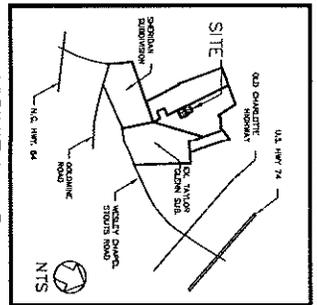
---

Kelley Southward, Town Clerk



8f - Annexation #143

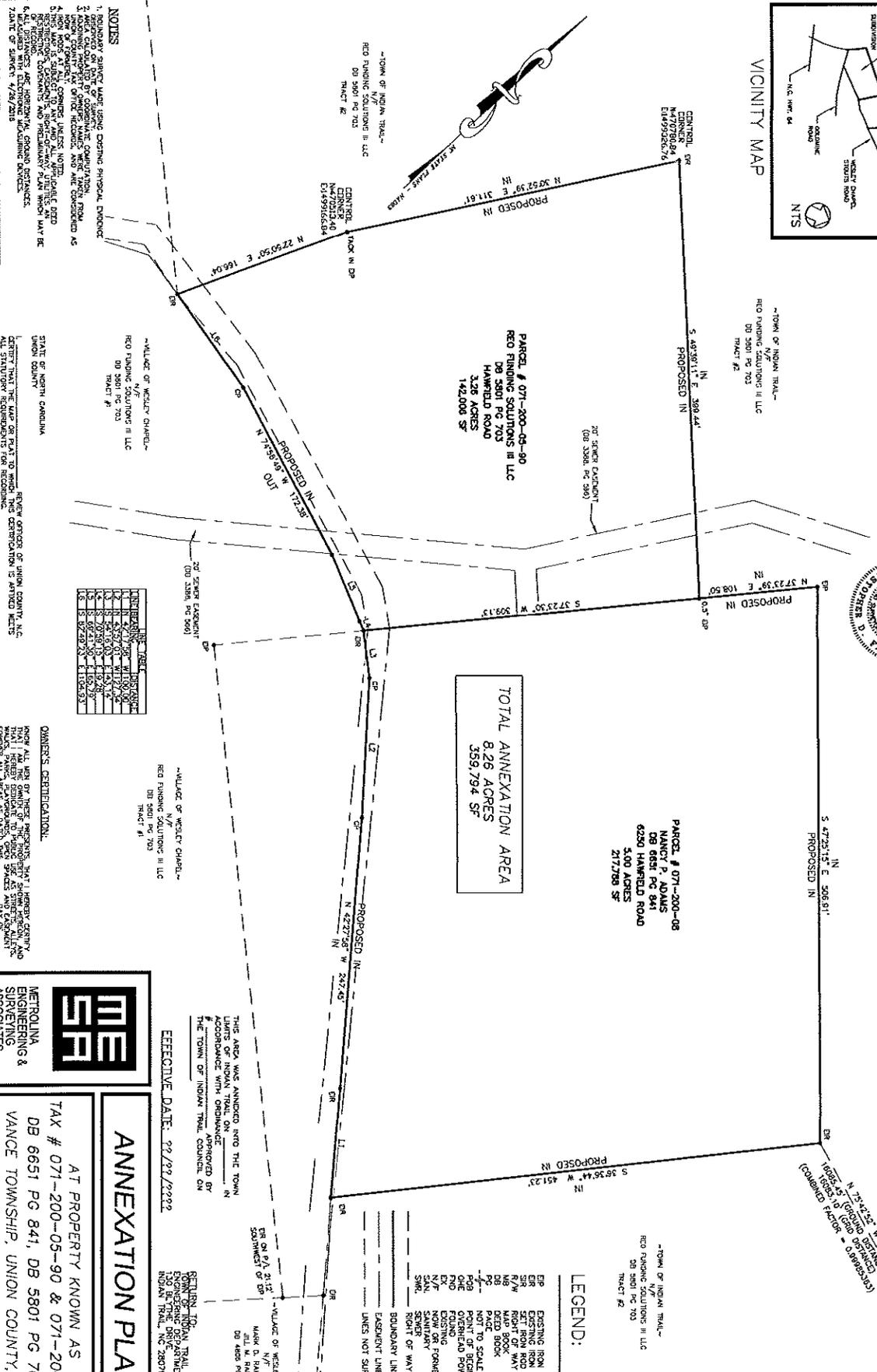
S:\MESA\027-16 KOLTER\027-16-001 HAWFIELD ROAD\DWG\HAMFIELD-ANNEX-INDIAN TRAIL.dwg



NOT FOR RECORDATION  
CONVEYANCES, OR SALES

PROFESSIONAL LAND SURVEYOR  
L-5013  
CHRISTOPHER B. FALK, CDR  
SEAL

1. CHRISTOPHER B. FALK, CDR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_) AND THAT THE RATIO OF PRECISION AS CALCULATED IS 1:5000. I AM NOT PROVIDING ANY INFORMATION CONCERNING THE PRECISION OF THIS SURVEY AS INDICATED IN THIS PLAT AS A RESULT OF THE PRECISION OF THE SURVEY DATA PROVIDED TO ME BY THE CLIENT.



