

AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, September 15, 2020 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

Shannon Cox, Long Range Planning Manager with HR&A Advisors, Inc.

The purpose of this presentation is to provide an informational update to the Town
Council regarding the ongoing development of the Town of Apex Affordable Housing
Plan.

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items

- CN1 Donna Hosch, Town Clerk
 - Motion to approve Minutes of the August 18, 2020 Regular Council Meeting and the September 1, 2020 Regular Council Meeting
- CN2 Donna Hosch, Town Clerk
 - Motion to approve Apex Tax Report dated July 16, 2020
- CN3 Donna Hosch, Town Clerk
 - Motion to ratify action of the Town Clerk in making a refund of \$600 to the Willie Robinson Heirs for cemetery Lot 150 Plots A, B, C, and D which were sold back to the Town
- CN4 Amanda Bunce, Current Planning Manager
 - Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.
- CN5 Shelly Mayo, Planner II

Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding Rezoning Application #19CZ21 Heelan PUD and Ordinance. The applicant, Jason Barron for Morningstar Law Group, seeks to rezone approximately 141.7 acres from Wake Co. R-40W to Planned Unit Development–Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

- CN6 Shelly Mayo, Planner II
 - Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding Rezoning Application #20CZ08 Apex Friendship Elementary. The applicant, Betty Parker for Wake County Public School System, seeks to rezone approximately 5.762 acres from Planned Unit Development-Conditional Zoning (PUD-CZ) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 7901 Humie Olive Road.
- CN7 Liz Loftin, Senior Planner

 Motion to set Public Hearing for October 6, 2020 Town Council meeting regarding
 Rezoning application #20CZ04 Kobra Tract PUD. The applicant, WithersRavenel, seeks
 to rezone approximately 24.63 acres for the properties located at 7500 Green Level

Church Road & 7501 Jenks Road (PINs 0733102211 & 0732196422) from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

- CN8 Liz Loftin, Senior Planner
 - Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ06, Trinity Henderson, petitioner, for the property located at 204 & 206 Lynch Street.
- <u>CN9</u> Marty Stone, Assistant Town Manager
 - Motion to approve first amendment to the Utility Infrastructure Reimbursement Agreement with Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. and to authorize the Town Manager to execute the same.
- **CN10** Steve Adams
 - Motion to approve contract between the Town and Halle Properties to trade a Town owned property at Old Mill Village for a Halle owned property on Hunter Street
- CN11 Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director Motion to approve Budget Ordinance Amendment No. 2 appropriating funds for the purpose of reimbursing a developer for completion of the Hasse Avenue Extension connecting the Sweetwater and Linden Subdivisions.
- CN12 Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director Motion to approve Budget Ordinance Amendment No. 3 appropriating funds for the purpose of refunding a payment in lieu of streets made by a developer to the Town.
- CN13 Shelly Mayo, Planner II

 Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt

a Resolution Setting Date of Public Hearing for October 6, 2020 on the Question of Annexation – Apex Town Council's intent to annex Henry Steven Kastelberg, Carol B. Heelan Irrevocable Trust c/o George Heelan, Edward and Deborah Peart and Jerfi and Lisa Cicin (Heelan PUD) property containing 141.732 acres located at 8824 & 8829 New Hope Farm Road, 0 Humie Olive Road and 3108 & 3120 Olive Farm Road, Annexation #676 into the Town's corporate limits.

CN14 Mary Beth Manville, Human Resources Director
Motion to approve the reclassification of the Administration Department's
Construction Manager position, Grade 25, to Senior Capital Projects Manager, Grade
29

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda.

The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group.

Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

- PHI Dianne Khin, Director of Planning and Community Development
 Public hearing and possible motion to adopt an Ordinance on the Question of
 Annexation Apex Town Council's intent to annex MFW Investments, LLC (Colby
 Crossing) property containing 7.578 acres located along a portion of the future
 connection of Colby Chase Drive between Merion and Pemberley subdivisions,
 Annexation #651 into the Town's corporate limits.
- PH2 Dianne Khin, Director of Planning and Community Development
 Public hearing and possible motion to adopt an Ordinance on the Question of
 Annexation Apex Town Council's intent to annex Kimberly & Loomis Horton, III, Mary
 Elizabeth Horton, Dwight Marvin Wright, MFW Investments, LLC, and MFWIRA, LLC
 (Horton Park PUD) property containing 101.356 acres located at 8140, 8252, 8306 and
 8308 Smith Road, 0 East Williams Street, 0,0,0,0 & 0 Dezola Street and 5220 Jessie
 Drive, Annexation #687 into the Town's corporate limits.
- PH3 Shannon Cox, Long Range Planning Manager
 Public hearing and possible resolution regarding the Town-initiated proposed renaming of "Lynch Street" within the Town of Apex.

OLD BUSINESS

- OB1 Colleen Merays, Downtown and Small Business Development Coordinator Possible motion to extended current Parking-to-Dining Program layout adopted by Town Council on August 18, 2020 until October 21, 2020 to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to extend the ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through October 21, 2020.
- OB2 Vance Holloman, Finance Officer

 Discussion and possible motion to adopt Temporary Ordinance Modifications extending the current suspension of utility disconnections and application of penalties and fees for unpaid utility balances

UNFINISHED BUSINESS

NEW BUSINESS

- NB1 Audra Killingsworth, Council Member

 Discussion and possible motion to amend section 14-18 of the Town Code of Ordinances to remove the age limit for Trick or Treating
- NB2 Vance Holloman, Finance Director
 Possible motion to approve resolution authorizing the filing of an application with
 the Local Government Commission to issue \$32 million of General Obligation
 Refunding Bonds.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to protect attorney-client privilege and (a)(4) to discuss matters related to the location or expansion of businesses to the area.

WORK SESSION

<u>ADJOURNMENT</u>

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: September 15, 2020

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager with HR&A Advisors, Inc.

Department(s): Department of Planning and Community Development

Requested Motion

The purpose of this presentation is to provide an informational update to the Town Council regarding the ongoing development of the Town of Apex Affordable Housing Plan.

<u>Approval Recommended?</u>

Not applicable, item is for information.

Item Details

Shannon Cox, Long Range Planning Manager, with HR&A Advisors, Inc., will provide an update on progress made to date on the Town of Apex Affordable Housing Plan. Results of the Housing Need Assessment and the initial phase of public outreach will be presented.

Attachments

• N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk
Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the August 18, 2020 Regular Council Meeting and the September 1, 2020 Regular Council Meeting

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

<u>Attachments</u>

- August 18, 2020 Council Minutes
- September 1, 2020 Council Minutes





REGULAR TOWN COUNCIL MEETING

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Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Brett D. Gantt, Audra M. Killingsworth, and Cheryl F. Stallings.

Also in attendance were Town Manager Drew Havens, Assistant Town Manager Marty Stone, Town Attorney Laurie L. Hohe, and Council Member Terry Mahaffey and Town Clerk Donna B. Hosch (both remotely).

COMMENCEMENT

Mayor Gilbert called the meeting to order and read a statement of diversity and inclusion related to religion. Imam Muaz from the Apex Mosque gave the Invocation, after which Mayor Gilbert led the Pledge of Allegiance.

<u>PRESENTA</u>TIONS

PR1 Mayor Jacques Gilbert

Proclamation recognizing the League of Women Voters of Wake County

The entire Council present shared in the reading of this important Proclamation. Dianna Wynn, President of the League of Women Voters of Wake County, stated Women's Equality Day next week was to certify the 19th Amendment into law. It is important to put this into a larger historical context. Men and women of color fought for years for full voting rights. Ms. Wynn encouraged voting in spite of the challenges before us. She thanked Council for the Proclamation, which Mayor Gilbert then presented to her.

PR2 John Bosio, Principal – MERJE with Jenna Shouse, Long Range Planner – Town of Apex Updates on the Town of Apex Wayfinding Signage Program, including a summary of the Wayfinding Analysis Report and a proposed sign design concept Staff stated the purpose of the Program. The resulting products will give us wayfinding and messaging plans. The Town has partnered with MERJE to lead the project.

Mr. Bosio stated the intent of a wayfinding program which would market Apex and cut down on signage clutter. The branding has been brought into the project. There are many gateways into Apex, and this is complicated to work with. They have been looking a lot at downtown for its natural and perceived boundaries, which will have more pedestrian-oriented elements. People need to get to parking, and Mr. Bosio wanted to help with this.

Mr. Bosio presented examples of what types of signs might be included. Signs for parks will remain and not change because they are well identified. However, improved will be directions to the parks. Mr. Bosio identified four options: 1-architecture, 2-brand heavy, 3-classic, and 4-elegant charm – which was not particularly liked. With input from various individuals and DOT, they would continue working on an alternate to option four. Mr. Bosio outlined the preferred designs and elements of the signage. They would make sure Apex is different from other municipalities. A new map for downtown would be designed which would be a simplified orientation of where things are.

In looking at the \$75,000 budget, Mr. Bosio broke down the plan into phases. He felt monies should be spent mostly downtown. They would then move further out and to the gateways.

Council was mainly in agreement with the appearance of the signage. Responding to Council, Mr. Bosio explained the accessibility factor of the signage for braille and contrast requirements. He stated there would also be accessibility around the signs.

Responding to Council, staff stated we received 15 survey responses out of the 39 people invited to the initial meetings. Council asked if the general public was invited to the meetings. Staff stated most comments came from staff and businesses. Council stated she felt this was a missed opportunity. Council asked if there could be input from the general public, and that this was something she wanted to see. Mr. Bosio stated the project was at a point where this could, in fact, be done.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk

 Minutes of the July 21, 2020 Work Session, the July 21, 2020 Regular Council Meeting,
 and the August 4, 2020 Regular Council Meeting
- CN2 Dianne Khin, Director of Planning and Community Development
 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of
 Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for
 September 1, 2020 on the Question of Annexation Apex Town Council's intent to

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annex Hector Cuales (Perry Hills Phase 6) property containing 1.66 acres located at 0 and 1105 Tingen Road, Annexation #695 into the Town's corporate limits

- CN3 Michael Deaton, Water Resources Director
 - Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and Colonial Pipeline Company (CPC) regarding an existing CPC easement located adjacent to the intersection of S. Salem Street and Sugarland Drive in Apex, NC
- CN4 Angela Reincke, Parks and Greenways Planner

 Encroachment agreement with NCDOT relative to the Apex West- American Tobacco

 Trail greenway connection and authorize Town Manager to sign all necessary documents
- CN5 Mary Beth Manville, Human Resources Director

 Amendment to the Town's Employee Assistance Program contract with Behavioral Health Services (BHS), extending the contract term to September 18, 2023
- CN6 David Dillon, Deputy Fire Marshall
 Ordinance amending Section 20-164 with the addition of subsection (38) to enforce
 a No Parking restriction along both sides of Sunny Creek Lane and Windy Creek Lane,
 north and south of Evening Star Drive.
- CN7 Drew Havens, Town Manager

 Amendments to the Town's Special Event Policy to put into writing the existing position that use of town property for a special event at no cost is considered cosponsorship of that event under our policy and to state more clearly that the Town will not co-sponsor political events.
- CN8 Jose Martinez, PW&T Director

 Cooperative Purchasing Agreement between the Town and Wake County concerning
 Disaster Debris Monitoring Services and to approve related Cooperative Purchasing
 Agreement with HDR Engineering, Inc. of the Carolinas and authorization for the Town
 Manager to execute both agreements
- CN9 Steve Adams

 Contract between the Town and Halle Properties to trade a Town owned property at

 Old Mill village for a Halle owned property on Hunter Street

Town Manager Havens stated staff requested the removal of CN9 to be heard at a later date. Additionally, there was a corrected page to CN8.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion with the requested changes; Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Town Attorney Hohe requested two additional Closed Session items: (1) Pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to preserve attorney client privilege; and (2) Pursuant to NCGS 143-318.11(a)(3) to discuss the handling of the matter of Torres v. Tracy Lynn Carter, et al.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member
Gantt made the motion with the requested changes; Council
Member Stallings seconded the motion.
The motion carried by a 4-0 vote.

PUBLIC FORUM

Tom Land addressed Council about the parking situation downtown on Salem Street. Foot traffic has been reduced since the installation of the barricades. Mr. Land felt he had begun to recover at phase 2, but things changed when the barricades went up. He hears complaints about parking, and the downtown charm is gone. Mr. Land realized the intent was for all merchants to benefit, but that has not been the case. He thought the plan would be modified to bring folks back downtown. He wanted parking put back in some places. The tables in front of his store are not used, and this is lost parking to the stores.

Mr. Land stated with the current plan set to expire in September, the merchants hoped that on the 19th all parking spaces would be opened back up. He spoke about holiday sales and how the merchants need easy access for customers.

Annie Scott asked Stacy Strong to speak for her in addressing Council. The following individuals spoke in support of continued parking for school students on Ms. Scott's property: Ryan Page, Trish McCabe, Kristi Manning, Lisa Veach, Stacy Strong, Carly Strong Kate Macdonnell, Micelle Pana, Skip Stam, and recorded comments from Kathy Miles and Kathy Grandshaw. Comments were cited concerning: no adequate parking at the high school, not wanting to quit athletics because of no parking, traffic and safety concerns were unfounded, no accidents or incidents on Ms. Scott's property, accidents at the school occurring but not having to be reported, Ms. Scott's son organizes parking with no issues, and there being no spots for juniors and not all seniors at the high school.

Also offered was appreciation for Ms. Scott providing a place for the kids, congestion is alleviated, Ms. Scott's spaces being a necessity and not a luxury, children being asked to leave if they are not respectful after warning, Ms. Scott watching out while children go to their vehicles, and Ms. Scott being a patriot.

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Supporters stated that decisions are being made about Ms. Scott's property [not in Town limits] and she cannot vote for or against issues, parking on the property began before the Ordinance went into effect, no evidence that Ms. Scott's property is affecting home sales, students parking only during the day, and Ms. Scott being extended grace since she was there before the high school was built.

Skip Stam stated he'd sent a letter to Council. 706 people signed a supportive petition which was given to Council. Mr. Stam clarified that Ms. Scott has been faced several times with civil penalties. He did not think Council had the full story before it acted. Now that the full story was known, he asked that the UDO be rescinded to make it possible for students to park on Ms. Scott's property.

Juan Ortega, business owner in downtown, stated barriers are tremendously affecting the businesses. This has been a double whammy since COVID started. His customers and friends have given reasons why barriers are ineffective. He wanted the barriers removed now and not later, because their sales for the rest of the year are crucial. The barriers don't look good, and some spaces are not being used for tables.

Jeff Roach spoke about fee waivers and the noise ordinance. He elaborated on the changing times for construction workers.

Recorded comments from Marshall Barnes, downtown business owner, were presented. He agreed with modification to the parking spaces. However, barricades impede pedestrian traffic. As for parking to dining, he thought the town was going to move to Phase 3 when this happened.

PUBLIC HEARINGS

PH1 Liz Loftin, Senior Planner

Rezoning Application #20CZ06 204 & 206 Lynch Street. The applicant, Trinity Henderson, sought to rezone approximately ±0.45 acres for the properties located at 204 & 206 Lynch Street, from High Density Single Family (HDSF) to High Density Single Family-Conditional Zoning (HDSF-CZ).

Staff oriented Council to the request. Two neighborhood meetings were held. The Planning Board and staff recommended approval. Responding to Council, staff and the petitioner stated no one showed up for the neighborhood meetings.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the rezoning; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

PH2 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance as requested by Planning staff

Staff oriented Council to the amendments. The Planning Board and staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the modification; Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

OLD BUSINESS

OB1 Colleen Merays, Downtown and Small Business Development Coordinator

Modification of current Parking-to-Dining Program layout adopted by Town Council
on June 2, 2020 to new layout presented

Town Manager Havens stood in for Ms. Merays regarding the parking to dining barricades to allow street side shopping and dining. Dining is happening but shopping is not. The Apex Downtown Business Association (ADBA) asked for modification to open eight parking spots on the east side and four spots on the west side. This would be easy enough to do.

Staff stated doing so would change the risk profile slightly, and he explained where vehicles could strike the barricades. However, because the barricades are so heavy and with the way the transition would be structured, staff did not think this a huge safety concern. The concern was someone jumping the barricades, which are not easy to get over, but which has been happening since the beginning.

Police staff stated a vehicle struck the parklet, but the driver was drunk. We are a Vision Zero town, and we don't want to do anything to affect this. He was also concerned about texting while driving. If we open up the spaces, some citizens will cross the street at those points, and this potentially increases risk. Responding to Council, he stated we could

reduce concern about hitting barriers if we were to remove the ones in front of several of the stores, leaving an entire area open for parking on that side.

Staff stated we should do what we can to help the downtown businesses. We will make any adjustments as safe as possible from an engineering standpoint. He thought what was proposed would work fine.

Responding to Council, staff clarified the specifics of the crash. Council asked could we increase awareness to the public. Staff stated we could put signs on the barricades that say, 'do not cross'. He felt the ADBA's request was reasonable, but we could re-evaluate the situation if we needed to. The changes could be done before the end of the week.

Responding to Council, Mr. Reese from the ADBA stated they were appreciative of Council's willingness to implement this. He presented background on why the request was made – in response to requests from restaurants to service its customers. Staff and the ADBA developed this plan through negotiation. He believed customers would use the cross walks, and he spoke about possible signage. Mr. Reese stated they preferred 15 minute parking, but did not know if this could be implemented. The request was Initiated by the retail businesses because downtown has been barren since COVID and they needed to get restaurants back up.

Council preferred a modification to the request which would be to remove the barrier in front of Stylish Living as requested earlier by its owner. Staff stated this would reduce the number of tables for restaurants in that area. He did not know if tables at this location were highly used. Staff did not want to start picking winners and losers.

The Mayor recalled Mr. Reese who offered background on why the modification was important. Mr. Land then spoke about the parking spot at Mission Market and what modification would be beneficial for them. After certain hours, the tables are not used. He further explained parking usage.

Responding to Council, Mr. Dennis, business owner, spoke about parking at his store. He didn't feel the extra parking spots would make that big of a difference. He had spent \$1,400 on the tables.

Council stated this was temporary; we should think long term. The Downtown Plan provides for permanency, and this Plan should not be derailed. Right now, this was a fit, but it was not an apples-to-apples comparison.

Council echoed Council's concern. This situation is not what it will be in the long-term Plan. He did not think it should prejudice the Plan. He supported the request by the ADBA, and he talked about the flexibility for the Plan at this point. He was not sure this is the solution, but he was willing to give it a try.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the modification; Council Member Dozier seconded the motion.

Council sated she wanted to see signage and the option to reevaluate the changes.

Council stated we should maintain the spaces she mentioned earlier. Staff stated we will see if we can pick up one more space so everyone wins, but pedestrian safety is going to be number one.

The Mayor talked about an apparent hardship to almost all business owners. He complimented businesses and staff for working together.

The motion carried by a 4-0 vote.

OB2 Drew Havens, Town Manager

Temporary Ordinance Modifications extending the current suspension of utility disconnections and application of penalties and fees for unpaid utility balances

Staff provided a history of this action, stating that the Governor's order sunsetted in July.

Some municipalities had severe hardship, but not Apex. Our action will sunset on August 31st. Staff presented figures on monies owed for services, noting that the number of customers has increased. We sent out letters in June about available payment plans; we have had zero takers. Staff stated the thought that until we get to our sunset, people will not make payment plans. If Council extends the sunset date, we would send out the same letter as previously. We are holding out hope that federal or state funding is coming for those with demonstrated need.

Responding to Council, staff spoke to the impact of our missing revenue. We have no issue with solvency of either electric or water, and staff explained how funds were budgeted. He was not concerned with lack of solvency at this point.

Responding to Council, staff stated we are running a tight ship right now. If suspensions continue, we will continue to find ways to keep the belt tight. We are able to pay our bills, and we are not going broke. If we extend the suspension and our financial situation

changes, we will be back before Council. Staff will find out if there is a predicted date when the red flag may go up.

Council stated she wanted to extend suspensions through September 11. She wanted to hold people harmless as much as possible. People need to not be compromised by not having services. She had engaged US Senators Tillis and Burr and was delightfully surprised at their responses. Council explained the conference call with Senator Burrs' office and the main points that were brought out. It was made clear that Apex needs commitment from the federal level to support local governments. Conversations will be ongoing. Council thanked Council for having the conversation. Her preference was to extend to the end of September and to see where it went from there.

Council stated the Town has been compassionate and a leader. He was concerned about zero takers on the payment plan as this was a red flag. He would not support the extension. This was an unfunded liability, and he had no faith in the State.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to adopt the Ordinance extending through September 30; Council Member Killingsworth seconded the motion.

Council stated that if there was some plan to take care of the liability, then he would be happy to extend.

Council stated we have not lived through this before. Poverty is hidden in Apex, and people are experiencing what they haven't before. We are not in any financial stress.

Council stated he didn't think we have insight as to people's motivation. He thought that people received the first letter and needed to make the tough decision as to what would not be paid if they paid for electricity. People are in need; they don't have the money. The unemployment program just ended, so the situation is now more dangerous. Shutting off services is not going to make the money materialize. Council stated reasons why he felt this was a good idea. We have gone to extended lengths to help businesses. We should go longer to help people.

Council Members Dozier, Killingsworth, and Stallings voted in the affirmative;

Council Member Gantt voted in the negative.

The vote carried by a 3-1 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for discussion.

NEW BUSINESS

NB1 Drew Havens

Providing financial support for the Kissena Lane Affordable Housing project in the form of waivers of administrative fees and issuance of grants from the Affordable Housing Fund for Water and Sewer Capital Reimbursement Fees and Recreation Feesin-lieu contingent upon application for annexation of the associated property into the Apex town limits

Staff stated that Council was familiar with the lots which were previously approved. The property owner was asking for a grant for fees as outlined. This would be somewhat of a precedent. We can't waive some of the fees, but they could be paid out of affordable housing which is in the budget this year.

Jeff Roach, Peak Engineering and Design, talked about Habitat working with the requestor. Whatever money is granted or given back will go back to Habitat to keep lot prices as low as possible. Staff has been great to work with. He hoped Council could support this for the nine lots.

Responding to Council, staff stated other municipalities do this type of grant. He explained the financial structure but didn't know if this was on or under par. The Affordable Housing Plan will help to provide more solid guidance as it is developed. The Plan will be complete by the end of the year.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the request; Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

NB2 Drew Havens, Town Manager

One-time grant to the ADBA to cover expenses related to their now-cancelled PeakTique fund raiser

Staff stated this annual fundraiser, moved to September, was cancelled due to COVID. The incurred expenses were made from their planning prior to COVID. The ADBA has provided us receipts.

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Mack Thorpe, Rusty Bucket owner, explained that the event insurance had a clause specifically spelling out that the policy would be nullified if the event was cancelled due to COVID.

Staff stated this was an unusual situation, and the ADBA did what they should have done. The expense amount was a little over \$1,200.00

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the requested expenses; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

NB3 Terry Mahaffey, Council Member

Amendment of Section 14-33 of the Apex Code of Ordinances related to prohibited noises

Council outlined the various ordinances from municipalities throughout Wake County. Apex has a lot of construction noise which is a quality of life issue, and Council felt 8:30 p.m. too late a shut off time. Council presented Holly Springs and Cary Ordinances. It is more appropriate to have an ordinance which matches our neighbors than to match Raleigh's ordinance, which our ordinance does.

After discussion in committee, Council engaged other stakeholders to get more feedback to try to come to some compromise. The proposal is midway between Apex, Cary, and Holly Springs ordinances. The proposed ordinance would change our times to 7 a.m. to 7 p.m. Council stated the language was clarified for loud and excessive construction noise activity and would apply when two or more people complain about the noise.

Council clarified that this does not cover owners working on their own small projects in their homes, making this proposal more permissive for homeowners. Council stated he explored a seasonal schedule, but there would be legal issues about how noise would be regulated. The effective date would change to January 1, 2021 to accommodate current construction which may be impacted.

Council asked were there a lot of concerns from builders about this modification. Council stated they would have wanted more time for evaluation, but the proposal was a compromise which integrated builder concerns. Council noted that there are no concerns about Cary's and Holly Springs' ordinances.

Council stated he was sensitive to noise, noting that any concerns would go away after a house is built. In committee he suggested a little later time on Saturdays and Sundays. As

a note, Council thought that if we wanted to improve quality of life, we should do train quiet zones. He recognized this was not what was being talked about on this evening.

Council agreed trains are an issue but not what was being talked about this evening. Housing builds could last a year, and we need to improve the quality of life for citizens. He did not see a reason we should not help to improve quality of life.

Council clarified he proposed a two-hour delay in the mornings on Saturday and Sunday to take care of early mornings in the weekend time.

Council asked if working on Sundays was relatively new in Apex, Council responding that contractors normally don't work on these days, but they may use them as rain make up days.

Council stated she was concerned about not having any construction at all on weekends. She was agreeable as long as construction was not loud and excessive.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the amendment; Council Member Dozier seconded the motion.

Council, in reference to quiet zones with the trains, stated Council worked for several years on this issue. Trying to get the quiet zones was an impossibility even with the help of congressional members and our paying a significant amount of money for one zone which is still not a quiet zone. Council stated he thought it was still worth pursuing. He added he did not know the cost consequences of this proposal.

Council Members Dozier, Killingsworth, and Stallings voted in the affirmative;

Council Member Gantt voted in the negative.

The motion carried by a 3-1 vote.

CLOSED SESSION

CS1 Mayor Pro Tem Dozier

Closed Session (1) To discuss a personnel matter; (2)Pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to preserve attorney client privilege; and (3) Pursuant to NCGS 143-318.11(a)(3) to discuss the handling of the matter of Torres v. Tracy Lynn Carter, et al.; and (3) To discuss a personnel matter

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Dozier seconded the motion.

The motion carried by a 4-0 vote.

There were no work Session items for consideration.

<u>ADJOURNMENT</u>

With there being no further business and without objection from Council, Mayor Gilbert adjourned the Meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

Tuesday, September 01, 2020 at 6:00 PM Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and read a statement of inclusion and diversity related to religion. Mallory Harris, Felton Grove Baptist Church, gave the Invocation, after which Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Nicole Dozier, Mayor Pro Tem

Nicole Dozier, Mayor Pro Tem presented the Think Apex Awards

MPT Dozier welcomed everyone to the 2020 Think Apex Awards ceremony and gave background on her creating the Think Apex initiative. She thanked all who made nominations before announcing all those who were nominated in the various categories. Individual or Group Category: Doris Battle, Garrett Raczek, Hector Cuales, Ive Jones, Paul Stam, Stephen West, Sucharitha Murugu, and Tina Sherman. Nominees for the Business Category were: Apex Fencing Academy, Avalon Peaks Apartments, Common Grounds Coffee House and Desserts, Fresh Local Ice Cream, Jenny Midgley Photography, Lake Pine Animal Hospital, and Utica Bakery. Nominees for the Non-Profit Category were: Apex Chamber of Commerce and Apex Public School Foundation.

MPT Dozier read the nomination for the Individual or Group Category, after which she presented the Honorable Mention award to Hector Cuales. She then read the nomination for the Top Thinker in this category, after which she presented the award to Stephen West.

MPT Dozier read the nomination for the Business Category, after which she presented the Honorable Mention award to Common Grounds Coffee House and Desserts. She then read the nomination for the Top Thinker in this category, after which she presented the award to Apex Fencing Academy.

MPT Dozier read the nomination for the Non-Profit Category, after which she presented the Honorable Mention award to the Apex Chamber of Commerce. She then read the nomination for the Top Thinker in this category, after which she presented the award to Apex Public School Foundation.

MPT Dozier stated it has been her pleasure to do this initiative. While things are different, things are still moving on. She thanked all for what they do, all who nominated, and all those in attendance. She was appreciative for what the award winners do every day. MPT Dozier thanked Council and staff for their support.

PR2 Anne Harrison, Simple Gifts Community Garden

Presentation from Anne Harrison, representing Simple Gifts Community Gardens Ms. Harrison stated that her friend Sandra Webb was in attendance with her. She gave the history of how the Garden got started. A project that stuck in her head was the growing of a community garden. Jean Hack offered her land for the Garden for as long as she was alive, which started in 2009. They have expanded over the years, adding various types of gardens. If a family wanted to join the Garden, it would cost them \$15. If they worked, they could take home part of the produce. The Garden supports five local foodbanks as it is important to get food to those who are food insecure.

