

ORDINANCE NO. 2021-40

**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 **non-contiguous** area described herein, and,

WHEREAS, the City Council has by Resolution No. 2021-26 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 June 22, 2021 and recommend approval of the voluntary **non-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. 2021-35 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 20th day of September, 2021, after due notice by publication on the 6th day of September, 2021 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 Joshua Gaura and Anna Gaura, as shown and being a part of that property described in the deeds recorded in Document Book 959, Pages 74-77 and Document Book 959, Pages 115-117, in the Transylvania County Register of Deeds and that certain plat provided by the Petitioners which was recorded on January 5, 2021 in Book PF 21, Page 2-2, Plat File 21, Slide 2 is hereby annexed and made a part of the City of Brevard as of the 20th day of September, 2021.

Said property is more fully described as follows:

Location: 367 Hendersonville Highway, Pisgah Forest, NC. Transylvania County Tax Property Identification Number 8597-64-5558-000.

Metes and Bounds Property Description:

Being all of that tract and described as containing .849 acres, more or less, as shown on plat of survey prepared by Kevin D. Goldsmith, PLS, dated November 12, 2020, as recorded in Plat File 21, Page 2, and Transylvania County Register of Deeds to which plat reference is made for a complete description of the subject real property.

Conveyed herewith is the right to use water from the spring located on Crane property near the intersection of Highway 64 and Deavor Road, subject to the obligation to pay a proportionate share of operation, maintenance, and repair expenses.

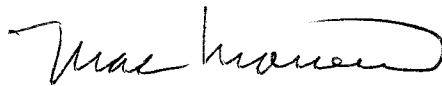
Section 2. Upon and after the 20th day of September, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of 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 Kevin D. Goldsmith P.L.S. for Josh Gaura and Laura Gaura dated November 12, 2020, and recorded in Plat File 21, Slide 2, of the Transylvania County Registry.

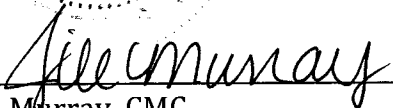
Section 3. Pursuant to 160A-29 it shall be the duty of the Mayor of the City of Brevard to cause an accurate map of the annexed territory as described in Section 1 hereof, together with a duly certified copy of this Ordinance, to be recorded in the office of the Register of Deeds of Transylvania County, 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 the 20th day of September, 2021.



