

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 5th day of May, 1997, 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, 1997, 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, 1997, be extended to include said territory more particularly described by meets and bounds as follows:

BEGINNING at a point on the current Old Fort corporate limits, said point being at the southwestern corner of lot 9628 in block 36 on McDowell County tax map 0659.10, said point also being on the northern boundary of the right-of-way of Interstate 40; thence crossing said right-of-way in a straight line in a southwesterly direction approximately 350' to a point, said point being at the northwestern corner of lot 8864 in block 35 on tax map 0659.10, said point also being on the southern boundary of the right-of-way of Interstate 40; thence following the western boundary of said lot 8864 in a southerly direction approximately 820' to a point, said point being in the center of the Catawba River; thence following the centerline of the Catawba River in an easterly direction approximately 470' to a point, said point being at the southwestern corner of lot 2873 in block 45 on tax map 0659.10; thence following the western boundary of said lot 2873 in a northerly direction approximately 890' to a point, said point being at the intersection of the westernmost corner of said lot 2873 and the southern boundary of the right-of-way of Interstate 40; thence following the southern boundary of said right-of-way approximately 89' in a northeasterly direction, then approximately 352' in an easterly direction to a point at the intersection of said right-of-way boundary and the northwest corner of lot 7817 in block 45 on tax map 0659.10, said lot also being in the Old Fort corporate limits under a voluntary

annexation; thence following the Old Fort corporate limits in a generally easterly direction approximately 943.1' to a point, said point being at the intersection of the Old Fort corporate limits and the southwestern boundary of the right-of-way of State Road (SR) 1103 (Bat Cave Road); thence following said right-of-way boundary and the Old Fort corporate limit boundary in a southeasterly direction approximately 280' to a point, said point being where the Old Fort corporate limit line no longer runs with said right-of-way boundary; thence following said right-of-way boundary in a southeasterly direction approximately 30' to a point, said point being at the intersection of said right-of-way boundary and the northernmost corner of lot 4577 in block 55 on McDowell County tax map 0659.11; thence following the western and southern boundary of said lot 4577 first approximately 333' in a southerly direction, then approximately 85.3' in a northeasterly direction to a point, said point being at the intersection of the southeastern corner of said lot 4577 and the southwestern boundary of the right-of-way of SR 1103, said point also being at the northernmost corner of lot 5447 in block 55 on tax map 0659.11; thence following the northeastern boundary of said lot 5447 in a southeasterly direction approximately 98.1' to a point, said point being located on the southwestern boundary of the right-of-way of SR 1103 at the intersection of the southeastern corner of said lot 5447 and the northeastern corner of lot 6306 in block 55 on tax map 0659.11; thence following the boundaries of said lot 6306 and lot 7166 in block 55 on tax map 0659.11 as follows: first approximately 110' in a westerly direction, then approximately 567' in a generally southeasterly direction, then approximately 138' in an easterly direction to a point, said point being at the intersection of the southeastern corner of said lot 7166 and the southwestern boundary of the right-of-way of SR 1103; thence following said right-of-way boundary in a southeasterly direction approximately 105' to a point at the intersection of said right-of-way and the northwestern boundary of the right-of-way of SR 1112; thence crossing the right-of-way of SR 1112 in a straight line in a southeasterly direction approximately 60' to a point at the intersection of the southeastern boundary of the right-of-way of SR 1112 and the southwestern boundary of the right-of-way of SR 1103; thence following said right-of-way of SR 1103 in a southeasterly direction approximately 557' to a point, thence crossing said right-of-way in a straight line in a northeasterly direction approximately 60' to a point at the intersection of said right-of-way and the southeastern corner of lot 4832 in block 64 on McDowell tax map 0659; thence following the eastern boundary of said lot 4832 in a northerly direction approximately 377' to a point at the intersection of the northeastern corner of said lot 4832 and the southern boundary of the right-of-way of SR 1122; thence following said right-of-way boundary in a northeasterly direction approximately 512.4' to a point; thence crossing said right-of-way in a straight line in a northwesterly direction approximately 25' to a point at the intersection of the northwestern boundary of said right-of-way and the northeastern corner of lot 7392 in block 65 on tax map 0659.11; thence

