MEMO TO: Mayor and City Council Members

FROM: Planning Staff

SUBJECT: Consideration of Resolution of Directing the Clerk to Investigate a Petition Received Under NCGS 160A-58.1 concerning property located on East Main Street (Parcel IDs 70621, 57013, 28155, and 26949).

DATE: June 4, 2026

The following outlines the process the City would need to follow to consider annexing the East Main Street site.

A. Adopt a Resolution Directing the City Clerk to Investigate a Petition Received Under NCGS 160A-58.1 concerning property located at located on East Main Street (Parcel IDs 70621, 57013, 28155, and 26949) at the June 4, 2026 City Council meeting and set a public hearing date for presumably the August 6, 2026 City Council meeting.

B. The City Clerk and Planning Department will work with other departments to review the annexation petition. The resolution must affirm the following five statutory standards for contiguous annexation:

    1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

    2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

    3. The area must be situated so that the annexing city can provide the same services within the proposed satellite corporate limits as it provides within its primary corporate limits.

    4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

    5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

C. Prior to the public hearing, the Clerk/Planning Department will advertise it at least 10 days in advance.

D. At the August 6, 2026, public hearing, the Planning Department, on behalf of the City Clerk, will present the completed Certificate of Sufficiency stating that the petition meets the standards for a contiguous area as specified in NCGS 160A-58.1.

E. Allow any interested parties to be heard on the desirability of the annexation.

F. If the Council finds that the annexation is in the public interest, it may adopt an ordinance annexing the property. The ordinance may be made effective immediately or on any specified date within 6 months of its adoption.

City of Lincolnton

Request for Contiguous Annexation

The attached petition must be accompanied by a survey of the property to be annexed showing its relationship with the current city limit line and a metes and bounds legal description.

The petition must be signed by the owners of all property included in the annexation request. In the case of a corporation, the petition must be signed by the President of the Corporation and attested by its Secretary.

Property Owner(s) (attach additional sheets if necessary) Five Fingers LLP

Phone Number 828-423-3653 Email: tom.finger@sbfi.com

Property Location (Physical Address): Five Fingers LLP

Lincoln County Tax Parcel ID Number 70621, 57013, 28155, and 26949

Number of Acres: 5.589 Acres total

Applicant is requesting connection to City Water Yes

Applicant is requesting connection to City Sewer Yes

The annexation spplication will not be submitted to the Lincolnton City Council until the Lincolnton Planning Department has received and verified a complete application. The following items MUST accompany the application in order for it to be considered complete.

Please acknowledge inclusion of each item with a check in the appropriate box, sign, date, and submit to the Lincolnton Planning Department.

- ☒ A written metes and bounds legal description of the proposed annexation area
- ☒ A survey of the property showing above metes and bounds description of the property.
- ☒ A map showing the proposed annexation area in relation to the existing Lincolnton City Limits.
- ☒ A complete list of all owners of the property, their addresses and their signatures.

PETITION REQUESTING CONTIGUOUS ANNEXATION

Date 5/08/2026

To the City Council of the City of Lincolnton, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed into the City of Lincolnton.

2. The area to be annexed is contiguous to the City of Lincolnton , is located within its Extra-Territorial Jurisdiction and is identified as follows:

a) Lincoln County Tax Parcel ID Number: 70621,57013,28155,26949

b) See attached metes and bounds legal description .

We acknowledge that any zoning vested rights acquired pursuant to G.S. 160D-108.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. Attach additional sheets if necessary.

Name of Property Owner Thomas L Finger for Five Fingers LLLP

Address 953 Old Hwy 70 Black Mtn NC 28711

Signature _____

Name of Property Owner _____

Address _____

Signature _____

Name of Property Owner _____

Address _____

Signature _____

Name of Property Owner _____

Address _____

Signature _____

Name of Company/Corporation Five Fingers LLLP

Address 953 Old Hwy 70 Black Mountain, NC 28711

Thomas L. Finger

President/Registered Agent

Signature

Attest:

Secretary Drew Partin

EXISTING LEGAL DESCRIPTION:

Parcel 28155:
TRACT I: Situate, lying and being on the South side of State Highway Nos. 27 and 150, about three (3) miles East of the City of Lincolnton, being bounded on the North by said Highway; on the East by Harrill lands; on the South by the lands of K. B. Finger; and on the West by the lands of Jerry Hartman, and being more fully described, by metes and bounds, in accordance with an actual survey as made by Hoke S. Heavner, Registered Surveyor, dated October 19, 1970, as follows: BEGINNING at a point in the center of State Highway Nos. 27 and 150, a corner with Harrill lands, and runs South 28 deg. East 285 feet to a stake in K. B. Finger's line; thence, with Finger's line, South 76 deg. West 155.5 feet to a stake, a corner with Jerry Hartman lands; thence, with the Hartman line, North 29 deg. 30 min. West 285 feet to a point in the center of State Highway Nos. 27 and 150; thence, following the center of said Highway North 72 deg. East 160 feet to the point of BEGINNING.
TRACT II: BEGINNING at an old iron stake, southeast corner of other property of Thomas L. Finger and wife, and runs thence with the west edge of a driveway S 16–36–10 E 143.44 feet to an iron stake, new corner; thence two new lines with other property of Kenneth B. Finger, S 76–42–30 W 133.37 feet to an iron stake and N 25–10 W 145 feet to an old iron stake; thence with other property of Thomas L. Finger and wife, N 76–13–30 E 154.93 feet to the BEGINNING, containing 0.47 of an ACRE, more or less, and being carved out of the homeplace lands of Kenneth B. Finger and wife, Helen R. Finger, as surveyed by William J. Cash, Jr., February 4, 1978.

Parcel 70621:
All that certain piece, parcel or lot of land, situate, lying and being in Ironton Township, Lincoln County, North Carolina, bounded on the North by State Highway No. 27 and 150; on the East by lands of Mrs. Lillie Davis; on the South by lands of Mrs. Lillie Davis, and on the West by lands of Shidal, and being more particularly described in accordance with a survey as made by Hoke S. Heavner, Surveyor, on the 13th day of July, 1951, as follows: BEGINNING at an iron stake, corner of Kenneth Finger and Shidal's line, and runs thence a new line in Lillie Davis lands, North 65 deg. 45 min. East 100 feet to an iron stake, a new corner in Lillie Davis lands; thence continuing with the lands of Lillie Davis, North 29 deg. 15 min. West 283 feet passing an iron stake in edge of Highway No. 27 and 150 to a point in the center of said Highway; thence with the center of said Highway, South 65 deg. 45 min. West 100 feet to a point in the center of said Highway; thence with Shidal's line, South 29 deg. 15 min. East (iron stake on edge of road) 283 feet to the point of BEGINNING.

Parcel 57013:
BEGINNING at an iron stake, southwest corner of property owned by Thomas Lee Finger and wife, Kay C. Finger by Deed Book 662, Page 313, and runs thence with their line, North 76 deg. 16 min. 36 sec. East 95.50 feet to a stake; thence continuing with other property of Thomas L. Finger r, South 25 deg. 10 min. 00 sec. East 145.0 feet to an iron stake; thence two lines with other property retained by Kenneth B. Finger, South 76 deg. 42 min. 30 sec. West 100.19 feet to an iron stake, and North 23 deg. 23 min. 32 sec. West 143.4 feet to the BEGINNING, containing 0.318 of an ACRE, more or less, and being carved out of property described in deeds of record in Book 278, Page 85, and Book 309, Page 141, Lincoln County Public Registry, as surveyed and platted by Gene Ross, Registered Surveyor, May 16, 1991.

Parcel 26949:
TRACT I: BEGINNING at a Rebar found at the Southwest corner of Lynn Finger Wilmoth property (Lincoln County Estate File 17 E 226) said corner being located North 61 deg. 53 min. 33 sec. East 142.37 feet from the center of 12 foot easement known as Lancrest Lane and runs thence North 55 deg. 10 min. 49 sec. East 152.47 feet with property of Zale Associates, LLC (Deed Book 2374, Page 342) to an old iron; thence with existing property of Five Fingers, LLLP North 71 deg. 52 min. 58 sec. East 62.88 feet to an old iron; thence South 27 deg. 46 min. 36 sec. East 145 feet to a rebar set; thence North 72 deg. 15 min. 57 sec. East 232.76 feet to an iron pipe found, corner of property of Geraldine H. Sain (Deed Book 661, Page 708); thence with Sain South 27 deg. 28 min. 52 sec. East 353.03 feet to an iron pipe, corner of property of Shirley Ruth Harrill (Deed Book 537, Page 218); thence with Harrill North 86 deg. 02 min. 47 sec. West 396.26 feet to an iron pin found under a tree; thence with Lot 1 (Plat Book 17, Page 368) North 61 deg. 16 min. 12 sec. West feet to a rebar set; thence with Lynn Finder Wilmoth referenced above North 33 deg. 07 min. 18 sec. West 183.45 feet to an axle found in Wilmoth line; thence North 48 deg. 19 min. 36 sec. West 23.23 feet to the Point and Place of Beginning, containing 3.059 acres, more or less, in accordance with a plat and survey prepared by Gene Ross, entitled Minor Subdivision Helen R. Finger Estate and recorded in Plat Book 17, Page 368, Lincoln County Public Registry.
TRACT II: BEING all that certain tract or parcel of land situated in Ironton Township, Lincoln County, North Carolina, and more particularly described as follows: TRACT ONE: Being a small strip of land adjacent to the East line of the present lot owned by C. E. Shytle and described as follows: BEGINNING at a stone, an old corner, being the old Northeast corner of lot of C. E. Shytle in the old sand clay road, now N. C. State Highway No. 27 and No. 150, and runs thence with Shytle's old line South 29–1/2 deg. East 283 feet to Shytle's old Southeast corner; thence, a new line North 72 deg. East 10 feet to an iron stake, a new corner; thence, another new line with Mrs. J.P. Davis' other lands North 29–1/2 deg. West 283 feet to a stake in said Highway, a new corner; thence, with said Highway South 73 deg. West 10 feet to the BEGINNING.
TRACT TWO: BEGINNING at a stake on Sand Clay Road (now paved road), Highway No. 27, Mrs. Lillie Davis' corner and runs with road South 65–3/4 deg. West 100 feet to a stake, corner of Lot No. 5; thence South 29–1/4 deg. East 272 feet to a stake in an old line; thence North 72 deg. East 100 feet to Mrs. Lillie Davis' line; thence with her line North 29–1/4 deg. West 283 feet to the BEGINNING, being Lots Nos. 1, 2, 3 and 4 of the subdivision of a part of the lands of Mrs. Lillie Davis.

BUNTON SURVEYING and MAPPING, PA

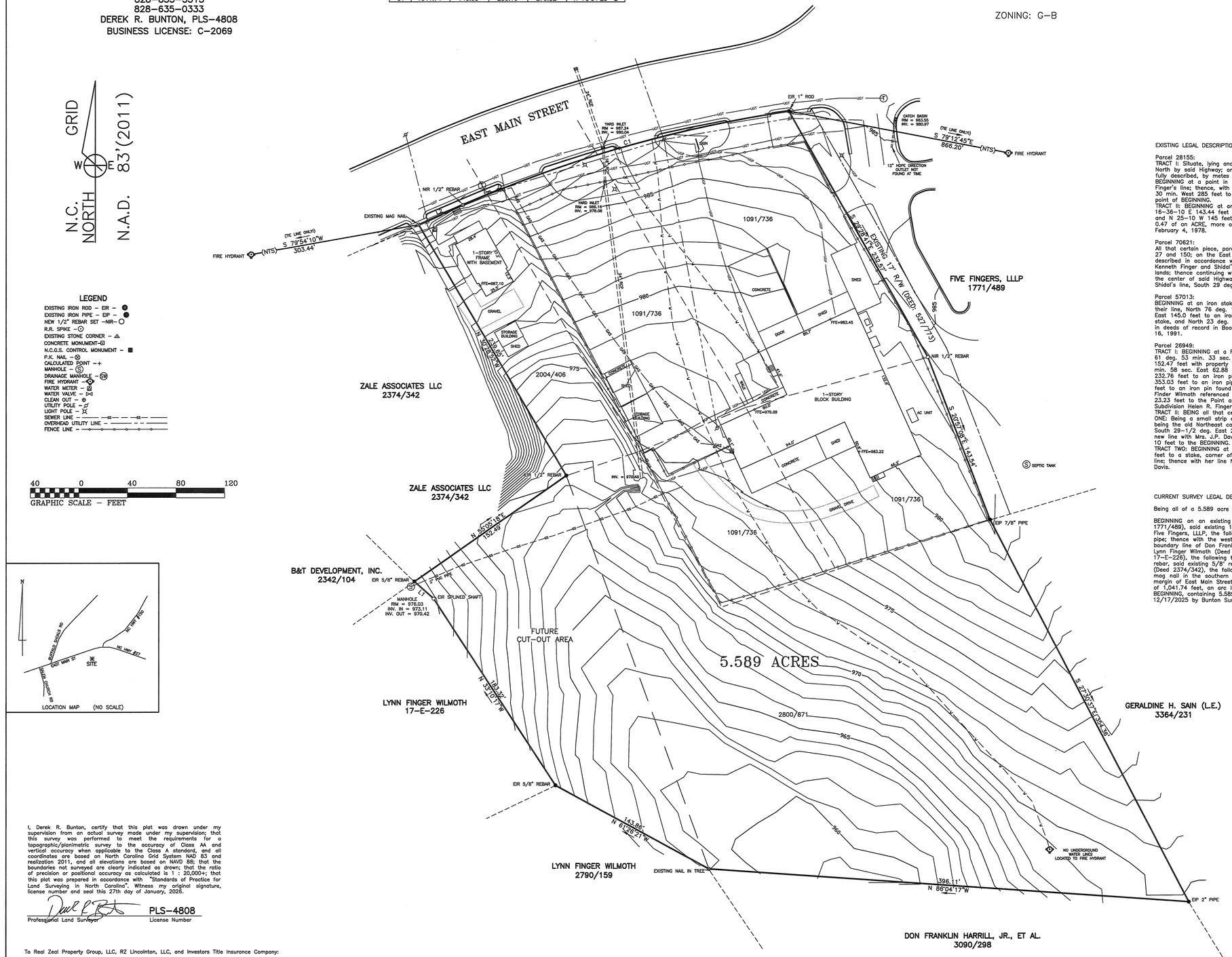
231 13TH AVE PL NW
HICKORY, NC 28601
SUITE 5
828-855-3313
828-635-0333
DEREK R. BUNTON, PLS-4808
BUSINESS LICENSE: C-2069