**NOTES**

1. REVISION OF SURVEY MAPS USING DIGITAL PHOTOGRAMMETRY
2. ALL DATA OBTAINED BY DIGITAL PHOTOGRAMMETRY FROM AERIAL PHOTOGRAPHS SHALL BE CONSIDERED AS APPROXIMATE AND NOT TO SCALE UNLESS INDICATED OTHERWISE.
3. ALL DATA OBTAINED BY DIGITAL PHOTOGRAMMETRY SHALL BE CONSIDERED AS APPROXIMATE AND NOT TO SCALE UNLESS INDICATED OTHERWISE.
4. ALL DATA OBTAINED BY DIGITAL PHOTOGRAMMETRY SHALL BE CONSIDERED AS APPROXIMATE AND NOT TO SCALE UNLESS INDICATED OTHERWISE.
5. ALL DATA OBTAINED BY DIGITAL PHOTOGRAMMETRY SHALL BE CONSIDERED AS APPROXIMATE AND NOT TO SCALE UNLESS INDICATED OTHERWISE.
6. ALL DATA OBTAINED BY DIGITAL PHOTOGRAMMETRY SHALL BE CONSIDERED AS APPROXIMATE AND NOT TO SCALE UNLESS INDICATED OTHERWISE.

**FLOOD NOTE:**

A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER FEDERAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL 37104900A DATED 05/08/10, ZONE X.

STATE OF NORTH CAROLINA  
UNION COUNTY  
REVIEW OFFICER OF UNION COUNTY, N.C.  
ALL STATUTORY REQUIREMENTS FOR RECORDATION

**OWNER'S CERTIFICATION:**

I, THE OWNER OF THE PROPERTY SHOWN HEREON, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAT IS TRUE AND CORRECT AND THAT I AM NOT PROVIDING ANY INFORMATION CONCERNING THE PRECISION OF THIS SURVEY AS INDICATED IN THIS PLAT AS A RESULT OF THE PRECISION OF THE SURVEY DATA PROVIDED TO ME BY THE CLIENT.

**LEGEND:**

- EP EXISTING IRON PIPE
- ER EXISTING REINFORCED CONCRETE
- R/W RIGHT OF WAY
- MS MUD BROOK
- PS PAGE BOOK
- NOT TO SCALE
- POB POINT OF BEGINNING
- POD POINT OF DISCONTINUITY
- POF POINT OF FOUNDATION
- EX EXISTING FORMERLY
- SMR SANITARY MANHOLE
- SWR SEWER
- BOUNDARY LINE
- EASEMENT LINE
- LINE NOT SURVEYED

NO.	DESCRIPTION	DATE
1	PREPARED BY	08/03/2016
2	CHECKED BY	08/03/2016
3	APPROVED BY	08/03/2016
4	DATE	08/03/2016

**ANNEXATION PLAT**

AT PROPERTY KNOWN AS  
TAX # 071-200-05-90 & 071-200-08  
DB 6651 PG 841; DB 5801 PG 703  
VANCE TOWNSHIP, UNION COUNTY, NC  
DATE: AUGUST 3, 2016

APPROVED BY  
THE TOWN OF INDIAN TRAIL COUNCIL ON  
EFFECTIVE DATE: 08/03/2016

RETURN TO:  
TOWN OF INDIAN TRAIL  
500 S. BAYVIEW DRIVE  
INDIAN TRAIL, NC 28079

OWNER: \_\_\_\_\_  
DATE: \_\_\_\_\_

DATE: 8/3/2016

8F AH#143



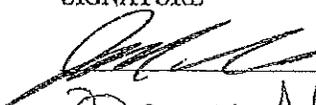
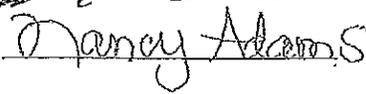
Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 828401  
Fax (704) 8249045

## PETITION TO REQUEST A CONTIGUOUS ANNEXATION

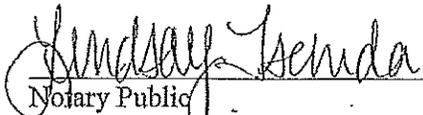
To the Town Council of the Town of Indian Trail, North Carolina:

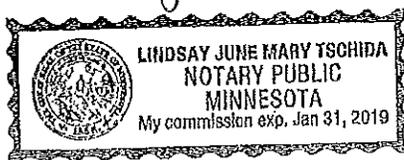
1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES  
(Copy of deed or other source containing legal description of properties requesting annexation)

NAME	ADDRESS AND PARCEL #	SIGNATURE
REO Funding Solutions III, LLC	07120005A 90 - Hawfield Road	 Judd Gilats Vice President
Nancy Adams	07120008 - 6250 Hawfield Road	 Nancy Adams

Subscribed and sworn to before me this 9th day of December, 2015 by Judd Gilats as Vice President of REO Funding Solutions III, LLC, a person known to me, in the city of Minneapolis, Hennepin County, Minnesota.

  
Notary Public



5801  
0703

8f AH#143

FILED  
UNION COUNTY, NC  
CRYSTAL CRUMP  
REGISTER OF DEEDS

FILED Aug 17, 2012  
AT 12:02 pm  
BOOK 05801  
START PAGE 0703  
END PAGE 0710  
INSTRUMENT # 25321  
EXCISE TAX (None)  
MBM

**QUITCLAIM DEED**

Excise Tax: \$0.00

Tax Lot Nos. 07120003; 07120005A; 07120005 80; 07120005 90 Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
by \_\_\_\_\_

Mail after recording to: Grantee

This instrument was prepared by: McGuireWoods LLP, 201 N. Tryon Street, Charlotte, NC 28202

Brief Description for the  
Index

Hawfield Road Land

THIS DEED made this 28 day of June, 2012, by and between

**GRANTOR**

**ATLAS NC I SPE, LLC**  
a North Carolina limited liability company

200 West Second Street  
Winston-Salem, NC 27101

**GRANTEE**

**REO FUNDING SOLUTIONS III, LLC,**  
a Georgia limited liability company

1170 Peachtree Street NE  
Suite 2365  
Atlanta, GA 30309

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee 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.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does remise, release and quitclaim unto the Grantee all its right, title and interest in and to that certain lot or parcel of land situated in Union County, North Carolina and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

81 A#143

5801  
0704

The property hereinabove described was acquired by Grantor by instrument recorded in **Book** \_\_\_\_, **Page** \_\_\_\_.