Ms. Webb stated food is only one dimension of the Garden. She talked about how the Garden is taken care of using natural elements. They have donated over 20,000 pounds of food to the local foodbanks. They are also creating educational opportunities. Another dimension is the community aspect. Everyone is welcomed, respected, and valued. They have aligned with Apex United Methodist Church, but have quotes posted on their shed from all kinds of traditions. Ms. Webb talked about the other various projects in which they are involved. She hoped Council could find ways to partner with them to continue their effort.

Ms. Harrison stated their future is uncertain with the passing of Ms. Hack. She talked about what is located on the property. She thought the property would make a great park and there would be a lot to be gained by saving what is there. Ms. Webb thanked Ms. Harrison for her work over the last 12 years. Ms. Harrison figured out how to continue to grow the Garden even in the midst of COVID.

The Mayor stated he had been to the Garden, and it is beautiful.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk

 Minutes of the March 17, 2020 Regular Council Meeting
- CN2 Amanda Bunce, Current Planning Manager
 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of August 18, 2020
- CN3 Lauren Staudenmaier, Planner I

 Set Public Hearing for the October 6, 2020 Town Council meeting regarding Rezoning
 Application #20CZ07 2309 Old US 1 Highway. The applicant, Rich Levert, sought to
 rezone approximately 1.60 acres for the property located at 2309 Old US 1 Highway
 (PIN 0720985958), from Rural Residential (RR) and Tech/Flex-Conditional Zoning (TFCZ #15CZ25) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).
- CN4 Marty Stone, Assistant Town Manager

 Approval of and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owner, Katharine Heinkel, regarding Wake County, NC PIN#0722-68-8817, 727 Meadowside Court, as recorded in Book of Maps 2018, Page 00062, Wake County Register of Deeds
- CN5 Marty Stone, Assistant Town Manager

 Approval of and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Hyun J. Woo and spouse David W. Lee, regarding Wake County, NC PIN#0723-60-4354, 2712 Tunstall Grove Drive, as recorded in Book of Maps 2018, Page 00961, Wake County Register of Deeds
- CN6 John Letteney, Police Chief and Vance Holloman, Finance Officer
 Budget Ordinance Amendment No. 1 which appropriates Fund Balance in order to
 purchase body worn cameras for all sworn members of the Apex Police Department
- CN7 Dianne Khin, Director of Planning and Community Development
 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of
 Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for
 September 15, 2020 on the Question of Annexation Apex Town Council's intent to

annex MFW Investments, LLC (Colby Crossing) property containing 7.578 acres located along a portion of the future connection of Colby Chase Drive between Merion and Pemberley subdivisions, Annexation #651 into the Town's corporate limits Dianne Khin, Director of Planning and Community Development

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 15, 2020 on the Question of Annexation – Apex Town Council's intent to annex Kimberly & Loomis Horton, III, Mary Elizabeth Horton, Dwight Marvin Wright, MFW Investments, LLC, and MFWIRA, LLC (Horton Park PUD) property containing 101.356 acres located at 8140, 8252, 8306 and 8308 Smith Road, 0 East Williams Street, 0,0,0,0 & 0 Dezola Street and 5220 Jessie Drive, Annexation #687 into the Town's corporate limits

- CN9 Patrick Lechner, Facilities & Grounds Manager

 Approval of and authorization for the Town Manager to sign three-year contract agreements with Gregory Poole Generator inspection/maintenance
- CN10 Patrick Lechner, Facilities & Grounds Manager

 Approval of and authorization for the Town Manager to sign three-year contract agreement with FESS Fire protection
- CN11 Mary Beth Manville, Human Resources Director

 Auto-renewing contract with Delta Dental of North Carolina, effective July 1, 2020

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated there was a request to add a second Closed Session item to discuss the location of a business or industry in the Town of Apex.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council

Member Gantt made the motion with the stated addition; Council

Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

CN8

PUBLIC HEARINGS

PHI Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation – Apex Town Council's intent to annex
Hector Cuales (Perry Hills Phase 6) property containing 1.66 acres located at 0 and
1105 Tingen Road, Annexation #695 into the Town's corporate limits

Staff oriented Council to the site which is the site Mr. Cuales was recognized for tonight with a Think Apex award. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to adopt the Ordinance; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Mike Deaton, Water Resources Director

Waive the \$4,700 Civil Penalty that was assessed to the Center Street Pharmacy property owner on March 19, 2020. The property owner failed to submit an annual inspection report for the on-site stormwater control measure (SCM) in accordance with UDO Section 6.1.12(I) (1).

Staff stated the penalty was for not submitting an annual inspection report for the owner's onsite stormwater control measure as required by the UDO. Over 11 years, none of the SCM inspection reports were submitted in a timely manner. Seven violation notices have been issued, and staff has worked with the property owner to remind them of their obligation. The property owner has stated hardships have made the penalty payment difficult. The SCM is now in compliance, and the property owner states he will not miss future deadlines.

Dr. Raj Polavaram, property owner, stated this has been a sore spot for him and his business partner. He stated they couldn't get the property rented; therefore, they have received no income. They have, however, kept up with the taxes and other things having to do with the property. The inspection is compliant as of October. The other property owner, who lives out of the country, was supposed to take care of this. However, he only paid his half of what was due. Dr. Polgyaram stated he was out of town, and it was not his intention to be non-compliant. He has been trying to do what else was needed on the property which is why he asked for this waiver. He will try to be compliant in the future. Responding to Council, Dr. Polgyaram stated that from now on, he would pay the fees himself. He stated there are hardships between him and his partner.

Council asked what procedures Dr. Polgyaram has put in place so this would not happen again. He restated that he, himself, would pay from this point forward and not rely on his partner who lives outside the country. His partner is not happy because the property is not making money.

Council stated the Town has been very lenient since 2009 and that others also struggle to pay. She asked was there consideration for a flexible payment plan. Also, Dr. Polgyaram stated he would <u>try</u> to be compliant, and trying and doing are two different things. She wanted to be sure that Dr. Polgyaram was treated equitably to someone else who would do the same thing. Dr. Polgyaram stated that no matter what, he will not rely on his partner and pay regardless. As for a payment plan, it would have been tough on him because of the circumstances of the building.

Responding to Council, staff confirmed the property has passed inspection and the report has been received from the consultant.

Council asked what was involved in the inspection process and how much it cost. Staff stated the process, the cost being about \$400-\$600 by the consultant.

Council asked how many of these penalties we assess in a year, staff stating this was the first for a stormwater control measure. Sometimes the requirement is not met, and the person is sent an NOV. This has worked well to get penalties paid. Staff stated the accrual process has been 47 days in this case. Council asked the Town Attorney if we could reduce instead of eliminating the penalty, to which she answered it could be reduced, waived, or stand as is.

The Mayor asked how responsive was Dr. Polgyaram to us as far as communication throughout the process. Staff stated the property owner is tough to get in touch with. We

have used email and phone calls to try to reach him. We have been to the property, but it is vacant. The penalties and NOV were sent to his Cary address.

Council understood situations for this year. She was concerned with the history of how long this has been going on.

Council agreed and stated the penalty was due in April and now we're in September. She asked why are we looking at this now? She wanted to be fair but equitable. She thought we needed to talk more about options. The Town has bent over backwards over the past 11 years. She did not know if this was something we could do for every business in this way. She was okay with reducing the amount, but it needed to make sense what it would be reduced to and a timeframe for payments needed to be set.

Council agreed the history of non-compliance was perplexing – why did this take 11 years. If this was the first time we were trying to issue this penalty and then we waive on doing so, it would take away some of the enforcement action. He was not in favor of a complete waiving of fees. He was happy to see Dr. Polgyaram was in compliance at this point. He was sympathetic because of the times, but wanted some penalty associated with this to settle.

Council agreed. This has been many years of this same problem, and this is concerning. There is no guarantee this won't be an issue next year and so on. She agreed with reducing the amount and possibly doing some type of payment plan.

Council stated he would not support waiving the penalty, because it's a bad precedent. We have our rules and should be able to enforce them. He was okay with some sort of payment plan.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to reduce the penalty to \$1,500, Council Member Killingsworth seconded the motion.

Responding to Council question, Council explained the \$1,500 was large enough to still feel like a penalty, but he felt it recognized the economic situation and showed some flexibility on the Town's part.

Council stated she needed for this to make sense and wanted guidance from staff as to what a reasonable amount would be. She also wanted to receive from staff what would be appropriate in similar situations.

Responding to Council staff stated our ordinance states penalties up to \$100 per day. It would be hard to come up on the fly with something that's not arbitrary. We would also want to look at how we would handle similar situations. Council stated she would be more comfortable with staff coming up with something in case there were similar situations.

Dr. Polgyaram restated his partner lives outside the country. Therefore, he has taken over the entire responsibility. This will be the last time this happens. If he was given one more chance and he defaulted again, then he would go back and pay the whole amount.

Council stated she was a business owner also, and this was about business decisions and managing business. This was about the history of 11 years of non-payment and not just this year.

Council conversation ensued about doing something outside the policy and making it clear about how they arrived at a reduced number, and more clarity to the policy.

Council stated our rules are crystal clear, and now we're not following them. It is muddling things.

Council stated his goal was to compel compliance and now Dr. Polgyaram is in compliance.

Council stated she wanted to be able to show, should someone else come before Council, that we are being equitable according to the situation. Again, this is September – what happened in April?

Council Member Mahaffey was in agreement with revising his motion for staff to come back with the recommendation of a reduced amount; Council Member Killingsworth was in agreement to second the motion.

Council Members Mahaffey, Dozier, Killingsworth, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Responding to Council, staff cleared up why this was before Council and not the Board of Adjustment. The Board of Adjustment hears the violation. In this case, the violation is not being contested; the only body that can waive the fee is Council.

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NB2 Joanna Helms, Economic Development Director

Extension of a ground lease agreement and an option to purchase agreement with Jack1, LLC regarding the Cash Corporate Center economic development site

Staff briefly oriented Council to the site. Apex entered in a development agreement with the property owner. The site has become NC certified, and all milestones have been reached for pre-development. An addendum to the lease describes an initial term of 3 years with the Town having the option to extend for three more 3-year terms. To extend beyond the initial term, the Town must give the owners a 90-day notice. The initial term expires in December, and staff recommended extending the lease since this is our only marketable industrial site that is shovel ready.

Staff showed charts of the number of site inquiries. There are currently three very active projects looking at the Center. Also, 4 parties have expressed interest in looking at the entire site, and staff explained the terms of this in the lease agreement. Staff stated the site is doing what it was expected to do.

Responding to Council, staff clarified the terms of the agreement to extend. The Town can buy down portions of the property in year three, there being a fixed price.

Responding to Council, staff explained why there have not as yet been any projects, mainly because this is a competitive market.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the extension of the ground lease and the option to purchase agreement;

Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Closed Session (1) pursuant to GS 143-318.11(a)(3) to consult with the Town Attorney concerning the handling of the matter of Torres v. Tracy Lynn Carter, et al., and (2) to discuss the location of a business or industry in the Town of Apex

Mayor Gilbert called for a motion to go into Closed Session. Council Member Stallings made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

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WORK SESSION

T 1	144 1 0 .	• •	
There were no	Work Session	items for	consideration.

ΑDJ	ΙOU	RNI	MEN	lΤ

With	there	being	no	further	business	and	without	objection	from	Council,	Mayor	Gilbert
adjo	urned	the Me	etir	ng.								

Donna B. Hosch, MMC, NCCMC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Apex Tax Report dated July 16, 2020

Approval Recommended?

Yes

<u>Item Details</u>

In regular session on August 17, 2020, the Wake County Board of Commissioners approved the Apex Tax Report dated July 16, 2020.

Attachments

Tax Report



Tax Committee Meeting: 07/16/2020

Board of Commissioners Meeting: 08/17/2020

O: Wake County Board of Commissioners and Town Board of Apex

OR: Consideration of Requests for Tax Relief Exclusions

tem #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Value Appealed	Appeal/Request Type	Recommendation
6739	HARRIS, KEITH HARRIS, ANGELA 1001 DRAYMAN PL APEX NC 27502-5108	1001 DRAYMAN PL APEX	0000444631 2020 Not Paid	\$45,000	Exclusion Veterans Relief 105-277.1C	Granted
6741	OQUINN, NICKIE 1630 CONE AVE	1630 CONE AVE APEX	0000052237 2020 Not Paid	\$136,915	Exclusion Elderly Exclusion (brantd

'his List Requires Board Action

APEX NC 27502-1518

ax Committee Members: Natasha Baldwin, City Of Raleigh

Emily Lucas, Wake County Finance Jessica Murphy-Rhem, Town Of Cary

Marcus Kinrade, Tax Administrator

105-277.1

Approved by:

Board Report

Date: 08/17/2020

TO: WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

Approved By :	Guly	Lucas
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No.	Name of Tax Payer	Account Number	Tax and Penalties		Total Rebate	Total Refund	Request Status
1	LENNOR CAROLINAS LLC	0000420368- 2018- 2018- 000000	City	435.92	1,126,25	1.154.19	Refund
	909 AVIATION PARKWAY STE 1500 MORRISVILLE NC, 27560	0000420306- 2016- 2016- 000000	County	690.33	1,120.23	1,104.13	rterana
			T (-10")				
	Marcus D. Kinrade		Total City Rebated	435.92			
	Wake County Tax Administrator		Total County Rebated	690.33			
	MaDle.		Total Rebate/Refund		1,126.25	1,154.19	

CC: *Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Lock



Wake County Tax Administration Rebate Details

06/01/2020 - 06/30/2020

DATE

TIME

PAGE

07/16/2020

12:02:03 PM

1

COUNTY NORTH CAROLINA					00/01/2	APEX					
REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER		YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOU	UNTS										
757345 757342 757343 757344	9.64 10.93 9.70 9.64	0.00 0.00 0.00 0.00	0.96 1.09 0.97 0.96	0.00 0.00 0.00 0.00	10.60 12.02 10.67 10.60	06/08/2020 06/08/2020 06/08/2020 06/08/2020	0006146179 0006146179 0006146179 0006146179	2019 2016 2017 2018	2016 2017	000000 000000 000000 000000	ADMA PRIMARY CARE PC ADMA PRIMARY CARE P.C. ADMA PRIMARY CARE P.C. ADMA PRIMARY CARE P.C.
SUBTOTALS FOR BUSINESS ACCOUNTS	39.91	0.00	3.98	0.00	43.89	4	Properties l	Rebated			
BUSINESS REAL ESTATE ACCOUN	ITS										
758887	435.92	0.00	0.00	0.00	435.92	06/30/2020	0000420368	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
758900	15.11	0.00	0.00	0.00	15.11	06/29/2020	0000413925	2018	2018	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
758889	15.11	0.00	0.00	0.00	15.11	06/30/2020	0000413925	2019	2019	000000	SALEM VILLAGE OWNERS ASSOCIATION INC
758890	26.15	0.00	0.00	0.00	26.15	06/30/2020	0000418111	2019	2019	000000	SALEM VILLAGE OWNERS ASSC INC
758891	2.91	0.00	0.00	0.00	2.91	06/30/2020	0000071519	2019	2019	000000	SALEM VILLAGE OWNERS ASSC INC
758896	435.92	0.00	0.00	0.00	435.92	06/30/2020	0000420368	2018	2018	000000	SALEM VILLAGE OWNERS ASSOCIATION INC



Wake County Tax Administration

Rebate Details

DATE 07/16/2020 TIME

12:02:09 PM

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06/01/2020 - 06/30/2020

APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER		YEAR E	BILLING TYPE	OWNER
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	931.12	0.00	0.00	0.00	931.12	6	Properties	Rebated			
INDIVIDUAL PROPERTY ACCO	OUNTS										
756843	36.75	0.00	0.00	0.00	36.75	06/02/2020	0006907682	2020	2019 0	000000	HARBOUR, SUZANNE ELIZABETH
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	36.75	0.00	0.00	0.00	36.75	1	Properties	Rebated			
TOTAL REBATED FOR APEX	1,007.78	0.00	3.98	0.00	1,011.76	11	Properties 1	Rebated fo	or City		

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 202

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to ratify action of the Town Clerk in making a refund of \$600 to the Willie Robinson Heirs for cemetery Lot 150 Plots A, B, C, and D which were sold back to the Town

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

On August 14 and August 18, 2020, the four Heirs of Willie Robinson signed the proper legal paperwork authorizing the sale of Lot 150 Plots A, B, C, and D from their parents' estate back to the Town for the original total purchase price of \$600. The documents were hand delivered to the Town. Because there was an urgency to have the estate settled, the Town Clerk processed the refund check in the name of Amanda Townsend which was submitted to the estate.

<u>Attachments</u>

• Email from Amanda Townsend confirming receipt of funds



Donna Hosch

From: Mandy Townsend <mandy.r.townsend.1@gmail.com>

Sent: Tuesday, September 1, 2020 7:55 AM

To: Donna Hosch

Subject: Re: Cemetery Plot Sales

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Hi Donna,

We got the check and our papers yesterday. Thank you so much for all your help! We are so appreciative!

Amanda Townsend

Sent from my iPhone

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager
Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

Approval Recommended?

The Planning and Community Development Department recommends approval.

<u>Item Details</u>

Summary of UDO Amendments

Requested by Town Council:

1. Amendments to various sections of the UDO in order to replace pronouns with non-gender specific terminology and to make minor modifications to wording necessary to incorporate such changes.

Requested by Planning Staff:

2. Amendments to Sec. 6.1.11.1 Riparian Buffers, Notification on Site Plan and Subdivision Plan and Recording of Information and Sec. 12.2 Terms Defined in order to change two references to "stream buffers" to "riparian buffers".

Attachments

N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development Department

Requested Motion

Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding Rezoning Application #19CZ21 Heelan PUD and Ordinance. The applicant, Jason Barron for Morningstar Law Group, seeks to rezone approximately 141.7 acres from Wake Co. R-40W to Planned Unit Development–Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

<u>Item Details</u>

The following PINs are included in this rezoning:

0710986889 (portion of), 0720093139 (portion of), 0720181967, 0720075965, and 0720092779

<u>Attachments</u>

- Vicinity Map
- Application





PLANNED UNIT DEVELOPMENT APPLICATION							
This document third parties.	t is a public record under the North Carolina Pub	lic Records Ac	t and may be published on the	Town's website or disclosed to			
Application	#:		Submittal Date:				
Fee Paid	\$		Check #				
PETITION TO	O AMEND THE OFFICIAL ZONING DISTR	ICT MAP					
Project Nam	e: Heelan Rezoning						
Address(es):	8824 & 8829 NEW HOPE FARM F	RD; 3108 &	3120 OLIVE FARM RD; &	0 HUMIE OLIVE RD			
PIN(s) 07	10-98-6889 & 0720- 07-5965, 09-2779, 09-3139, & 18-1967						
			Ao	creage: <u>142.42</u>			
Current Zoni	ing: R-40W	Prop	osed Zoning: PUD-CZ				
Current 204	5 LUM Designation: Low Density F	Residential	& Medium Density Reside	ential			
•	2045 LUM Designation: No Change						
	e next page for LUM amendment on of the project is shown as mixed use (3	or more str	ings on the 2015 Land Use	Man) provide the following:			
		or more str		iviap) provide the following.			
	a classified as mixed use:		Acreage: _				
	a proposed as non-residential developme		Acreage: _				
Per	cent of mixed use area proposed as non-r	esidential:	Percent: _				
Applicant In	formation						
Name:	Jason Barron - Attorney for M/I Homes	of Raleigh,	LLC				
Address:	1511 Sunday Drive Ste 100						
City:	Raleigh	State:	NC	Zip: <u>27607</u>			
Phone:	919-590-0371	E-mail:	jbarron@morningstarlaw	vgroup.com			
Owner Infor	rmation						
Name:	See Attached						
Address:							
City:		State:		Zip:			
Phone:		E-mail:					
Agent Inform	mation						
Name: 0	M/I Homes of Raleigh, LLC						
Address:	1511 Sunday Drive Ste 100						
City:	Raleigh	State:	NC	Zip: 27607			
Phone:	919-590-0371	E-mail:	jbarron@morningstarlaw				
Other conta	cts:						
2				_			

- Page 40 -

Property Owners

PIN	Owner	Mailing Address	City, State Zip	Deed Acres	Site Address
0710-98-6889	KASTELBERG, HENRY STEVEN	8824 NEW HOPE FARM RD	NEW HILL NC 27562-9178	8.86	8824 NEW HOPE FARM RD
0720-07-5965	CAROL B HEELAN IRREVOCABLE TRUST	12940 DORMAN RD	PINEVILLE NC 28134-9386	91	3120 OLIVE FARM RD
0720-18-1967	c/o GEORGE HEELAN TRUSTEE	APT 2206		16.77	3108 OLIVE FARM RD
0720-09-2779	CICIN, JERFI CICIN, LISA	104 CORSICA LN	CARY NC 27511-6476	9.49	O HUMIE OLIVE RD
0720-09-3139	PEART, EDWARD A PEART, DEBORAH N	8829 NEW HOPE FARM RD	NEW HILL NC 27562-9179	15	8829 NEW HOPE FARM RD

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

App	Application #: Submittal Dat	re:
Pro	Provide a certified list of property owners subject to this application and subject property and HOA Contacts	
	Owner's Name	PIN
1.	1. See Attached	
2.	2.	-
3.	3.	
4.	4.	
5.	5.	
6.	6.	
7.	7.	
8.	8.	
9.		
10.		184
11.		
	12.	
13. 14.	14	
15.	15	
l,	, NZL GHOSK , certify that this is an accurate	e listing of all property owners and
	property owners within 300' of the subject property.	
Date:	Date: 10110 By: /bill htt	
cour	COUNTY OF WAKE STATE OF NORTH CAROLINA	
	Sworn and subscribed before me, Jeffrey Phillips a N	lotary Public for the above State and
SEA	SEAL JEFFEY DAME TO TAR PROPERTY OF THE PROPER	Notary Public Phillips Print Name
	My Commission Exp	ires: <u>01-14-2314</u>

Certified List of Neighboring Property Owners

Owner's Name	PIN
3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC	0720-17-7185
3 BOYS CAPITAL LLC SB CAPITAL LLC	0720-28-2995
	0720-28-6437
ADAMS-KNOUFF, CAREY	0710-87-9844
	0710-88-9126
ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT RVCBLE LVNG TRUST	0710-88-9798
APEX TOWN OF	0720-19-0665
	0720-19-6276
	0720-19-7417
CAROL B HEELAN IRREVOCABLE TRUST	0720-18-1967
	0720-07-5965
CICIN, JERFI CICIN, LISA	0720-09-2779
FMR INVESTMENTS LLC CHATHAM CAPITAL GROUP LLC	0720-27-6714
GENTILE, CHRISTOPHER D	0721-00-9530
GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M	0710-99-0226
HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J	0710-88-4797
JUDD, MILDRED B JUDD, LINDA FAYE	0721-00-5342
KASTELBERG, HENRY STEVEN	0710-98-6889
KELLY, ROBERT L KELLY, MILDRED D	0720-29-4621
MCKEITHAN, KAREN D ST CLAIR, LANCE	0710-88-7654
MCKINNISH, TIMOTHY D	0710-86-5906
NORMAN, JOHN K	0710-97-0228
OLIVE, A C HEIRS	0720-19-9119
OLIVE, JUDITH H OLIVE, ROBERT A	0720-18-5030
OLIVER, JAMES E JR OLIVER, JANICE	0721-00-0505
OLIVER, JAMES E JR OLIVER, JANICE	0721-00-3444
OLIVER, JAMES E. JR. OLIVER, JANICE	0711-90-3580
PAIRIS-GARCIA, MONIQUE GARCIA, JUAN	0710-89-6246
PEART, EDWARD A PEART, DEBORAH N	0720-09-3139
PULTE HOME COMPANY, LLC	0710-86-7029
	0710-95-2812
	0710-96-3227
	0710-96-4235
	0710-96-8199
YUMEEWARRA FARM LLC	0720-05-7756 0710-99-3712
TUIVIEEVVANNA PANIVI LLC	0/10-33-3/12

DEVELOPMENT NAME APPROVAL APPLICATION Submittal Date: Application #: Proposed Subdivision/Development Information Description of location: 8824 & 8829 NEW HOPE FARM RD; 3108 & 3120 OLIVE FARM RD; & 0 HUMIE OLIVE Nearest intersecting roads: Humie Olive Road at Olive Farm Road Wake County PIN(s): 0710-98-6889 & 0720- 07-5965, 09-2779, 09-3139, & 18-1967 Township: Buckhorn Contact Information (as appropriate) Contact person: Jason Barron Fax number: 919-301-8936 Phone number: 919-590-0371 Address: 421 Fayetteville St | Ste 530 Raleigh, NC 27601 E-mail address: jbarron@morningstarlawgroup.com Owner: Phone number: _____ Fax number: _____ Address: E-mail address: Proposed Subdivision/Development Name Fallsgrove 1st Choice: 2nd Choice (Optional): **Town of Apex Staff Approval:** Town of Apex Planning Department Staff Date

al Zoning Application

STREET NAME APPROVAL APPLICATION Submittal Date: Application #: Wake County Approval Date: _____ Guidelines: No names duplicating or sounding similar to existing road names Avoid difficult to pronounce names No individuals' names Avoid proper names of a business, e.g. Hannaford Drive Limit names to 14 characters in length No directionals, e.g. North, South, East, West No punctuation marks, e.g. periods, hyphens, apostrophes, etc. Avoid using double suffixes, e.g. Deer Path Lane All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc. · Use only suffixes which are Town of Apex approved Town of Apex has the right to deny any street name that is determined to be inappropriate Information: Description of location: 8824 & 8829 NEW HOPE FARM RD; 3108 & 3120 OLIVE FARM RD; & 0 HUMIE OLIVE Nearest intersecting roads: Humie Olive Road at Olive Farm Road Wake County PIN(s): 0710-98-6889 & 0720- 07-5965, 09-2779, 09-3139, & 18-1967 Township: Buckhorn Contact information (as appropriate) Jason Barron Contact person: Phone number: 919-590-0371 Fax number: 919-301-8936 Address: 421 Fayetteville St | Ste 530 Raleigh, NC 27601 E-mail address: jbarron@morningstarlawgroup.com Owner:

Address:

E-mail address:

Phone number: Fax number: _____

- Page 45 -

STREET NAME APPROVAL APPLICATION	
Application #:	Submittal Date:
# of roads to be named: 2 Please submit twice as many road names as needed, with should be written exactly as one would want them to appall approved street names to the Wake County GIS Depar for approval. Upon approval Wake County GIS – Street Active Example: Road Name Suffix	pear. Town of Apex Planning Department staff will send tment for county approval. Please allow several weeks
Hunter Street	
1 Fallsgrove Boulevard	_ 11
2 Sun Ochre Drive	12
3	13
4	14
5	15
6	
7	
8	18
9	
10	
TOWN OF APEX STAFF APPROVAL	
Town of Apex Staff Approval	Date
WAKE COUNTY STAFF APPROVAL: GIS certifies that names indicated by checked please disregard all other names.	neckmark 🗹 are approved.
Comments:	
Wake County GIS Staff Approval	Date

Page 9 of 18

Planned Unit Develo

al Zoning Application

- Page 46 -

Last Updated: June 13, 2016

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #:	Submittal Date:
	Town of Apex 73 Hunter Street P.O. Box 250 Apex, NC 27502
	919-249-3400 WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT
	3108 & 3120 OLIVE FARM RD; 0 HUMIE OLIVE RD; &
	8824 & 8829 NEW HOPE FARM RD
	(the "Premises")
you accept the Townthe Town. M/I Homes of Ral Town of Apex (the	of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If on's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by eigh, LLC, the undersigned customer ("Customer") hereby irrevocably chooses and selects the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be a prary service if needed.
	elivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the
the requested servi	understands that the Town, based upon this Agreement, will take action and expend funds to provide ce. By signing this Agreement the undersigned signifies that he or she has the authority to select the vider, for both permanent and temporary power, for the Premises identified above.
	onal terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this attached the entire agreement of the parties.
Acceptanc	e of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.
Please not supplier for the Pre	e that under North Carolina General Statute §160A-332, you may be entitled to choose another electric mises.
	ptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric ises and looks forward to working with you and the owner(s).
ACCEPTED: CUSTOMER: M BY: ETTICA DATE:	Homes of Ralesh, LLC TOWN OF APEX BY: Lauthorized Agent DATE:
DATE:	2.7.19 DATE:

AGEN	T AUTHORIZATIO	on Foi	RM	
Application #:			Submittal Date:	
KASTEL	BERG, HENRY	STEV	/EN is the owner* of the property for which the attached	
applica	tion is being sub	mitted	d: .	
2				
			hich will apply if the application is approved.	
	Site Plan			
Ø	Subdivision			
	Variance			
To an	Other:	***************************************		
The pro	perty address is:	:	8824 NEW HOPE FARM RD (0710-98-6889)	
The age	ent for this projec	ct is:	M/l Homes of Raleigh, LLC	
	☐ I am the ov	vner of	of the property and will be acting as my own agent	
Agent N	lame:	Erica	Leatham	
Address	s:	1511	Sunday Drive Ste 100 Raleigh, NC 27607	
Telepho	one Number:	······································	•	
E-Mail A	Address:			
		Signa	Any Steen Lastelling Ency Seven Kastelberg Type or print name 26 Sept 2019 Date	
			Type or print name Date	

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

^{*}Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

AGE	NT AUTHORIZATIO	N FORM			
Appli	cation #:	Submittal Date:			
CICIN,	JERIF CICIN, LIS	is the owner* of the property for which the attache	ed		
applic	ation is being sub	nitted:			
 ✓ Land Use Amendment ✓ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved. 					
~	Site Plan				
7	Subdivision				
	Variance				
	Other:				
The pr	operty address is	0 HUMIE OLIVE RD (0720-09-2779)			
The agent for this project is: M/I Homes of Raleigh, LLC					
	☐ I am the o	ner of the property and will be acting as my own agent			
Agent	Name:	Erica Leatham			
Addre	ss:	1511 Sunday Drive Ste 100 Raleigh, NC 27607			
Teleph	none Number:				
E-Mail	Address:		_		
		Lisa Cicin 9/25/19	ate		

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGEN	T AUTHORIZATI	DN FORM
Applic	cation #:	Submittal Date:
CAROL	B HEELAN IRF	EVOCABLE TRUST is the owner* of the property for which the attached
applica	tion is being su	omitted:
7	Land Use An	endment
V	а	r Conditional Zoning and Planned Development rezoning applications, this athorization includes express consent to zoning conditions that are agreed to by the gent which will apply if the application is approved.
7	Site Plan	
7	Subdivision	
	Variance	
	Other:	
The pro	operty address i	: 3108 OLIVE FARM RD (0720-18-1967) & 3120 OLIVE FARM RD (0720-07-5965)
The age	ent for this proj	ct is: M/I Homes of Raleigh, LLC
	Also Also	wner of the property and will be acting as my own agent
Agent I		Erica Leatham
Addres		1511 Sunday Drive Ste 100 Raleigh, NC 27607
Teleph	one Number:	
E-Mail	Address:	
		Signature(s) of Owner(s)* Leone Heelen
		George Heelan Sept. 25,20
		Type or print name Date
		Type or print name Date
		7,52 5. 5

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

Planned Unit Davidor - Page 50 - 17 anisa Appliantion 12st Undated August 30 2019

AGEN	T AUTHORIZAT	ION FORM			
Application #:			Submittal Date:		
PEART	, EDWARD A F	EART, DEBORAH N	is the owner* of the property	for which the attached	
applica	tion is being su	bmitted:	_		
V	Land Use A	mendment			
√		or Conditional Zoning and Planne outhorization includes express co agent which will apply if the appli	nsent to zoning conditions that a		
7	Site Plan	gene when am apply it the appli	омноги о причения		
V	Subdivision				
	Variance				
	Other:				
The pro	operty address	is: 8829 NEW HOPE FARM	1 RD (0720-09-3139)		
The age	ent for this pro	ect is: M/I Homes of Raleigh, L	LC		
	☐ I am the	owner of the property and will be	e acting as my own agent		
Agent I	Name:	Erica Leatham			
Addres	s:	1511 Sunday Drive Ste 100 F	Raleigh, NC 27607		
Teleph	one Number:				
E-Mail	Address:				
		Signature(s) of Owner(s)*	2,1		
	E. Aaron Peart 9-29-19				
		Delph 1 Pu	Type or print name	Date	
		Deborah N. P.	eart	9-29-19	
			Type or print name	Date	

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

Wake County, State of North Carolina mission Expires 4-29-22

Zoning Application

Planned Unit Develop

Last Updated: August 30, 2019

Affi	DAVIT OF OWNER	RSHIP
Appl	ication #:	Submittal Date:
	ndersigned, <u>Erica</u> or affirms as folk	
1.	owner, or is	eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole is the authorized agent of all owners, of the property located at MRD: 3108 & 3120 OLIVE FARM RD; & 0 HUMIE OLIVE RD and legally described in Exhibit "A" attached hereto and erein (the "Property").
2.	This Affidavit of the Town of Ape	Ownership is made for the purpose of filing an application for development approval with ex.
3.		owner of the Property, Affiant acquired ownership by deed, dated the Wake County Register of Deeds Office on, in Book Page
4.		e authorized agent of the owner(s) of the Property, Affiant possesses documentation gency relationship granting the Affiant the authority to apply for development approval owner(s).
5.	in interest have ownership. Since Affiant's owners claim or action hacting as an aut	Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors been in sole and undisturbed possession and use of the property during the period of the taking possession of the Property on, no one has questioned ship or right to possession nor demanded any rents or profits. To Affiant's knowledge, no has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is horized agent for owner(s)), which questions title or right to possession of the property, m or action pending against Affiant or owner(s) in court regarding possession of the day of, 20
		Type or print name
STATE COUNT	OF NORTH CAROL	LINA
		Notary Public in and for the County of, hereby certify that, Affiant, personally known to me or known to me by said Affiant's presentation of
said Af	fiant's Erica	Leatham, personally appeared before me this day and acknowledged the
due an	d voluntary execu	ution of the foregoing Affidavit.
	[NOTARY SEA	Notary Public Sara Salifton State of North Carolina My Commission Expires: 1-10-2020

Affidavit of Ownership: Exhibit A – Legal Description

Application #:		Submittal Date:	

Insert legal description below.

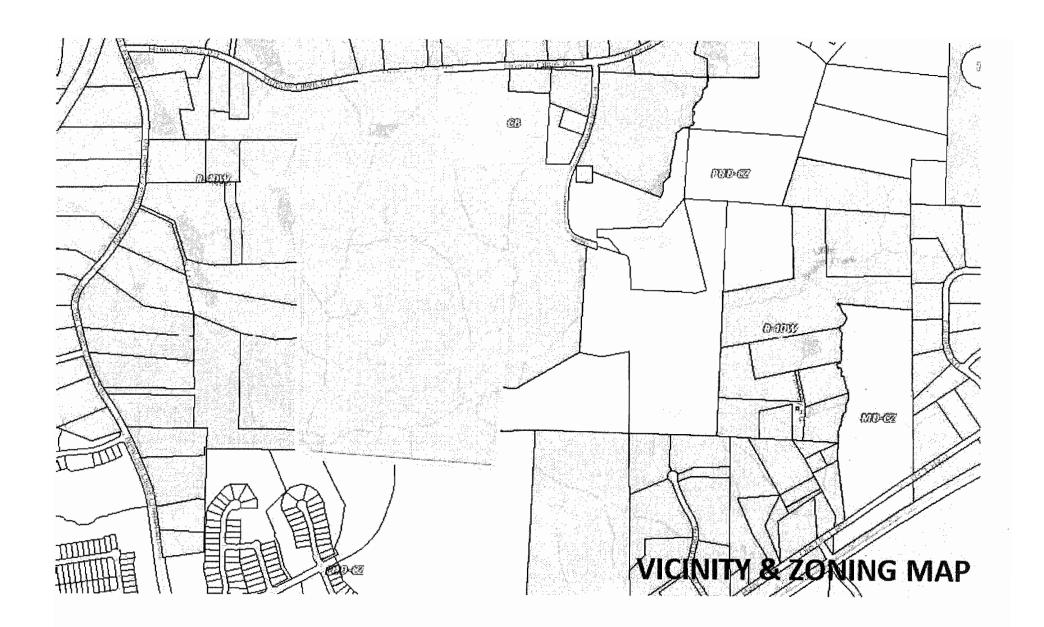
Beginning at an existing iron pipe found in Olive Farm Road (SR 1178)(60' Public Right of Way), said iron pipe being South 49°37'44" West 28,658.33 feet from NCGS monument "Staley" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point, with a line in said road the following 8 calls; South 21°48'27" West 100.04 feet to a point, thence South 12°15'17" West 100.09 feet to a point, thence South 03°45'42" West 100.03 feet to a point, thence South 01°43'47" West 100.04 feet to a point, thence South 00°11'33" East 100.03 feet to a point, thence South 10°26'03" East 99.95 feet to a point, thence South 37°21'17" East 74.79 feet to an existing iron pipe, thence South 62°11'48" East 52.88 feet to a rebar set, thence leaving said line in Olive Farm Road (SR 1178) North 82°02'43" West 78.75 feet to a rebar set on the southwestern right of way of Olive Farm Road (SR 1178)(60' Public Right of Way), thence leaving said right of way North 82°02'43" West 64.50 feet to an existing iron pipe, thence North 85°44'16" West 448.90 feet to an existing iron pipe, thence South 03°55'05" West 1,407.26 feet to an existing iron pipe, thence South 03°53'40" West 401.10 feet to an existing iron pipe, thence South 06°15'03" West 347.00 feet to a rebar set, thence North 87°04'04" West 851.57 feet to an existing iron pipe, thence North 86°43'16" West 847.07 feet to a rebar set, thence North 01°00'24" East 76.02 feet to nail found at a bent iron pipe, thence North 89°12'54" West 100.50 feet to an existing iron pipe found, thence North 00°14'54" East 1,005.76 feet to an existing iron pipe, thence North 00°16'46" East 692.82 feet to an existing iron pipe, thence North 00°15'45" East 344.53 feet to an existing iron pipe, thence North 00°15'45" East 372.44 feet to a rebar set, thence North 00°22'39" East 30.01 feet to a rebar set, thence North 00°18'40" East 30.01 feet to an existing iron pipe, thence North 00°16'16" East 344.87 feet to an existing iron pipe, thence South 89°48'42" East 617.69 feet to an existing iron pipe, thence North 06°53'33" West 580.45 feet to a point in the centerline of Humie Olive Road (SR 1142)(60' Public Right of way), thence with said centerline North 81°10'21" East 136.24 feet to a point, thence North 81°24'46" East 53.40 feet to a point, thence North 83°08'38" East 60.19 feet to a point, thence North 85°15'06" East 77.57 feet to a point, thence North 85°46'28" East 104.35 feet to a point, thence North 85°53'22" East 147.45 feet to a point, thence North 86°13'49" East 26.06 feet to a point, thence North 86°13'49" East 35.00 feet to a point, thence North 86°13'49" East 115.00 feet to a point, thence leaving said centerline South 02°39'12" West 30.17 feet to a point on the southern right of way of Hume Olive Road (SR 1142)(60' Public Right of Way), thence leaving said right of way South 02°47'15" West 621.32 feet to an existing iron pipe, thence South 00°29'09" West 225.80 feet to an existing rebar, thence North 89°34'45" East 1,224.62 feet to the point and place of Beginning containing 141.732 Acres more or less.

Last Updated: August 30, 2019

	nt is a public record under the other than the other parties.	North Carolina Public Reco	ords Act and may be pub	lished on the Town's website	
Date					
Dear Neigh You are inv	bor: ited to a neighborhood me	eting to review and disc	cuss the development	proposal at	
8824 & 8829 NEV	/ HOPE FARM RD; 3108 & 3120 OLIVE FA	RM RD; & 0 HUMIE OLIVE RD	0710-98-6889 & 0720- 07-59	65, 09-2779, 09-3139, & 18-1967	
	Address(es)		P	IN(s)	
way for the neighborho opportunity submitted. Developme www.apexr	ce with the Town of Apex applicant to discuss the od organizations before the toraise questions and disconce an application has but Map or the Apex Exercises.	project and review the e submittal of an applic cuss any concerns about een submitted to the evelopment Report	proposed plans with cation to the Town. The tithe impacts of the proposed Town, it may be track ocated on the Tow	adjacent neighbors and nis provides neighbors ar oject before it is officially ked using the <u>Interactive</u> on of Apex website a	
Applicatio		accuse this project me		Approving Authority	
	ing (including Planned Uni	t Development)		Town Council	
Major	Site Plan			Town Council (QJPH*)	
☐ Specia	I Use Permit			Town Council (QJPH*)	
Residential Master Subdivision Plan (excludes exempt subdivisions)				Technical Review Committee (staff)	
*Quasi-Ju	idicial Public Hearing: The	Town Council cannot di	scuss the project prior	r to the public hearing.	
	ng is a description of the pr nt hopes to rezone about 1	•	,	,	
-	elling units consisting of a mix				
Estimated	submittal date: Octobe	· 1			
MEETING	NFORMATION:				
Property C	wner(s) name(s):	HENRY KASTELBERG, CAROL B HEEL	AN IRREVOCABLE TRUST, JERIF & LIS.	A CICIN, AND EDWARD & DEBORAH PEART	
Applicant(s):	Jason Barron - Atto	orney for Applicant	·	
Contact in	Contact information (email/phone): 919-590-0371				
Meeting Address: 237 N Salem St., Apex, NC 27502					
Date of meeting**: September 26, 2019					
Time of me	Time of meeting**: 6:00 PM				
MEETING A	GENDA TIMES: 6:00 - 6:05 Project P	resentation: 6:05 - 6:	10 Ouestion & A	nswer: 6:10 - end	

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized

holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180/Planning.



3 BOYS CAPITAL LLC SB CAPITAL LLC ADAMS-KNOUFF, CAREY 3 BOYS CAPITAL LLC MUSIC ROW INVESTMENTS LLC 1018 N WELLONSBURG PL 1018 N WELLONSBURG PL 8833 TWIN PONDS LN APEX NC 27502-7127 APEX NC 27502-7127 NEW HILL NC 27562-9235 APEX TOWN OF ALBRECHT, DONNA J TRUSTEE DONNA J ALBRECHT TOWN OF APEX PLANNING DEPARTMENT RVCBLE LVNG TRUST PO BOX 250 PO BOX 250 8820 NEW HOPE FARM RD APEX NC 27502-0250 NEW HILL NC 27562-9178 APEX NC 27502-0250 CICIN, JERIF CICIN, LISA CAROL B HEELAN IRREVOCABLE TRUST FMR INVESTMENTS LLC CHATHAM CAPITAL GROUP LLC 104 CORSICA LN 1018 N WELLONSBURG PL c/o GEORGE HEELAN TRUSTEE APEX NC 27502-7127 CARY NC 27511-6476 12940 DORMAN RD APT 2206 **PINEVILLE NC 28134-9386** GENTILE, CHRISTOPHER D GOODMAN, WILLIAM DAVID JR GOODMAN, JILL M HOFFMAN, JOSEPH E JR HOFFMAN, SHIRLEY J 1816 CROSS COUNTRY LN PO BOX 307 8800 NEW HOPE FARM RD NEW HILL NC 27562-0307 NEW HILL NC 27562-9178 APEX NC 27502-9600 JUDD, MILDRED B JUDD, LINDA FAYE KASTELBERG, HENRY STEVEN KELLY, ROBERT L KELLY, MILDRED D 8600 HUMIE OLIVE RD 8824 NEW HOPE FARM RD 3000 GALLOWAY RDG APT B302 APEX NC 27502-8976 NEW HILL NC 27562-9178 PITTSBORO NC 27312-3803 MCKINNISH, TIMOTHY D NORMAN, JOHN K MCKEITHAN, KAREN D ST CLAIR, LANCE 8812 NEW HOPE FARM RD PO BOX 58232 8848 TWIN PONDS LN NEW HILL NC 27562-9178 RALEIGH NC 27658-8232 NEW HILL NC 27562-9234 OLIVE, A C HEIRS OLIVE, JUDITH H OLIVE, ROBERT A OLIVER, JAMES E JR OLIVER, JANICE 3101 OLIVE FARM RD 3132 OLIVE FARM RD 8620 HUMIE OLIVE RD APEX NC 27502-9632 APEX NC 27502-9632 APEX NC 27502-8976 OLIVER, JAMES E JR OLIVER, JANICE PAIRIS-GARCIA, MONIQUE GARCIA, JUAN PEART, EDWARD A PEART, DEBORAH N 8608 HUMIE OLIVE RD 8815 NEW HOPE FARM RD 8829 NEW HOPE FARM RD NEW HILL NC 27562-9179 APEX NC 27502-8976 NEW HILL NC 27562-9179 PULTE HOME COMPANY, LLC YUMEEWARRA FARM LLC

8633 HUMIE OLIVE RD

APEX NC 27502-8976

1225 CRESCENT GRN STE 250

CARY NC 27518-8119

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Nil C	Shosh	do hereby dec	are as follows:	
	Print Name			
1.	I have conducted a Neighborn Subdivision Plan, or Special U	orhood Meeting for the pro se Permit in accordance with U		
2.	feet of the subject property a first class mail a minimum of	mailed to the Apex Planning E and any neighborhood associa 10 days in advance of the Neig	tion that represents citize hborhood Meeting.	ns in the area via
3.	The meeting was conducted a	at 237 N Salem St	(location/address)
	The meeting was conducted an 9/26/19	(date) from <u>6:00</u>	(start time) to $8:00$	(end time).
4.		st, meeting invitation, sign-in s		
5.	I have prepared these materia	als in good faith and to the bes	t of my ability.	
	Date OF NORTH CAROLINA TY OF WAKE	Ву:	<u> </u>	
Sworn	and subscribed before me, $\frac{\sqrt{}}{\sqrt{}}$, on this the $\frac{2}{\sqrt{}}$ day of	Suptember 2018	, a Notary Public for the	above State and
county	SEAL	Allra	2 Milies	
	annin management	Jef	Notary Public	
	THREY PHILLS		Print Name	
	My Comm. Exp. 02-24-2024.	My Commissio	n Expires: <u>61-24-2</u>	024
	A COUNTY			

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address:	237 N Sa	ilem St
Date of meeting:	9/26/19	Time of meeting: 6:00 PM
Property Owner(s)	name(s):	HENRY KASTELBERG, CAROL B HEELAN IRREVOCABLE TRUST, JERIF & LISA CICIN, AND EDWARD & DEBORAH PEART
Applicant(s): Jaso	n Barron -	- Attorney for Applicant

Please <u>print</u> your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	DUNNA ADSPERT	8820 Nw /horefm	-		Ves
2.	Steel Kastellere	8824 New Hope Farm			
3.	Mimi &Bob Velly	3000 Gallowa J. Heboro			
4.	Paul Barth	3000 Gallowar J. Heboro 2108 New Hill Olive Chapel Rd			
5.	Joe Hoffnan	8800 New Hope torn Ad Now HUIL, N.C 29562 8633 HUMIL OLIVE			
6.	B,11 ZaHN				
7.	Dens ConnActan	8673 HUMIE OUN.			
8.	STOUE KWICK	. W			
9.	POR TESSAR	1901 N. HARRISON AC			
10.	VIV Capazno	3624 Harrison Ant	3		
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

	ERG, CAROL B HEELAN IRREVOCABLE TRUST, JERIF & LISA CICIN, AND EDWARD & DEBORAH PEART
Applicant(s): Jason Barron - Attorney for A	
Contact information (email/phone): jba	rron@morningstarlawgroup.com/919.590.0371
Meeting Address: 237 N Salem St	
Date of meeting: 9/26/19	Time of meeting: 6:00PM
below (attach additional sheets, if necess any concerns. The response should not be consideration the neighbor's concern was Question/Concern #1:	nts and your response from the Neighborhood Meeting in the spaces sary). Please state if/how the project has been modified in response to be "Noted" or "No Response". There has to be documentation of what is given and justification for why no change was deemed warranted.
	nave the authority to independently annex property without the owner's
consent, so no other property would be	annexed as a result of our application.
	et the Town's requirements for stormwater runoff controls and that there in the property which will help to keep it clean
Question/Concern #3: There was a concern about the hours of coneighboring properties are in the County when th	nstruction activity because the project will be in the Town while the
Applicant's Response: We explained that though the Town an	d County ordinances may differ, we would be happy to work with this ruction activities with his horse farm activities
Question/Concern #4:	
How long will it take to build out this common	unity?
A community of this size will be built o	out in phases. Once we break ground, it will take at least 5 to 6 years to
build out the entire community.	

PROJECT CONTACT INFORMATION

Davelonment Contacts:

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

and the second research of the second research to the second researc		NATURAL DE L'ARREST DE L'ARRES		CASASSAS AREASAN AREAS	Name and Administration of the Control of the Contr	
Project Name: Heelan			Zon	ning: PUD-C	Z	
Location: 8824 & 8829 NEW HO	OPE FARM RD;	3108 & 3120	OLIVE F	ARM RD; & 0	HUMIE OLIVE RD	
Property PIN(s): 0210-68-6889 & 0720-07-5965, 09-2779	. 09-3139. & 18-1967 Acreag	e/Square Feet	t: <u>141</u>	.12		
Property Owner: HENRY KASTELBER	IG, CAROL B HEELAN IR	REVOCABLE TRUS	ST, JERIF & I	LISA CICIN, AND E	DWARD & DEBORAH PEART	
Address:					:	
City:		State:		Zip:		
Phone:	Email:					
Developer: Jason Barron - Attorr	ney for Developer					
Address: 421 Fayetteville St S	Ste 530					
City: Raleigh	State:	NC	Z	ip: 27601		
Phone: 919.590.0371	Fax:		Email:	jbarron@morn	ingstarlawgroup.com	
Engineer: Peter Cnossen						
Address: P.O. Box 1062						
City: Apex		State: NC		Zip: 275	502	
Phone: 919.387.1174	Fax:		Email: _	peter@jones	cnossen.com	
Builder (if known):						
Address:						
City:		State:		Zip:		
Phone:	Fax:	State of the state	Email: _			
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below. Town of Apex Department Contacts						
Planning Department Main Number (Provide development name or	er	uted to corre	ct nlanne	er) (91	9) 249-3426	
Parks, Recreation & Cultural Resou			=	., (52		
Angela Reincke, Parks Planner				(91	9) 249-7468	
Public Works - Transportation				10.4		
Russell Dalton, Senior Transportat	ion Engineer			(91	9) 249-3358	
Water Resources Department Mike Deaton, Stormwater & Utility	v Engineering Ma	nager		(91	9) 249-3413	
Stan Fortier, Senior Engineer (Sedi		_		•	9) 249-1166	
Electric Utilities Division	10				0) 740 7242	
Rodney Smith, Electric Technica	al Services Manag	er		(91	9) 249-3342	

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 7:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction: Non-Emergency Police 919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:

James Misciagno

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:

Non-Emergency Police

919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:

James Misciagno

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:

James Misciagno

919-372-7470

Danny Smith

Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

James Misciagno

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:

James Misciagno

919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:

James Misciagno

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:

Mike Deaton

919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

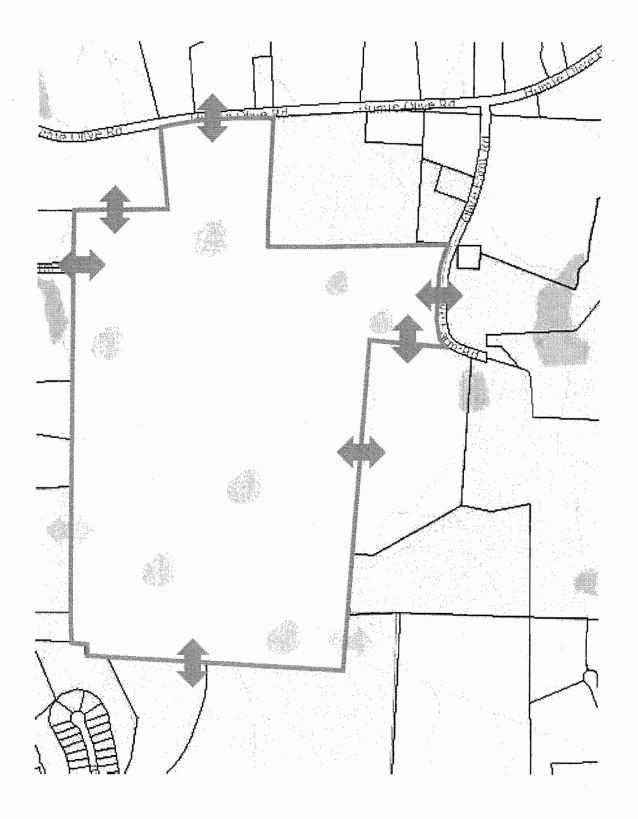
Electric Utility Installation:

Rodney Smith

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

Instruction Packet and Affidavit for Neighborhood Meetings

Last Updated: April 23, 2019



- ≈ 141 acres
- Mix of Townhomes and single-family detached

520 units max (3.7 du/ac)

Heelan Property PUD

PD PLAN APEX, NORTH CAROLINA Submitted: October 1, 2019

Revised:

November 7, 2019 December 6, 2019 January 9, 2020 January 26, 2020 July 31, 2020 August 27, 2020

PREPARED BY:



Heelan PUD

Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

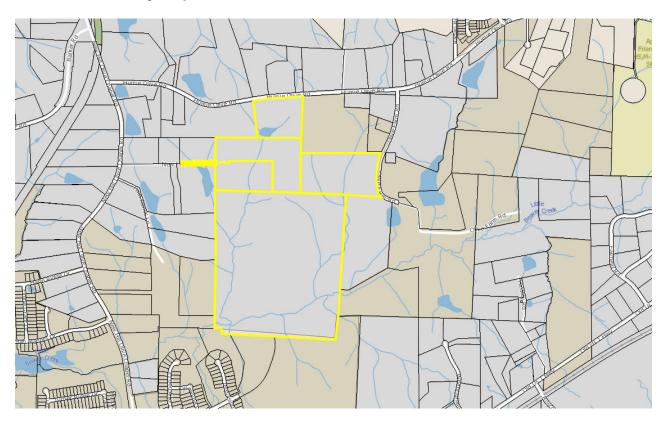
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 2: Vicinity Map



The Heelan Property PUD is in the southwest region of Apex, east of New Hill Olive Chapel Road, south of Humie Olive Road, west of Olive Farm Road, and north of Old US-1. The Friendship Station PUD is being developed just east of the property. The Woodbury Community is being developed south of the property and Jordan Manors is further west of the property.

Section 3: Project Data

A. Name of Project:

Heelan Property PUD

B. Property Owners:

Henry Steven Kastelberg
Carol B Heelan Irrevocable Trust
Lisa & Jerif Cicin
Deborah N & Edward A Peart

C. Prepared By:

Jason Barron, Partner Morningstar Law Group 421 Fayetteville St | Ste 530 Raleigh, NC 27601

D. Current Zoning Designation:

Residential-40 Watershed (R-40W)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Low Density Residential (≤3 units/acre)
Medium Density Residential (3-7 units/acre)

G. Proposed 2045 Land Use Map Designation:

Medium Density Residential Low Density Residential

H. Proposed Use

Up to 520 dwelling units and associated open space, recreational amenities and infrastructure.

I. Size of Project

Wake County Tax Identification Number	Acreage
0710-98-6889	
0720-07-5965	142.42
0720-09-2779	
0720-09-3139	acres
0720-18-1967	

Section 4: Purpose Statement

The Heelan Property PUD development will be a single-family residential community with both detached and townhomes. The maximum building height shall be forty-five feet (45') measured to the top of any pitched roof. A 20-ft Type B Buffer will be established along the majority of the project's boundary, except for a 50-foot Type B Thoroughfare Buffer along Humie Olive Road, and a 15-ft Type A Landscape Buffer along the southern boundary and portions of the east and west boundaries. Additionally, all the buildings shall be prewired for solar.

This concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, Use Table of the UDO
- Provide for the preservation of existing open space areas.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide significant open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Extend Horton Ridge Boulevard from its current terminus through and to the eastern edge of the property.
- Construct and install a Town greenway addition through the property from the adjacent Olive Ridge PUD.
- In an effort to facilitate the Town's ability to extend Richardson Road in the future, dedication to the State of North Carolina of a conservation easement area of not less than 7.9 acres in order to facilitate release of other conservation easement area from the State of North Carolina.
- Provide energy efficient amenities, including prewiring of all single-family detached dwellings for solar installation, installation of electric vehicle charging stations at the amenity, and active solar installations for several single family model homes along with the primary amenity building for the property.
- In partnership with Habitat for Humanity or other non-profit affordable housing provider, provide for up to ten (10) affordable townhome dwellings on the property.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ)*

District. The proposed PUD will provide a development density that is consistent with principles found throughout the recently updated Advance Apex 2045.

Section 5: Permitted Uses

The development will only include residential and supporting uses. Specifically, the permitted uses include:

- Accessory apartment
- Single-family
- Townhouse
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall also apply:

- A. A maximum of 520 residential units shall be permitted upon the property, no more than 260 of which may be developed as townhomes.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.

C. RICHARDSON ROAD CONSERVATION EASEMENT MITIGATION

a. In concert with the Town's request for release from the State of North Carolina, at the time of master subdivision approval the developer shall dedicate or cause to be dedicated to the State of North Carolina a conservation easement area over and upon approximately 7.946 acres of land as show on the attached Exhibit A and more particularly described therein.

D. ENERGY EFFICIENCY

- a. All single-family detached dwellings constructed upon the property will be designed and constructed to include pre-configuration measures for future installation of roof-mounted solar panels.
- b. A minimum of two (2) model homes for single family detached dwellings constructed upon the property shall include installation of solar panels and power system of at least 4 KV capacity.
- c. Solar PV systems shall be installed upon the primary amenity building constructed upon the property. The size of such PV systems shall have a capacity of not less than .75 KW/1,000 HSF of building floor area.
- d. Development of the property shall include the installation of a minimum of two
 (2) electric vehicle charging stations within the primary amenity area as designated on the master subdivision plan.

E. AFFORDABLE HOUSING

Page 6 of 15

a. Prior to recording the plat containing the 200th lot upon the property, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. ("Habitat Wake") or other non-profit affordable housing provider granting to Habitat Wake an option to purchase a minimum of ten (10) finished townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Design Controls

This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density - The overall gross density shall not exceed 3.7 units per acre. Density within the region designated as Low Density on the 2045 Land Use Map shall not exceed 3 units per acre, with a maximum of 96 residential units in this area. A density of up to 6 units per acre is allowed within areas designated as Medium Density on the 2045 Land Use Map.

Design Controls – At a minimum all residential uses shall comply with the following dimensional standards:

Maximum Density: 3.7 Units/Acre

(includes RCA and rights-of-way)

Maximum Number of Units: 520
Within Low Density Residential: 96
Maximum Built-Upon Area: 70%

Minimum Lot Size: n/a

Minimum Lot Width:

Townhome Lots: 18' Single-Family Lots: 40'

Maximum Building Height: 45' and 3 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Setbacks	Single-Family	Townhome
Front	10'	10'
Rear	20'	20'
Side	5'	0'
Corner	5'	5'
Building to Building	NA	10'
From Buffer/RCA	10' for Buildings 5' for Parking Areas	10' for Buildings 5' for Parking Areas

C. Buffers

Perimeter Buffers

North boundary: 20-foot Type B South boundary: 15-foot Type A

West boundary:

Adjacent to Use Class 1: 20-foot Type B Adjacent to Other Use Classes: 15-ft Type A

East boundary:

Adjacent to Use Class 1: 20-foot Type B Adjacent to Other Use Classes: 15-ft Type A

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare Buffers

As depicted on the PD Plan, a 50-ft Type B Buffer shall be established along Humie Olive Road. Acreage within this buffer may be used to accommodate easements for other purposes including, but not limited to, greenways, public utilities, sidewalk, and the like.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Site Plan submittal. The following conditions shall apply:

- **A.** Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- **B.** Residential areas will utilize brick, stone, and fiber cement plank siding.
- **C.** Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
- **E.** A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- **F.** Garage doors shall have windows, decorative details or carriage-style adornments on them.

- **G.** The front façade of any front-loaded garage shall not protrude farther than one foot forward of (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.
- **H.** J-drives or courtyard driveways shall be exempt from condition G above but shall make up no more than 30% of all single-family homes. There shall be no more than two (2) residences with a J-drive constructed in a row. Any lots eligible for a J-driveway home shall be identified on the Final Plat.
- **I.** Garages on the front façade of a single-family home that faces the street shall not exceed 40% of the total width of the house and garage together.
- **J.** Eaves shall project at least 12 inches from the wall of the structure.
- **K.** House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- **L.** The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- **M.** Front porches shall be a minimum of 6 feet deep.
- **N.** The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

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- 2. Bay window
- 3. Recessed window
- 4. Decorative window
- 5. Trim around the windows
- 6. Wrap around porch or side porch
- 7. Two or more building materials
- 8. Decorative brick/stone

- 9. Decorative trim
- 10. Decorative shake
- 11. Decorative air vents on gable
- 12. Decorative gable
- 13. Decorative cornice
- 14. Column
- 15. Portico
- 16. Balcony
- 17. Dormer
- **O.** Additionally, the following conditions shall apply to any Townhome building(s):
 - 1. The roof of each unit shall be horizontally and/or vertically distinct from any adjacent unit to avoid the appearance of a single mass.

Section 8: Parking and Loading

Parking for the development shall be per Town of Apex UDO. The requirements under Section 8.3 of the Town's UDO will be met.

Section 9: Signage

All signage for this PUD shall comply with Section 8.7, Signs, of the Town of Apex UDO.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the primary watershed within the Beaver Creek Basin. Portions of the subject property along the southern boundary lie within Zone AE flood

hazard areas according to the FEMA Floodplain Maps #s 3720072000J and 3720071000K. Based on review of the FEMA Floodplain Map #s 3720072000J and 3720071000K the majority of the subject property is located in the Zone X (non-shaded) area that is determined to be outside the 0.2% annual chance and future conditions 1% annual chance floodplain.

B. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, Resource Conservation Area and Section 2.3.4, Planned Development Districts.

The Site is located on the west of the 540 corridor and therefore is required to preserve a minimum of 25% Resource Conservation Area (RCA). Because the project is planned to be mass graded, an additional 5% RCA is required per Section 7.2.5(B) of the Town's UDO. Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA area provided may include stormwater management areas, perimeter buffers, and greenway trails within the walkable community.

C. Any Historic Structures Present

As confirmed by the North Carolina State Historic Preservation Office and Capital Area Preservation, Inc. there are no historic structures present within the project boundary.

Section 11: Stormwater Management

- A. This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Sections 2.3.4.F.1.h & 6.1.7 of the UDO, such that:
 - Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.

Section 12: Parks and Recreation

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Heelan Assemblage Planned Unit Development at the January 29, 2020 Meeting. The Advisory Commission unanimously recommended the following with the understanding that the final credits for greenway construction and acreage for dedication will be determined at the time of Master Subdivision approval:

- The dedicated land will be contiguous and directly south of the Town of Apex property intended for the future Olive Farm Park (PIN #s 0720-19-6276; 0720-19-0665; 0720-19-7417), being a portion of Parcel ID # 0720-18-1967 in Wake County.
- 2. The dedicated land shall not be bisected by any road(s) providing access into the applicant's property, nor by any public or private utilities corridors.
- 3. In the event the applicant acquires agreed upon property located offsite, being

Parcel ID #s 0720-19-7898 and 0721-10-4045, as needed to meet dedication requirements, that property may be substituted for the property identified in Section 1 above and may be dedicated in satisfaction of the requirements of the UDO and upon the confirmation of the dedication calculations identified in the UDO, at any time prior to subdivision plan approval. Subdivision plan approval shall not be granted until applicant confirms which of the above options is being offered in satisfaction of dedication requirements.

Calculations for acreage dedication normally are based upon the total number of proposed units within a development. While the Heelan PUD contemplates a total of 520 units, no more than 260 of which would be Single Family Attached, the acreage dedication must be adjusted on account of credit the developer will receive for installation of a planned greenway.

The greenway construction for the Heelan PUD is planned for an estimated 0.80 miles which should be calculated at \$1.2M per mile or **\$960,000**. If the developer were not dedicating land for open space, the Recreation fee for the Heelan PUD would be:

(260 Single Family Attached units X \$2,321.54 per unit) + (260 Single Family Detached units X \$3,446.98 per unit) = **\$1,499,815.20**

Subtracting the greenway construction cost from the calculated Recreation fee shows a remaining value of **\$539,815.20** = \$1,499,815.20 - \$960,000.00.

Dividing this remaining value by the per unit Recreation fee determines the number of units which should serve as the basis for the required acreage dedication:

\$539,815.20 / \$2,321.54 per Single Family Attached unit ≈ **232.5 Single Family Attached units**

Therefore, the required acreage dedication can be calculated using the Town's per unit acreage schedule:

232.5 Single Family Attached units X 0.0223 acres per unit ≈ 5.2 acres

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

General Roadway Infrastructure

Developer shall provide minimum frontage widening based on $\frac{1}{2}$ of a 2-lane thoroughfare in the rural context with public right-of-way dedication based on a 110-foot right-of-way along Humie Olive Road. The road network will promote

connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site and along street frontage.

Please refer to the concept plan of the PUD plan for proposed access points, stub streets and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Development Plan review and approval.

Transportation Improvements

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the site plan and construction plan approval process. A traffic study has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the traffic study, the following traffic improvements are proposed for this development:

- Developer shall construct a westbound left turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Developer shall restripe the existing westbound approach of Horton Ridge Boulevard at New Hill Olive Chapel Road to accommodate an exclusive right turn lane and a shared through-left lane at the intersection.
- An eastbound left turn lane shall be constructed on Humie Olive Road at Richardson Road with minimum of 200 feet of storage plus appropriate deceleration length and taper prior to the 200 platted lot.
- Developer shall construct an eastbound right turn lane on Humie Olive Road at the proposed Site Drive with minimum 75 feet of storage and appropriate deceleration length and taper.
- Consistent with the 2045 Advance Apex Thoroughfare and Collector Street Plan and State law, the Developer shall construct Horton Ridge Boulevard in accord with the Town's design standards for a Major Collector.
- A westbound left turn lane with 50 feet of storage and appropriate deceleration length and taper shall be provided on Humie Olive Road at Olive Farm Road prior to platting access to Olive Farm Road.
- Developer shall improve Olive Farm Road based on a minimum 27' back-to-back roadway section along the development frontage and avoid direct residential access. Where development is on one side of the road and the opposite side is unimproved, the opposite side shall be constructed based on a minimum 22' edge-to-edge typical section.
- Olive Farm Road shall be paved based on a minimum 22' edge-to-edge typical section with minimum 30 mph design speed from the development boundary to Humie Olive Road prior to platting access to Olive Farm Road.
- Olive Farm Road shall meet Apex Minor Collector Street and NCDOT

- minimum requirements for secondary road pavement structure for all improved sections.
- A southbound left turn lane with 150 feet of full width storage and appropriate deceleration length and taper shall be constructed on New Hill Olive Chapel Road at Humie Olive Road prior to the 200th platted lot.
- The westbound left turn lane on Humie Olive Road at New Hill Olive Chapel Road shall be constructed to provide 200 feet of full width storage and appropriate deceleration length and taper prior to the 200th platted lot.
- Developer shall monitor the intersection of Richardson Road at Humie Olive Road for installation of a traffic signal and install when warranted. A warrant study shall be conducted following the 200th platted lot or as otherwise directed by Apex staff. If a traffic signal is not permitted by NCDOT prior to the 300th platted lot, the Developer shall construct a southbound left turn lane on Richardson Road at Humie Olive Road with 150 feet of storage and appropriate deceleration length and taper. Construction of the southbound left turn lane shall release the developer from the requirement to install a traffic signal.

Water and Sanitary Sewer

All lots within the project will be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of Development Plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. The ultimate design for the utilities must meet the current Town of Apex master water and sewer plans for approval.

Other Utilities

Electricity will be provided by Apex Electric. Phone, cable and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This development is expected to be phased. The number and timing of the phases will depend on market conditions and other factors. Construction is anticipated to begin in 2022. Project phasing will be planned to ensure the points of access are provided in accordance with the UDO.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map.

Section 16: Compliance with the UDO

The development standards adopted for this PUD follow those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined elsewhere within this document and/or

below:

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan Development plans for new development made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time the development plan is submitted as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle Plan. Pursuant to Bike Apex, new development on the property shall provide a 20' easement generally along Humie Olive Road within which a 10' wide asphalt meandering trail shall be installed.

Heelan PUD Exhibit A:

WETLAND MITIGATION PARCEL

Beginning at an existing Iron pipe on the eastern property line of the Heelan Property, said Iron pipe being South 46°59'52" West 30,771.52' from NCGS survey monument "STALEY" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point along said eastern property line South 06°15'03" West 29.76' to a point on the northern line of the Town of Apex 40' Public Utility Easement recorded in Deed Book 17419, Page 2651, Wake County Registry, thence leaving said eastern property line with said northern easement line North 64°16'42" West 280.47' to a point, thence South 63°35'54" West 174.31' to a point, thence leaving said easement North 18°40'10" East 251.15' to a point, thence North 53°39'09" West 53.01' to a point, thence North $19^{\circ}45'46"$ West 43.36' to a point, thence North $03^{\circ}05'56"$ West 187.40' to a point, thence North 08°03'50" East 210.66' to a point, thence North 36°31'13" East 24.99' to a point, thence North 65°42'05" East 77.21' to a point, thence North 43°26'33" East 86.71' to a point, thence North 38°14'05" East 92.04' to a point, thence North 57°58'37" East 87.98' to a point, thence North 74°34'56" East 93.13' to a point, thence South 60°16'07" East 28.36' to a point, thence North 67°21'25" East 49.85' to a point on the eastern property line of the Heelan Property, thence along said eastern property line South 03°55'05" West 585.31' to an existing Iron pipe, thence continuing with said eastern property line and crossing Little Beaver Creek South 03°53'40" West 401.10' to the point and place of Beginning containing 7.946 Acres more or less.

LEGEND

(IPF)-IRON PIPE FOUND (IPF)—IRON PIPE FOUND
(RBS)—REBAR SET
(NPF)—NO POINT FOUND
(CLD)—CENTERLINE CREEK
(PP)—POWER POLE
(OHPL)—OVERHEAD POWER LINE
(SPP)—STEEL POWER POLE
(POB)—POINT OF BEGINNING
(X)—CALCULATED POINT
(—E)—ELECTRIC EASEMENT
(—SS—)—PIPELINE EASEMENT
(—F—)—100 YR. FLOOD ZONE XXX -ADDRESS
-STATE OF N.C. CONSERVATION
EASEMENT FOR STREAM RESTORATION

	LINE TABLE						
LINE	BEARING	DISTANCE					
L1	S 06'15'03" W	29.76					
L2	N 64'16'42" W	280.47					
L3	S 63'35'54" W	174.31					
L4	N 18'40'10" E	251.15'					
L5	N 53°39'09" W	53.01'					
L6	N 19°45'46" W	43.36'					
L7 .	N 03°05'56" W	187.40'					
L8	N 08'03'50" E	210.66					
L9	N 36'31'13" E	24.99'					
L10	N 65'42'05" E	77.21'					
L11	N 43'26'33" E	86.71'					
L12	N 38'14'05" E	92.04'					
L13	N 57'58'37" E	87.98'					
L14	N 74'34'56" E	93.13'					
L15	S 60'16'07" E	28.36'					
L16	N 67°21'25" E	49.85'					
L17	S 03'55'05" W	585.31'					
L18	S 03'53'40" W	401.10 °					



 A PORTION OF THE PROPERTY IS IN THE 100 YR. FLOOD AND FLOODWAY, ZONE AE, BY FEMA FIRM MAP NO. 3720071000K PANEL 0710, EFFECTIVE DATE 2/2/2007 AND FIRM MAP NO. 3720072000J PANEL 0720, EFFECTIVE DATE 5/2/2006. 100 YR. FLOOD AND FLOODWAY LINES TAKEN FROM NCFLOODMAPS.COM ON 8/2/19.

2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
3. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PROPOSED MITIGATION AREA.



CARO CARO SEAL

L-4432

THE PLANT OF PLANTING

D. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

Struck to Plate FU LICENSE NO. L-4432

PROFESSIONAL LAND SURVEYOR

MITIGATION AREA EXHIBIT **BUCKHORN TOWNSHIP** WAKE COUNTY, N.C.

ROBINSON & PLANTE PC

LAND SURVEYING C-2687 970 TRINITY ROAD RALEIGH, N.C. 27607 PHONE (919) 859-6030 FAX (919) 859-6032

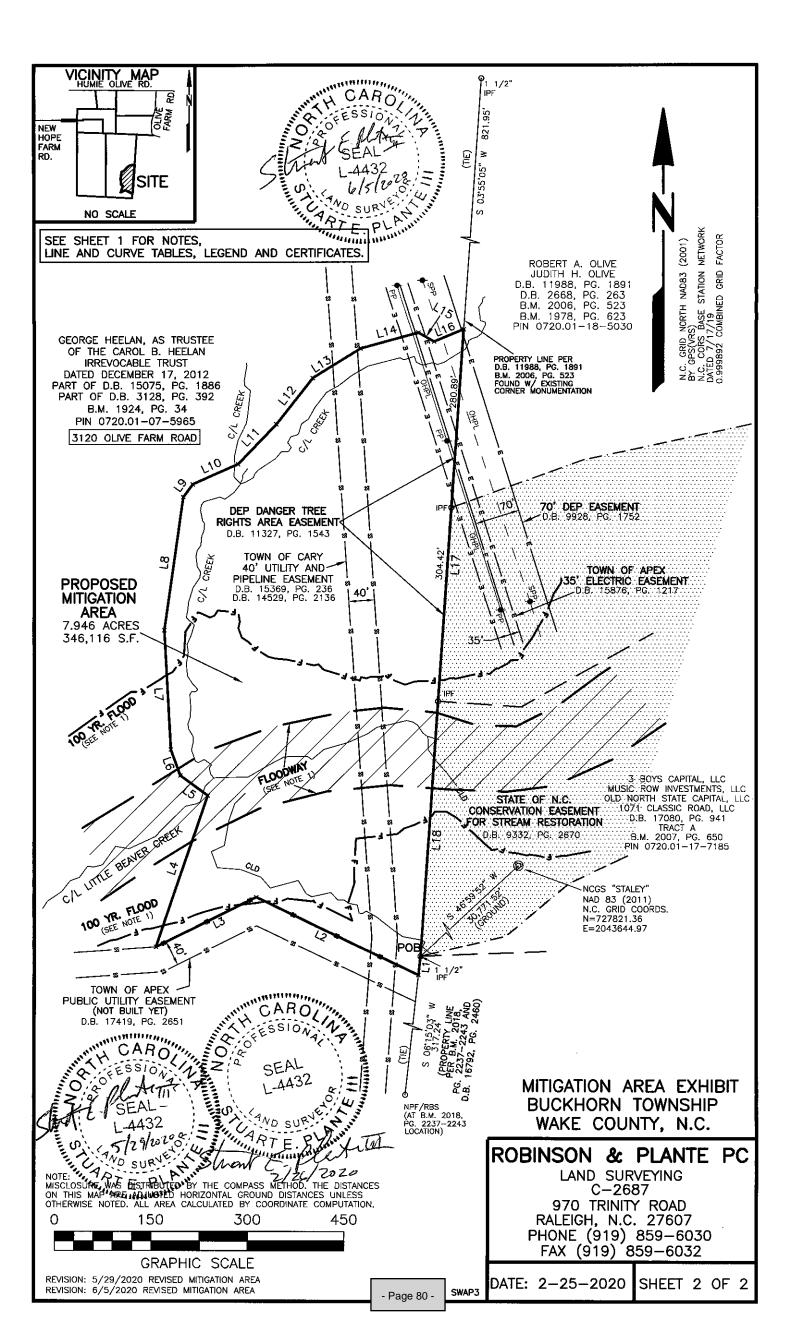
DATE: 2-25-2020 SHEET 1 OF 2

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

REVISION: 5/29/2020 REVISED MITIGATION AREA REVISION: 6/5/2020 REVISED MITIGATION AREA

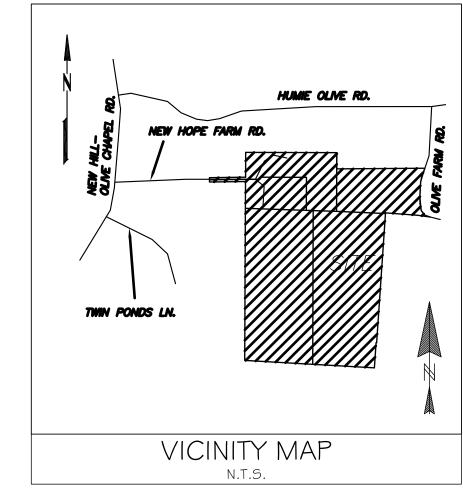
- Page 79 -

SWAP3



HEELAN PROPERTY PLANNED UNIT DEVELOPMENT





SITE DATA	
PROJECT NAME	HEELAN PROPERTY PUD
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174
OWNER / DEVELOPER CONTACT INFORMATION	FAX - (919) 387-3375 CONTACT PERSON - PETER D. CNOSSEN
OWNER/ DEVELOPER CONTACT INFORMATION	MI HOMES-RALEIGH 1511 SUNDAY DRIVE SUITE #110 RALEIGH, NC 27607 PHONE - (919) 205-9980 CONTACT PERSON - ERICA LEATHAM
CURRENT ZONING	R-40W
CURRENT 2045 LAND USE MAP DESIGNATION	LOW \$ MEDIUM DENSITY RESIDENTIAL (LD \$ MD)
PROPOSED ZONING DESIGNATION	PUD-CZ
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW \$ MEDIUM DENSITY RESIDENTIAL (LD \$ MD)
WAKE COUNTY PINS	0710-98-6889 (PARTIAL), 0720: 07-5965, 09-2779, 09-3139 (PARTIAL), 18-1967
TOTAL PROJECT AREA	142.42 ACRES
AREA IN HUMIE-OLIVE ROAD R/W DEDICATION	0.95 ACRE
AREA IN LAND DEDICATION	0.69 ACRE
NET SITE AREA	140.78 ACRES
MAXIMUM ALLOWED NUMBER OF UNITS	746 UNITS (108.57 AC. MEDIUM DENSITY AT 6 UNITS/ACRE, 31.86 AC. LOW DENSITY AT 3 UNITS/ACRE)
PROPOSED NUMBER OF UNITS	520 UNITS (3.7 UNITS/ACRE)
REQUIRED RCA / BUFFER AREA	42.13 ACRES (30.0%)
PROVIDED RCA / BUFFER AREA	42.26 ACRES (30.1%)
MAXIMUM BUILT UPON AREA FOR PUD	70% OR 98.3 ACRES
MAXIMUM BUILDING HEIGHT	45'
OFF STREET PARKING	PARKING WILL COMPLY WITH TOWN OF APEX UDO SECTION 8.3 FOR BOTH SINGLE-FAMILY RESIDENTIAL LOTS & TOWNHOME LOTS.
PUBLIC RECREATION REQUIREMENT	MULTI-FAMILY ATTACHED
WATERSHED INFORMATION	PRIMARY; BEAVER CREEK BASIN
APEX BUFFER DETERMINATION	APEX 19-003
HISTORIC STRUCTURE?	NO
PHASED DEVELOPMENT	YES
FEMA FLOODPLAIN INFORMATION	MAP #3720072000J \$ #3720071000K PROJECT IS WITHIN 100 YEAR FLOODPLAIN

PERMITTED USE:

- Single-familyTownhouse
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive • Utility, minor

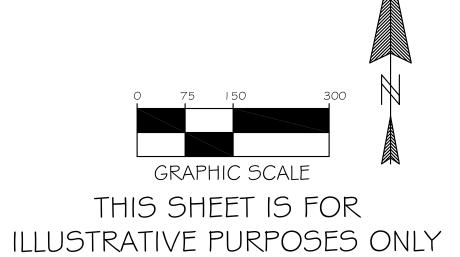
PD PLAN - DRAWING SHEET INDEX

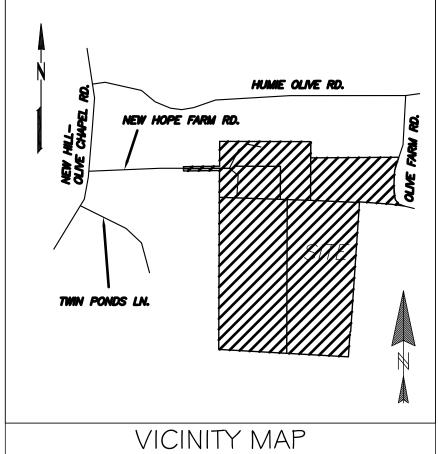
- COVER SHEET
- PRELIMINARY LAYOUT PLAN
- EXISTING CONDITIONS PLAN PRELIMINARY UTILITY PLAN

MINIMUM BUILDING SETBACKS-TOWNHOME				
FROM BUILDING TO BUILDIING	10'			
FROM BUFFER/RCA	I O' FOR BUILDINGS, 5' FOR PARKING			
FRONT	I O'			
REAR	20'			
SIDE	5'			
CORNER SIDE	5'			

MINIMUM BUILDING SETBACKS-SINGLE FA						
FROM BUFFER/RCA	I O' FOR BUILDINGS, 5' FOR PARKING					
FRONT	1 O'					
REAR	20'					
SIDE	5'					
CORNER SIDE	5'					
•	·					

PRELIMINARY PLANS NOT FOR CONSTRUCTION





ENGINEERING

221 N. SALEM ST. SUITE 001 PO BOX 1062 APEX, NC 27502 Office: 919-387-1174 Registration: P-0151

1"=300'

