

ORDINANCE #99-19:

JUL 2 8 16 AM '99

012089

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF PINEHURST, UNDER THE AUTHORITY GRANTED BY CHAPTER 160A, ARTICLE 4A, PART 3 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT PERTAINS TO THE AREA MORE COMMONLY KNOWN AS THE MIDLAND COUNTRY CLUB AND VICINITY.

THAT WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 3 of the General Statutes of North Carolina, have been met; and

WHEREAS, the Village Council has taken into full consideration the statements presented at the public hearing held on April 19th, 1999 on the question of this annexation; and

WHEREAS, the Village Council has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Village of Pinehurst;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled this 21st day of June, 1999 that:

SECTION 1. From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the Village of Pinehurst, and the corporate limits of the Village of Pinehurst shall be extended to include said territory (Midland Country Club and Vicinity) more particularly described by metes and bounds as follows:

165.35 acres more or less.

A certain tract or parcel of land, adjoining the corporate limits of the Village of Pinehurst, and lying between Airport Road and Midland road, east of Windmere Rd. and west of Dr. Neal Road, and being described as follows:

BEGINNING at a concrete monument in the existing corporate limits of the Village of Pinehurst, located at the intersection of the east line of Windmere Road (formerly Cameron Road) and the southeast line of Airport Road (formerly Seals Road) (State Road No. 1843), said beginning corner being the northwest corner of lot 11 of the Edna Cooke division shown on plat recorded in Map Book 7 at page 86 in the Moore County Registry; running thence from said beginning, as the southeasterly line of Airport Road, and as the northwesterly lines of lots 11, 10, 8 and 7 of the Cooke Division, N69-55E 821.10 feet to a concrete monument, the northwest corner of Lot No. 13 of Midland Estates as shown on plat recorded in Map Book 8 at page 12 in the Moore County Registry; thence continuing as the southeast line of Airport Road and as the northwesterly lines of lots 13 and 12, of Midland Estates N69-26E 400.0 feet to an iron stake; thence continuing as the southeasterly line of Airport Road and as the northwest line of lot 11, and beyond, N67-30E 394.24 feet to an iron stake, the northeast corner of Midland Estates, and being in a westerly line of the Midland Farm Country Club (now known as Midland Country Club) as shown on plat recorded in Plat Cabinet 1, at slide 141, in the Moore County Registry; thence continuing as the southeasterly line of Airport Road, N67-05E 606.73 feet to an iron stake in a northerly line of the aforesaid Midland Farm Country Club tract; thence leaving the road as the northerly lines of Midland Farm Country Club, S72-21E 419.17 feet, S70-23E 234.0 feet, and S70-23E 784.20 feet to the northeast corner of Midland Farm Country Club; thence as an easterly line of Midland Farm Country Club, S13-34W 906.40 feet to a concrete monument; thence S77-47E 14.35 feet to a concrete monument, a corner of the Currie division, as shown on plat recorded in Plat Cabinet 6, at slide 629 in the Moore County Registry; thence as the westerly line of said Currie division, and continuing as an easterly line of Midland Farm Country Club, S11-40-56W 515.77 feet to an iron stake in the easterly line of Safford Drive; thence as said line, S12-18-16E 61.84 feet; thence as a curve to the right in a southerly direction having a radius of 45.0 feet, an arc distance of 73.18 feet (chord = S34-17-44W 65.38 feet to an iron stake; thence continuing as the common line of the Currie Division, and with Midland Farm Country Club, S11-40-56W 112.00 feet to a concrete monument; thence continuing as the Currie and Midland Farm Country Club boundary, N76-55-52W 25.14 feet to a concrete monument, thence continuing as the Currie Division, S12-08-21W 120.47 feet to a concrete monument, a corner of the Currie Division, and

\$ 14.00 pd.

MAIL TO: Village of Pinehurst
PO Box 5589
Pinehurst, NC 28374

the northwest corner of the Saunders tract described in Deed Book 1267 at page 435 in the Moore County Registry; thence as the west line of Saunders and with the east line of McLean, S11-45W 580.0 feet to a concrete monument in the northerly right of way of Midland Road (N.C. Highway No. 2); thence crossing the road, S12-11W 120.0 feet to a point in the existing corporate limits of the Village of Pinehurst; thence as the existing corporate limits, and as the southerly right of way of Midland Road, N77-51W 3043.24 feet; thence continuing as the existing corporate limits of the Village of Pinehurst, re-crossing Midland Road, N3-37E 121.12 feet to a concrete monument in the north line of Midland Road, and in the east line of Windmere Road, a corner of the Brenner tract described in Deed Book 1120 at page 375 in the Moore County Registry; thence continuing as the existing corporate limits of Pinehurst, and as the easterly line of Windmere Road, and with Brenner, and Dunn (510/752) and Smith (465/606) and Causey (1237/443) and Barnett (1074/441) and Whitley (1272/185) and Pierce (645/379), N3-37E 1101.10 feet to a concrete monument, the northwest corner of Pierce, and the southwest corner of lot 11 of the aforesaid Cooke division; thence continuing as the existing corporate limits of the Village of Pinehurst, and as the easterly line of Windmere Road, and as the westerly line of lot 11 of the Cooke division N3-38E 210.00 feet to the beginning, containing 165.35 acres more or less (as computed by the coordinate method).

NOTE: The above description compiled from deeds, maps of record and computations and not from actual field survey. The bearings are not all relative to each other.

SECTION 2. The Village Council hereby finds and declares that the above described territory meets the requirements of G.S. 160A-48, in that:

1. The proposed annexation area complies with the requirements of subsection (c) (3).
2. The study area is adjacent and contiguous to the municipality's boundaries.
3. The perimeter of the study area is 10,432 linear feet. One eighth of this is 1,304 linear feet. The area adjacent to the existing corporate limits is 4,401.3 linear feet, thus complying with the one eighth requirement.
4. No part of the study area is included within the boundary of another incorporated municipality.
5. Of the 132 lots or tracts that comprise the study area, 107 of these lots or tracts, or 81% of the lots and tracts, are developed and used as commercial or residential land. The total acreage of the study area is approximately 144.57 acres. Of this, 52.75 acres is used as commercial land (the golf course/club house/restaurant and an office building). Of the remaining 91.82 acres used or platted for residential purposes, 66.46 acres, 72%, is comprised of lots three acres or less.

SECTION 3. It is the purpose and intent of the Village of Pinehurst to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Village Council on March 3rd, 1999 and filed in the office of the Clerk for public inspection on March 3, 1999.

1. Upon annexation, the Village of Pinehurst Police Department will provide police protection to the subject area at the same level of service as is currently provided in the corporate limits of the Village of Pinehurst.
2. The area is now in the service district of the Village of Pinehurst Fire Department. Upon annexation, the Village of Pinehurst Fire Department will provide fire protection to the subject area at the same level of service as is currently provided in the corporate limits of the Village of Pinehurst.
3. A portion of the subject area, namely Midland Country Club, currently contracts for solid waste collection services. Upon annexation, the Village will contract with a private solid waste collection firm to provide solid waste collection. Solid waste collection in the newly annexed area will be at the same level of service as is currently provided in the corporate limits of the Village of Pinehurst. For the remainder of the subject area, other than Midland Country Club upon annexation, the Village of Pinehurst will provide solid waste collection at the same level of service as is currently provided in the corporate limits of the Village of Pinehurst.
4. The streets in the subject area are private roads. Upon annexation, these roads will remain private and maintenance responsibility will be unchanged. If the owner(s) of these roadways desire to dedicate them to the Village, the Village will accept the roadways only upon finding that they comply with Village standards and are in good condition. If roadway improvements are necessary to cause them to comply with

Village standards or to be in good condition, the cost of such improvements shall be paid by assessments levied in accordance with North Carolina General Statute 160A-218.

SECTION 4. The Village of Pinehurst does not provide water or sewer services. Any extension of major trunk water mains or sewer outfall lines will be in accordance with MOWASA's Extension Policy, a copy of which is in the Village Clerk's Office. The timetable will be determined by MOWASA.

SECTION 5. 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 Village of Pinehurst, and shall be entitled to the same privileges and benefits as other parts of the Village.

SECTION 6. The newly annexed territory described above shall be subject to Village taxes according to G.S. 160A-58.10.

SECTION 7. The Mayor of the Village of Pinehurst shall cause an accurate map of the annexed territory 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 Moore 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.

SECTION 8. This ordinance shall become effective on December 1, 1999.

As to qualified tracts of agricultural and, horticultural land and forestland, the annexation will become effective on the last day of the month in which the tract or part thereof becomes ineligible for present-use classification under G.S. 105-227.4 or no longer meets the requirements of G.S. 160A-49(f)(2).

SECTION 9. Notice of adoption of this ordinance shall be published once in a newspaper having general circulation in the Village of Pinehurst.

Adopted this 21st day of June, 1999.

(Municipal)



Attest:

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By:

Virginia F. Fallon
Virginia F. Fallon, Mayor

June 29, 1999

Mary H. McGraw
Mary H. McGraw, Village Clerk

I, Mary H. McGraw, Village Clerk of Pinehurst, North Carolina, do hereby certify that this is a true and accurate copy of the Ordinance (99-19) adopted by the Village Council at their regular meeting of June 21, 1999.

Approved as to form:

WITNESS MY HAND AND OFFICIAL SEAL OF THE Village of Pinehurst, this 29th day of June, 1999.

John B. Clayton
John B. Clayton, Village Attorney

Mary H. McGraw
Mary H. McGraw, Village Clerk

North Carolina -- Moore County

The foregoing attached copy of the ordinance of the Village of Pinehurst has been certified by Mary H. McGraw. This 2nd day of July, 1999.

Judith M. Adams, Register of Deeds

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By: *Julie A. Long*
Deputy

MIDLAND COUNTRY CLUB AND VICINITY

Map 3

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BOOK PAGE

Prepared by the Pinehurst Planning and Inspections Department

THIS MAP IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR COMPLIANCE
WITH ANY APPLICABLE LAND DEVELOPMENT
REGULATIONS