A map showing the above-described property is recorded in **Map Book** \_\_\_\_, **Page** \_\_\_\_.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land unto Grantee, its successors and assigns forever, together with any and all buildings, improvements, rights, liberties, privileges, hereditaments and appurtenances thereunto belonging, in fee simple.

**[SIGNATURE AND ACKNOWLEDGEMENT TO APPEAR ON FOLLOWING PAGE]**

8f A#143

5801  
0705

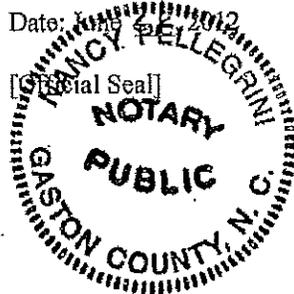
IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

ATLAS NC I SPE, LLC,  
a North Carolina limited liability company

By: Brad Baldwin  
Name: Brad Baldwin  
Title: Vice President

SEAL-STAMP NORTH CAROLINA, MECKLENBURG COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: **Brad Baldwin**.



Date: June 22, 2012  
Notary Public  
Print Name: Nancy Pellegrini  
My commission expires: 5-1-2016

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

\_\_\_\_\_ REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
By: \_\_\_\_\_ Deputy/Assistant - Register of Deeds

8f A# 143

5801  
0706

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Vance Township, in the Town of Indian Trail, Union County, North Carolina, according to an "ALTA/ACSM Land Title Survey" prepared for REO Funding Solutions III, LLC, Chicago Title Insurance Company and BridgeTrust Title Group dated June 28, 2012, by Mark E. Chastain, P.L.S. No. L-3962 of Chastain & Associates, P.C., with the following meets and bounds to wit:

To find the POINT OF BEGINNING, commence at National Geodetic Survey monument "Union HM72" (NAD 83) N:471,412.85 feet; E:1,495,285.47 feet; Elevation 628.7 feet (NAVD 88); thence South 79 degrees 20 minutes 33 seconds East for a distance of 1039.16 feet to a 1-1/4" open top pipe and the POINT OF BEGINNING which is the northernmost corner of the Manus property (now or formerly) as shown on Plat Cabinet 6, File 33 and the southeast corner of the Pitt property (now or formerly) as described Deed Book 490 at Page 430 of the Union County Public Registry;

THENCE North 42 degrees 43 minutes 11 seconds East for a distance of 989.75 feet to a 1-1/4" angle iron;

THENCE North 42 degrees 43 minutes 18 seconds East for a distance of 1067.36 feet to an axle with a nut;

THENCE South 59 degrees 39 minutes 22 seconds East for a distance of 1075.81 feet to a point in the center of Price Mill Creek, passing a 1-1/2" open top pipe at a distance of 1049.11 feet;

THENCE along the centerline of Price Mill Creek the following twenty six (26) courses and distances:

- (1) North 09 degrees 19 minutes 00 seconds East for a distance of 45.39 feet to a point;
- (2) North 02 degrees 54 minutes 34 seconds East for a distance of 32.02 feet to a point;
- (3) North 07 degrees 52 minutes 13 seconds East for a distance of 52.23 feet to a point;
- (4) North 37 degrees 38 minutes 18 seconds East for a distance of 95.28 feet to a point;
- (5) North 49 degrees 29 minutes 20 seconds East for a distance of 27.00 feet to a point;
- (6) North 63 degrees 22 minutes 26 seconds East for a distance of 43.95 feet to a point;
- (7) North 77 degrees 31 minutes 33 seconds East for a distance of 81.43 feet to a point;
- (8) North 63 degrees 52 minutes 51 seconds East for a distance of 78.30 feet to a point;
- (9) North 48 degrees 14 minutes 26 seconds East for a distance of 42.70 feet to a point;
- (10) North 43 degrees 19 minutes 31 seconds East for a distance of 31.04 feet to a point;
- (11) North 17 degrees 58 minutes 20 seconds East for a distance of 46.62 feet to a point;
- (12) North 38 degrees 16 minutes 53 seconds East for a distance of 22.25 feet to a point;
- (13) North 84 degrees 43 minutes 38 seconds East for a distance of 26.31 feet to a point;
- (14) South 80 degrees 19 minutes 39 seconds East for a distance of 25.11 feet to a point;
- (15) South 57 degrees 31 minutes 19 seconds East for a distance of 34.28 feet to a point;
- (16) North 88 degrees 35 minutes 17 seconds East for a distance of 10.13 feet to a point;
- (17) North 69 degrees 17 minutes 41 seconds East for a distance of 30.25 feet to a point;
- (18) North 48 degrees 14 minutes 52 seconds East for a distance of 18.75 feet to a point;
- (19) North 23 degrees 08 minutes 54 seconds East for a distance of 20.96 feet to a point;
- (20) North 05 degrees 41 minutes 09 seconds East for a distance of 16.97 feet to a point;