OCTOBER 1, 2019 1/07/19 | Ist TRC REVIEW 2/05/19 | 2nd TRC REVIEW 3rd TRC REVIEW

1910

EX. HUMIE QLIVE ROAD SR | 142 O' TYPE B THOROUGHFARE BUFFER EASEMENT (TYP) DEDICATION APPROXIMATE PRIMARY TOWN OF APEX, NORTH CAROLINA 00 ENTRANCE YUMEEWARRA FARM, LLC D.B. 16881, PG. 553 LOCATION TRACT I (SEE NOTE 8) D.B. 9835, PG. 2365 B.M. 1984, PG. 693 PIN 0720.01-19-0665 DIVISION FOR MYRTLE O. ∼20' TYPE B LANDSCAPE BUFFER TOWN OF APEX. NORTH CAROLINA HOLLAND, et al D.B. 16881, PG. 556 B.M. 1998, PG. 1315 TRACT 2 PIN 0710.02-99-3712 Z B.M. 1984, PG. 693 PIN 0720.01-19-7417 ROBERT L. KELLY I. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED TOWN OF APEX, NORTH CAROLINA 525 _ 524 MILDRED D. KELLY BY ROBINSON & PLANTE SURVEYORS. D.B. 16881, PG. 553 D.B. 3293, PG. 409 THE DATE ON THE ALTA SURVEY PROVIDED BY ROBINSON \$ PLANTE SURVEYORS IS 10/29/19. D.B. 12745, PG. 1988 B.M. 1984, PG. 693 3. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA TRACT 4 PIN 0720.01-19-6276 WILLIAM DAVID GOODMAN JR. B.M. 1984, PG. 693 JILL MILLER GOODMAN B.M. 2007, PG. 2055 4. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY D.B. 6306, PG. 698 PIN 0720.01-29-4621 SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES **APPROXIMATE** NEW HOPE FARM SUBDIVISION STREET STUB 221 INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED LANDSCAPE B.M. 1977, PG. 878 LOCATION B.M. 1978, PG. 383 5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF PIN 07 I 0.02-99-0226 FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN DENSITY CEMETERY ENGLISH AND SPANISH. RESIDENTIAL NEW HOPE FARM ROAD 3 BOYS CAPITAL, LLC 6. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE A.C. OLIVE HEIRS 19 MUSIC ROW INVESTMENTS, LLC MAXIMUM LANDSCAPE PIN 0720.01-19-91 (PRIVATE STREET) CHATHAM CAPITAL GROUP, LLC UNITS=96 7. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS. D.B. 17022, PG. 1032 8. PRIMARY ENTRANCE LOCATION MAY SHIFT TO AVOID RELOCATION OF POWER POLE. FINAL CONE AVENUE, LLC D.B. 17328, PG. 336 LOCATION TO BE DETERMINED AT MASTER SUBDIVISION PLAN. 60' PRIVATE STREET ORTION OF KASTELBERG B.M. 2014, PG. 441 B.M. 1977, PG. 799 AND PEART TRACTS THAT APPROXIMATE B.M. 2008, PG. 779 D.B. 2922, PG. 763 221 N. SALEM ST. **SECONDARY** MAKE UP THE 60' PRIVATE B.M. 1998, PG. 186 B.M. 1978, PG. 383 UTILITY AND ACCESS ENTRANCE **→**RIN 0720.01-28-2995 SUITE 001 EASEMENT SHALL BE LOCATION - WETLANDS PROPOSED PO BOX 1062 B.M. 1977, PG. 343 2045 LAND USE DEDICATED TO THE PROPOSE MITIGATION AREA B.M. 1977, PG. 878 MAP LINE APEX, NC 27502 FRIENDSHIP GOODMAN & ALBRECHT STREETS B.M. 1979, PG. 148 B.M. 1977, PG. 329 TRACTS. Office: 919-387-1174 STATION Registration: P-0151 DONNA J. ALBRECHT TOWN OF CARY TRUSTEE OF THE DONNA UTILITY AND -LANDSCAPE www.jonescnossen.com J. ALBRECHT REVOCABLE LIVING TRUST PIPELINE EASEMENT DATED JUNE 6, 2018 D.B. 15369, PG. D.B. 17154, PG. 1465 236 NEW HOPE FARM SUBDIVISION 50' JORDAN LAKE B.M. 2008, PG. 779 SECTION I LANDSCAPE STREAM BUFFER B.M. 1978, PG. 383 BUFFER PIN 07 | 0.02-88-9798 PLANNING NOTES: DUKE POWER ROBERT A. OLIVE JUDITH H. OLIVE I. STREET STUB CONNECTIONS SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN OVERHEAD LIN D.B. 11988, PG. 1891 (TYP.) D.B. 2668, PG. 263 2. THE RESOURCE CONSERVATION AREA (RCA) SHOWN HEREON IS PRELIMINARY AND MAY CHANGE AT THE TIME OF B.M. 2006, PG. 523 B.M. 1978, PG, 623 MASTER PLAN APPROVAL PIN 0720.01-18-5030 50' JORDAN MEDIUM 3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, PASSIVE OPEN SPACE, COMMON AREAS, AND THE STORMWATER DENSITY DEVICES SHALL BE THE RESPONSIBILITY OF THE PROPERTY ASSOCIATION. STREAM BUFFER CHRISTOPHER KNOUFF 4. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS CAREY ADAMS-KNOUFF RESIDENTIAL D.B. 13489, PG. 1198 5. THE PUD SHALL MEET TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH B.M. 1977, PG. 343 THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR AND PIN 0710.02-88-9126 10-YEAR, 24 HOUR STORM EVENTS 6. ALL SINGLE-FAMILY HOMES ON THE PROPERTY SHALL PROVIDE SOLAR CONDUIT FOR THE INSTALLATION OF ROOFTOP SOLAR PANELS TOWN OF CARY 7. THE PUD SHALL PROVIDE TWO EV CHARGING STATIONS AT THE PLANNED AMENITY CENTER, ACTIVE SOLAR 40' UTILITY AND -INSTALLATION FOR A MINIMUM OF TWO MODEL HOMES, AND ACTIVE SOLAR INSTALLATION FOR THE PRIMARY PIPELINE EASEMENT D.B. 15369, PG. 236 AMENITY BUILDING. D.B. 14529, PG. 2136 THE ALIGNMENT OF HORTON RIDGE BOULEVARD IS PRELIMINARY. THE FINAL ALIGNMENT SHALL BE DETERMINED AT MASTER SUBDIVISION IN REVIEW WITH TOWN OF APEX STAFF. CHRISTOPHER KNOUFF STREET STUB 9. ALL ENVIRONMENTAL PERMITTING ASSOCIATED WITH THE CONSTRUCTION OF HORTON RIDGE BOULEVARD SHALL BE USES: SINGLE FAMILY/TOWNHOMES CAREY ADAMS-KNOUFF **/**LANDSCAPE AREA:141.12 ACRES HANDLED BY THE TOWN OF APEX. D.B. 13171, PG. 555 BUFFER NOT TO EXCEED 520 UNITS IO. THIS SHALL BE A PHASED DEVELOPMENT COMPLETED IN UP TO 5 PHASES. ALL PHASES SHALL BE SHOWN AT THE PIN 07 I 0.02-87-9844 TIME OF MASTER SUBDIVISION PLAN SUBMITTAL. II. THIS DEVELOPMENT WILL BE MASS GRADED SO AN ADDITIONAL 5% RCA WILL BE REQUIRED PER UDO SECTION 7.2.5(B). 12. THE 50' TYPE B THOROUGHFARE BUFFER ALONG HUMIE OLIVE ROAD SHALL INCLUDE A MEANDERING 10' ASPHALT PATH WITHIN A 20' GREENWAY EASEMENT. COORDINATION OF PATH LOCATION WITH PLANNING STAFF SHALL OCCUR HORTON RIDGE-DEP DANGER TREE AT THE MASTER SUBDIVISION PLAN PROCESS. BOULEVARD RIØHTS AREA EASEMENT OLIVE RIDGE 13. THE PUD SHALL DEDICATE A CONSERVATION EASEMENT OF NOT LESS THAN 7.9 ACRES TO THE STATE OF NORTH ∕D.B. 11327, PG. 1543 CAROLINA IN ORDER TO FACILITATE RELEASE OF OTHER CONSERVATION EASEMENT AREA FROM THE STATE OF NORTH SUBDIVISION CAROLINA. THIS DEDICATION IS TO PROVIDE THE TOWN WITH THE ABILITY TO EXTEND RICHARDSON ROAD IN THE PROPOSED WETLANDS STATE OF N.C. APPROXIMATE MITIGATION AREA CONSERVATION EASEMENT STREET STUB 14. THE PUD SHALL PROVIDE HABITAT FOR HUMANITY OR OTHER NON-PROFIT AFFORDABLE HOUSING PROVIDER UP TO (7.95 AC) FOR STREAM RESTORATION LOCATION TEN (10) AFFORDABLE TOWNHOME LOTS PRIOR TO PLATTING THE 200TH LOT. D.B. 9332, PG. 2670 CONNECTION JOHN K. NORMAN LANDSCARE LOCATION D.B. 3283, PG. 573 TRANSPORTATION ELEMENTS: TRACT IB B.M. 1985, PG. 55 100' TOWN OF APEX B.M. 1978, PG. 533 I. AN EASTBOUND LEFT-TURN LANE SHALL BE CONSTRUCTED ON HUMIE OLIVE ROAD AT RICHARDSON ROAD WITH STREAM BUFFER PIN 07 I 0.02-97-0228 TOWN OF APEX MINIMUM OF 200 FEET OF STORAGE PLUS APPROPRIATE DECELERATION LENGTH AND TAPER PRIOR TO THE 200 PUBLIC UTILITY EASEMENT 3 BOYS CAPITAL, LLC PLATTED LOT. (NOT BUILT YFT) MUSIC ROW INVESTMENTS. LLC 2. DEVELOPER SHALL RESTRIPE THE EXISTING WESTBOUND APPROACH OF HORTON RIDGE BOULEVARD AT NEW HILL D.B. 17419, PG. 2651 OLD NORTH STATE CAPITAL, LLC OLIVE CHAPEL ROAD TO ACCOMODATE AN EXCLUSIVE RIGHT-TURN LANE AND A SHARED THROUGH-LEFT LANE AT 07 I CLASSIC ROAD, LLC D.B. 17080, PG. 941 EXISTING TOA-CONNECTION 3. THE DEVELOPER SHALL CONSTRUCT HORTON RIDGE BOULEVARD TO THE TOWN OF APEX'S MAJOR COLLECTOR D.B. 17419. B.M. 2007, PG. 650 PIN 0720.01-17-7185 STANDARD. 4. DEVELOPER SHALL CONSTRUCT A WESTBOUND LEFT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER. 5. DEVELOPER SHALL CONSTRUCT AN EASTBOUND RIGHT-TURN LANE ON HUMIE OLIVE ROAD AT THE PROPOSED ------SITE DRIVE WITH MINIMUM 75 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER. TIMOTHY D. MCKINNISH 6. A WESTBOUND LEFT TURN LANE WITH 50 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND D.B. 13186, PG. 430 TAPER SHALL BE PROVIDED ON HUMIE OLIVE ROAD AT OLIVE FARM ROAD PRIOR TO PLATTING ACCESS TO OLIVE TRACT IA FARM ROAD. B.M. 2008, PG. 1244 PIN 1710.02-86-5906 50' JORDAN LAKE 7. DEVELOPER SHALL IMPROVE OLIVE FARM ROAD BASED ON A MINIMUM 27' BACK-TO-BACK ROADWAY SECTION STREAM BUFFER ALONG THE DEVELOPMENT FRONTAGE AND AVOID DIRECT RESIDENTIAL ACCESS. WHERE DEVELOPMENT IS ON 100' TOWN OF APEX STRFFT ANDSCAPE ONE SIDE OF THE ROAD AND THE OPPOSITE SIDE IS UNIMPROVED, THE OPPOSITE SIDE SHALL BE CONSTRUCTED STREAM BUFFER CONNECTION BASED ON A MINIMUM 22' EDGE-TO-EDGE TYPICAL SECTION. LOGATION 8. OLIVE FARM ROAD SHALL BE PAVED BASED ON A MINIMUM 22' EDGE-TO-EDGE TYPICAL SECTION WITH MINIMUM 30 MPH DESIGN SPEED FROM THE DEVELOPMENT BOUNDARY TO HUMIE OLIVE ROAD PRIOR TO PLATTING ACCESS TO OLIVE FARM ROAD. 9. OLIVE FARM ROAD SHALL MEET APEX MINOR COLLECTOR STREET AND NCDOT MINIMUM REQUIREMENTS FOR SECONDARY ROAD PAVEMENT STRUCTURE FOR ALL IMPROVED SECTIONS. TOWN OF CARY 10. A SOUTHBOUND LEFT TURN LANE WITH 150 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECELERATION PULTE HOME COMPANY, LLC PULTE HOME COMPANY, LLC 40' UTILITY AND D.B. 16792, PG. 2460 D.B. 16792, PG. 2460 LENGTH AND TAPER SHALL BE CONSTRUCTED ON NEW HILL OLIVE CHAPEL ROAD AT HUMIE OLIVE ROAD PRIOR TO PIPELINE EASEMENT APPROXIMATE FUTURE DEVELOPMENT PULTE HOME COMPANY, LLC D.B. 14611, PG. 2679 WOODBURY SUBDIVISION STREET STUB WOODBURY SUBDIVISION OCTOBER 1, 2019 D.B. 16792, PG. 2460 II. THE WESTBOUND LEFT TURN LANE ON HUMIE OLIVE ROAD AT NEW HILL OLIVE CHAPEL ROAD SHALL BE PH. 2B \$ 2C LOCATION B.M. 2018, PG. 2237-2243 B.M. 2018, PG. 2237-2243 CONSTRUCTED TO PROVIDE 200 FEET OF FULL WIDTH STORAGE AND APPROPRIATE DECELERATION LENGTH AND PIN 0720.01-05-7756 WOODBURY SUBDIVISION PIN 0710.02-96-8199 TAPER PRIOR TO THE 200TH PLATTED LOT. PH. 2B ≰ 2C /07/19 | 1st TRC REVIEW 12. DEVELOPER SHALL MONITOR THE INTERSECTION OF RICHARDSON ROAD AT HUMIE OLIVE ROAD FOR B.M. 2018, PG. 2237-2243 WOODBURY B.M. 2016, PG. 1185 2/05/19 | 2nd TRC REVIEW INSTALLATION OF A TRAFFIC SIGNAL AND INSTALL WHEN WARRANTED. A WARRANT STUDY SHALL BE CONDUCTED PART OF LOT 7-B.M. 1984, PG. 716 SUBDIVISION FOLLOWING THE 200TH PLATTED LOT OR AS OTHERWISE DIRECTED BY APEX STAFF. IF A TRAFFIC SIGNAL IS NOT 109/20 3rd TRC REVIEW PIN 0710.02-95-2812 PERMITTED BY NCDOT PRIOR TO THE 300TH PLATTED LOT. THE DEVELOPER SHALL CONSTRUCT A SOUTHBOUND 4th TRC REVIEW LEFT TURN LANE ON RICHARDSON ROAD AT HUMIE OLIVE ROAD WITH 150 FEET OF STORAGE AND APPROPRIATE DECELERATION LENGTH AND TAPER. CONSTRUCTION OF THE SOUTHBOUND LEFT TURN LANE SHALL RELEASE THE /13/20 5th TRC REVIEW DEVELOPER FROM THE REQUIREMENT TO INSTALL A TRAFFIC SIGNAL. 27/20 | 6th TRC REVIEW PRELIMINARY PLANS THIS SHEET IS FOR NOT FOR CONSTRUCTION ILLUSTRATIVE PURPOSES ONLY 1910

TOWN REQUIRED PUD NOTES:

- I. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT
- LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.). 2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE
- TOWN OF APEX PARKS AND RECREATION DEPARTMENT. 3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
- 4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

- WETLANDS

- RCA

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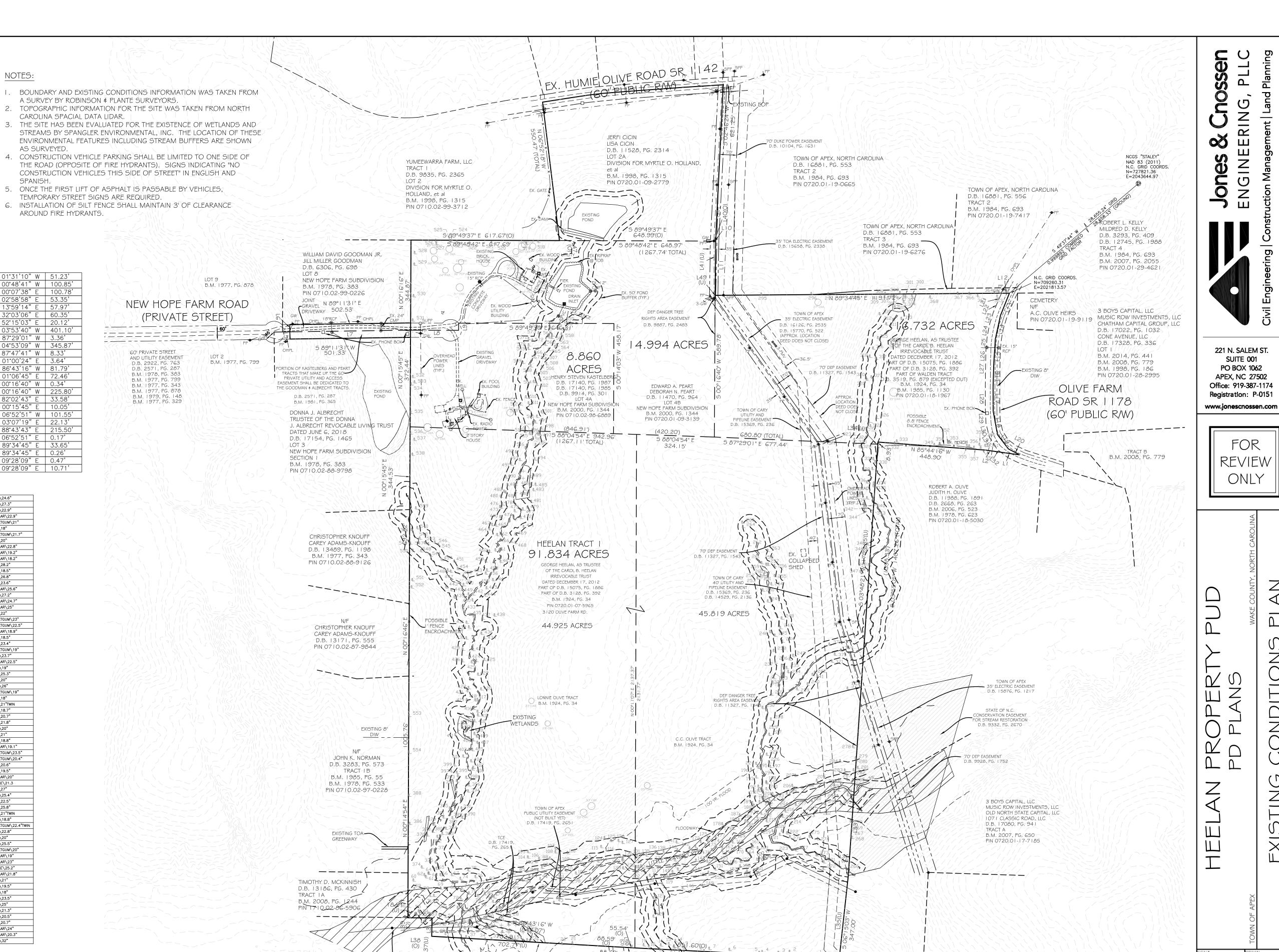
	LINE TABLE				
LINE	BEARING	DISTANCE	L26	S 01°31'10" W	51.23'
L1	N 82°02'43" W	78.75'	L27	S 00°48'41" W	100.85
L2	N 82°02'43" W	64.50'	L28	S 00°07'38" E	100.78
L3	N 01°00'24" E	76.02'	L29	S 02°58′58" E	53.35'
L4	N 89°12'54" W	100.50'	L30	S 13°59'14" E	57.97
L5	N 00°48'29" W	30.00'	L31	S 32°03'06" E	60.35'
L6	N 00°48'29" W	30.00'	L32	S 52°15'03" E	20.12'
L7	N 89°11'31" E	501.95	L33	S 03°53'40" W	401.10'
L8	S 89°48'46" E	200.00'	L34	N 87°29'01" W	3.36'
L9	N 00°10'30" E	30.00'	L35	S 04°53'09" W	345.87
L10	S 89°48'42" E	1.08'	L36	S 87°47'41" W	8.33'
L11	S 00°29'09" W	225.80'	L37	N 01°00'24" E	3.64'
L12	N 89°34'45" E	32.90'	L38	N 86°43'16" W	81.79'
L13	S 21°48'27" W	100.04	L39	N 01°06'45" E	72.46'
L14	S 12°15'17" W	100.09	L40	S 00°16'40" W	0.34'
L15	S 03°45'42" W	100.03	L41	S 00°16'40" W	225.80'
L16	S 01°43'47" W	100.04	L42	S 82°02'43" E	33.58'
L17	S 00°11'33" E	100.03	L43	N 00°15'45" E	10.05
L18	S 10°26'03" E	99.95'	L44	N 06°52'51" W	101.55
L19	S 37°21'17" E	74.79	L45	N 03°07'19" E	22.13'
L20	S 62°11'48" E	52.88'	L46	S 88°43'43" E	215.50'
L21	S 23°47'54" W	36.43'	L47	S 06°52'51" E	0.17'
L22	S 22°31'40" W	51.58'	L48	N 89°34'45" E	33.65'
L23	S 17°34'35" W	53.33'	L49	N 89°34'45" E	0.26'
L24	S 10°08'49" W	53.06'	L50	S 09°28'09" E	0.47'
L25	S 05°13'38" W	52.14	L51	S 09°28'09" E	10.71

	LINE TABLE				
LINE	BEARING	DISTANCE	L26	S 01°31'10" W	51.23'
L1	N 82°02'43" W	78.75'	L27	S 00°48'41" W	100.85
L2	N 82°02'43" W	64.50'	L28	S 00°07'38" E	100.78
L3	N 01°00'24" E	76.02'	L29	S 02°58'58" E	53.35'
L4	N 89°12'54" W	100.50'	L30	S 13°59'14" E	57.97'
L5	N 00°48'29" W	30.00'	L31	S 32°03'06" E	60.35'
L6	N 00°48'29" W	30.00'	L32	S 52°15'03" E	20.12'
L7	N 89°11'31" E	501.95'	L33	S 03°53'40" W	401.10'
L8	S 89°48'46" E	200.00'	L34	N 87°29'01" W	3.36'
L9	N 00°10'30" E	30.00'	L35	S 04°53'09" W	345.87'
L10	S 89°48'42" E	1.08'	L36	S 87°47'41" W	8.33'
L11	S 00°29'09" W	225.80'	L37	N 01°00'24" E	3.64'
L12	N 89°34'45" E	32.90'	L38	N 86°43'16" W	81.79'
L13	S 21°48'27" W	100.04	L39	N 01°06'45" E	72.46'
L14	S 12°15'17" W	100.09	L40	S 00°16'40" W	0.34'
L15	S 03°45'42" W	100.03'	L41	S 00°16'40" W	225.80'
L16	S 01°43'47" W	100.04	L42	S 82°02'43" E	33.58'
L17	S 00°11'33" E	100.03	L43	N 00°15'45" E	10.05
L18	S 10°26'03" E	99.95'	L44	N 06°52'51" W	101.55
L19	S 37°21'17" E	74.79	L45	N 03°07'19" E	22.13'
L20	S 62°11'48" E	52.88'	L46	S 88°43'43" E	215.50'
L21	S 23°47'54" W	36.43'	L47	S 06°52'51" E	0.17'
L22	S 22°31'40" W	51.58'	L48	N 89°34'45" E	33.65'
L23	S 17°34'35" W	53.33'	L49	N 89°34'45" E	0.26'
L24	S 10°08'49" W	53.06'	L50	S 09°28'09" E	0.47'
L25	S 05°13'38" W	52.14'	L51	S 09°28'09" E	10.71

AS SURVEYED.

SPANISH.

Point	Description	101	POPLAR\22"	202	GUM\20"	300	POPLAR\24.6"	401	PINE\18.5"	501	PINE\24.6"
51111	OAK\20.6"	102	POPLAR\27"	203	GUM\20.6"	301	GUM\19.1"	402	POPLAR\19.8"	502	PINE\27.3"
	GUM\19"	103	OAK\22.5"	204	GUM\23"	302	POPLAR\18.7"	403	GUM\19.4"	503	PINE\22.9"
	OAK\26"	104	OAK\21"	205	POPLAR\30.2"	303	GUM\18.7"	404	POPLAR\21.6"	504	POPLAR\22.9"
	GUM\52.5"	105	OAK\24.2"	206	OAK\19.1"	304	GUM\21.4"	405	PINE\18"	505	SWEETGUM\21"
	OAK\19.7"	106	0AK\22"	207	OAK\21.3"	305	GUM\21.5"	406	PINE\18.3"	506	OAK\18"
	OAK\22.5"	107	OAK\24.3"	208	GUM\23.4"	306	OAK\21.6"	407	PINE\18.3"	507	SWEETGUM\21.7"
	OAK\20.4"	108	POPLAR\19.5"	209	GUM\20"	307	PINE\18.6"	408	POPLAR\18.4"	508	OAK\20"
	OAK\31.9"	109	OAK\24.3"	210	POPLAR\25"	308	POPLAR\22.4"	409	PINE\18.9"	509	POPLAR\22.8"
	POPLAR\19.2"	110	OAK\26.3"	211	GUM\19.3"	309 310	POPLAR\19.1"	410	POPLAR\26"	510 511	POPLAR\19.2"
1	OAK\25" OAK\29"	112	GUM\21.5" POPLAR\30"	213	POPLAR\20.1" GUM\24.5"	311	OAK\20.4" OAK\20.1"	411	GUM\21" POPLAR\21.4"	512	POPLAR\18.2" OAK\28.2"
2	OAK\29"	113	GUM\23.3"	214	GUM\19"	312	POPLAR\32.5"	413	GUM\19.8"	513	OAK\18.5"
3	GUM\19"	114	MAPLE\22.4"	215	POPLAR\29.2"	313	OAK\18"	414	POPLAR\18.2"	514	OAK\26.8"
4	POPLAR\19.2"	115	OAK\21"	216	GUM\22"	314	OAK\27.3"	415	POPLAR\21"	515	OAK\23.6"
5	GUM\23.8"	116	OAK\34.2"	217	OAK\32.5"	315	MAPLE\20"	416	POPLAR\19.1"	516	POPLAR\25.6"
6	PINE\19.1"	117	MAPLE\24.8"	218	POPLAR\36.8"	316	OAK\19.5"	417	POPLAR\19"	517	PINE\27.2"
7	PINE\23.2"	118	GUM\24.9"	219	MAPLE\21"	317	MAPLE\24"TWIN	418	POPLAR\19.5"	518	POPLAR\24.7"
8	OAK\26"	119	MAPLE\19.1"	220	MAPLE\19.2"	318	POPLAR\19.8"	419	OAK\22"	519	POPLAR\25"
9	OAK\19"	120	GUM\23.5"	221	MAPLE\22"	319	OAK\21.7"	420	POPLAR\28"	520	OAK\22"
.0	OAK\19.6"	121	GUM\19"	222	GUM\33.5"	320	POPLAR\18"	421	POPLAR\22.8"	521	SWEETGUM\23"
!1	OAK\20.6"	122	POPLAR\22.5"	223	POPLAR\22"	321	POPLAR\21"	422	OAK\20.3"	522	SWEETGUM\22.5"
2	OAK\19.2"	123	GUM\45"TRIPLE	224	POPLAR\21.7"	322	OAK\21.1"	423	OAK\27"	523	POPLAR\18.9"
3	OAK\26"	124	0AK\24"	225	GUM\19.7"	323	OAK\18.7"	424	OAK\22.5"	524	OAK\18.5"
4	OAK\25.4"	125	OAK\24.5"	226	GUM\22"	324	POPLAR\21.1"	425	GUM\26"	525	OAK\23.4"
5	OAK\19"	126	POPLAR\19.6"	227	POPLAR\23.5"	325	OAK\25.9"	426	OAK\20"	526	SWEETGUM\19"
7	GUM\21"	127	GUM\27"	228	GUM\30.5"	326	OAK\21"	427	OAK\21.8"	527	PINE\23.7"
.7 .8	OAK\23.1"	128	MAPLE\20.5" MAPLE\21"	229	POPLAR\30.1"	327 328	OAK\27.7"	428 429	PINE\20.8"	528 529	POPLAR\22.5" PINE\19"
:8 :9	MAPLE\20.5" OAK\30.4"	130	MAPLE\21"	230	OAK\20.1" GUM\33.4"	328	GUM\25.2" GUM\19.5"	430	OAK\25.8" GUM\20.7"	530	OAK\25.3"
.9 50	MAPLE\24.8"	131	MAPLE\26	232	OAK\41	330	PINE\31.3"	430	OAK\18"	530	OAK\25.3 OAK\20"
51	OAK\22.3"	132	GUM\21.5"	232	GUM\22.6"	331	OAK\23.8"	432	GUM\18.5"	532	PINE\26"
52	GUM\34.3"TWIN	133	MAPLE\20"	234	POPLAR\19"	332	PINE\19.5"	433	GUM\18.5	533	SWEETGUM\19"
3	OAK\22.7"	134	MAPLE\25"	235	POPLAR\19.2"	333	PINE\13.7"	434	OAK\41.5"	534	OAK\18"
64	OAK\22.9"	135	GUM\24.5"	236	GUM\22.3"	334	POPLAR\18"	435	POPLAR\18.4"	535	OAK\21"TWIN
55	MAPLE\19.4"	136	GUM\26.3"	237	OAK\19"	335	POPLAR\18.9"	436	POPLAR\22.5"	536	OAK\18.7"
6	OAK\24.3"	137	GUM\25.4"	238	OAK\20.7"	336	GUM\29.2"	437	OAK\18.8"	537	OAK\20.7"
57	OAK\22.3"	138	GUM\23.9"	239	GUM\21"	337	GUM\20.7"	438	OAK\24"	538	OAK\21.8"
8	GUM\20.4"	139	OAK\39.5"	240	GUM\20.6"	338	POPLAR\26.5"	439	POPLAR\20.3"	539	PINE\20"
9	MAPLE\29.2"	140	GUM\21"	241	GUM\23.2"	339	PINE\36.7"	440	OAK\21.8"	540	OAK\21"
-0	POPLAR\19.1"	141	OAK\25.3"	242	BIRCH\28"	340	POPLAR\19.7"	441	OAK\20"	541	OAK\18.8"
-1	MAPLE\21.9"	142	GUM\23.9"	243	GUM\20"	341	POPLAR\29.5"TWIN	442	POPLAR\19.5"	542	POPLAR\19.1"
-2	OAK\19.9"	143	MAPLE\22"	244	POPLAR\22"	342	POPLAR\24.5"	443	POPLAR\20.5"	543	SWEETGUM\23.5"
-3	GUM\22.2"	144	GUM\19"	245	OAK\21.7"	343	OAK\19.6"	444	POPLAR\18.2"	544	SWEETGUM\20.4"
4	OAK\19.6"	145	GUM\27"	246	OAK\24"	344	POPLAR\37.3"TWIN	445	OAK\19.9"	545	OAK\20.6"
15	POPLAR\22.8"	146	GUM\23"	247	POPLAR\22.5"	345	OAK\27.3"	446	OAK\23.2"	546	OAK\19.5"
-6	OAK\20.7"	147	GUM\23.9"	248	GUM\19"	346	POPLAR\21.9"	447	OAK\25.5"	547	POPLAR\20"
7	OAK\19.4"	148	GUM\26"	249	POPLAR\24.5"	347	OAK\18"	448	PINE\24.6"	548	MAPLE\21.3
-8	OAK\22.4"	149	GUM\24"	250	GUM\19.4"	348	OAK\24.9"	449	PINE\21"	549	OAK\27"
9	OAK\21.2"	150 151	OAK\31"	251 252	GUM\19.1"	349 350	GUM\44"TRIPLE	450 451	POPLAR\21.7"	550 551	PINE\25.4"
51	OAK\22.2" OAK\25.7"	152	POPLAR\22.2" POPLAR\20"	252	GUM\23.3" OAK\22.4"	351	OAK\27.4" OAK\22"	452	OAK\22.3" OAK\21.7"	552	OAK\22.5" OAK\25.8"
2	MAPLE\19.4"	153	POPLAR\20"	254	POPLAR\29.7"	352	PINE\20.2"	453	OAK\23.3"	553	OAK\23.5
3	POPLAR\20"	154	MAPLE\20"	255	GUM\24.2"	353	PINE\22.7"	454	OAK\24.3"	554	PINE\18.8"
4	OAK\24.2"	155	POPLAR\31"	256	GUM\23"	354	OAK\21.5"	455	POPLAR\18"	555	SWEETGUM\22.4"TWI
5	POPLAR\23"	156	POPLAR\19.8"	257	POPLAR\21"	355	PINE\18.7"	456	PINE\20.7"	556	PINE\22.8"
6	POPLAR\20.4"	157	MAPLE\23.8"	258	POPLAR\22.5"	356	PINE\23.9"	457	MAPLE\18.4"	557	PINE\20"
7	POPLAR\24.3"	158	OAK\25.5"	259	PINE\24"	357	GUM\36.9"	458	OAK\22"	558	PINE\25.5"
8	MAPLE\20.6	159	GUM\39.4"TWIN	260	OAK\36.5"	358	OAK\18.7"	459	OAK\18.9"	559	SWEETGUM\20"
9	GUM\21.2"	160	GUM\19.5"	261	GUM\23.2"	359	GUM\19.5"	460	OAK\31.5"	560	POPLAR\19"
60	GUM\19.7"	161	GUM\24"	262	MAPLE\20"	360	OAK\19.8"	461	GUM\19.6"	561	POPLAR\23"
61	SYCAMORE\25"	162	OAK\32.7"	263	GUM\21"	361	PINE\24"	462	OAK\26.3"	562	MAPLE\25.2"
52	MAPLE\22"	163	POPLAR\19.2"	264	GUM\41.8"TRIPLE	362	OAK\22.5"	463	OAK\22"	563	POPLAR\21.8"
3	POPLAR\20"	164	GUM\23.7"	265	GUM\21"	363	PINE\18.5"	464	OAK\19.3"	564	PINE\21"
54	POPLAR\24.8"	165	GUM\19"	266	GUM\20"	364	PINE\23.6"	465	OAK\21.7"	565	PINE\19.5"
5	MAPLE\21.3"	166	GUM\22.6"	267	POPLAR\24"	365	POPLAR\23"	466	OAK\22.6"	566	PINE\18"
6	POPLAR\21.7"	167	MAPLE\22.6	268	POPLAR\25"	366	PINE\21.5"	467	GUM\23.3"	567	PINE\23.5"
7	OAK\19.5"	168	GUM\26.3"	269	PINE\24"	367	OAK\18.5"	468	OAK\22"	568	PINE\25"
8	MAPLE\23.3"	169	GUM\22.2"	270	GUM\24"	368	OAK\22.9"	469	OAK\29.5"	569	PINE\21.3"
	GUM\22.3"	170 171	POPLAR\20.5"	271	OAK\20"	369	MAPLE\30"TWIN	470	OAK\34.7"TWIN	570	PINE\20.5"
	CUM\ 22 E"		POPLAR\22.2"	272	GUM\27" POPLAR\26.5"	370 371	MAPLE\25" GUM\19.5"	471 472	OAK\21"	571 572	OAK\20.7" POPLAR\24"
0	GUM\22.5"		POPLAR\ 26"	277		10/1		17/4	JOHN 12 1		1 OI DAIN (24
O 1	HORNBEAM\28"	172	POPLAR\26"	273		372	GUM\19 1"	473	OAK\23.5"		POPLAR\ 20 3"
'0 '1 '2	HORNBEAM\28" POPLAR\31"	172 173	POPLAR\21"	274	GUM\19.5"	372 373	GUM\19.1"	473 474	OAK\23.5" PINE\23.4"	573	POPLAR\20.3" PINE\32"
0 1 2 3	HORNBEAM\28" POPLAR\31" HORNBEAM\25"	172 173 174	POPLAR\21" MAPLE\44.8TWIN	274 275	GUM\19.5" GUM\19.3"	373	GUM\20.9"	474	PINE\23.4"		POPLAR\20.3" PINE\32"
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GRAPHIC SCALE