Course	Bearing	Distance
L1	N 48°13'49" W	21.27'
L2	N 66°12'09" E	39.77'

Curve	Radius	Tangent	Length	Chord	Chord Bear.
C1	1041.74'	140.93'	280.16'	279.32'	N 73°54'25" E

ADDRESS:
2700 EAST MAIN STREET
LINCOLNTON, NC 28092

ZONING: G-B



LEGEND

- EXISTING IRON ROD – EIR –
- EXISTING IRON PIPE – EIP –
- NEW 1/2" REBAR SET –NIR–
- R.R. SPIKE –
- EXISTING STONE CORNER –
- CONCRETE MONUMENT–
- N.C.G.S. CONTROL MONUMENT –
- P.K. NAIL –
- CALCULATED POINT –+
- MANHOLE – (S)
- DRAINAGE MANHOLE – (DW)
- FIRE HYDRANT –
- WATER METER –
- WATER VALVE –
- CLEAN OUT –
- UTILITY POLE –
- LIGHT POLE –
- SEWER LINE –
- OVERHEAD UTILITY LINE –
- FENCE LINE –

40 0 40 80 120
GRAPHIC SCALE – FEET

LOCATION MAP (NO SCALE)

I, Derek R. Bunton, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that this survey was performed to meet the requirements for a topographic/planimetric survey to the accuracy of Class AA and vertical accuracy when applicable to the Class A standard, and all coordinates are based on North Carolina Grid System NAD 83 and realization 2011, and all elevations are based on NAVD 88; that the boundaries not surveyed are clearly indicated as drawn; that the ratio of precision or positional accuracy as calculated is 1 : 20,000+; that this plat was prepared in accordance with "Standards of Practice for Land Surveying in North Carolina". Witness my original signature, license number and seal this 27th day of January, 2026.

Professional Land Surveyor — License Number: PLS-4808

To Real Zeal Property Group, LLC, RZ Lincolnton, LLC, and Investors Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1,2,3,4,5, 6(a),7(a),7(b)(1),7(c),8,9,11(a),13,16, and 17 of Table A thereof. The field work was completed on January 23, 2026.