80 A# 143

5801  
0707

- (21) North 32 degrees 16 minutes 37 seconds East for a distance of 24.65 feet to a point;
- (22) North 45 degrees 15 minutes 31 seconds East for a distance of 22.93 feet to a point;
- (23) North 27 degrees 18 minutes 38 seconds East for a distance of 19.65 feet to a point;
- (24) North 14 degrees 16 minutes 12 seconds East for a distance of 29.82 feet to a point;
- (25) North 19 degrees 41 minutes 56 seconds East for a distance of 76.04 feet to a point;
- (26) North 00 degrees 38 minutes 35 seconds East for a distance of 49.16 feet to a point;

THENCE, leaving Price Mill Creek, North 28 degrees 00 minutes 44 seconds East for a distance of 388.24 feet to a 1-1/2" solid rod, passing a 5/8" reinforcing bar at the creek at a distance of 26.30 feet;

THENCE North 27 degrees 43 minutes 18 seconds East for a distance of 136.88 feet to a 5/8" reinforcing bar;

THENCE South 46 degrees 22 minutes 36 seconds East for a distance of 822.62 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE South 46 degrees 25 minutes 08 seconds East for a distance of 1366.44 feet to a 1-1/2" open top pipe;

THENCE South 57 degrees 20 minutes 24 seconds West for a distance of 42.00 feet to a 1/2" reinforcing bar;

THENCE South 57 degrees 35 minutes 34 seconds West for a distance of 535.54 feet to a 1/2" reinforcing bar;

THENCE North 47 degrees 07 minutes 21 seconds West for a distance of 779.68 feet to a 1-1/4" angle iron;

THENCE South 10 degrees 49 minutes 29 seconds East for a distance of 756.50 feet to a 1" open top pipe;

THENCE South 11 degrees 03 minutes 38 seconds East for a distance of 2000.42 feet to a 5/8" reinforcing bar;

THENCE South 43 degrees 11 minutes 40 seconds West for a distance of 302.36 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE South 43 degrees 11 minutes 40 seconds West for a distance of 843.27 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 53 degrees 48 minutes 01 seconds West for a distance of 1945.09 feet to a 3/4" reinforcing bar;

THENCE South 42 degrees 36 minutes 38 seconds West for a distance of 58.02 feet to a 1" open top pipe;

THENCE North 47 degrees 33 minutes 37 seconds West for a distance of 1259.74 feet to a 1" open top pipe;

THENCE North 47 degrees 57 minutes 53 seconds West for a distance of 700.75 feet to a 1" open top pipe;

THENCE North 47 degrees 56 minutes 34 seconds West for a distance of 483.01 feet to a 1-1/4" open top pipe and the POINT OF BEGINNING;

Said property contains 263.81 acres more or less

LESS AND EXCEPT THE FOLLOWING THREE (3) TRACTS:

TRACT A

8A A# 143

5801  
0708

To find the POINT OF BEGINNING, commence at National Geodetic Survey monument "Union HM72" (NAD 83) N:471,412.85 feet; E:1,495,285.47 feet; Elevation 628.7 feet (NAVD 88); thence South 79 degrees 20 minutes 33 seconds East for a distance of 1039.16 feet to a 1-1/4" open top pipe;

THENCE South 47 degrees 56 minutes 34 seconds East for a distance of 483.01 feet to a 1" open top pipe;

THENCE South 47 degrees 57 minutes 53 seconds East for a distance of 700.75 feet to a 1" open top pipe;

THENCE South 47 degrees 33 minutes 37 seconds East for a distance of 1259.74 feet to a 1" open top pipe;

THENCE North 42 degrees 36 minutes 38 seconds East for a distance of 58.02 feet to a 3/4" reinforcing bar;

THENCE South 53 degrees 48 minutes 01 seconds East for a distance of 1945.09 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 843.27 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 302.36 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 52 degrees 14 minutes 00 seconds West for a distance of 417.68 feet to a point in the center of Hawfield Road and the POINT OF BEGINNING;

THENCE South 39 degrees 38 minutes 09 seconds West for a distance of 429.96 feet to a 5/8" REINFORCING BAR, passing a 1/2" reinforcing bar at a distance of 6.90 feet;

THENCE North 48 degrees 18 minutes 29 seconds West for a distance of 417.29 feet to a 5/8" reinforcing bar;

THENCE North 39 degrees 46 minutes 52 seconds East for a distance of 424.43 feet to a 1/2" reinforcing bar in the center of Hawfield Road;

THENCE South 43 degrees 16 minutes 57 seconds East for a distance of 100.00 feet to a point;

THENCE South 46 degrees 37 minutes 37 seconds East for a distance of 59.96 feet to a point;

THENCE South 50 degrees 43 minutes 31 seconds East for a distance of 79.88 feet to a point;

THENCE South 50 degrees 55 minutes 38 seconds East for a distance of 100.00 feet to a point;

THENCE South 54 degrees 18 minutes 41 seconds East for a distance of 77.19 feet to the POINT OF BEGINNING;

Said property contains 4.01 acres more or less

#### TRACT B

To find the POINT OF BEGINNING, commence at National Geodetic Survey monument "Union HM72" (NAD 83) N:471,412.85 feet; E:1,495,285.47 feet; Elevation 628.7 feet (NAVD 88); thence South 79 degrees 20 minutes 33 seconds East for a distance of 1039.16 feet to a 1-1/4" open top pipe;

