ORDINANCE NO. 2025-XX

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

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-31, as amended, to annex the contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2024-47 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Brevard Planning Board reviewed the Petition at their meeting held on November 19, 2024 and recommended approval of the voluntary contiguous annexation; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2024-48 fixing a date of public hearing. By authority granted by G.S. 160A-31, a public hearing on the question of this annexation was held at the City Council Chambers at 5:30 P.M. on the 2nd day of December, 2024, after due notice by publication on the 18th day of November, 2024; and

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA, THAT:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, all of that property lying in Transylvania County, owned by Mills Ave Properties, LLC, as shown and being that property described in the deed recorded in Document Book 1035, Pages 743-745, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 6th day of January, 2025.

Said property is more fully described as follows:

Location: Forest Hill Drive, Brevard, NC 28712. Transylvania County Tax Property Identification Numbers: 8585-36-0021; 8585-35-0899-000; 8585-35-1747-000; and 8585-35-1676-000

Property Description:

Beginning at a broken concrete monument having North Carolina NAD 83/86 grid coordinates of North: 555675.23 East: 882903.55; said monument standing S 36°49’51” E a distance of 1,328.41 from NCGS MONUMENT GEORGE which has North Carolina NAD 83/86 grid coordinates of North: 556738.54 East: 882107.07 and 6.2’ away from an existing utility pole in the right of way for Forest Hill Road; thence N 72°35'30" W a distance of 9.48’ to a calculated point on the old 45’ right of way; thence N 22°22'36" W a distance of 58.85’ to a calculated point on the old 45’ right of way; thence N 22°22'36" W a distance of 30.91’ to a calculated point on the old 45’ right of way; thence with a curve turning to the right with an arc length of 27.95’, with a radius of 289.00’, with a chord bearing of N 19°36'24" W, with a chord length of 27.93’, to a calculated point on the old 45’ right of way; thence with a compound curve turning to the right with an arc length of 58.85’, with a radius of 289.00’, with a chord bearing of N 11°00'10" W, with a chord length of 58.75’, to a calculated point on the old 45’ right of way; thence with a compound curve turning to the right with an arc length of 58.87’, with a radius of 289.00’, with a chord bearing of N 00°39'58" E, with a chord length of 58.76’, to a calculated point on the

old 45’ right of way; thence leaving the old right of way N 42°42'28" E a distance of 18.15’ to a point in the center of a ditch; thence down and with the center of a ditch N 70°17'08" E a distance of 32.99’ to a point in the center of the ditch; thence N 65°22'33" E a distance of 44.58’ to a point in the center of a ditch; thence N 39°05'26" E a distance of 19.33’ to a point in the center of a ditch; thence N 13°02'07" W a distance of 42.04’ to a point in the center of a ditch; thence N 15°38'54" E a distance of 60.58’ to a point in the center of a ditch; thence N 27°30'15" E a distance of 27.48’ to a point in the center of a ditch; thence N 46°24'44" E a distance of 34.48’ to a point in the center of a ditch; thence N 52°18'45" E a distance of 44.06’ to a point in the center of a ditch; thence N 63°35'23" E a distance of 24.90’ to a point in the center of a ditch; thence N 68°35'48" E a distance of 34.51’ to a point in the center of a ditch; thence N 82°42'23" E a distance of 18.77’ to a point in the center of a ditch; thence N 59°06'04" E a distance of 10.91’ to a point where the ditch meets the center of Brushy Creek; thence down and with the center of Brushy Creek S 31°45'09" E a distance of 62.74’ to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 95.95’ to a point in the center of Brushy Creek; thence S 36°59'42" E a distance of 76.42’ to a point in the center of Brushy Creek; thence S 11°00'05" E a distance of 45.80’ to a point in the center of Brushy Creek; thence S 19°22'35" E a distance of 32.79’ to a point in the center of Brushy Creek; thence S 38°07'26" E a distance of 24.16’ to a point in the center of Brushy Creek; thence S 58°35'26" E a distance of 37.39’ to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 17.91’ to a point in the center of Brushy Creek; thence S 38°46'28" E a distance of 15.80’ to a point in the center of Brushy Creek; thence S 28°10'33" E a distance of 121.25’ to a point in the center of Brushy Creek; thence S 22°12'32" E a distance of 22.95’ to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 3.35’ to a point in the center of Brushy Creek; thence S 09°32'28" E a distance of 16.33’ to a point in the center of Brushy Creek; thence S 18°24'11" W a distance of 35.66’ to a point in the center of Brushy Creek; thence S 33°58'27" W a distance of 65.28’ to a point in the center of Brushy Creek; thence S 44°26'22" W a distance of 31.27’ to a point in the center of Brushy Creek; thence S 14°19'46" W a distance of 29.38’ to a point in the center of Brushy Creek; thence leaving the center of Brushy Creek N 77°32'22" W a distance of 21.02’ to a point in the center of a ditch; thence N 70°38'59" W a distance of 156.06’ to a point in the center of a ditch; thence N 77°40'10" W a distance of 71.18’ to a 5/8” rebar; thence N 72°39'09" W a distance of 29.26’ to a 5/8” rebar; thence N 46°48'46" W a distance of 41.05’ to a 5/8” rebar; thence S 89°46'32" W a distance of 60.26’ to 5/8” rebar; thence N 72°47'04" W a distance of 28.12’ to a 5/8” rebar; thence N 72°50'41" W a distance of 30.42’ to a broken concrete monument; which is the place and point of beginning and containing Tracts 2A, 2B, 2C and 2D as shown on Plat File 22, Slide 158, and having an area of 4.640 acres.

Section 2. Upon and after the 6th day of January, 2025 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-31.

Also being all of that property described in a plat prepared by Michael A. Pfoutz, Sr., PLS for Mills Ave Properties, LLC, dated September 27, 2024, and recorded in Plat File _____, Slide _____, of the Transylvania County Registry.

Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina. Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 4. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Brevard.

Adopted and approved this the 6th day of January, 2025

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_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney