

ORDINANCE NO. _____

WITHROW DOWNS PHASE 3

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

WHEREAS, the City Council has been petitioned under G.S. 160A-31(a) to annex the area described below; and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte - Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on March 25, 2019 after due notice by the Mecklenburg Times on March 25, 2019; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Charlotte as of March 25, 2019 :

LEGAL DESCRIPTION

ATLAS NC I \$PE. LLC TRACT – 19.5278 ACRES

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND KNOWN AS ATLAS NC I SPE. LLC TRACT, PIN NUMBER 029–064–92, LYING AND BEING IN THE CITY OF CHARLOTTE MECKLENBURG COUNTY, NORTH CAROLINA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A PLAT TITLED "19.5278 ACRES, US HIGHWAY 29, CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, OWNED BY ATLAS NC I SPE. LLC" BY GPA PROFESSIONAL LAND SURVEYORS, DATED JUNE 15, 2012, RECORDED IN DEED BOOK 26983, PAGE 241 MECKLENBURG COUNTY REGISTER OF DEEDS AND HAVING THE FOLLOWING METES AND BOUNDS, TO WIT:

COMMENCING AT NCGS MONUMENT 'M 027, (NORTHING 587,670.27, EASTING 1,490,742.17); THENCE S11°18'46"E, A DISTANCE OF 3230.01 FEET (GROUND DISTANCE) TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); SAID 5/8" IRON REBAR BEING THE POINT OF BEGINNING AND BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF CLACKWYCK LANE (50' PUBLIC R/W, RECORDED IN MAP BOOK 41, PAGE 850), ALSO BEING THE NORTHWEST CORNER OF 1152, LLC AS RECORDED IN DEED BOOK 22345, PAGE 210, THENCE LEAVING SAID RIGHT OF WAY OF CLACKWYCK LANE AND WITH THE COMMON LINE OF 1152, LLC THE FOLLOWING FOUR (4) CALLS; 1) S33°35'55"E, A DISTANCE OF 202.60 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 2) S30°57'54"E, A DISTANCE OF 402.42 FEET TO AN SET IRON REBAR FOUND (5/8" REBAR); 3) S20°07'59"E, A DISTANCE OF 451.80 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 4) S26°38'17"E, A DISTANCE OF 450.68 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR) LOCATED IN THE NORTHERN R/W OF US HWY # 29 (120' PUBLIC R/W), THENCE WITH THE R/W OF US HWY #29 S51°26'11"W, A DISTANCE OF 207.29 FEET TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT; THENCE S52°37'38"W, A DISTANCE OF 309.81 FEET TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT; THENCE S74°20'28"W, A DISTANCE OF 47.33 FEET TO A FOUND CONCRETE NAIL IN THE SIDEWALK WHERE THE NORTHERN R/W OF US HWY #29 INTERSECTS THE EASTERN R/W OF WEDNESBURY BLVD. (VARIABLE R/W, RECORDED IN MAP BOOK 23, PAGE 481). THENCE WITH SAID R/W OF WEDNESBURY BLVD. ; N38°04'43"W, A DISTANCE OF 285.11 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); SAID IRON REBAR BEING A COMMON CORNER OF SAID TRACT AND LOT 309, (THE SETTLEMENTS AT WITHROW DOWNS SUBDIVISION) AS RECORDED IN MAP BOOK 23, PAGE 481. THENCE LEAVING SAID R/W OF WEDNESBURY BLVD. AND WITH THE COMMON LINES OF SAID TRACT AND LOTS 309, 308, 307, 306, 273, 1,2,3 & 4 (THE SETTLEMENTS AT WITHROW DOWNS SUBDIVISION) AS RECORDED IN MAP BOOK 23, PAGE 481, MAP BOOK 22, 181 AND MAP BOOK 36, PAGES 361), THE FOLLOWING NINE (9) CALLS; 1) N41°38'09"E, A DISTANCE OF 189.64 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 2) N44°59'50"W, A DISTANCE OF 97.99 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 3) N45°00'26"W, A DISTANCE OF 200.06 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 4) N46°43'32"W, A DISTANCE OF 129.97 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 5) N64°25'54"W, A DISTANCE OF 130.04 FEET TO AN EXISTING IRON FOUND (1" AXLE); SAID AXLE BEING A COMMON CORNER OF SAID TRACT AND LOTS 306, 305 & 273; 6) N11°34'37"W, A DISTANCE OF 151.39 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 7) N13°09'35"W, A DISTANCE OF 246.73 FEET TO AN EXISTING IRON ROD FOUND (1/2" ROD); 8) N13°11'48"W, A DISTANCE OF 99.70 FEET TO AN EXISTING IRON ROD FOUND (1/2" ROD); 9) N29°05'29"W, A DISTANCE OF 137.83 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); SAID EXISTING IRON

REBAR BEING A COMMON CORNER OF SAID TRACT, LOT 4 (THE SETTLEMENTS AT WITHROW DOWNS SUBDIVISION) RECORDED IN MAP BOOK 36, PAGE 361 AND BEING LOCATED ON THE SOUTH EASTERN R/W OF CLACKWYCK LANE (50' PUBLIC R/W RECORDED IN MAP BOOK 41, PAGE 850). THENCE WITH SAID EASTERN R/W OF CLACKWYCK LANE THE FOLLOWING FOUR (4) CALLS; 1) N60°53'24"E, A DISTANCE OF 280.40 FEET TO AN EXISTING IRON REBAR

FOUND (5/8" REBAR); 2) SAID IRON REBAR BEING A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 144.26 FEET AND A CHORD OF N45°53'45"E, A DISTANCE 142.61 FEET TO AN IRON REBAR FOUND (5/8" REBAR); SAID POINT BEING A POINT OF TANGENCY; 3) N30°53'02"E, A DISTANCE OF 50.16 FEET TO AN EXISTING IRON REBAR FOUND (5/8" REBAR); 4) SAID IRON REBAR BEING A POINT OF CURVATURE CONCAVE TO THE SOUTH HAVING A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 83.33 FEET AND A CHORD OF N39°33'55"E, A DISTANCE 83.02 FEET TO AN IRON REBAR FOUND (5/8" REBAR).

SAID REBAR BEING THE POINT OF BEGINNING OF SAID TRACT AND CONTAINING 848,484.63 SQUARE FEET OR 19.4785 ACRES.

Containing 19.5278 Acres.

Section 2. Upon and after _____ (effective date) 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 Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S.160A-58.10.

Section 3. Subject to change in accordance with applicable law, the annexed territory described above shall be included in the following Council electoral district 4.

Section 4. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg County Board of Elections, as required by G.S. 163-288.1.

Adopted this _____ day of _____.

APPROVED AS TO FORM:

Charlotte City Attorney