8f A#143

5801  
0709

THENCE South 47 degrees 56 minutes 34 seconds East for a distance of 483.01 feet to a 1" open top pipe;  
THENCE South 47 degrees 57 minutes 53 seconds East for a distance of 700.75 feet to a 1" open top pipe;  
THENCE South 47 degrees 33 minutes 37 seconds East for a distance of 1259.74 feet to a 1" open top pipe;  
THENCE North 42 degrees 36 minutes 38 seconds East for a distance of 58.02 feet to a 3/4" reinforcing bar;  
THENCE South 53 degrees 48 minutes 01 seconds East for a distance of 1945.09 feet to an iron pin set (5/8" capped reinforcing bar);  
THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 843.27 feet to an iron pin set (5/8" capped reinforcing bar);  
THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 302.36 feet to an iron pin set (5/8" capped reinforcing bar);  
THENCE North 52 degrees 14 minutes 00 seconds West for a distance of 417.68 feet to a point;  
THENCE North 54 degrees 18 minutes 41 seconds West for a distance of 77.19 feet to a point;  
THENCE North 50 degrees 55 minutes 38 seconds West for a distance of 100.00 feet to a point;  
THENCE North 50 degrees 43 minutes 31 seconds West for a distance of 79.88 feet to a point;  
THENCE North 46 degrees 37 minutes 37 seconds West for a distance of 59.96 feet to a point;  
THENCE North 43 degrees 16 minutes 57 seconds West for a distance of 100.00 feet to a point;  
THENCE North 42 degrees 41 minutes 38 seconds West for a distance of 89.58 feet to a 1/2" reinforcing bar in the center of Hawfield Road and the POINT OF BEGINNING;  
  
THENCE North 42 degrees 21 minutes 41 seconds West for a distance of 99.91 feet to a point;  
THENCE North 42 degrees 31 minutes 46 seconds West for a distance of 247.45 feet to a point;  
THENCE North 44 degrees 00 minutes 49 seconds West for a distance of 127.34 feet to a point;  
THENCE North 54 degrees 19 minutes 50 seconds West for a distance of 43.14 feet to a 1/2" reinforcing bar;  
THENCE North 37 degrees 21 minutes 12 seconds East for a distance of 309.19 feet to a 3/4" open top pipe;  
THENCE North 37 degrees 21 minutes 21 seconds East for a distance of 108.41 feet to a 1" open top pipe;  
THENCE South 47 degrees 26 minutes 23 seconds East for a distance of 507.06 feet to a 5/8" reinforcing bar;  
THENCE South 36 degrees 35 minutes 50 seconds West for a distance of 450.78 feet to a 1/2" reinforcing bar and the POINT OF BEGINNING;

88 A#143

5801  
0710

Said property contains 5.00 acres more or less.

TRACT C

To find the POINT OF BEGINNING, commence at National Geodetic Survey monument "Union HM72" (NAD 83) N:471,412.85 feet; E:1,495,285.47 feet; Elevation 628.7 feet (NAVD 88); thence South 79 degrees 20 minutes 33 seconds East for a distance of 1039.16 feet to a 1-1/4" open top pipe;

THENCE South 47 degrees 56 minutes 34 seconds East for a distance of 483.01 feet to a 1" open top pipe;

THENCE South 47 degrees 57 minutes 53 seconds East for a distance of 700.75 feet to a 1" open top pipe;

THENCE South 47 degrees 33 minutes 37 seconds East for a distance of 1259.74 feet to a 1" open top pipe;

THENCE North 42 degrees 36 minutes 38 seconds East for a distance of 58.02 feet to a 3/4" reinforcing bar;

THENCE North 02 degrees 53 minutes 33 seconds East for a distance of 552.00 feet to an iron pin set (5/8" capped reinforcing bar) and the POINT OF BEGINNING;

THENCE North 00 degrees 07 minutes 28 seconds West for a distance of 50.00 feet to a 1/2" reinforcing bar;

THENCE North 89 degrees 52 minutes 32 seconds East for a distance of 50.01 feet to a 1/2" reinforcing bar;

THENCE South 00 degrees 07 minutes 28 seconds East for a distance of 50.00 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE South 89 degrees 52 minutes 32 seconds West for a distance of 50.01 feet to an iron pin set (5/8" capped reinforcing bar) and the POINT OF BEGINNING;

Said property contains 0.06 acre more or less.

8f A#143

5801  
0717

FILED  
UNION COUNTY, NC  
CRYSTAL CRUMP  
REGISTER OF DEEDS

FILED Aug 17, 2012  
AT 12:06 pm  
BOOK 05801  
START PAGE 0717  
END PAGE 0720  
INSTRUMENT # 25324  
EXCISE TAX (None)  
MBM

**QUITCLAIM DEED**

Excise Tax: \$0.00

Tax Lot No. 07-123-001J Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
by \_\_\_\_\_

Mail after recording to: Grantee  
This instrument was prepared by: McGuireWoods LLP, 201 N. Tryon Street, Charlotte, NC 28202

Brief Description for the Index Sheridan Land

THIS DEED made this 28 day of June, 2012, by and between

GRANTOR	GRANTEE
<b>ATLAS NC I SPE, LLC</b> a North Carolina limited liability company  200 West Second Street Winston-Salem, NC 27101	<b>REO FUNDING SOLUTIONS III, LLC,</b> a Georgia limited liability company  1170 Peachtree Street NE Suite 2365 Atlanta, GA 30309

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee 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.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does remise, release and quitclaim unto the Grantee all its right, title and interest in and to that certain lot or parcel of land situated in Union County, North Carolina and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

8f A# 143

5801  
0718

The property hereinabove described was acquired by Grantor by instrument recorded in **Book** \_\_\_\_, **Page** \_\_\_\_.

A map showing the above-described property is recorded in **Map Book** \_\_\_\_, **Page** \_\_\_\_.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land unto Grantee, its successors and assigns forever, together with any and all buildings, improvements, rights, liberties, privileges, hereditaments and appurtenances thereunto belonging, in fee simple.