Date: DEREK R. BUNTON, PLS-4808

NORTH CAROLINA PROFESSIONAL SEAL L-4808 LAND SURVEYOR DEREK R. BUNTON

ALTA/NSPS LAND TITLE SURVEY FOR:

REAL ZEAL PROPERTY GROUP, LLC

IRONTON TOWNSHIP, LINCOLN COUNTY, NC

DATE: 12/17/25 F.B. H-20, Pg.27 SCALE: 1" = 40'
PIN #3643-37-7651, 3643-37-6611, 3643-37-7414, & 3643-37-7277
REFERENCE DEEDS: 1091/736, 2800/871, & 2004/406

DRAWN BY: DEREK R. BUNTON, PLS-4808
JOB #25100239
FILE NAME: 25100239-ALTA

EXISTING LEGAL DESCRIPTION:

Parcel 28155:
TRACT I: Situate, lying and being on the South side of State Highway Nos. 27 and 150, about three (3) miles East of the City of Lincolnton, being bounded on the North by said Highway; on the East by Harrill lands; on the South by the lands of K. B. Finger; and on the West by the lands of Jerry Hartman, and being more fully described, by metes and bounds, in accordance with an actual survey as made by Hoke S. Heavner, Registered Surveyor, dated October 19, 1970, as follows: BEGINNING at a point in the center of State Highway Nos. 27 and 150, a corner with Harrill lands, and runs South 28 deg. East 285 feet to a stake in K. B. Finger's line; thence, with Finger's line, South 76 deg. West 155.5 feet to a stake, a corner with Jerry Hartman lands; thence, with the Hartman line, North 29 deg. 30 min. West 285 feet to a point in the center of State Highway Nos. 27 and 150; thence, following the center of said Highway North 72 deg. East 160 feet to the point of BEGINNING.
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TRACT TWO: BEGINNING at a stake on Sand Clay Road (now paved road), Highway No. 27, Mrs. Lillie Davis' corner and runs with road South 65-3/4 deg. West 100 feet to a stake, corner of Lot No. 5; thence South 29-1/4 deg. East 272 feet to a stake in an old line; thence North 72 deg. East 100 feet to Mrs. Lillie Davis' line; thence with her line North 29-1/4 deg. West 283 feet to the BEGINNING, being Lots Nos. 1, 2, 3 and 4 of the subdivision of a part of the lands of Mrs. Lillie Davis.

CURRENT SURVEY LEGAL DESCRIPTION:

Being all of a 5.589 acre tract in Ironton Township, Lincoln County, North Carolina and being more particularly described as follows:

BEGINNING on an existing 1" rod in the southern margin of East Main Street, said existing 1" rod being the northwestern corner of Five Fingers, LLLP (Deed 1771/489), said existing 1" rod being located N79°12'45"W 866.20 feet from a fire hydrant; thence from said existing 1" rod and with the western boundary lines of Five Fingers, LLLP, the following two (2) calls and distances: (1) S29°28'41"E 232.57 feet to a new 1/2" rebar, and (2) S20°57'08"E 143.54 feet to an existing 7/8" pipe; thence with the western boundary line of Geraldine H. Sain (L.E.) (Deed 3364/231), S27°30'37"E 354.36 feet to an existing 2" pipe; thence with the northern boundary line of Don Franklin Harrill, Jr., et al. (Deed 3090/298), N86°04'17"W 396.11 feet to an existing nail in tree; thence with the northeastern boundary line of Lynn Finger Wilmoth (Deed 2790/159), N61°26'21"W 143.86 feet to an existing 5/8" rebar; thence with the northeastern boundary lines of Lynn Finger Wilmoth (Estate 17-E-226), the following two (2) calls and distances: (1) N33°10'17"W 183.32 feet to an existing splined shaft, and (2) N48°13'49"W 21.27 feet to an existing 5/8" rebar, said existing 5/8" rebar being a common corner with B&T Development, Inc. (Deed 2342/104); thence with the common boundary lines with Zale Associates LLC (Deed 2374/342), the following two (2) calls and distances: (1) N55°05'18"E 152.49 feet to an existing 1/2" rebar, and (2) N30°28'52"W 239.65 feet to an existing mag nail in the southern margin of East Main Street, said existing mag nail being located N79°54'10"E 303.44 feet from a fire hydrant; thence with the southern margin of East Main Street, the following two (2) calls and distances: (1) N66°12'09"E 39.77 feet to a new 1/2" rebar, and (2) a curve to the right having a radius of 1,041.74 feet, an arc length of 280.16 feet, a chord bearing of N73°54'25"E, and a chord distance of 279.32 feet to an existing 1" rod, the point and place of BEGINNING, containing 5.589 acres by coordinate computation as shown on survey plat entitled: ALTA/NSPS Land Title Survey for: Real Zeal Boundary Group, LLC, dated 12/17/2025 by Bunton Surveying and Mapping, P.A., as certified by Derek R. Bunton, PLS-4808.

