

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA

ANNEXATION ORDINANCE #138- Voluntary annexation for six parcels totaling 140.83 acres (more or less) located on Poplin and Rocky River Road and identified as Tax Parcel Number 07009017, 07006001, 07006001A, 07021007D, 07021015E, 07021015J Owned by Walton North Carolina, LLC, a North Carolina limited liability Company.

WHEREAS, the Town Council has been petitioned pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 and 4 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Town Civic Building at 6:30 PM on the 12th day of November, 2013, after due notice by Charlotte Observer – Union County Section; and

WHEREAS, the Town Council finds that the Annexation Ordinance Petition #138 hereby:

- Meets the standards set out in G.S. 160A-581(b); and
- The petition bears the signatures of all of the owners of real property proposed for annexation; and
- The petition is otherwise valid; and
- The public health, safety and welfare of the inhabitants of the Town and area proposed for annexation will be best served by the annexation.

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

Section 1. By Virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 and 4, the following described territory is hereby annexed and made part of the Town of Indian Trail, North Carolina as of the 12th day of November, 2013:

See Attached Metes and Bounds Description

Section 2. Upon and after the 13th day of November, 2013, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Indian Trail, North Carolina and shall be entitled to the same privileges and benefits as other

parts of the Town of Indian Trail, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Indian Trail, North Carolina shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Section 4. The Attorney of the Town of Indian Trail, North Carolina shall submit in the Office of the United States Attorney General, in accordance with Section 5 of the Voting Rights Act of 1965, codified as 42 U.S.C. 1973c, documents and materials required for review pursuant to federal law.

Adopted this 11th day of November, 2013.

TOWN OF INDIAN TRAIL

BY: _____
Michael L. Alvarez, Mayor

ATTEST:

APPROVED AS TO FORM:

Peggy Piontek, Town Clerk

Keith J. Merritt, Town Attorney

LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

THENCE, FROM THE POINT OF BEGINNING AND WITH THE THERON R. KELLEY PROPERTY THE FOLLOWING SIX (6) CALLS: (1) S 02° 21' 04" W FOR A DISTANCE OF 30.41 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 02° 21' 04" W FOR A DISTANCE OF 219.61 FEET TO A 1/2" EXISTING IRON PIN; (3) THENCE, S 87° 10' 16" E FOR A DISTANCE OF 43.51 FEET TO A 1/2" EXISTING IRON PIN; (4) THENCE, S 86° 37' 09" E FOR A DISTANCE OF 302.26 FEET TO A NAIL AT THE BASE OF A 1" EXISTING IRON PIPE; (5) THENCE, S 86° 57' 41" E FOR A DISTANCE OF 196.77 FEET TO A 2" EXISTING IRON PIPE; (6) THENCE, N 42° 35' 38" E FOR A DISTANCE OF 236.99 FEET TO A RAILROAD SPIKE IN THE CENTER OF POPLIN ROAD.

THENCE RUNNING WITHIN THE RIGHT-OF-WAY OF POPLIN ROAD S 82° 32' 31" E FOR A DISTANCE OF 442.02 FEET TO A 1" EXISTING IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S 83° 22' 11" E FOR A DISTANCE OF 92.33 FEET TO A 1/2" EXISTING IRON PIPE A CORNER OF BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE, S 30° 13' 21" W FOR A DISTANCE OF 166.46 FEET TO A 1" EXISTING IRON PIPE, LOCATED AT THE SOUTHWEST CORNER OF THE BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE WITH THE SOUTHERLY BOUNDARY OF THE MORRIS PROPERTY AND THE AFOREMENTIONED FRANKIE L. GREENE PROPERTY, S 56° 04' 13" E FOR A DISTANCE OF 538.90 FEET TO A 1-1/4" EXISTING IRON ROD WITHIN IN THE WESTERLY MARGIN OF THE RIGHT OF WAY OF ROCKY RIVER ROAD NORTH.

THENCE RUNNING WITHIN THE PUBLIC RIGHT OF WAY OF ROCKY RIVER ROAD NORTH THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 56° 05' 37" E A DISTANCE OF 21.14 FEET TO A POINT; (2) S 06° 28' 58" W A DISTANCE OF 604.20 FEET TO A POINT, AND (3) N 61° 03' 42" W FOR A DISTANCE OF 20.23 FEET TO A 1/2" EXISTING IRON REBAR, THE NORTHEASTERLY CORNER OF THE SCOTT P. DAVIS PROPERTY (BK. 3053, PG. 537);

THENCE WITH THE AFORESAID DAVIS PROPERTY AND CONTINUING WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD S 05° 45' 41" W FOR A DISTANCE OF 382.53 FEET TO AN EXISTING ANGLE IRON ON THE NORTHERN LINE OF THE JUSTIN M. JENKINS PROPERTY (BK. 5778, PG. 840).