**[SIGNATURE AND ACKNOWLEDGEMENT TO APPEAR ON FOLLOWING PAGE]**

8.f A#143

5801  
0719

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

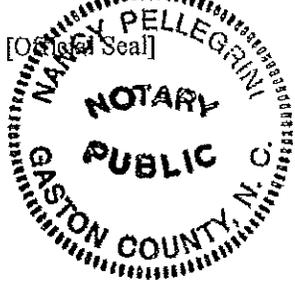
ATLAS NC I SPE, LLC,  
a North Carolina limited liability company

By: Brad Baldwin  
Name: Brad Baldwin  
Title: Vice President

SEAL-STAMP NORTH CAROLINA, MECKLENBURG COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Brad Baldwin.

Date: June 28, 2012



Nancy Pellegrini  
Notary Public  
Print Name: Nancy Pellegrini  
My commission expires: 5-1-2016

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

\_\_\_\_\_ REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY  
By: \_\_\_\_\_ Deputy/Assistant - Register of Deeds

8f A# 143

5801  
0720

EXHIBIT A

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Vance Township, in the Town of Indian Trail, Union County, North Carolina, containing 13.06 acres, more or less, according to an "ALTA/ACSM Land Title Survey" prepared for REO Funding Solutions III, LLC, Chicago Title Insurance Company and BridgeTrust Title Group dated June 28, 2012, by Mark E. Chastain, P.L.S. No. L-3962 of Chastain & Associates, P.C., with the following meets and bounds to wit:

To find the POINT OF BEGINNING, commence at a 1/2" reinforcing bar at the northeast corner of Lot 1 of Houston Farm, Phase III, as shown on plat recorded in Plat Cabinet B, File 306-A, Union County Registry which is the southeast corner of the property of the Taylor Glenn of Indian Trail H.O.A. as recorded in Deed Book 2003 at page 815 of the Union County Registry. THENCE North 39 degrees 07 minutes 34 seconds West for a distance of 29.65 feet to a point in the center of Wesley Chapel-Stouts Road and the POINT OF BEGINNING;

THENCE along the center of Wesley Chapel-Stouts Road the following four (4) courses and distances: (1) South 49 degrees 49 minutes 31 seconds West for a distance of 98.17 feet to a point; (2) South 45 degrees 42 minutes 41 seconds West for a distance of 68.82 feet to a point; (3) South 39 degrees 45 minutes 25 seconds West for a distance of 102.57 feet to a point; (4) South 36 degrees 44 minutes 37 seconds West for a distance of 85.69 feet to a point;

THENCE North 38 degrees 38 minutes 01 seconds West for a distance of 1046.08 feet to a point, passing an iron pin set (5/8" capped reinforcing bar) at a distance of 30.00 feet;

THENCE North 42 degrees 36 minutes 34 seconds West for a distance of 71.75 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 38 degrees 36 minutes 47 seconds West for a distance of 377.57 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 38.30 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE along a curve to the right having a radius of 250.00 feet and an arc length of 41.23 feet, being subtended by a chord of North 47 degrees 55 minutes 06 seconds East for a distance of 41.18 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 46 degrees 48 minutes 20 seconds West for a distance of 163.39 feet to an iron pin set (5/8" capped reinforcing bar);

THENCE North 43 degrees 11 minutes 40 seconds East for a distance of 302.36 feet to a 5/8" reinforcing bar;

THENCE South 38 degrees 37 minutes 31 seconds East for a distance of 1656.16 feet to a point in the center of Wesley Chapel-Stouts Road and the POINT OF BEGINNING;

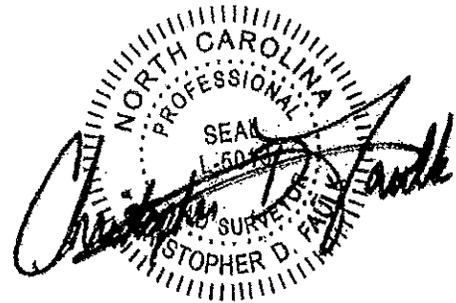
8f A# 143

Parcel # 071-200-08

5.00 Acres

6250 Hawfield Road

LYING AND BEING IN UNINCORPORATED UNION COUNTY, NORTH CAROLINA, BEGINNING AT AN FOUND IRON REBAR ON THE SOUTHERLY SIDE OF HAWFIELD ROAD BEING A 20+- GRAVEL DRIVE AND BEING THE COMMON CORNER OF REO FUNDING SOLUTIONS III LLC RECORDED IN DEED BOOK 5801 PAGE 703 OF THE UNION COUNTY PUBLIC REGISTRY AND NANCY P. ADAMS RECORDED IN DEED BOOK 3505 PAGE 523 OF THE UNION COUNTY PUBLIC REGISTRY; THENCE WITH SAID PROPERTIES THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES (1) NORTH 37-23-30 EAST 309.13 FEET TO AN IRON PIPE FOUND; (2) NORTH 37-23-37 E 108.50' FEET TO AN IRON PIPE FOUND; (3) SOUTH 47-25-15 EAST 506.91 FEET TO AN IRON REBAR FOUND; (4) SOUTH 36-36-44 WEST 451.23 FEET TO AN IRON REBAR FOUND WITHIN THE RIGHT-OF-WAY OF HAWFIELD ROAD; THENCE WITH SAID ROAD THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES (1) NORTH 42-17-58 WEST 100.00 FEET TO A POINT; (2) NORTH 42-27-58 WEST 247.45 FEET TO A POINT; (3) NORTH 43-57-01 WEST 127.34 FEET TO A POINT; (4) NORTH 54-16-03 WEST 43.14 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 5.00 ACRES +- AS SURVEYED BY CHRISTOPHER D. FAULK WITH METROLINA ENGINEERING & SURVEYING ASSOCIATES ON APRIL 26, 2016 L-5013