Mac Morrow
Mayor Pro Tem



Jill Murray, CMC
City Clerk

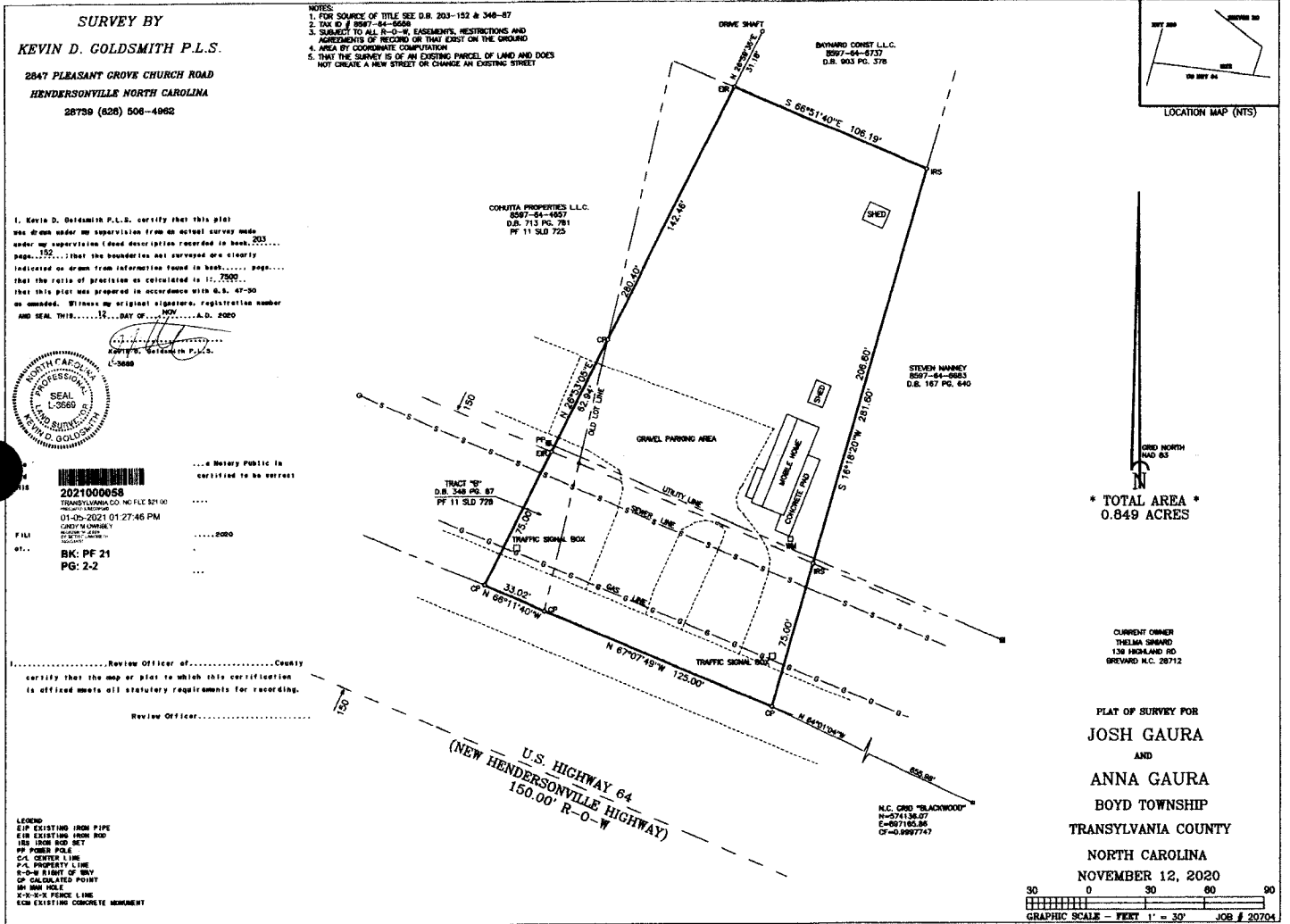
APPROVED AS TO FORM:



Mack McKeller
City Attorney

Plot File 21, Slide 2

21, 2



SURVEY BY
KEVIN D. GOLDSMITH P.L.S.
 2847 PLEASANT GROVE CHURCH ROAD
 HENDERSONVILLE NORTH CAROLINA
 28739 (628) 506-4962

- NOTES:
 1. FOR SOURCE OF TITLE SEE D.B. 203-192 & 348-87
 2. TAX ID # 8987-64-6568
 3. SUBJECT TO ALL R-O-W, EASEMENTS, RESTRICTIONS AND AGREEMENTS OF RECORD OR THAT EXIST ON THE GROUND
 4. AREA BY COORDINATE COMPUTATION
 5. THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

I, Kevin D. Goldsmith P.L.S. certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in book 203 page 192... that the boundaries are correctly indicated as drawn from information found in book... that the ratio of precision as calculated is 1:7500... that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and SEAL THIS... DAY OF... A.D. 2020



Metary Public is certified to be correct
 2021000058
 TRANSLYVANIA CO NC FILE 821 00
 01-09-2021 01:27:46 PM
 BK: PF 21
 PG: 2-2

Review Officer of... County certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
 Review Officer: _____

- LEGEND:
 EIP EXISTING IRON PIPE
 EIM EXISTING IRON ROD
 IRS IRON ROD SET
 PP POWER POLE
 C/L CENTER LINE
 P/L PROPERTY LINE
 R-O-W RIGHT OF WAY
 CP CALCULATED POINT
 MH MAN HOLE
 F-C-F FENCE LINE
 ECM EXISTING CONCRETE MONUMENT



* TOTAL AREA *
 0.849 ACRES

CURRENT OWNER
 JOSH GAURA
 AND
 ANNA GAURA
 BOYD TOWNSHIP
 TRANSLYVANIA COUNTY
 NORTH CAROLINA
 NOVEMBER 12, 2020