THENCE WITH THE AFORESAID JUSTIN M. JENKINS PROPERTY THE FOLLOWING FOUR (4) CALLS: (1) N 85° 40' 24" W 323.25 FEET TO A ½" EXISTING IRON REBAR; (2) S 46° 45' 04" W FOR A DISTANCE OF 174.08 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE, S 12° 48' 40" W FOR A DISTANCE OF 166.45 FEET TO A ½" EXISTING IRON REBAR; (4) THENCE, S 75° 10' 56" E CROSSING A ½" NEW IRON REBAR AT 429.95 FEET FOR A TOTAL DISTANCE OF 488.10 FEET TO A POINT WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD; THENCE WITHIN SAID RIGHT OF WAY S 05° 48' 45" W A DISTANCE OF 169.56 FEET TO A POINT, THE NORTHEASTERN CORNER OF THE JOSEPH T. DEFLAVIS PROPERTY (BK. 4333, PG. 001).

THENCE, WITH THE JOSEPH T. DEFLAVIS PROPERTY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) N 84° 43' 26" W FOR A DISTANCE OF 34.67 FEET TO AN EXISTING ANGLE IRON; (2) THENCE, N 84° 43' 26" W FOR A DISTANCE OF 828.70 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE N 01° 55' 54" W FOR A DISTANCE OF 105.84 FEET TO A BENT EXISTING ANGLE IRON; (4) N 72° 35' 41" W CROSSING A ½" IRON REBAR AT A DISTANCE OF 178.34 FEET FOR A TOTAL DISTANCE OF 308.10 FEET TO A ¾" IRON ROD BEING IN A LINE OF THE ANDREW M. ALLEN PROPERTY (BK 4264, PG. 858) SAID POINT BEING A NORTHWESTERN CORNER OF THE RAYMOND HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE WITH THE ALLEN LINE N 01° 50' 31" E FOR A DISTANCE OF 362.33 FEET TO A 1-1/2" EXISTING IRON ROD AT THE SOUTHEAST CORNER OF THE DENNIS L. BAUCOM & SANDRA BAUCOM PROPERTY (BK. 260, PG. 488);

THENCE WITH THE BAUCOM LINE, N 01° 33' 27" E FOR A DISTANCE OF 236.55 FEET TO A ½" EXISTING IRON REBAR, THE SOUTHEASTERN CORNER OF THE DENNIS L. BAUCOM, JR. & BRANDY C. BAUCOM PROPERTY (BK. 4764, PG. 768);

THENCE, WITH THE AFORESAID BAUCOM PROPERTY THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) N 01° 31' 12" E FOR A DISTANCE OF 572.01 FEET TO A 5/8" EXISTING IRON REBAR; (2) S 88° 51' 54" W FOR A DISTANCE OF 167.79 FEET TO A 5/8" EXISTING IRON REBAR; (3) WITH A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43° 09' 48", HAVING A RADIUS OF 350.00 FEET, AND WHOSE LONG CHORD BEARS S 20° 23' 36" W FOR A DISTANCE OF 257.48 FEET TO A 5/8" EXISTING IRON REBAR; (4) THENCE, S 42° 00' 51" W FOR A DISTANCE OF 547.19 FEET TO A 5/8" EXISTING IRON REBAR; (5) THENCE, S 47° 59' 21" E FOR A DISTANCE OF 188.79 FEET TO A 5/8" EXISTING IRON REBAR BEING THE NORTHWESTERLY CORNER OF THE DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620).

THENCE, WITH THE AFORESAID DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620) THE FOLLOWING THREE (3) CALLS: (1) S 44° 25' 25" W FOR A DISTANCE OF 383.69 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, S 31° 36' 35" E FOR A DISTANCE OF 197.79 FEET TO A 1/2" EXISTING IRON REBAR; (3) THENCE, N 58°

05' 55" E FOR A DISTANCE OF 366.82 FEET TO A 1/2" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE ANDREW M. ALLEN PROPERTY (BK. 4264, PG. 658).

THENCE, WITH THE AFORESAID ANDREW M. ALLEN PROPERTY THE FOLLOWING TWO (2) CALLS: (1) S 28° 04' 05" E FOR A DISTANCE OF 335.11 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 88° 08' 36" E FOR A DISTANCE OF 141.11 FEET TO A 5/8" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE RAYMOND L. HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE, WITH THE AFORESAID RAYMOND HARTIS PROPERTY S 01° 48' 04" W FOR A DISTANCE OF 744.33 FEET TO A NAIL FOUND AT THE BASE OF AN ANGLE IRON, A CORNER OF THE RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10).