8.f

A# 143

Parcel # 071-200-05-90  
3.26 Acres Hawfield Road

LYING AND BEING IN UNINCORPORATED UNION COUNTY, NORTH CAROLINA, BEGINNING AT A FOUND IRON REBAR ON THE SOUTHERLY SIDE OF HAWFIELD ROAD BEING A 20+- GRAVEL DRIVE AND BEING THE COMMON CORNER OF REO FUNDING SOLUTIONS III LLC, TRACTS #2 & #4, RECORDED IN DEED BOOK 5801 PAGE 703 OF THE UNION COUNTY PUBLIC REGISTRY; THENCE WITH SAID PROPERTIES NORTH 22-50-00 EAST 166.04 FEET TO A TACK IN AN IRON PIPE FOUND; THENCE CONTINUING NORTH 30-52-39 EAST 311.61 FEET TO AN IRON REBAR FOUND; THENCE CONTINUING SOUTH 49-39-11 EAST 399.44 FEET TO AN IRON PIPE FOUND AND BEING THE COMMON CORNER OF REO FUNDING SOLUTIONS III LLC AND NANCY P. ADAMS RECORDED IN DEED BOOK 3505 PAGE 523; THENCE WITH SAID PROPERTIES SOUTH 37-23-30 WEST 309.13 FEET TO AN IRON REBAR SET WITHIN THE RIGHT-OF-WAY OF HAWFIELD ROAD; THENCE WITH SAID ROAD THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; (1) NORTH 70-59-15 WEST 9.28 FEET TO A POINT; (2) NORTH 69-41-30 WEST 65.79 FEET; (3) NORTH 74-56-49 WEST 172.38 FEET TO A POINT; (4) NORTH 82-49-23 WEST 104.93 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 3.26 ACRES AS SURVEYED BY CHRISTOPHER D. FAULK WITH METROLINA ENGINEERING & SURVEYING ASSOCIATES ON APRIL 26, 2016 L-5013.







89 #144



Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 825401  
Fax (704) 8249045

# PETITION TO REQUEST A CONTIGUOUS ANNEXATION

To the Town Council of the Town of Indian Trail, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.

2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES

(Copy of deed or other source containing legal description of properties requesting annexation)

NAME

ADDRESS AND PARCEL #

SIGNATURE

Mustang Park, LLC

APN 07090761

CHRIS GRANELLI

personally appeared before me  
on this 2nd day of August,  
2016

D. Ryland Pond

D RYLAND POND  
NOTARY PUBLIC  
MECKLENBURG COUNTY, NC  
My Commission Expires 9-7-2020

sh



Town of Indian Trail, North Carolina  
Proclamation for Constitution Week  
September 17-23, 2016

**WHEREAS:** the Constitution of United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2016, marks the two hundred twenty-ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** Michael L. Alvarez, by virtue of the authority vested in me as Mayor of the Town of Indian Trail, North Carolina and on behalf of the Indian Trail Town Council do hereby proclaim the week of September 17 through 23, 2016 as

**CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Town of Indian Trail to be affixed this ninth day of August in the year of our Lord two thousand and sixteen.

-----  
Mayor Michael L. Alvarez

Attest:-----

Kelley Southward, Town Clerk

8h



## Elizabeth R. Gibson

John Foster Chapter  
North Carolina Society Daughters of the American Revolution  
1300 West Franklin Street, Monroe, NC 28112-4506  
(704) 283-4791 elizabeth\_gibson@msn.com

August 2, 2016

Town of Indian Trail  
Mayor Michael Alvarez  
PO Box 2430  
Indian Trail, NC 28079

Dear Mayor Alvarez,

Once again the John Foster Chapter Daughters of the American Revolution in Monroe is working to promote patriotism in our community. The week of September 17-23 is designated as Constitution Week by Public Law 915 which was signed by President Dwight D. Eisenhower on August 2, 1956. Therefore every year we want to bring to the attention of our citizens this anniversary of the signing of the Constitution of the United States of America. I have included a sample proclamation with this letter that I hope you will complete, sign, and impress with the Seal of the Town of Indian Trail. After the proclamation has been signed, we encourage you to add it to your website, perhaps under News/Press Release, or put a simple statement "Celebrate Constitution Week Sept. 17-23". In the past I have taken it to the Union West Regional Library where they do a display on Constitution Week, and I will be happy to do that this year if you will let me know when it is ready.

I have included with this proclamation a short history of the origin of Constitution Week for you to read. I hope you enjoy it.

The John Foster Chapter appreciates the cooperation of the Town of Indian Trail to help us bring this important document to the attention of the public. We have enjoyed working with you.

Sincerely,

Elizabeth R. Gibson  
John Foster Chapter  
Monroe, NC  
NCSDAR

## HISTORY OF CONSTITUTION WEEK

2016 is the 60<sup>th</sup> anniversary of Constitution Week. Miss Gertrude S. Carraway, while President General of the National Society Daughters of the American Revolution, was responsible for the annual designation of September 17-23 as Constitution Week. The DAR made its own resolution for Constitution Week which was adopted April 21, 1955.