THIS SHEET IS FOR

ILLUSTRATIVE PURPOSES ONLY

OCTOBER 1, 2019

107/19 | 1st TRC REVIEW

2/05/19 | 2nd TRC REVIEW

1/09/19 | 3rd TRC REVIEW

3

1910

4th TRC REVIEW

PDC

- Page 83 -

PULTE HOME COMPANY, LLC

D.B. 16792, PG. 2460

WOODBURY SUBDIVISION

PIN 07 10.02-96-8199

B.M. 2018, PG. 2237-2243

LOT 400

PULTE HOME COMPANY, LLC

D.B. 16792, PG. 2460

WOODBURY SUBDIVISION

PIN 0720.01-05-7756

B.M. 2018, PG. 2237-2243

FUTURE DEVELOPMENT

40' UTILITY AND

D.B. 146T1, PG, 2679

PRELIMINARY PLANS

NOT FOR CONSTRUCTION

PUBLIC SEWER

PULTE HOME COMPANY, LLC

D.B. 16792, PG. 2460

B.M. 2016, PG. 1185

PIN 07 10.02-95-28 12

WOODBURY SUBDIVISION

B.M. 2018, PG. 2237-2243

PART OF LOT 7-B.M. 1984, PG. 716

RCA 2B

PH, 2B \$ 2C

EX. HUMIE QLIVE ROAD SR 1142 PROPOSED_ THOROUGHFARE OVERHEAD DEDICATION CAPPROXIMATE POWER LINES TOWN REQUIRED PUD NOTES: PRIMARY ENTRANCE TOWN OF APEX, NORTH CAROLINA YUMEEWARRA FARM, LLC LOCATION I. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT D.B. 16881, PG. 553 TRACT I TRACT 2 FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT D.B. 9835, PG. 2365 B.M. 1984, PG. 693 LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION PIN 0720.01-19-0665 DIVISION FOR MYRTLE O 20' TYPE B LANDSCAPE BUFFER AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, TOWN OF APEX, NORTH CAROLINA HOLLAND, et al D.B. 16881, PG. 556 WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE B.M. 1998, PG. 1315 OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY PIN 0710.02-99-3712 B.M. 1984, PG. 693 RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER PIN 0720.01-19-7417 LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY ROBERT L. KELLY TOWN OF APEX, NORTH CAROLINA MILDRED D. KELLY 525- - 524 BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT D.B. 16881, PG. 553 D.B. 3293, PG. 409 LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.). D.B. 12745, PG. 1988 B.M. 1984, PG. 693 2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS TRACT 4 PIN 0720.01-19-6276 BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY WILLIAM DAVID GOODMAN JR. B.M. 1984, PG. 693 JILL MILLER GOODMAN B.M. 2007, PG. 2055 ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET D.B. 6306, PG. 698 PIN 0720.01-29-4621 ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE NEW HOPE FARM SUBDIVISION B.M. 1977, PG. 878 TOWN OF APEX PARKS AND RECREATION DEPARTMENT. B.M. 1978, PG. 383 PIN 0710.02-99-0226 3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY LOW NEW HOPE FARM ROAD BUILDING WITHIN THAT PHASE. 3 BOYS CAPITAL, LLC DENSITY PIN 0720.01-19-9119 MUSIC ROW INVESTMENTS, LANDSCAPE 4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE (PRIVATE STREET) RESIDENTIAL CHATHAM CAPITAL GROUP, LI BUFFER SIGN PERMIT MUST BE OBTAINED. D.B. 17022, PG. 1032 8" WATER MAIN CONE AVENUE, LLC CONNECTION D.B. 17328, PG. 336 60 PRIVATE STRFF B.M. 2014, PG. 441 B.M. 1977, PG. 799 APPROXIMATE B,M. 2008, PG, 779 D.B. 2571, PG. 287 B.M. 1978, PG. 383 B.M. 1977, PG. 799 SECONDARY B.M. 1998, PG. 186 ENTRANCE " RIN 0720.01-28-2995 LOCATION 2045 LAND USE B.M. 1977, PG. 878 MAP ZONING LINE DONNA J. ALBRECHT TOWN OF CARY TRUSTEE OF THE DONNA UTILITY AND **CLANDSCAPE** PROPOSED J. ALBRECHT REVOCABLE LIVING TRUST PIPELINE EASEMENT BUFFER -----MITIGATION AREA DATED JUNE 6, 2018 D.B. 15369, PG. D.B. 17154, PG. 1465 NEW HOPE FARM SUBDIVISION 50' JORDAN LAKE B.M. 2008, PG. 779 SECTION I LANDSCAPE B.M. 1978, PG. 383 PIN 0710.02-88-9798 DUKE POWER OVERHEAD ROBERT A. OLIVE POWER LINES -JUDITH H. OLIVE D.B. 11988, PG. 1891 (IYP.) D.B. 2668, PG. 263 B.M. 2006, PG. 523 B.M. 1978, PG, 623 PIN 0720.01-18-5030 50' JORDAN MEDIUM LAKE -DENSITY STREAM BUFFER CHRISTOPHER KNOUFF CAREY ADAMS-KNOUFF RESIDENTIAL D.B. 13489, PG. 1198 B.M. 1977, PG. 343 PIN 07 | 0.02-88-9 | 26 I. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY BY TOWN OF CARY25 FRIENDSHIP ROBINSON & PLANTE SURVEYORS. 40' UTILITY AND 2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA PIPELINE EASEMENT \ STATION D.B./15369, PG. 23 D.B. 14529, PG. 2136 3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY SPANGLER ENVIRONMENTAL, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS ARE SHOWN AS SURVEYED. 4. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF CHRISTOPHER KNOUFF USES: SINGLE FAMILY/TOWNHOMES FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN CAREY ADAMS-KNOUFF AREA: 142.00 ACRES D.B. 13171, PG. 555 ENGLISH AND SPANISH. NOT TO EXCEED 453 UNITS PIN 07 10.02-87-9844 5. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED. 6. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS. 7. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE 8" WATER MAIN ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING. DEP DANGER TREE OLIVE RIDGE 8. ANY REQUIRED UTILITY CONNECTIONS TO SURROUNDING PROPERTIES AND PUBLIC R/W SHALL RIGHTS AREA EASEMENT D.B. 1/327, PG. 1543 BE ALLOWED THROUGH ALL PERIMETER BUFFERS. SUBDIVISION 9. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342. 10. THIS DEVELOPMENT SHALL USE FULL TOWN OF APEX SERVICES INCLUDING WATER, SEWER AND PROPOSED STATE OF N.C. MITIGATION AREA CONSERVATION EASEMENT (7.95 AC) FOR STREAM RESTORATION II. ALL UTILITY INFRASTRUCTURE SHALL MEET CURRENT TOWN OF APEX WATER AND SEWER MASTER D.B. 9332, PG. 2670 PLANS. JOHN K. NORMAN D.B. 3283, PG. 573 TRACT IB B.M. 1985, PG. 55 100' TOWN OF APEX B.M. 1978, PG. 533 PIN 07 | 0.02-97-0228 TOWN OF APEX PUBLIC UTILITY EASEMENT MUSIC ROW INVESTMENTS, LLC OLD NORTH STATE CAPITAL, LLC (NOT BUILT YET) 1071 CLASSIC ROAD, LLC D.B. 17419, PG. 2651 GREENWAY D.B. 17080, PG. 941 CONNECTION B.M. 2007, PG. 650 PIN 0720.01-17-7185 TIMOTHY D. MCKINNISH D.B. 13186, PG. 430 TRACT IA 50' JORDAN LAKE B.M. 2008, PG. STREAM BUFFER 100' TOWN OF APEX 15' TYPE A STREAM BUFFER _LANDSCAPE CONNECTION TOWN OF CARY PULTE HOME COMPANY, LLC PULTE HOME COMPANY, LLC 40' UTILITY AND D.B. 16792, PG. 2460 D.B. 16792, PG. 2460 PIPELINE EASEMENT FUTURE DEVELOPMENT LÓT 400 PULTE HOME COMPANY, LLC WOODBURY SUBDIVISION WOODBURY SUBDIVISION D.B. 16792, PG. 2460 PH. 2B ≰ 2C B.M. 2018, PG. 2237-2243 RCA 2B B.M. 2018, PG. 2237-2243 PIN 0720.01-05-7756 WOODBURY SUBDIVISION PIN 07 10.02-96-8199 PH, 2B ≰ 2C B.M. 2018, PG. 2237-2243 WOODBURY B.M. 2016, PG. 1185 PART OF LOT 7-B.M. 1984, PG. 716 PIN 07 | 0.02-95-28 | 2 GRAPHIC SCALE PRELIMINARY PLANS

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Jones

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221 N. SALEM ST.

SUITE 001

PO BOX 1062

APEX, NC 27502 Office: 919-387-1174

Registration: P-0151

www.jonescnossen.com

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1"=200'

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OCTOBER 1, 2019

/07/19 | 1st TRC REVIEW

2/05/19 | 2nd TRC REVIEW

109/20 3rd TRC REVIEW

3/13/20 8th TRC REVIEW

1910

4th TRC REVIEW

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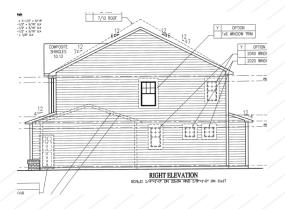
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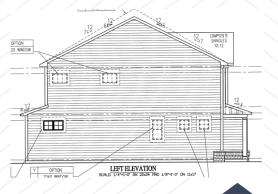
















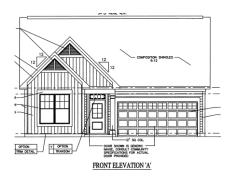


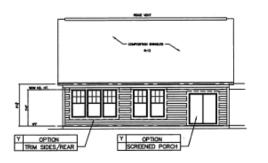


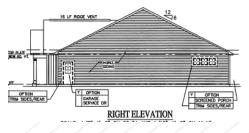








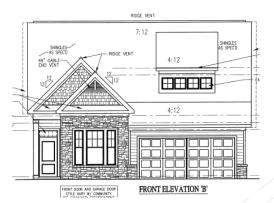


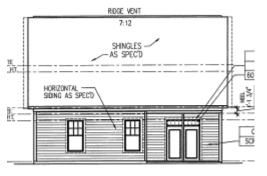


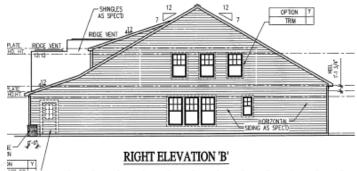












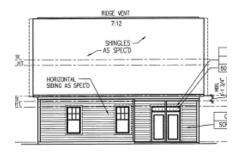
REAR ELEVATION 'B'



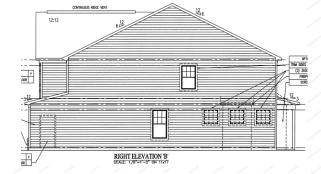








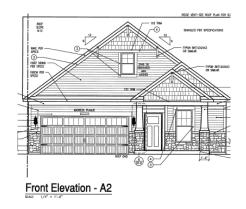
REAR ELEVATION 'B'

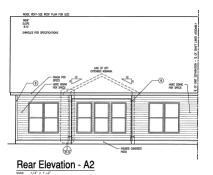


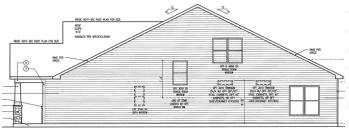












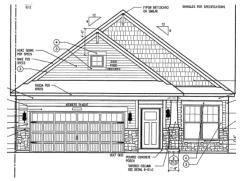


Side Elevation - A1

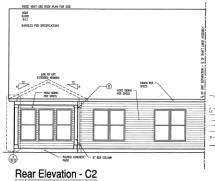








Front Elevation - C2







Side Elevation - C1





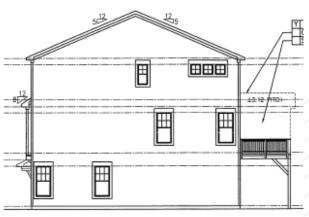
Townhome Elevations, Illustrative



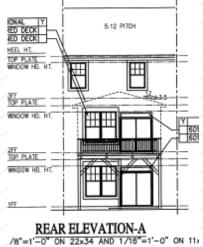


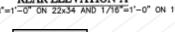














| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development Department

Requested Motion

Motion to set the Public Hearing for the October 6, 2020 Town Council meeting regarding Rezoning Application #20CZ08 Apex Friendship Elementary. The applicant, Betty Parker for Wake County Public School System, seeks to rezone approximately 5.762 acres from Planned Unit Development-Conditional Zoning (PUD-CZ) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 7901 Humie Olive Road.

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

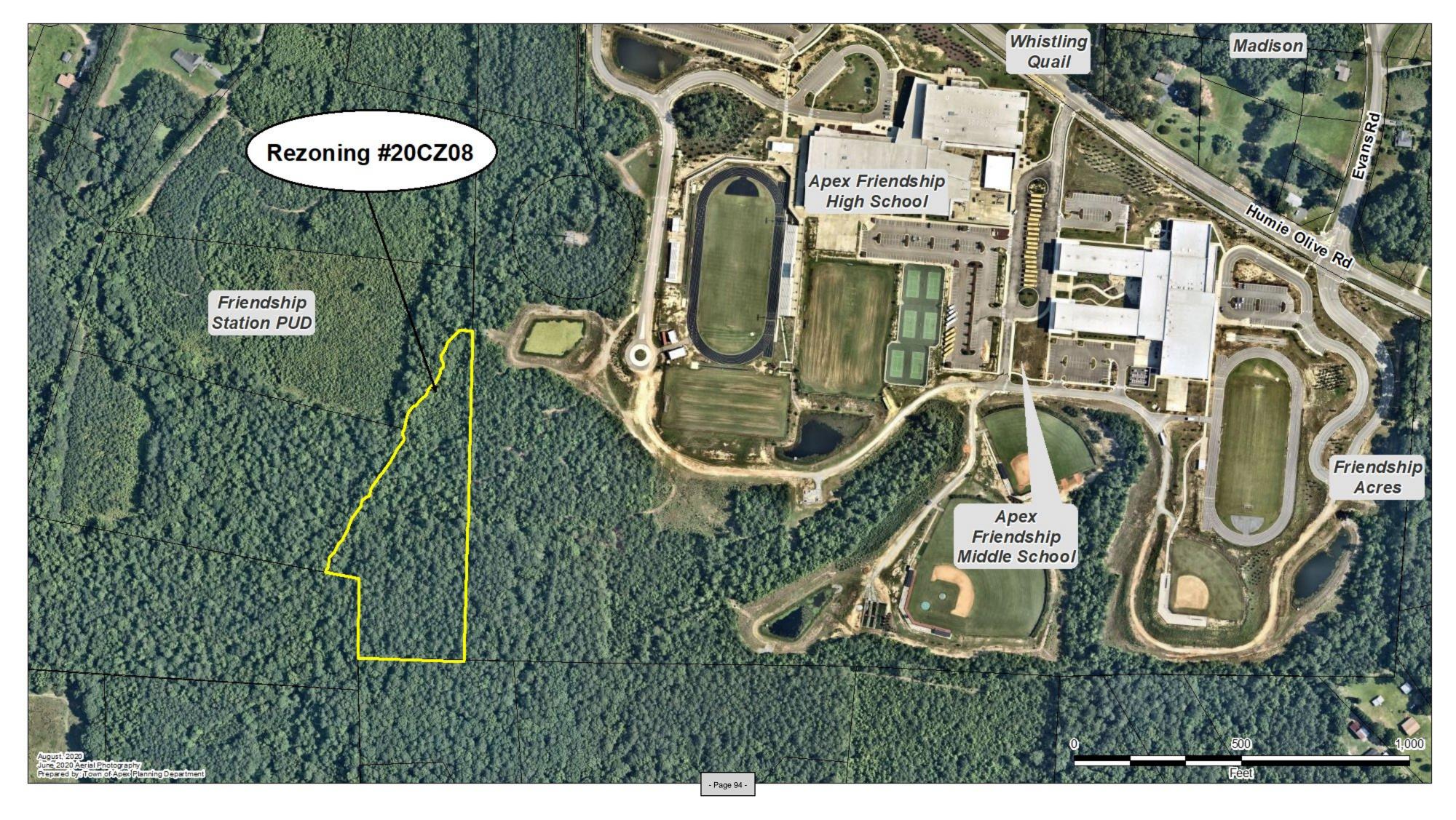
<u>Item Details</u>

The property to be rezoned is identified as a portion of PIN 0720694728.

Attachments

- Vicinity Map
- Application





PETITION T	O AMEND THE OFFI	CIAL ZONING MAP &	2045 Lar	ND USE N	I AP				
This documenthird parties.	t is a public record unde	r the North Carolina Public	Records Ac	t and may b	e published on t	he Town's w	ebsite	e or disclosed to	
Application	#:	200709	Subm	nittal Date:	:	7/31/2	2020		
2045 LUM /	Amendment:	20CZ08	Fee P	aid:		N//			
Project Info	ormation					,,	•		
·	Листо Гијана Лаја	p Elementary School	Site Asser	mhlage Re	ezonina				
Project Nan	7004 Hamila Ol		0110 7 10001	Tiblage 1 to					
Address(es)	ortion of 072069472								
PIN(s): P	011101101072009472	<u> </u>						760	_
	DUD 07					Acreage:	5.	762	_
Current Zon	ning: PUD-CZ		Proposed	_	RR-CZ				
Current 204	5 LUM Designation:	Mixed Use: Hig	gh Density	, Office Eı	mployment, C	Commercia	l Ser	vices	
•	045 LUM Designation	-							
	next page for LUM Ar				20451 11				
if any porti	on of the project is sr	nown as mixed use (3 o	r more str	ipes on the	e 2045 Land C		rovid	e the following:	,
Area	a classified as mixed u	ise:			Acreage:	N/A			
Area	proposed as non-res	sidential development:			Acreage:	N/A			_
Perc	ent of mixed use area	a proposed as non-resi	dential:		Percent:	N/A			
Applicant In	nformation								
Name:	Ms. Betty L. Parker	, Senior Director, WC	PSS Real	Estate Se	ervices				
Address:	5625 Dillard Drive,	Attn: Real Estate Ser	vices						
City:	Cary		State:	North Ca	arolina	Z	Zip:	27518	
Phone:	919-856-8290		E-mail:	bparker	@wcpss.net				_
			_						
Owner Info		l of Edward or							
Name:	Wake County Board								_
Address:	5625 Dillard Drive,	Attn: Real Estate Serv	rices						
City:	Cary		State:	North Ca	arolina	Z	<u>Z</u> ip:	27518	
Phone:	919-856-8290		E-mail:	bparker(@wcpss.net				
Agent Infor	mation								
Name:	Glenda S. Toppe o	f Glenda S. Toppe & A	Associates	3					
Address:	4139 Gardenlake D)rive							_
City:	Raleigh		State:	North Ca	arolina	7	in:	27612	

919-605-7390 glenda@gstplanning.com E-mail: Phone: Margaret Sutter, Director, WCPSS Real Estate Services, msutter@wcpss.net

Marcella Rorie, Senior Director, WCPSS Long Range Planning, mrorie@wcpss.net

Shane Webster, Sr. Facility Planner, WCPSS FD&C, swebster3@wcpss.net

Other contacts:

PETITION TO AME	ND THE OFFICIAL ZON	NING MAP & 2045 LAND USE MAP
Application #:	20CZ08	Submittal Date: 7/31/2020
2045 LAND USE M	AP AMENDMENT (IF	APPLICABLE)
• •	hereby respectfully re ing facts are shown:	quest the Town Council amend the 2045 Land Use Map. In support of this
The area sought to b	e amended on the 204	15 Land Use Map is located at:
Current 2045 Land U	lse Classification:	N/A
Proposed 2045 Land	Use Classification:	N/A
		the amendment to the 2045 Land Use Map? Discuss the existing use on to the adjacent land use classifications. Use additional pages as needed.
N/A		

امم۸	isation #	Submittal Da	ato:
Appi	ication #: 20CZ08	Submittal Da	7/31/2020
PUD- descri subsec ackno	pplication has been duly filed requesting that the CZ to RR-CZ. It is understood and acknow bed in this request will be perpetually bound to the usquently changed or amended as provided for in the wledged that final plans for any specific developmental ted for site or subdivision plan approval. Use addition	ledged that if the se(s) authorized e Unified Develont to be made p	e property is rezoned as requested, the property and subject to such conditions as imposed, unless opment Ordinance. It is further understood and oursuant to any such Conditional Zoning shall be
PRO	POSED USES:		
the li	Rezoned Lands may be used for, and only for, the use imitations and regulations stated in the UDO and any enience, some relevant sections of the UDO may be JDO do not apply.	additional limit	ations or regulations stated below. For
1	School, public or private	21	
2	Day care facility	22	
3	Communication tower, constructed stealth	23	
4	Communication tower, camouflage stealth	24	
5	Communication tower, public safety	25	
6	Wireless communication facility	26	
7	Wireless support structure	27	
8	Youth or day camps	28	
9	Church or place of worship	29	
10	Assembly hall, for profit	30	
11	Assembly hall, not for profit	31	
12	Government service	32	
13		33	
14		34	
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16		36	
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18		38	
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20		40	

Last Updated: January 10, 2020

PETITION INFORMATION

PETITION INFORMATION			
Application #:	20CZ08	Submittal Date:	7/31/2020
PROPOSED COMPITIONS	200208		7/31/2020
PROPOSED CONDITIONS: The applicant hereby request	s that the Town Council of	the Town of Apex. pursu	ant to the Unified Development
			the following condition(s). Use
1. The project shall preserve	trees of equal to or larger	than 18" DBH to the ma	aximum extent reasonably possible.
2. In compliance with UDO S	ection 8.2.2.E.1.b and to	optimize landscaping su	rvival, installing the landscaping
may be delayed by up to to 6	6 months after a Certificate	e of Occupancy would o	otherwise be required.
3. To support the re-establish	nment of forest, this projec	t shall utilize a reforesta	ation seed mix on any disturbed areas
which have slopes of 3:1 or I	ess and are not located w	rithin RCA or SCMs.	
4. Provide 20' Public Greenw	ay Easement for a future	connection from the Ape	ex Friendship Elementary School
campus to the Little Beaver (Creek Greenway, consiste	nt with a proposed ame	endment to the Town of Apex Bicycle
and Pedestrian System Plan	Мар.		
LEGISLATIVE CONSIDERATION	ONS - CONDITIONAL ZON	ING	
which are considerations tha	t are relevant to the legislest is in the public interest.	ative determination of w These considerations do	to account the following considerations, whether or not the proposed conditional not exclude the legislative consideration a needed.
· ·		~ .	CZ) District use's appropriateness for its cies of the 2045 Land Use Map.
The proposed Conditional Zo	oning District uses are cor	nsistent with goals, obje	ctives and policies of the 2045 Land
Use Map. The uses proposed	d are appropriate for this	ocation. A Land Use M	lap amendment is not required.
2) <i>Compatibility</i> . The proposition	~ .	• • • • • • • • • • • • • • • • • • • •	oriateness for its proposed location and
The proposed Conditional Zo	oning District uses are app	propriate for this location	n. The uses proposed are compatible
with the existing uses in the a	area.		