THENCE WITH THE AFORESAID RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10) THE FOLLOWING TWO (2) CALLS: (1) N 76° 55' 19" W A DISTANCE OF 1026.98 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, S 30° 11' 35" W FOR A DISTANCE OF 805.30 FEET TO A 3/4" EXISTING IRON PIPE ON THE LINE OF THE THOMAS F. BROCK PROPERTY.

THENCE, WITH THE AFORESAID THOMAS F. BROCK PROPERTY N 51° 33' 15" W FOR A DISTANCE OF 423.07 FEET TO AN EXISTING AXLE BEING THE NORTHEASTERLY CORNER OF THE BRANDON M HELMS PROPERTY (BK. 1563, PG. 126).

THENCE, WITH THE BRANDON M. HELMS PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 51° 19' 10" W FOR A DISTANCE OF 674.30 FEET TO A 3/4" EXISTING IRON REBAR; (2) THENCE, N 51° 18' 41" W FOR A DISTANCE OF 446.56 FEET TO A 1/2" EXISTING IRON REBAR BEING THE NORTHEASTERLY CORNER OF THE STEPHEN T. JAMES PROPERTY (BK. 1563, PG.133).

THENCE WITH THE AFORESAID STEPHEN T. JAMES PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 50° 59' 28" W FOR A DISTANCE OF 43.04 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, N 51° 21' 14" W FOR A DISTANCE OF 256.41 FEET TO A 1" EXISTING IRON REBAR BEING THE SOUTHEASTERLY CORNER OF THE UNION COUNTY BOARD OF EDUCATION PROPERTY (BK. 4788, PG. 137).

THENCE, WITH THE AFORESAID UNION COUNTY BOARD OF EDUCATION PROPERTY N 40° 41' 19" E FOR A DISTANCE OF 706.61 FEET TO A 1" EXISTING IRON REBAR, A CORNER OF THE LEE REVOCABLE LIVING TRUST PROPERTY (BK. 5563, PG. 565).

THENCE, WITH THE LEE REVOCABLE LIVING TRUST PROPERTY THE FOLLOWING THREE (3) CALLS: (1) S 66° 21' 19" E FOR A DISTANCE OF 501.66 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, N 44° 01' 34" E FOR A

DISTANCE OF 651.00 FEET TO A 30" OAK TREE; (3) THENCE, N 45° 41' 22" E FOR A DISTANCE OF 1221.43 FEET TO AN EXISTING AXLE NEAR A CREEK, BEING A CORNER OF THE JP MORGAN CHASE BANK PROPERTY (BK. 5602, PG. 599) AND THE MARGARET T. PRICE PROPERTY (BK. 223, PG. 602).

THENCE, WITH THE AFORESAID MARGARET T. PRICE PROPERTY THE FOLLOWING TEN (10) CALLS: (1) N 03° 38' 59" E FOR A DISTANCE OF 197.73 FEET TO AN EXISTING AXLE; (2) THENCE, N 75° 39' 13" E FOR A DISTANCE OF 47.05 FEET TO A POINT IN A CREEK; (3) THENCE, N 69° 51' 49" E FOR A DISTANCE OF 16.39 FEET TO A POINT IN A CREEK; (4) THENCE, N 30° 44' 05" E FOR A DISTANCE OF 22.10 FEET TO A POINT IN A CREEK; (5) THENCE, N 32° 56' 25" W FOR A DISTANCE OF 47.09 FEET TO A POINT IN A CREEK; (6) THENCE, N 10° 15' 19" E FOR A DISTANCE OF 88.26 FEET TO A POINT IN A CREEK; (7) THENCE, N 30° 45' 03" E FOR A DISTANCE OF 28.87 FEET TO A POINT IN A CREEK; (8) THENCE, N 45° 28' 09" E FOR A DISTANCE OF 75.54 FEET TO A POINT IN A CREEK; (9) THENCE, N 17° 34' 58" E FOR A DISTANCE OF 17.37 FEET TO A 1/2" EXISTING IRON REBAR; (10) THENCE, N 10° 46' 56" E FOR A DISTANCE OF 16.31 FEET TO AN EXISTING MAG NAIL IN AT OR NEAR THE CENTERLINE OF POPLIN ROAD.

THENCE, WITH POPLIN ROAD N 78° 12' 52" W FOR A DISTANCE OF 189.38 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 140.837 ACRES MORE OR LESS AS SHOWN ON AN ANNEXATION MAP PREPARED BY EAGLE ENGINEERING, INC. (RUSSELL L. WHITEHURST, PLS) AND DATED AUGUST 15, 2013.