Members of the United States Congress received the DAR resolution and on June 7, 1955, the resolution was discussed in the Senate. The first resolution to observe Constitution Week was made June 14, 1955, by Senator William F. Knowland of California. Following passage of the resolution by both Houses of Congress, President Eisenhower issued his proclamation on August 19, 1955.

The first observance of Constitution Week was so successful that on January 5, 1956, Senator Knowland introduced a Senate Joint Resolution to have the President designate September 17-23 annually as Constitution Week. The resolution was adopted on July 23 and signed into Public law 915 on August 2, 1956.

For his patriotic aid and interest, Senator Knowland received an Award of Commendation from the NSDAR Continental Congress in April of 1956.

North Carolina has a special interest in the story of how Constitution Week came to be signed into law because Miss Gertrude S. Carraway is the only North Carolinian ever to be elected to the position of President General of the National Society Daughters of the American Revolution. She served from 1953-1956. She was a lifelong resident of New Bern, North Carolina.

## Town of Indian Trail

---

### Memo

**TO:** Mayor and Town Council  
**FROM:** Kelley Southward, Town Clerk  
**DATE:** August 9, 2016



**SUBJECT:** Consent Agenda Item 8j-Acknowledgment of receipt of the Local Government Commission-203 (LGC-203) Report for the period ending June 30, 2016 (report of deposits and investments)

---

1. As required by the Town's Cash Management Policy, attached is a copy of the LGC-203 report submitted to the LGC during the month of July for the period ending June 30, 2016.

This report is a semi-annual report of all cash and investments held by the Town. The LGC reviews these reports to determine:

- All funds are in authorized depositories and properly collateralized/secured
- All investments are permitted by General Statutes
- The average maturity of investments are appropriate for the Town

This report is submitted to you for informational purposes and not action to approve the report is required; as noted on the Consent Agenda Council's action in the matter is to acknowledge that the report has been provided to Council.

State of North Carolina  
**LOCAL GOVERNMENT COMMISSION**  
 3200 Atlantic Avenue, Raleigh, North Carolina 27604  
**REPORT OF DEPOSITS AND INVESTMENTS**  
 (As required by G.S. 159-33)

CASH DEPOSITS & INVESTMENTS  
 AS OF

As of: June 30 2016

Name of Unit \*\* Indian Trail  
 \*\* Note - Discretely Presented Component Units must submit separate LGC-203 reports  
 Legal Name of Unit: Town of Indian Trail

LGC Use Only		
Unit Code	Unit Type	Rec'd Date
191	A	

**CERTIFICATION**

This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.

Name of Official (Type or print your name)	Unit Mailing Address - Street	Telephone Number, including area code
<u>Jim Wojtowicz</u>	<u>PO Box 2430</u>	<u>704-821-5401</u>
Title (i.e. Finance Officer, Treasurer, etc)	Unit - City, State & Zip Code	Extension
<u>Finance Director</u>	<u>Indian Trail, NC 28079</u>	
Email Address		
<u>financedirector@admin.indiantrail.org</u>		
Signature of Official (only if mailing or faxing)		

	Amount	
<b>I. Cash on hand</b>		
Petty cash funds and change funds	\$ 850	
Undeposited receipts		
<b>Total Cash on Hand</b>		\$ 850

	C.D.s		Interest Bearing	Total Dedicated Deposits
			Checking Accounts	
<b>II. Dedicated Method Financial Institutions</b>	** If you have additional deposits in Dedicated Banks (non-pooling), you must use the LGC-203 Standard Form			
FINISTAR (total dedicated amount from statement attach statement or leave blank if NA)				Finistar Dedicated Amounts
CDARS - attach statement or leave blank if NA				
ICS - attach statement or leave blank if NA				
<b>Totals for Finistar, CDARS and ICS</b>	\$ -	\$ -	\$ -	\$ -

	** LIST ONLY BANKS INCLUDED ON NC POOLING BANK MEMO				Total Pooling Deposits
	Demand Deposits	Regular Savings	Time Deposits	C.D.s	
				Interest Bearing Checking Accounts	
<b>III. Pooling Method Financial Institutions</b>	Select Bank Name from Drop Down Menu				
Please do not select the same bank name more than once					
Enter total amount for each bank Account type going across					
(1) Branch Banking & Trust	\$ 38,538			\$ 8,312,711	
(2) First Citizens Bank & Trust	\$ 1,158,868		\$ 133,121		
(3) Park Sterling Bank			\$ 1,408,308		
(4) Yadkin Bank			\$ 215,151		
(5)					
FINISTAR (total pooling amount from statement attach statement or leave blank if NA)					
<b>Totals for All Pooling Banks</b>	\$ 1,197,406	\$ -	\$ 1,756,580	\$ 8,312,711	\$ 11,266,697

	Amount
<b>IV. Investments NCCMT</b>	
North Carolina Capital Management Trust Cash Portfolio	\$ 12,517,647
North Carolina Capital Management Trust Term Portfolio	\$ 6,931,955

V. Summary: Please recheck totals.	
(1) Total Cash on hand (TOTAL FROM SECTION I)	\$ 850
(2) Total Dedicated Method (TOTAL FROM SECTION II)	\$ -
(3) Total Pooling Method (TOTAL FROM SECTION III)	\$ 11,266,697
(4) Total cash (lines 1, 2 & 3 combined)	\$ 11,267,547
(5) NCCMT (TOTAL FROM SECTION IV)	\$ 19,449,602
(6) Total cash and investments (lines 4 plus 5)	\$ 30,717,149
(7) Please enter (subtract) Unexpended bond and/or note proceeds	\$ 6,852,502
(8) Net cash and investments (line 6 minus 7)	\$ 23,864,647