Application #: 20CZ08 Submittal Date: 7/31/2020 3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec Supplemental Standards, if applicable. The proposed Conditional Zoning (CZ) District uses will comply with Sec 4.4, Supplemental Standards. 4) Design minimizes adverse impact. The design of the proposed Conditional Zoning (CZ) District use's minimization adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant advimpacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, vibration and not create a nuisance. The proposed Conditional Zoning District uses will have minimal if any significant adverse impact on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration. The proposed Conditional zoning will comply with the standards in the UDO which will enable the uses proposed to not create a nuisance. 5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental mipacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, other natural resources. The proposed Conditional Zoning District uses will comply with local and state guidelines that address environmental impact. The standards pertaining to these items in the UDO will be followed. 6) Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impact public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and facilities. The proposed Conditional Zoning District uses will not have an adverse impact on public facilities. The proposed conditional rezoning will have a positive impact on schools. The property being rezoned is in the Town limits of A where services are already being provided.	PETITION INFORMATION			
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7) Health, safety, and welfare. The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or well	conditional rezoning will have	e a positive impact or	n schools. The property being	rezoned is in the Town limits of Apex
	where services are already b	eing provided.		
			itional Zoning (CZ) District use's	effect on the health, safety, or welfare
The proposed development will comply with Town regulations and the requirements in the UDO.	The proposed development v	vill comply with Town	regulations and the requireme	ents in the UDO.

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PETITION INFORMATION					
Application #:	20CZ08		Submittal Date:	7/31/2020	
detrimental to adjacent prop	perties.				·
requirements in the UDO.					
or hazard due to traffic impa (CZ) District use.	act or noise, or bed	cause of the	number of person	s who will be using the Co	nditional Zoning
		will not cons	stitute a nuisance	or hazard. There will not	be a negative
impact due to traffic or noise	9. 	· · ·			
10) Other relevant standards all standards imposed on it be characteristics.	s of this Ordinance. by all other applical	Whether th	e proposed Condit s of this Ordinance	ional Zoning (CZ) District use for use, layout, and gener	se complies with ral development
The proposed Conditional Z	oning District use	will comply	with all relevant st	andards found in the Tow	n of Apex
pplication #: 20CZ08 Submittal Date: 7/31/2020) Detrimental to adjacent properties. Whether the proposed Conditional Zoning (CZ) District use is substantially etrimental to adjacent properties. The proposed Conditional Zoning District use will not be substantially detrimental to adjacent properties. The oposed uses are compatible with the uses in the area. The proposed development will comply with the quirements in the UDO. Not constitute nuisance or hazard. Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use. The proposed Conditional Zoning District use will not constitute a nuisance or hazard. There will not be a negative pact due to traffic or noise. The proposed Conditional Zoning District use will not constitute a nuisance or hazard. There will not be a negative pact due to traffic or noise. The proposed Conditional Zoning District use will not constitute a nuisance or hazard. There will not be a negative pact due to traffic or noise.					
				-··	<u> </u>

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Арр	lication #:	20CZ08	Submittal Date:	7/31/2020
Prov	ide a certifie		bject to this application and all pro property and HOA Contacts.	operty owners within 300' of the
		Owner's Name		PIN
1.	See attache	d list of property owners and	I HOA contacts.	
2.				
3.				
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8.				
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14.		,		
15.				
I, <u>Bi</u> prope	ETTY L.		ertify that this is an accurate listing	g of all property owners and
Date:	7/29/2	2020	By: Start fair	
COUN	TY OF WAKE	STATE OF NORTH CAROLIN	A	
Sworn	and subscri	oed before me, MARGA	ZET SUTTER, a Notary	Publig for the above State and
Count	y, on this the	29 day of July		1,4
SEA	L	MARGARET SUTTER NOTARY PUBLIC WAKE COUNTY, NC mission Expires	MARGARET Print N	SUTTER
			My Commission Expires:	5/7/2022

# of				
Property				
Owners	Site Address	Owner	Mail Address 1	Ma
1	0 RICHARDSON RD	1071 CLASSIC ROAD, LLC	PO BOX 1720	CAI
2	0 RICHARDSON RD	1071 CLASSIC ROAD, LLC	PO BOX 1720	CAI
3	4725 FAIRFIELD RD	DR Land, LLC	4201 TAYLOR HALL PL	CH
4	0 HUMIE OLIVE RD	3 BOYS CAPITAL, LLC EQUITY TRUST COMPANY/CUSTODIAN	1 EQUITY WAY	WE
5	O OLIVE FARM RD	3 BOYS CAPITAL, LLC MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE	SM
6	4805 FAIRFIELD RD	ALLEN, EVERETTE GRAY ALLEN, LISA K	7613 HUMIE OLIVE RD	API
7	2916 RICHARDSON RD	BARBEE, JOHN JR BARBEE, KIA	2916 RICHARDSON RD	API
8	2908 RICHARDSON RD	BARBEE, JOHN SR BARBEE, CAROL	2908 RICHARDSON RD	API
	0 HUMIE OLIVE RD	BARBOUR, LAUREN B. BARBOUR, JUDY F.	PO BOX 252	NE'
	4809 FAIRFIELD RD	BOUQUIN, TODD R BOUQUIN, JOY HINES	2520 OLD US 1 HWY	API
	2620 OLD US 1 HWY	CAMERON, CHARLES RONALD CAMERON, MARY P.	318 WHITE OAK DR	CAI
12	7801 HUMIE OLIVE RD	CHRISTIAN CHAPEL CHURCH	PO BOX 22	API
13	2520 OLD US 1 HWY	CLAGGETT, CHRISTOPHER L. CLAGGETT, TRACY L.	7808 HUMIE OLIVE RD	API
14	2508 OLD US 1 HWY	CONSTRUCTION MASTERS LLC	7904 HUMIE OLIVE RD	API
15	2428 OLD US 1 HWY	DESHPANDE, BALAJI DESHPANDE, RUPALI	17 CROYDON AVE	RO
16	2712 BUTTERFINGER LN	EVANS, MARY	2712 BUTTERFINGER LN	API
	2420 OLD US 1 HWY	FAIRFIELD ASSOCIATES	PO BOX 457	API
·	2416 OLD US 1 HWY	FLECHA, BENJAMIN FLECHA, GRACE	7625 HUMIE OLIVE RD	API
	8004 HUMIE OLIVE RD	FRIENDSHIP STATION HOLDINGS LLC	4201 TAYLOR HALL PL	CH,
20	2412 OLD US 1 HWY	GOLDSTON, JAMES FRANK GOLDSTON, JOYCE LYNN	3024 EVANS RD	API
24	7605			810
	7625 HUMIE OLIVE RD	HARRIS, G H HEIRS	Attn: SHERARD RICHARDSON	API
	7621 HUMIE OLIVE RD	HENDRIX, WILLIAM G	1205 RIDGE RD	RA
	7613 HUMIE OLIVE RD	JIANG, RAYMOND YANG, JULIA	2705 MASONBORO FERRY DR	API
	8025 HUMIE OLIVE RD	KNAPP, BARRY RICHARD KNAPP, KIMBERLY A	7824 HUMIE OLIVE RD	API
25		MADISON HOA, Attn: Whitney White	7201 CREEDMOOR RD, STE 147	RA
	0 HUMIE OLIVE RD	MCCOY, JONAS M. MCCOY, CAROL A.	7621 HUMIE OLIVE RD	API
	7917 HUMIE OLIVE RD	MCWILL LLC	15711 VERDURA AVE	PA
	8013 HUMIE OLIVE RD	PARKS, ANDREW M. PARKS, SYLVIA J.	2728 WHISTLING QUAIL RUN	API
29	8008 HUMIE OLIVE RD	PARMENTIER, JACK D. PARMENTIER, SUZANNE R.	2729 WHISTLING QUAIL RUN	AP

30	2703 MASONBORO FERRY DR	PASCHALL, ERNEST KENDRICK PASCHALL, JENNIFER WEBB	2629 FLORA VIEW CT	API
31	2705 MASONBORO FERRY DR	PRIDGEN, WILLIAM PRIDGEN, DONNA	108 FOX CT	CAI
32	7904 HUMIE OLIVE RD	RAINES, MARY EDITH LYNN	1504 CENTER ST	API
33	0 BLAZING TRAIL DR	RIDDLE, MICHAEL WAYNE	2420 OLD US 1 HWY # 1S	API
34	7900 HUMIE OLIVE RD	RUBIO, SERETTA	377 SUGARPINE TRL	CL/
35	7808 HUMIE OLIVE RD	SCOTT, ANNIE MAE	8008 HUMIE OLIVE RD	API
36	2728 WHISTLING QUAIL RUN	SCOTT, ELVIN	7900 HUMIE OLIVE RD	API
37	7824 HUMIE OLIVE RD	SEELY, KYLE JAMES SEELY, ALICE AMANDA	2625 FLORA VIEW CT	API
38	2729 WHISTLING QUAIL RUN	SLOAN, MARVIN BRUCE	515 W CORNWALL RD	CAI
39	2629 FLORA VIEW CT	SMITH, DEBRA P.	2416 OLD US 1 HWY	API
40	2625 FLORA VIEW CT	STEINMEYER, CHERYL LEIGH STEINMEYER, ERNEST F.	2508 OLD US 1 HWY	API
				160
41	7716 HUMIE OLIVE RD	THE TOWNES AT BELLA CASA ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	CAI
42	7708 HUMIE OLIVE RD	THOMAS, BRUCE L.	13824 CLAY SPARROW RD	CH.
43	7700 HUMIE OLIVE RD	THORPE, KEVIN T.	2308 NARRAWOOD ST	RA
44	3028 EVANS RD	TRUSTEES OF GREATER CHRISTIAN CHAPEL CHURCH	PO BOX 22	AP
4 5	0 RICHARDSON RD	WALDEN, CHARLES E. WALDEN, WADE L.	2432 MOUNT ZION CHURCH RD	API
			Attn: Real Estate Services 111 Corning Road, Ste.,	
46	7801 HUMIE OLIVE RD	WAKE COUNTY BOARD OF EDUCATION	100	CA
47	3029 EVANS RD	WINTERS, GREGORY R. WINTERS, HEATHER A.	2259 CHATTERING LORY LN	AP
48		TOWN OF APEX PLANNING DEPARTMENT	PO BOX 250	AP

AGENT	AUTHORIZA ⁻	TION FORM			
Applica	tion #:	20CZ08		Submittal Date:	7/31/2020
Wake Co	unty Board o	f Education	is	the owner* of the prop	erty for which the attached
applicati	on is being s	ubmitted:			
	Rezoning: F		s express consei		plications, this hat are agreed to by the
	Site Plan				
	Subdivision	ı			
	Variance				
	Other:		 -		
The prop	erty address	is: 0 Humie Oliv	e Rd., 0 and 0	Richardson Rd.	
The agen	t for this pro	ject is: Glenda S. T	oppe & Associat	es	
	☐ I am the	owner of the propert	y and will be ac	ting as my own agent	
Agent Na		Glenda Toppe			
Address:		4139 Gardenlake	Orive, Raleigh, N	NC 27612	
Telephor	ne Number:	919-605-7390			
E-Mail Ad	ddress:	glenda@gstplannii	ng.com		
		Sr. Director, Re	Director, WCP:	the tion ority.	Date
				Type or print nam	e Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

	FFIDAVIT OF OWNERSHIP oplication #:	Submittal Date:
The swea	undersigned, Betty L. Parker, Senior Director, Wo ars or affirms as follows:	CPSS Real Estate Services (the "Affiant") first being duly sworn, hereby
1.	Affiant is over eighteen (18) years of owner, or is the authorized O Humie Olive Rd., 0 and 0 Richardson Rd. incorporated herein (the "Property"	and legally described in Exhibit "A" attached hereto and
2.	This Affidavit of Ownership is made f the Town of Apex.	or the purpose of filing an application for development approval with
3.		ty, Affiant acquired ownership by deed, dated 7/15/2020 and 7/21/2020, in Book 17979 Page
4.	If Affiant is the authorized agent of indicating the agency relationship goon behalf of the owner(s).	of the owner(s) of the Property, Affiant possesses documentation ranting the Affiant the authority to apply for development approval
5.	in interest have been in sole and ur ownership. Since taking possession Affiant's ownership or right to posse claim or action has been brought agacting as an authorized agent for ow	Property, from the time Affiant was deeded the Property on med sole ownership of the Property. Affiant or Affiant's predecessors a disturbed possession and use of the property during the period of of the Property on 7/23/2020, no one has questioned ssion nor demanded any rents or profits. To Affiant's knowledge, no ainst Affiant (if Affiant is the owner), or against owner(s) (if Affiant is there(s)), which questions title or right to possession of the property, against Affiant or owner(s) in court regarding possession of the Betty L. Parker, Sr. Director, Real Estate Services, pursuant to duly delegated authority. Type or print name
	E OF NORTH CAROLINA	,, , , , , , , , , , , , , , , , , , , ,
	NTY OF WAKE	
l, the	e undersigned, a Notary Public in a	and for the County of \overline{WAKE} , hereby certify that
BETT	YL.PARKER, Affiant, person	nally known to me or known to me by said Affiant's presentation of
		, personally appeared before me this day and acknowledged the
due a	MARGARET SUTTER NOTARY PUBLIC WAKE COUNTY, NC My Commission Expires	Affidavit. Mucaul Xultu Notary Public State of North Carolina My Commission Expires: 5/7/2022
	[NOTARY SEAL]	

pplication #:	20CZ08	S	ubmittal Date:	7/31/2020	
	Inse	ert legal description	below.		
	**, **				
	Se	ee attached Legal De	escription		

Legal Description Prepared for

The Wake County Board of Education Apex Friendship Elementary School (E-41)

Assemblage Acquisition (5.762 acres)

Portion of PIN 0720-49-6990 (1071 Classic Road, LLC)
Portion of PIN 0720-49-3535 (DR Land, LLC)
Entirety of PIN 0720-59-0123 (GH Harris Heirs)

Western boundary of PIN 0720-69-5801 (Wake County Board of Education)

That certain tract or parcel of land lying and being situated in Buckhorn Township, Wake County, North Carolina, bounded on the east by The Wake County Board of Education; on the south by William Pridgen and Donna Pridgen; on the west by Charles E. Walden and Wade L. Walden and 3 Boys Capital, LLC; and on the north and northwest by 1071 Classic Road, LLC, and being more particularly described as follows: BEGINNING at an existing iron pipe, the southwest corner of The Wake County Board of Education, depicted on that map recorded at Book of Maps 2015 Page 1373 Wake County Register of Deeds, thence S 00°53'21" W a distance of 3.91 feet to an existing railroad iron; thence N 87°59'45" W 317.33 feet to an existing iron pipe; thence N 01°12'06" E a distance of 235.52 feet to an existing iron pipe; thence N 79°08'13" W a distance of 102.25 feet to a point in the center of an existing creek; thence along the center of the creek the following bearings and distances: N 17°07'41" E a distance of 4.62 feet to a point; thence N 29°16'58" E a distance of 11.19 feet to a point; thence N 08°32'00" E a distance of 10.62 feet to a point; thence N 11°34'02" E a distance of 5.07 feet to a point; thence N 12°47'43" E a distance of 14.80 feet to a point; thence N 22°16'08" E a distance of 6.07 feet to a point; thence N 52°24'38" E a distance of 15.08 feet to a point; thence N 16°55'26" E a distance of 11.94 feet to a point; N 34°02'30" E a distance of 14.31 feet to a point; thence N 40°34'04" E a distance of 19.62 feet to a point; thence N 23°45'14" E a distance of 11.69 feet to a point; thence N 23°47'46" E a distance of 9.09 feet to a point; thence N 26°34'45" E a distance of 17.37 feet to a point; thence N 20°16'03" E a distance of 14.33 feet to a point; thence N 23°33'31" E a distance of 17.65 feet to a point; thence N 36°32'21" E a distance of 31.17 feet to a point; thence N 32°36'19" E a distance of 15.85 feet to a point; thence N 05°37'15" E a distance of 8.67 feet to a point; thence N 29°25'42" E a distance of 9.53 feet to a point; thence N 58°31'16" E a distance of 21.81 feet to a point; thence N 25°27'55" E a distance of 3.64 feet to a point; thence N 25°36'08" E a distance of 2.42 feet to a point; thence N 06°29'14" E a distance of 6.20 feet to a point; thence N 11°56'28" E a distance of 7.45 feet to a point; thence N 20°17'10" E a distance of 11.07 feet to a point; thence N 46°06'26" E a distance of 10.68 feet to a point; thence N 36°20'11" E a distance of 14.01 feet to a point; thence N 34°59'54" E a distance of 12.50 feet to a point; thence N 36°15'25" E a distance of 17.26 feet to a point; thence N 34°30'08" E a distance of 36.39 feet to a point; thence N 28°35'25" E a distance of 36.68 feet to a point; thence N 35°20'05" E a distance of 28.77 feet to a point; thence N 35°35'23" E a distance of 9.80 feet to a point; thence N 28°06'21" E a distance of 4.04 feet to a point; thence N 17°35'05" W a distance of 18.87 feet to a point; thence N 22°36'19" E a distance of 12.92 feet to a point; thence N 22°36'19" E a distance of 3.80 feet to a point; thence N 13°33'11" E 38.21 feet to a point; thence N 15°40'01" E a distance of 10.30 feet to a point; thence N 35°02'47" E a distance of 12.12 feet to a point; thence N 39°57'47" E a distance of 9.48 feet to a point; thence N 68°30'26" E a distance of 9.89 feet to a point; thence N 42°49'00" E a distance of 23.94 feet to a point; thence N 49°06'48" E a distance of 19.46 feet to a point; thence N 24°13'49" E a distance of 22.03 feet to a point; thence N 49°42'09" E a distance

of 23.98 feet to a point; thence N 24°18'28" E a distance of 32.08 feet to a point; thence N 12°49'18" E a distance of 12.13 feet to a point; thence N 48°25'33" E a distance of 10.30 feet to a point; thence N 00°40'38" E a distance of 8.61 feet to a point; thence N 23°49'08" W a distance of 15.63 feet to a point; thence N 08°30'24" W a distance of 11.20 feet to a point; thence N 34°15'05" E a distance of 21.64 feet to a point; thence N 23°23'15" E a distance of 20.96 feet to a point; thence N 33°36'08" E a distance of 11.61 feet to a point; thence N 53°08'41" E a distance of 11.07 feet to a point; thence N 41°41'13" E a distance of 13.57 feet to a point; thence N 46°40'32" E a distance of 8.82 feet to a point; thence N 36°03'16" E a distance of 6.87 feet to a point; thence N 74°06'27" E a distance of 7.21 feet to a point; thence S 77°10'35" E a distance of 14.71 feet to a point; thence S 89°47'55" E a distance of 12.68 feet to a point; thence S 77°45'34" E a distance of 5.74 feet to a point; thence, leaving the center of the existing creek, S 01°19'53" W a distance of 338.96 feet to an existing bent iron pipe; thence S 01°15'41" W a distance of 232.92 feet to an existing iron pipe; thence S 03°27'44" W a distance of 11.61 feet to an existing railroad spike; thence S 01°46'25" W a distance of 397.82 feet to the **POINT OF BEGINNING**, containing 250,977 square feet or 5.762 acres more or less and being all of PIN# 0720-59-0123 and portions of PIN#'s 0720-49-3535 and 0720-49-6990 as shown per Wake County GIS.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

i, Betty	/ L. Parker	, do hereby declare as follows:	
	Print Name	•	
1.		porhood Meeting for the proposed Rezoning, Major Site Plan, Mass Use Permit in accordance with UDO Sec. 2.2.7 <i>Neighborhood Meeting</i> .	te
2.	feet of the subject property	e mailed to the Apex Planning Department, all property owners within 3 and any neighborhood association that represents citizens in the area value in advance of the Neighborhood Meeting.	
3.	The meeting was conducted	at Apex Friendship High School/7801 Humie Olive Rd. (location/address	SS
	on Thursday, July 9, 2020	at Apex Friendship High School/7801 Humie Olive Rd. (location/address) (date) from 5:30 pm (start time) to 7:30 pm (end time)	e)
4.	I have included the mailing I map/reduced plans with the	ist, meeting invitation, sign-in sheet, issue/response summary, and zoni application.	ng
5.	I have prepared these mater	ials in good faith and to the best of my ability.	
	1/29/20 Date	By: Stiff Park	
	OF NORTH CAROLINA Y OF WAKE		
Sworn a	and subscribed before me, Monday, on this the Andread day of SEAL	Alcanor Suter and a Notary Public for the above State and July 20120.	d
	MARGARET SUT	Notary Public MARGARET Suttar	_
	WAKE COUNTY, N	Print Name	
	My Commission Expires	My Commission Expires: 5/7/2022	

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address:	7801 Humie Olive Road(Apex F.	riendship HS Media Center)/ In Person and Virtual Meeting	
Date of meeting:	Thursday, June 9, 2020	Time of meeting: 5:30 pm to 7:30 pm	
) name(s): GH Harris Heirs; DR La	nd LLC; 1071 Classic Road, LLC	
Applicant(s): Wa	ke County Board of Education		

Please <u>print</u> your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS:		END PLANS CUPDATES
1.	Annie Scott	8008 Humis Oliver		
2.	Mary Evans	2712 Butter Engeld		
3.	CHRIS CEAGGEY	7808 Humis Octur RA		-
4.	Sperard jeliardon	8125 Humie Olive RA		_
5.	Deruard Michardson	8109 Humie Dive RD		
6.				
7.	VIRTUAL Allendees			
8.	JACK PARMENTIER	2729 WhISTLING QUALL RI	emi	
9.	JONAS MCCOY	7621 Humi = Olive Rd.		
10.	CALLIN USER#1 CW	ould NOT Provide NAME	or it	
11.				
12.				
13.				
14.				

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Wake County Board of Education
Applicant(s): Betty L. Parker, Sr. Director, WCPSS Real Estate Services
Contact information (email/phone): bparker@wcpss.net 919-856-8290
Meeting Address: Apex Friendship High School 7801 Humie Olive Road, Apex, NC & online Webex meeting
Date of meeting: July 9, 2020 Time of meeting: 5:30 - 7:30 pm
Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted. Question/Concern #1: See Attached.
Applicant's Response: See Attached.
Question/Concern #2: See Attached.
Applicant's Response: See Attached.
Question/Concern #3: See Attached.
Applicant's Response: See Attached.
Question/Concern #4: See Attached.
Applicant's Response: See Attached.

SUMMARY DISCUSSION FROM THE E-41 NEIGHBORHOOD MEETING:

Question/Concern #1:

What are plans to provide traffic lights on Humie Olive at Whistling Quail and Richardson Road? Also, plans for widening Humie Olive Road to handle the increased traffic issues?

Applicant's Response:

Per the traffic study, the elementary school bell schedule is "off-peak" and a signal is not warranted. Likewise, trip generation from the proposed elementary school does not trigger the need for road widening. At this time, we are not aware of any NCDOT/Town plans to widen Humie Olive. Road improvements in the vicinity include a signal committed to Richardson as well as some turn lanes which are associated with an adjacent development. Not being involved in that project, we are unsure of the phasing.

Question/Concern #2:

Traffic in the morning is awful for residents living on or just off of Humie Olive Road. Who can be contacted at NCDOT or Town of Apex?

Applicant's Response:

NCDOT contact is the District Engineer and the Town of Apex contact is Russell Dalton.

Follow up comments via on-line meeting chat:

Comment: Thank you. I will call the NCDOT and Town concerning traffic and the roads.

Comment: Is the DOT represented? Is the traffic study available?

Response: No, DOT is not present at the meeting. The traffic study is a component of the public record associated with the High School development.

Follow up comments via on-line meeting chat:

Comment: It was a poor study for the HS.

Question/Concern #3:

Traffic will back up.

Applicant's Response:

Per NCDOT, we are required to ensure carpool traffic will not back out onto public street. With the elementary school, we are proposing to exceed NCDOT's required high-demand carpool stacking length of 1,730 by more than double on the elementary school campus. If a back-up were to occur in carpool, cars can stack on the loop road from Humie Olive to the Elementary School.

Question/Concern #4:

What about getting more students to ride the empty busses that we see going in and out of the high school?

Applicant's Response:

We understand your concern, however, we are not able to control the parents.

Question/Concern #5:

Is the rezoning due to changes with the Friendship PUD?

Applicant's Response:

No. The land the School Board is acquiring is Resource Conservation Area or "RCA" in the PUD. If development changes from what was originally approved in the PUD, a rezoning would be required. What we are doing is not driving any changes to the PUD.

Question/Concern #6:

Will they still have commercial (development) along Humie Olive Road?

Applicant's Response:

Our project is independent of the PUD plans and I am not aware of the current commercial limits of the PUD. The plans for the PUD are available through the Town of Apex.

Question/Concern #7:

Will Richardson Road be changed by this acquisition?

Applicant's Response:

Richardson Road is not impacted by our project.

Question/Concern #8:

The traffic in the morning is awful for residents living on or just off of Humie Olive. Will there continue to be a police presence during these hours? We have heard that the resource officers were possibly not going to be funded.

Applicant's Response:

We would direct this question to the Town of Apex.

Follow up comments via on-line meeting chat:

Comment: This meeting has been very beneficial. Thank you.

Comment: Thank you, the school looks beautiful.

SEE Allached Letter töpagen Buner dated 6/25/2020.

Dat	/2020		
	e .		
Dear	Neighbor:		
You a	are invited to a neighborhood me	eting to review and discuss the develo	pment proposal at
0, 78	301 Humie Olive Rd., 0 and 0 Rich	eardson Rd. See Attachment	i
	Address(es)		PIN(s)
way neigh oppo subm <u>Deve</u> www	for the applicant to discuss the aborhood organizations before the rtunity to raise questions and discussive and application has been applicated. Once an application has been been been been been been been bee	Neighborhood Meeting procedures. To project and review the proposed plane submittal of an application to the To cuss any concerns about the impacts of een submitted to the Town, it may be evelopment Report located on the ecause this project includes (check all terms).	ns with adjacent neighbors and own. This provides neighbors and the project before it is officially e tracked using the <u>Interactive</u> Town of Apex website at
	lication Type	ecause this project includes (check all	
	Rezoning (including Planned Uni	Develonment)	Approving Authority Town Council
	Major Site Plan	Developmenty	
			Town Council (QJPH*)
	Special Use Permit		Town Council (QJPH*)
	Residential Master Subdivision P	lan (excludes exempt subdivisions)	Technical Review Committee (staff)
*Q	uasi-Judicial Public Hearing: The	own Council cannot discuss the projec	
		oposal (also see attached map(s) and/o BE) is proposing to rezone +/- 6 acres	
add i	t to the existing Apex Friendship s	chools campus. The neighborhood me	eting will also include a sketch
plan	showing a layout for the redesign	ed and larger Apex Friendship Elemen	tary School Major Site Plan.
Estir	mated submittal date: August 3	2020	
MEE	TING INFORMATION:		
Prop	perty Owner(s) name(s):	GH Harris Heirs; DR Land LLC; 1071	Classic Road,LLC; WCBE
Арр	licant(s):	Wake County Board of Education	
Conf	tact information (email/phone):	Glenda Toppe, glenda@gstplanning.c	com, 919-605-7390
Меє	ting Address:	7801 Humie Olive Road (high school r	media center)
Date	of meeting**:	Thursday, July 9, 2020 (Refer to addit	ional letter)
Time	e of meeting**:	5:30 pm to 7:30 pm	
	ING AGENDA TIMES: ome: 5:30 pm Project P	resentation: 5:40 pm Questic	on & Answer: 6:00 pm

at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180/Planning.