following the northern and western boundaries of lots 7392, 7242, 6171, 5151 and 4143, all in block 65 on tax map 0659.11 as follows: first in a westerly direction approximately 220', then in a southerly direction approximately 290', then in a westerly direction approximately 220', then in a southerly direction approximately 150' to a point at the intersection of the southwestern corner of said lot 4143 and the northern boundary of the right-of-way of SR 1122; thence following the northern boundary of said right-of-way in a westerly direction approximately 301' to a point at the intersection of said right-of-way boundary and the southeastern boundary of the right-of-way of a private road as shown on McDowell County tax map 0659.11; thence following said right-of-way boundary of said private road in a northeasterly direction approximately 678' to a point at the intersection of said right-of-way boundary and the southeastern boundary of lot 4885 in block 65 on tax map 0659.11; thence following the boundaries of said lot 4885 and lots 3682, 2498 and 2309, all in block 65 on tax map 0659.11, and lot 9394 in block 55 on tax map 0659.11 as follows: first in a northerly direction approximately 340', then in a westerly direction approximately 87', then in a generally southwesterly direction approximately 820' to a point at the northernmost corner of said lot 9394, said point also being on the boundary of lot 9650 in block 55 on tax map 0659.11; thence following in a straight line and crossing said lot 9650 in a northwesterly direction approximately 145' to a point at the easternmost corner of lot 8633 in block 55 on tax map 0659.11; thence following the southeastern and southwestern boundaries of said lot 8633 first approximately 75' in a southwesterly direction then approximately 75' in a northwesterly direction to a point at the westernmost corner of said lot 8633, said point also being at the southernmost corner of lot 7763 in block 55 on tax map 0659.11; thence following the southeastern boundary of said lot 7763 in a northeasterly direction approximately 310' to a point at the easternmost corner of said lot 7763; thence following in a straight line in a northwesterly direction and crossing SR 1121 and the Catawba River approximately 430' to a point at the northeastern corner of lot 3061 in block 56 on tax map 0659.11; thence following the boundaries of said lots 3061 and 1283 in block 56 on tax map 0659.11, first approximately 323' in a northwesterly direction, then approximately 163' in a northeasterly direction, then approximately 250' in a northwesterly direction to a point at the intersection of the northernmost corner of said lot 1283 and the southeastern boundary of the right-of-way of Interstate 40; thence following said right-of-way boundary in a northeasterly direction approximately 670' to a point on the Old Fort corporate limits; thence following the Old Fort corporate limits in a generally westerly direction approximately 1,830' to point of beginning.

*Note: All referenced tax maps are in McDowell County.

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 17th day of March, 1997, the date upon which this annexation proceeding was begun.
- (2) The aggregate external boundary of the area to be annexed is 14,978.9 feet, of which 3,053.1 feet or 20.38% 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 80.0% (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 = 25

(B) Number of lots and tracts used for:

Residential	15
Commercial	5
Industrial	0
Governmental	0
Institutional	0
	<u>20</u>

(C) $B \div A = 80.0\%$

"Subdivision" Test

(A) Total acreage not counting that acreage used for commercial, industrial, governmental or institutional purposes = 15.47

(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 = 15.47

(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 17th day of March, 1997, 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 \$122,900 in the fiscal year 1997-1998 town budget to finance such construction.

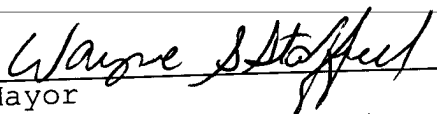
Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Old Fort, and shall be entitled to the same privileges and benefits as other parts of the Town.

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 19th day of May, 1997.

TOWN OF OLD FORT



Mayor

ATTEST:

Iretha B. Hancock
Clerk

STATE OF NORTH CAROLINA

COUNTY OF MCDOWELL

I, Renee M. Grindstaff, a Notary Public do hereby certify that Wayne S. Stafford and Iretha B. Hancock Personally appeared before me this day and acknowledged that she is Clerk of the Town of Old Fort, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and notarial seal this 2 day of June, 1998.

My Commission Expires:

July 12 1998

Renee M. Grindstaff
Notary Public