INVESTORS TITLE INSURANCE COMPANY
COMMITMENT NO. 202511466CA DATED: 11/10/2025

SCHEDULE B, PART II – Exceptions

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met. RESPONSE: NOT SURVEY RELATED - NO RESPONSE.

2. Taxes for the year 2026, and subsequent years, not yet due and payable. RESPONSE: NOT SURVEY RELATED - NO RESPONSE.

3. Rights or claims of parties in possession not shown by the Public Records. RESPONSE: NOT SURVEY RELATED - NO RESPONSE.

4. The effect of the Title of an encroachment, encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), but only if the encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment would have been disclosed by an accurate and complete land survey of the Land. Paragraph 2 (c) of the Covered Risks is hereby deleted. RESPONSE: AS SHOWN ON ALTA/NSPS LAND TITLE SURVEY ATTACHED WITH INFORMATION PROVIDED AT TIME OF SURVEY.

5. Title to that portion of the Land within the right-of-way of State Highway Nos. 27 and 150. RESPONSE: AS SHOWN ON ALTA/NSPS LAND TITLE SURVEY ATTACHED WITH INFORMATION PROVIDED AT TIME OF SURVEY. THE PROPERTY LINE ADJOINING EAST MAIN STREET IS ALSO THE RIGHT-OF-WAY OF EAST MAIN STREET.

6. Matters shown on a plat recorded in Plat Book 17 at Page 368. RESPONSE: AS SHOWN ON ALTA/NSPS LAND TITLE SURVEY ATTACHED WITH INFORMATION PROVIDED AT TIME OF SURVEY (THAT AFFECT SUBJECT PROPERTY).

7. Consent Judgment Taking by Board of Transportation recorded in Book 519 at Page 543. RESPONSE: DOES NOT AFFECT SUBJECT PROPERTY WITH INFORMATION PROVIDED AT TIME OF SURVEY.

8. Easement(s) contained in those certain instruments recorded in Book 527 at Page 773 and Book 1852 at Page 238. RESPONSE: AS SHOWN ON ALTA/NSPS LAND TITLE SURVEY ATTACHED WITH INFORMATION PROVIDED AT TIME OF SURVEY.

9. Easement(s) to Duke Power Company recorded in Book 861 at Page 113. RESPONSE: NOT PLOTTABLE. BLANKET EASEMENT.

SPECIAL NOTES

NOTE: ALL AREAS SHOWN HEREON WERE DETERMINED BY COORDINATE COMPUTATION.

NOTE: PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PREMISES.

NOTE: THIS PLAT IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE BY DEREK R. BUNTON, PLS-4808 AND REFLECTS GROUND EVIDENCE FOUND AT THE TIME OF SAID SURVEY.

NOTE: THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY(S) NAMED HEREON. CERTIFICATES DO NOT EXTEND TO ANY UNNAMED PERSON(S) WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON(S).

