

Ordinance # 205
Per telephone call to

Mayor
7-23-91
EP

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF OLD FORT
UNDER THE AUTHORITY GRANTED BY PART 2, ARTICLE 4A,
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 2, Article 4A, Chapter 160A of the General Statutes of North Carolina have been met; and

WHEREAS, the Board of Aldermen has taken into full consideration the statements presented at the public hearing held on the 15th day of April, 1991, on the question of annexation; and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and the development of the Town of Old Fort;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Old Fort:

Section 1. That from and after the 30th day of June, 1991, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Old Fort, and the corporate limits of the Town of Old Fort shall on said 30th day of June, 1991, be extended to include said territory more particularly described by meets and bounds contained in the accompanying ATTACHMENT. Said ATTACHMENT is hereby incorporated as a part of this ordinance.

Section 2. That the Board of Aldermen does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-36, in that:

- (1) The area is adjacent and contiguous to the Town of Old Fort as defined by G.S. 160A-41(1), as of the 18th day of February, 1991, the date upon which this annexation proceeding was begun.
- (2) The aggregate external boundary of the area to be annexed is 11,471 feet, of which 2,030 feet or 17.69% coincide with the boundary of the Town of Old Fort. Therefore, at least one-eighth (12.5%) of said external boundary coincides with the boundary of the Town of Old Fort.
- (3) No part of the area to be annexed is included within the boundary of another incorporated municipality.
- (4) The area to be annexed is developed for urban purposes in that 69.9% (60% required) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or

governmental purposes, and is subdivided into lots and tracts such that 100% (60% required) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size. These findings are demonstrated as follows:

"Use" Test

(A) Total number of lots and tracts = 73

(B) Number of lots and tracts used for:

| | |
|---------------|----------|
| Residential | 48 |
| Commercial | 0 |
| Industrial | 2 |
| Governmental | 0 |
| Institutional | <u>1</u> |
| | 51 |

(C) $B \div A = 69.9\%$

"Subdivision" Test

(A) Total acreage not counting that acreage used for commercial, industrial, governmental or institutional purposes = 40.624

(B) Total acreage not counting that acreage used for commercial, industrial, governmental or institutional purposes which consists of lots and tracts five acres or less in size = 40.624

(C) $B \div A = 100\%$

Sources; County tax and property records, and aerial photography. Acreage measurements made with compensating planimeter; linear measurements with map measurer.

Section 3. That it is the purpose of the Town of Old Fort to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Board of Aldermen on the 18th day of February, 1991, and filed in the office of the Clerk for public inspection.

Section 4. That the Board of Aldermen does hereby specifically find and declare that, in order to comply with G.S. 160A-35(3)(b), the Town will let contracts and begin construction of water and sewer facilities found necessary in the report of plans for services to extend the basic water and sewer system of the Town of Old Fort into the area to be annexed under this ordinance, and will have sufficient funds appropriated in the amount of \$32,000 in the fiscal year 1991-1992 town budget to

finance such construction.

Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Old Fort, and shall be entitled to the same privileges and benefits as other parts of the Town.

Section 6. That the newly annexed territory described herein above shall be subject to town taxes according to G.S. 160A-58.10.

Section 7. That the Mayor of the Town of Old Fort shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, be recorded in the office of the Register of Deeds of McDowell County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the county Board of Elections as required by G.S. 163-288.1.

Adopted this 20th day of May, 1991.

TOWN OF OLD FORT

Robert F. Wilson
Mayor

ATTEST:

Juanita C. Beach
Clerk

ATTACHMENT

BEGINNING at a point, said point being at the intersection of the current corporate limits of the Town of Old Fort and the southern boundary of lot 4B in block 10 on McDowell County Tax Map 1C; thence following the boundary of said lot 4B as follows: first approximately 30' in a westerly direction, then approximately 36' in a northerly direction, then approximately 272' in a westerly direction to a point, said point being at the intersection of the boundary of said lot 4B and the southern boundary of the right-of-way of U.S. Highway 70; thence following in a straight line in a southwesterly direction approximately 250' and crossing the right-of-way of U.S. Highway 70 to a point, said point being at the intersection of the western boundary of said right-of-way and the southeastern corner of lot 4 in block 5 on McDowell County Tax Map 1C; thence following the southern boundary of said lot 4 in a westerly direction approximately 115' to a point, said point being at the intersection of the southern boundary of said lot 4 and the eastern boundary of Orchard Street; thence following the eastern boundary of Orchard Street in a southerly direction approximately 1,370' to a point, said point being at the intersection of the eastern boundary of Orchard Street and the western boundary of U.S. Highway 70; thence following in a straight line in a southwesterly direction approximately 55' and crossing the right-of-way of Orchard Street to a point, said point being at the intersection of the northwestern boundary of the right-of-way of U.S. Highway 70 and the southwestern boundary of the right-of-way of Orchard Street; thence following the northwestern boundary of the right-of-way of U.S. Highway 70 in a southwesterly direction approximately 345' to a point, said point being at the intersection of the northwestern boundary of the right-of-way of U.S. Highway 70 and the northeastern boundary of School Street; thence following in a straight line in a southwesterly direction approximately 50' and crossing the right-of-way of School Street to a point, said point being at the intersection of the northwestern boundary of the right-of-way of U.S. 70 and the southeastern boundary of the right-of-way of School Street; thence following the northwestern boundary of the right-of-way of U.S. 70 in a southwesterly direction approximately 40' to a point, said point being at the intersection of the boundary of said right-of-way and the easternmost corner of lot 1 in block 3 on McDowell County Tax Map 3C; thence following the northeastern boundary of said lot 1 in a northwesterly direction approximately 125' to a point, said point being at the northernmost corner of said lot 1; thence following in a straight line in a northerly direction approximately 120' and crossing lot 2 in block 3 on McDowell County Tax Map 3C to a point, said point being on the northern boundary of said lot 2 and located approximately 120' west of the western boundary of the right-of-way of School Street as measured along the northern boundary of said lot 2; thence following the northern boundary of said lot 2 in an easterly direction approximately 38' to a point, said point being at the intersection of said boundary and the western boundary of lot 3 on block 3 on McDowell County Tax Map 3C; thence following