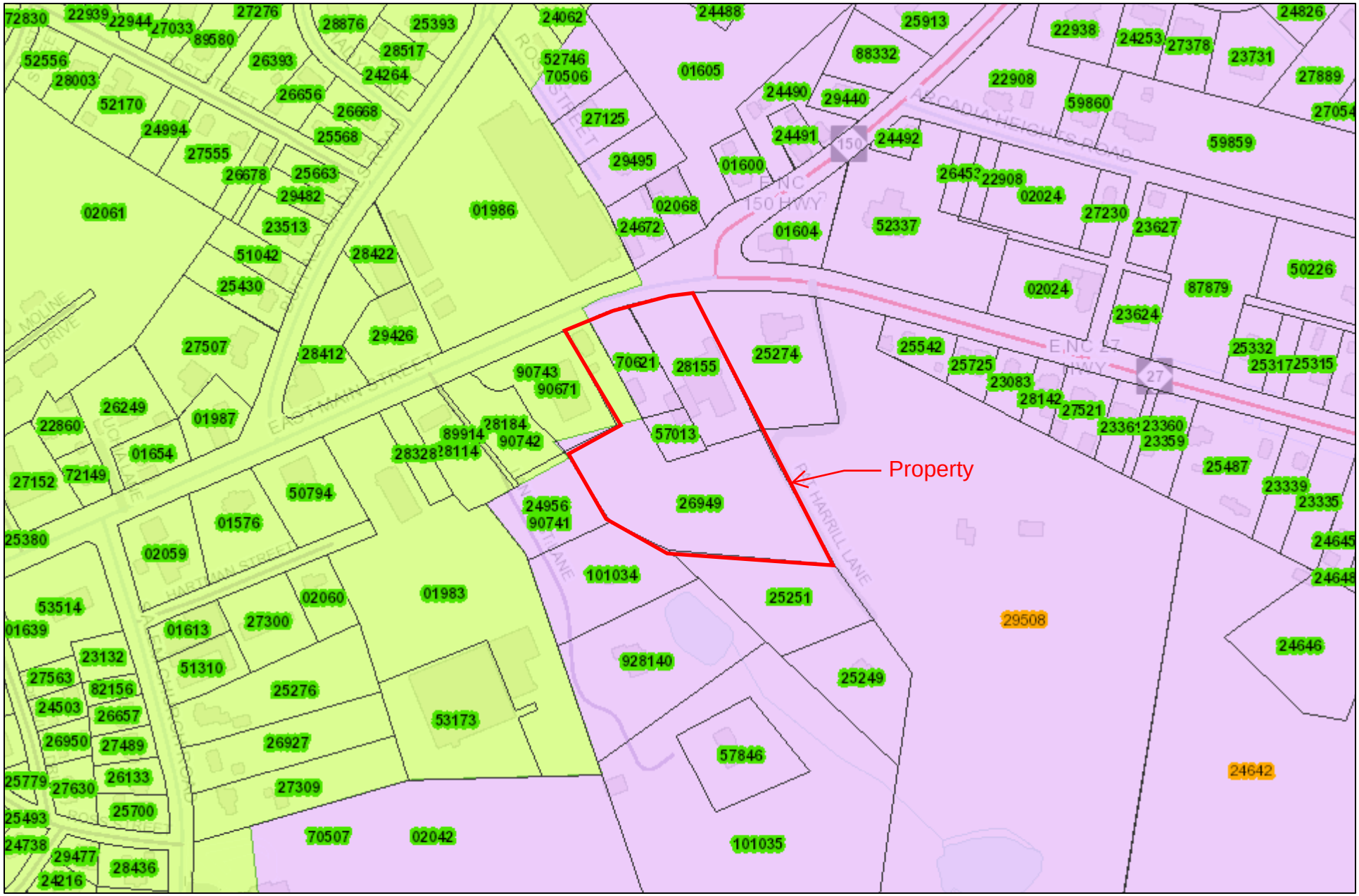
NOTE: SURVEYOR IS NOT RESPONSIBLE FOR ALTERATIONS MADE BY OTHERS TO ORIGINAL SURVEY PLAT.

NOTE: SUBJECT PROPERTY IS NOT LOCATED IN A WATERSHED AREA OF LINCOLN COUNTY.

NOTE: SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA OF LINCOLN COUNTY. (SEE F.E.M.A. PANEL #3710364300J)

NOTE: UNDERGROUND UTILITY LOCATION WAS PROVIDED BY: CENTER LINE LOCATING. (TICKET #8738)

D-2581



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

Neither Lincoln County nor its employees, elected officials, agents, or contractors assume any legal responsibility for the information contained herein, which is provided "as is" with no warranties of any kind. Lincoln County disclaims all liability of any kind arising out of the use of, or misuse of, this information and disclaims all express or implied warranties, including warranties of merchantability, fitness for a particular purpose, and non-infringement of proprietary rights.

May 8, 2026

Legend

City of Lincolnton ETJ

City of Lincolnton

0 325 650 Feet

1 inch = 326 feet

N

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on May 8, 2026, by the Lincolnton City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Lincolnton deems it advisable to proceed in response to the request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Lincolnton City Council:

That the City Clerk is hereby directed to investigate the sufficiency of the above-referenced petition and to certify as soon as possible to the City Council the results of her investigation.

_____
Ed Hatley, Mayor

ATTEST:

_____
Daphne Ingram, Clerk