said western boundary first in a northwesterly direction approximately 102' and then in a northwesterly direction approximately 44' to a point, said point being at the northernmost point of said lot 3, said point also being located on the southwestern boundary of lot 4 in block 3 on McDowell County Tax Map 3C; thence following the southwestern boundary of said lot 4 in a northwesterly direction approximately 95' to a point, said point being the westernmost corner of said lot 4; thence following the northern boundary of said lot 4 in an easterly direction approximately 20' to a point, said point being at the southwest corner of lot 6 in block 3 on McDowell County Tax Map 3C; thence following the western boundary of said lot 6 in a northerly direction approximately 200' to a point, said point being at the intersection of the western boundary of said lot 6 and the southern boundary of lot 8 in block 3 on McDowell County Tax Map 3C; thence following the boundaries of said lot 8 as follows: first approximately 140' in a westerly direction, then approximately 250' in a northwesterly direction, then approximately 230' in a northeasterly direction, then approximately 200' in a southeasterly direction to a point, said point being at the intersection of the boundary of said lot 8 and the northeastern boundary of lot 8B in block 3 on McDowell County Tax Map 3C; thence following the northeastern boundary of said lot 8B and lot 8A on block 3 on McDowell County Tax Map 3C in a southeasterly direction approximately 170' to a point, said point being at the easternmost corner of said lot 8A; thence following the northwestern boundary of an unopened and unnamed road and lot 10 in block 3 on McDowell County Tax Map 3C in a northeasterly direction approximately 165' to a point, said point being at the northernmost corner of said lot 10; thence following the northeastern boundary of said lot 10 and crossing the right-of-way of School Street in a straight line in a southeasterly direction approximately 165' to a point, said point being on the northwestern boundary of lot 4 in block 2 on McDowell County Tax Map 3C; thence following the northwestern boundary of said lot 4 and lots 2 and 3 in block 2 on McDowell County Tax Map 3C in a northeasterly direction approximately 255' to a point, said point being at the northernmost corner of said lot 3; thence crossing an unnamed road right-of-way in a straight line in a northerly direction approximately 45' to a point, said point being at the intersection of said right-of-way and the southernmost point of lot 6 in block 4 on McDowell County Tax Map 1C; thence following the southwestern boundary of said lot 6 in a northwesterly direction approximately 260'; thence the northwestern boundary of said lot 6 in a northeasterly direction approximately 60' to a point, said point being at the southwestern corner of lot 5A in block 4 on McDowell County Tax Map 1C; thence following the western boundary of said lot 5A in a northerly direction approximately 125' to a point, said point being at the intersection of said boundary with the southern boundary of lot 5B in block 4 on McDowell County Tax Map 1C; thence following the boundaries of said lot 5B as follows: first in a westerly direction approximately 144', then in a northwesterly direction approximately 140', then in a northeasterly direction approximately 120' to a point, said point being at the northernmost corner of said lot 5B; thence following

in a straight line in a northeasterly direction approximately 208' to a point, said point being at the northernmost corner of lot 7 in block 4 on McDowell County Tax Map 1C; thence following in a straight line in an easterly direction approximately 75' to a point, said point being at the westernmost corner of lot 5 in block 2 on McDowell County Tax Map 1C; thence following the boundary of said lot 5 first in a northeasterly direction approximately 150', then in a southeasterly direction approximately 49' to a point, said point being at the intersection of the boundary of said lot 5 and the northern boundary of an unnumbered lot under common ownership with said lot 5 as shown on McDowell County Tax Map 1C; thence following the northern boundary of said unnumbered lot and the northern boundary of another unnumbered lot under common ownership with lot 5A in block 2 on McDowell County Tax Map 1C in an easterly direction approximately 195' to a point, said point being at the intersection of said boundary with the northern boundary of the right-of-way of an unopened street as shown on McDowell County Tax Map 1C; thence following in a straight line in a northeasterly direction and crossing said right-of-way approximately 65' to a point, said point being at the southwestern corner of lot 5 in block 1 on McDowell County Tax Map 1C; thence following the western boundary of lots 5, 2, 2A and 4, all in block 1 on McDowell County Tax Map 1C in a northerly direction approximately 535' to a point, said point being at the northwestern corner of said lot 4; thence following in a straight line in a northerly direction 185' to a point; thence in a straight line at a 90 degree angle in an easterly direction approximately 235' to a point, said point being at the intersection of said straight line and the western boundary of the right-of-way of Southern Railroad, said point also being approximately 340' north of the intersection of said railroad boundary with the centerline of Orchard Street as measured along said railroad boundary; thence continuing in a straight line in an easterly direction approximately 78' and crossing said railroad right-of-way at a 90 degree angle to the western boundary of the right-of-way of Adams Road; thence following the western boundary of the right-of-way of Adams Road in a northerly direction approximately 1,090' to a point, said point at the intersection of the western boundary of said right-of-way and the centerline of Mill Creek; thence following the centerline of said creek in a southeasterly direction approximately 800' to a point on the current corporate limits; thence following the current corporate limits of the Town of Old Fort in a southerly direction approximately 2,030' to the point of BEGINNING.

(NOTE: All referenced tax maps are in Old Fort Township.)