June 25, 2020

Dear Property Owner,

The purpose of this letter is to invite you to a neighborhood meeting to discuss a rezoning and major site plan. The Wake County Board of Education is proposing to acquire and rezone +/- 6 acres from a current zoning of PUD-CZ to RR-CZ and recombine the acreage with the existing Apex Friendship Schools campus property. The neighborhood meeting will also include a Major Site Plan sketch plan showing a layout for the redesigned and larger Apex Friendship Elementary School. Please note, this is not a public hearing. Notice for the public hearing will be sent at a later date by the Town of Apex.

The properties to be rezoned are:

Address	PIN	: Owners
0 Humie Olive Road	0720590123	GH Harris Heirs
0 Richardson Road	Portion of 0720493535	DR Land LLC
0 Richardson Road	Portion of 0720496990	1071 Classic Road, LLC

The existing Apex Friendship School campus is located at 7801 Humie Olive Road (PIN 0720695801), which is owned by the Wake County Board of Education. This site is the location of the existing Apex Friendship Middle and High Schools. The rezoned +/- 6 acres will be added to this property to support construction of a larger elementary school than the existing campus can currently support.

This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at www.apexnc.org.

The applicant is the Wake County Board of Education. We are estimating a submittal date for the rezoning and major site plan review of August 3, 2020.

Due to Covid19 circumstances and recommended precautions, we will be holding an in-person meeting together with a simultaneous virtual meeting.

Meeting Date: Thursday, July 9, 2020, from 5:30 pm - 7:30 pm.

Meeting Agenda Times:

5:30 pm: Welcome

5:40 pm: Project Presentation 6:00 pm: Question & Answer



The in-person meeting is being held at Apex Friendship High School. The address is 7801 Humie Olive Road, Apex, NC. The meeting will take place in the in the media center.

If you plan on attending the meeting in person, we need you to RSVP by Monday, July 6, 2020 by calling or emailing Glenda S. Toppe, whose contact information is listed at the end of this letter. Receipt of RSVPs will help us estimate attendance so that we can arrange sufficient seating to provide for social distancing. In accordance with State guidance and WCPSS requirements, attendance will be limited to 10 attendees at any one time. The presentation will be repeated as necessary to provide information and facilitate input from all attendees whether in-person or virtual. Also per State guidance and WCPSS requirements, masks must be work by all in-person attendees. If you do not have a mask, one will be provided.

Virtual Meeting

The virtual meeting presentation and exhibits will be shared remotely on Cisco WebEx. Please see the information below for directions on how to join the online meeting.

Instructions on how to join the Rezoning & Major Site Plan Neighborhood Meeting via Cisco WebEx Online:

- At the time of the meeting, join the meeting via this link: https://bit.ly/apexhearing.
- On the Event Information page, enter your name and email address and select Join Now.
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, select the "raise hand" button and the moderator will call on you in the order your raised hand was received.

By Phone:

- At the time of the meeting dial the following number to join the audio conference only: +1-408-418-9388 (Event Number 129 012 5944).
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, press *9 and the moderator will call on you in the order your raised hand was received. Once you have raised your hand, you'll hear the prompt, "You have raised your hand to ask a question. Please wait to speak until the host calls on you." If you no longer want to ask a question, or the host has already called on you, then press *9 to lower your hand. You will hear a message, "You have lowered your hand".

If you have questions or concerns regarding the <u>major site plan</u>, please contact Shane Webster, WCPSS Sr. Facility Planner, by email at <u>swebster3@wcpss.net</u>, or by telephone at 919-588-3582 or between the hours of 9:00 AM and 5:00 PM, Monday - Friday.

To RSVP for the in-person meeting, or if you are unable to attend the in-person or virtual meetings on Thursday, July 9th and have any questions or concerns regarding the rezoning, please contact Glenda S. Toppe, of Glenda S. Toppe & Associates, by email at glenda@gstplanning.com, or by telephone at 919-605-7390 or between the hours of 9:00 AM and 5:00 PM, Monday-Friday.

www.wcpss.net

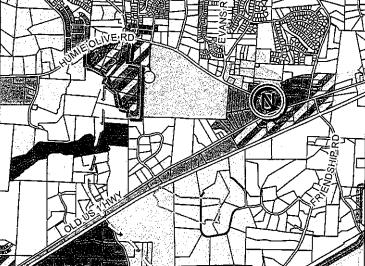
Wake County GIS Aerial Map



Town of Apex Official Zoning District Map



Town of Apex Land Use Map Prelim



Preliminary Sketch Plan of the Proposed Development



REZ-2020-

0 Richardson Road (PIN 0720-49-6990) 0 Richardson Road (PIN 0720-49-3535) 0 Humie Olive Road (PIN 0720-59-0123)

Zoning Map Amendment Petition:

FROM: Planned Unit Development Conditional Zoning (PUD-CZ)
TO: Rural Residential - Conditional Zoning

(RR-CZ)

Total Parcel Acreage: 5.762 acres

Zoning Map Amendment Petitioner: Wake County Board of Education

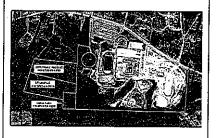
Property Owner:

Wake County Board of Education

Rezoning Petition Submittal: August 3, 2020

Planning Board Hearing: October 12, 2020

Town Council Hearing: October 20, 2020



# of				
Property				
Owners	Site Address	Owner	Mail Address 1	Mail Address 2
1	0 RICHARDSON RD	1071 CLASSIC ROAD, LLC	PO BOX 1720	CARY NC 27512-1720
2	0 RICHARDSON RD	1071 CLASSIC ROAD, LLC	PO BOX 1720	CARY NC 27512-1720
3	4725 FAIRFIELD RD	DR Land, LLC	4201 TAYLOR HALL PL	CHAPEL HILL NC 27517-7439
4	0 HUMIE OLIVE RD	3 BOYS CAPITAL, LLC EQUITY TRUST COMPANY/CUSTODIAN	1 EQUITY WAY	WESTLAKE OH 44145-1050
5	O OLIVE FARM RD	3 BOYS CAPITAL, LLC MUSIC ROW INVESTMENTS LLC	513 CAROLINA OAKS AVE	SMITHFIELD NC 27577-8717
6	4805 FAIRFIELD RD	ALLEN, EVERETTE GRAY ALLEN, LISA K	7613 HUMIE OLIVE RD	APEX NC 27502-9670
7	2916 RICHARDSON RD	BARBEE, JOHN JR BARBEE, KIA	2916 RICHARDSON RD	APEX NC 27502-7886
8	2908 RICHARDSON RD	BARBEE, JOHN SR BARBEE, CAROL	2908 RICHARDSON RD	APEX NC 27502-7886
9	0 HUMIE OLIVE RD	BARBOUR, LAUREN B. BARBOUR, JUDY F.	PO BOX 252	NEW HILL NC 27562-0252
10	4809 FAIRFIELD RD	BOUQUIN, TODD R BOUQUIN, JOY HINES	2520 OLD US 1 HWY	APEX NC 27502-8413
11	2620 OLD US 1 HWY	CAMERON, CHARLES RONALD CAMERON, MARY P.	318 WHITE OAK DR	CARY NC 27513-4343
12	7801 HUMIE OLIVE RD	CHRISTIAN CHAPEL CHURCH	PO BOX 22	APEX NC 27502-0022
13	2520 OLD US 1 HWY	CLAGGETT, CHRISTOPHER L. CLAGGETT, TRACY L.	7808 HUMIE OLIVE RD	APEX NC 27502-9627
14	2508 OLD US 1 HWY	CONSTRUCTION MASTERS LLC	7904 HUMIE OLIVE RD	APEX NC 27502-9604
15	2428 OLD US 1 HWY	DESHPANDE, BALAJI DESHPANDE, RUPALI	17 CROYDON AVE	RONKONKOMA NY 11779-1947
16	2712 BUTTERFINGER LN	EVANS, MARY	2712 BUTTERFINGER LN	APEX NC 27502-8978
17	2420 OLD US 1 HWY	FAIRFIELD ASSOCIATES	PO BOX 457	APEX NC 27502-0457
18	2416 OLD US 1 HWY	FLECHA, BENJAMIN FLECHA, GRACE	7625 HUMIE OLIVE RD	APEX NC 27502-9670
19	8004 HUMIE OLIVE RD	FRIENDSHIP STATION HOLDINGS LLC	4201 TAYLOR HALL PL	CHAPEL HILL NC 27517-7439
20	2412 OLD US 1 HWY	GOLDSTON, JAMES FRANK GOLDSTON, JOYCE LYNN	3024 EVANS RD	APEX NC 27502-9693
				8105 HUMIE OLIVE RD
21	7625 HUMIE OLIVE RD	HARRIS, G H HEIRS	Attn: SHERARD RICHARDSON	APEX, NC 25702-9624
22	7621 HUMIE OLIVE RD	HENDRIX, WILLIAM G	1205 RIDGE RD	RALEIGH NC 27607-6834
23	7613 HUMIE OLIVE RD	JIANG, RAYMOND YANG, JULIA	2705 MASONBORO FERRY DR	APEX NC 27502-3683
24	8025 HUMIE OLIVE RD	KNAPP, BARRY RICHARD KNAPP, KIMBERLY A	7824 HUMIE OLIVE RD	APEX NC 27502-9628
25		MADISON HOA, Attn: Whitney White	7201 CREEDMOOR RD, STE 147	RALEIGH NC 27613
26	0 HUMIE OLIVE RD	MCCOY, JONAS M. MCCOY, CAROL A.	7621 HUMIE OLIVE RD	APEX NC 27502-9670
27	7917 HUMIE OLIVE RD	MCWILL LLC	15711 VERDURA AVE	PARAMOUNT CA 90723-5214
28	8013 HUMIË OLIVE RD	PARKS, ANDREW M. PARKS, SYLVIA J.	2728 WHISTLING QUAIL RUN	APEX NC 27502-8401
29	8008 HUMIE OLIVE RD	PARMENTIER, JACK D. PARMENTIER, SUZANNE R.	2729 WHISTLING QUAIL RUN	APEX NC 27502-8422

30	2703 MASONBORO FERRY DR	PASCHALL, ERNEST KENDRICK PASCHALL, JENNIFER WEBB	2629 FLORA VIEW CT	APEX NC 27502-8588
31	2705 MASONBORO FERRY DR	PRIDGEN, WILLIAM PRIDGEN, DONNA	108 FOX CT	CARY NC 27513-4920
32	7904 HUMIE OLIVE RD	RAINES, MARY EDITH LYNN	1504 CENTER ST	APEX NC 27502-7021
33	O BLAZING TRAIL DR	RIDDLE, MICHAEL WAYNE	2420 OLD US 1 HWY # 1S	APEX NC 27502-8411
34	7900 HUMIE OLIVE RD	RUBIO, SERETTA	377 SUGARPINE TRL	CLAYTON NC 27520-8653
35	7808 HUMIE OLIVE RD	SCOTT, ANNIE MAE	8008 HUMIE OLIVE RD	APEX NC 27502-9635
36	2728 WHISTLING QUAIL RUN	SCOTT, ELVIN	7900 HUMIE OLIVE RD	APEX NC 27502-9604
37	7824 HUMIE OLIVE RD	SEELY, KYLE JAMES SEELY, ALICE AMANDA	2625 FLORA VIEW CT	APEX NC 27502-8588
38	2729 WHISTLING QUAIL RUN	SLOAN, MARVIN BRUCE	515 W CORNWALL RD	CARY NC 27511-3741
39	2629 FLORA VIEW CT	SMITH, DEBRA P.	2416 OLD US 1 HWY	APEX NC 27502-8411
40	2625 FLORA VIEW CT	STEINMEYER, CHERYL LEIGH STEINMEYER, ERNEST F.	2508 OLD US 1 HWY	APEX NC 27502-8413
				160 NE MAYNARD RD STE 210
41	7716 HUMIE OLIVE RD	THE TOWNES AT BELLA CASA ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	CARY, NC 27513-9676
42	7708 HUMIE OLIVE RD	THOMAS, BRUCE L.	13824 CLAY SPARROW RD	CHARLOTTE NC 28278-6866
43	7700 HUMIE OLIVE RD	THORPE, KEVIN T.	2308 NARRAWOOD ST	RALEIGH NC 27614-8898
44	3028 EVANS RD	TRUSTEES OF GREATER CHRISTIAN CHAPEL CHURCH	PO BOX 22	APEX NC 27502-0022
45	0 RICHARDSON RD	WALDEN, CHARLES E. WALDEN, WADE L.	2432 MOUNT ZION CHURCH RD	APEX NC 27502-9637
			Attn: Real Estate Services 111 Corning Road, Ste.,	
46	7801 HUMIE OLIVE RD	WAKE COUNTY BOARD OF EDUCATION	100	CARY NC 27518
47	3029 EVANS RD	WINTERS, GREGORY R. WINTERS, HEATHER A.	2259 CHATTERING LORY LN	APEX NC 27502-2492
48		TOWN OF APEX PLANNING DEPARTMENT	PO BOX 250	APEX, NC 27502

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:	
Project Name: Apex Friendship Elementary School Site As	semblage Rezoning Zoning: RR-CZ
Location: 0 Humie Olive Rd., 0 and 0 Richard	Ison Road
Property PIN(s): See Attachment Acreage	e/Square Feet: 5.762 ac/ 250,977 sf
Property Owner: Wake County Board of Educatio	n
Address: 5625 Dillard Drive, Attn: Real Estate	Services
City: Cary	State: NC Zip: 27518
Phone: 919-856-8290 Email: bpar	ker@wcpss.net
Developer: Same as property owner.	
Address:	
City: State:	Zip:
Phone: Fax:	Email:
Engineer: CLH Design, PA	
Address: 400 Regency Forest Dr., Attn: Alice F	Reese
City: Cary	State: NC zip: 27518
Phone: 919-319-6716 Fax:	Email: areese@clhdesignpa.com
Builder (if known):	THE STATE OF THE S
Address:	
City:	State: Zip:
Phone: Fax:	Email:

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

	经的基本。因此是特殊
Planning Department Main Number	
(Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department	
Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation	
Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department	
Mike Deaton, Stormwater & Utility Engineering Manager	(919) 249-3413
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-1166
Electric Utilities Division	
Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d a27d9e795

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction:

Non-Emergency Police

919-362-8661

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:

James Misciagno

919-372-7470

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control:

Water Resources – Infrastructure Inspections

919-362-816

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:

Non-Emergency Police

919-362-866**1**

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:

James Misciagno

919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:

James Misciagno

919-372-7470

Danny Smith

Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust:

James Misciagno

919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash:

James Misciagno

919-372-7470

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:

James Misciagno

919-372-747

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:

Mike Deaton

919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation:

Rodney Smith

919-249-3342

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

Instruction Packet and Affidavit for Neighborhood Meetings

Last Updated: December 20, 2019

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date:

September 15, 2020

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for October 6, 2020 Town Council meeting regarding Rezoning application #20CZ04 Kobra Tract PUD. The applicant, WithersRavenel, seeks to rezone approximately 24.63 acres for the properties located at 7500 Green Level Church Road & 7501 Jenks Road (PINs 0733102211 & 0732196422) from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

<u>Item Details</u>

Attachments

- Vicinity Map
- Application





PLANNED UNIT DEVELOPMENT APPLICATION

	nt is a public record under the North Carolina Public	Records Act	t and may be pu	blished on th	ie Town's	website	or disclosed to
third parties. Application	#: 20 CZO4		Submittal Da	te:	2-5	7-5	20
Fee Paid	\$1,736.70		Check #		013	8:	3504
PETITION T	O AMEND THE OFFICIAL ZONING DISTRIC	Т МАР					
Project Nan	ne: KOBRA Tracts					91	
Address(es)	: 7500 GREEN LEVEL CHURCH RD	& 7501 JE	ENKS RD	19"			
PIN(s) 0	733102211 & 0732196422			ж			
_					Acreage	e: 18	3.21 & 5.46
Current Zor	ning: RR	Propo	sed Zoning:	PUD-CZ			
Current 204	45 LUM Designation: Med. Density R	esidential	Office Emplo	oyment & N	lixed-U	se	
	2045 LUM Designation: No Proposed C	hange				11	
	e next page for LUM amendment						
If any porti	on of the project is shown as mixed use (3 o	r more stri	ipes on the 20)45 Land Us		provide	e the following:
Are	ea classified as mixed use:		A	creage:	5.46		
Are	ea proposed as non-residential development	t:	A	creage:	5.46		
Pe	rcent of mixed use area proposed as non-res	sidential:	Pe	ercent:	100		
Applicant II	nformation						
Name:	WithersRavenel	2					
Address:	137 S Wilmington Street, Suite 200						
City:	Raleigh	State:	NC			Zip:	27601
Phone:	919.469.3340	E-mail:	bvega@wit	hersravene	l.com		
Owner Info	rmation				7 6 9		
Name:	KOBRA LLC						
Address:	117 Woodland Ridge Drive						
City:	Fuquay-Varina	State:	NC			Zip:	27526
Phone:		E-mail:	7				
Agent Infor	mation						
Name:	WithersRavenel						
Address:	137 S Wilmington Street, Suite 200						
City:	Raleigh	State:	NC			Zip:	27601
Phone:	919.469.3340	E-mail:	bvega@wit	hersravene	el.com		
Other conta	acts:			27			
				785		,	

Zoning Application

PLANNED UNIT DEVELOPMENT APPLICAT	ION
Application #:	Submittal Date:
2045 LAND USE MAP AMENDMENT (if ap	oplicable)
The applicant does hereby respectfully requeet, the following facts are shown:	uest the Town Council amend the 2045 Land Use Map. In support of this
The area sought to be amended on the 20 /a	045 Land Use Map is located at:
Current 2045 Land Use Classification:	n/a
Proposed 2045 Land Use Classification:	n/a
What conditions justify the passage of the classifications of the subject area in additi	n/a e amendment to the 2045 Land Use Map? Discuss the existing use ion to the adjacent land use classifications.
What conditions justify the passage of the classifications of the subject area in additi	e amendment to the 2045 Land Use Map? Discuss the existing use
What conditions justify the passage of the classifications of the subject area in additi	e amendment to the 2045 Land Use Map? Discuss the existing use
What conditions justify the passage of the classifications of the subject area in additi	e amendment to the 2045 Land Use Map? Discuss the existing use
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Vhat conditions justify the passage of the lassifications of the subject area in additi	e amendment to the 2045 Land Use Map? Discuss the existing use
What conditions justify the passage of the lassifications of the subject area in additi	e amendment to the 2045 Land Use Map? Discuss the existing use
What conditions justify the passage of the	e amendment to the 2045 Land Use Map? Discuss the existing use

Legal Description - Tract 2/Lot 2 BM 2014, Pg. 384-386

Beginning at an existing iron pipe on the eastern right of way of Green Level Church Road (SR 1600), a common corner with (now or formerly) Arthur H. Laford (DB 6295, Pg. 580), said iron pipe having NC grid, NAD 83 (2011) coordinates of Y(N): 730,468.49 and X(E): 2,030,626.73 and being the true point of beginning for the property herein described:

Thence N84°21'29"E, 369.96 feet along a common line with Laford to an existing iron pipe;

Thence N12°09'14"W, 62.39 feet along a common line with Laford to an existing iron pipe, a common corner with (now or formerly) Robert S. and Lynn S. Craycroft (DB 5018, Pg. 504);

Thence N47°52'48"E, 139.68 feet along a common line with Craycroft to an existing iron pipe;

Thence N47°57'19"E, 128.00 feet along a common line with Craycroft to an existing iron pipe, a common corner with (now or formerly) John and Kristel M. Weldon (DB 16653, Pg. 1598);

Thence N47°16'47"E, 55.55 feet along a common line with Weldon to an existing iron pipe;

Thence S56°40'28"E, 438.88 feet along a common line with Weldon to an existing iron pipe;

Thence S58°25'06"E, 122.64 feet along a common line with Weldon to an existing iron pipe at the base of an 8" gum in the line of (now or formerly) Jainix, LLC (DB 17341, Pg. 1696);

Thence S00°52'14"E, 700.93 feet along a common line with Jainix to an existing iron pipe on the northern right of way of Jenks Road (SR 1601), passing an existing iron pipe marking the boundary between adjoining Jainix properties (DB 17341, Pg. 1696 and DB 17239, Pg. 1509) at 539.35 feet;

Thence along the northern right of way of Jenks Road the following courses and distances:

- 1. Along the arc of a curve to the right having a radius of 1,920.00 feet, an arc length of 331.36 feet, and a chord bearing and distance of N86°36'58"W, 330.95 feet to an existing iron pipe;
- 2. N81°40'19"W, 119.30 feet to an existing iron pipe; and
- 3. S74°05'18"W, 122.94 feet to an existing iron pipe;

Thence S08°08'33"W, 30.00 feet to a new mag nail in the centerline of Jenks Road;

Thence N81°51'27"W, 303.85 along the centerline of Jenks Road to a new mag nail in the centerline intersection of Jenks and Green Level Church Roads;

Thence along the centerline of Green Level Church Road the following courses and distances:

- 1. Along the arc of a curve to the right, having a radius of 900.89 feet, an arc length of 111.75 feet, and a chord bearing and distance of N34°42'19"W, 111.68 feet to a new mag nail;
- 2. Along the arc of a curve to the right, having a radius of 880.73 feet, an arc length of 252.92 feet and a chord bearing and distance of N21°36'21"W, 252.05 feet to a new mag nail;
- 3. N13°18'37"W, 196.98 feet to a new mag nail; and
- 4. N12°02'38"W, 154.60 feet to a new mag nail;

Thence leaving the centerline of Green Level Church Road N77°57'22"E, 30.00 feet to the point and place of beginning, containing 823,040 square feet or 18.894 acres for the tract herein described.

Legal Description - Tract 2/Lot 3 BM 2014, Pg. 384-386

Beginning at an existing NCDOT right of way disc on the southern right of way of Jenks Road (SR 1601), said disc having NC grid, NAD 83 (2011) coordinates of Y(N): 729,622.35 and X(E): 2,031,811.59 and being the true point of beginning for the property herein described:

Thence S81°55'19"E, 131.38 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc on the western right of way of NC Highway 540;

Thence along the western right of way of NC Highway 540 the following courses and distances:

- 1. S09°16'13"W, 304.25 feet to an existing NCDOT right of way disc;
- 2. S05°39'21"W, 110.31 feet to an existing NCDOT right of way disc; and
- 3. S74°18'38"W, 168.88 feet to an existing NCDOT right of way disc on the northern right of way of Dominik court (formerly Green Level Church Road, SR 1600);

Thence S27°20'07"W, 30.00 feet to a new mag nail in the centerline of Dominik court;

Thence N62°39'53"W, 231.82 feet along the centerline of Dominik court to a new mag nail;

Thence N62°55'28"W, 176.19 feet along the centerline of Dominik court to a new mag nail;

Thence leaving the centerline of Dominik court N27°04'31"E, 29.72 feet to an existing iron pipe, a common corner with (now or formerly) the Town of Apex (DB 9991, Pg. 1308);

Thence N00°33'05"W, 49.68 feet along a common line with the Town of Apex to an existing iron pipe;

Thence N62°29'58"W, 69.96 feet along a common line with the Town of Apex to an existing iron pipe in the line of (now or formerly) Roy B. Miller (DB 2799, Pg. 154);

Thence N00°29'01"W, 235.19 feet along a common line with Miller to an existing iron pipe on the southern right of way of Jenks Road;

Thence S76°36'12"E, 59.39 feet along the southern right of way of Jenks Road to an existing NCDOT right of way disc;

Thence along the southern right of way of Jenks Road along the arc of a curve to the left having a radius of 2,080.00 feet, an arc length of 463.43 feet, and a chord bearing and distance of S88°03'21"E 462.48 feet to the point and place of beginning, containing 249,931 square feet or 5.738 acres for the tract herein described.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #:	Submittal Date:	
• •		

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

Owner's Name	PIN
1. KOBRA LLC	732196422
2. KOBRA LLC	733102211
3. PETERSON, ROBERT B	733001248
4. HEY GROUP LLC	733001594
5. SMITH, JOHN THOMAS SMITH, REAGEAN E	733003820
6. SEARS, JOHN B SEARS, ELIZABETH C	733004132
7. MERSINGER, GLENN P MERSINGER, SHIRLEY C	733007860
8. LAFORD, ARTHUR H	733008519
9. CRAYCROFT, ROBERT S CRAYCROFT, LYNN S	733100940
10. WELDON, JOHN WELDON, KRISTEL M	733104932
11. JAINIX LLC	733108855
12. SEARS, JOHN BRUCE SEARS, ELIZABETH C	732097324
13. BRUHN, ANDREW YEPEZ, MELISSA	732184749
14. CESPEDES, MERQUIADES N	732186777
15. NC TURNPIKE AUTHORITY NC DEPT OF TRANSPRTATION	732188735
16. EDNEY, SUZANNE S	732190294
17. MILLER, ROY B	732192507
18. APEX TOWN OF	732193336
19. CESPEDES, MERQUIADES JR	732194101
20. CESPEDES, MERQUIADES	732195021
21. JAINIX LLC	732198808

I, <u>Arnaldo Echevaria</u>, <u>PE</u> certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 2/27/2020

By: And Ehm

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Tracie Patterson, a Notary Public for the above State and County, on this the 2th day of February, 2020.

SEAL



Notary Public Tracie Patterson

Print Name

My Commission Expires: 4-17-22

DEVELOPMENT NAME APPROVAL APPLICATION

Application #:	Submittal Date:
Fee for Initial Submittal: No Charge	Fee for Name Change after Approval: \$500*
Purnose	

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with Town of Apex Address Policy) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- √ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex Road Name Approval Application and Town of Apex Address Policy guidelines.
- √ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- √ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A \$500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green*, Hills	Crossing(s), Plaza, Station, Village(s)

excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION		
Application #: Submittal Date:		
Proposed Subdivision/Development Information		
Description of location:		
Nearest intersecting roads: JENKS Pd and GREEN LEVEL CHURCH PD.		
Wake County PIN(s): 0733-10-2211 and 0732-19-6422		
Township: Agest		
Contact Information (as appropriate)		
Contact person: TIM LENGEN		
Phone number: 919-309-6637 Fax number:		
Address: 1100 PERIMETER PAPK DR., SUITE 112, NORLISVILLE, NC 27560		
E-mail address: TIM. LENGEN @ LENNAR COM		
Owner: KOBRA LIC		
Phone number: Fax number:		
Address: 117 WOODLAND PIDGE DR., FUQUAY-VARINA, NC 27526		
E-mail address:		
Proposed Subdivision/Development Name		
1st Choice: KOBPA		
2 nd Choice (Optional):		
Town of Apex Staff Approval:		
Town of Apex Planning Department Staff Date		

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: Submit	tal Date:
Town of Apex 73 Hunter Street P.O. Box 250 Apex, NC 275	502
919-249-3400 WAKE COUNTY, NORTH CAROLINA CUSTOMER S	SELECTION AGREEMENT
KUBRA TRACTS	
(the "Premises")	
The Town of Apex offers to provide you with electric utilities on the you accept the Town's offer, please fill in the blanks on this form and sign the Town. LENDAR CAROLINAS, Lifthe undersigned customer ("Custom Town of Apex (the "Town") as the permanent electric supplier for the Prer preceded by temporary service if needed.	and we will have an Agreement once signed by ner") hereby irrevocably chooses and selects the
The sale, delivery, and use of electric power by Customer at the P with, all the terms and conditions of the Town's service regulations, policie Town.	
Customer understands that the Town, based upon this Agreement the requested service. By signing this Agreement the undersigned signifies electric service provider, for both permanent and temporary power, for the	s that he or she has the authority to select the
Any additional terms and conditions to this Agreement are attach Agreement constitutes the entire agreement of the parties.	ed as Appendix 1. If no appendix is attached this
Acceptance of this Agreement by the Town constitutes a binding	contract to purchase and sell electric power.
Please note that under North Carolina General Statute §160A-332 supplier for the Premises.	2, you may be entitled to choose another electric
Upon acceptance of this Agreement, the Town of Apex Electric Ut service to the Premises and looks forward to working with you and the ow	· ·
ACCEPTED:	
CUSTOMER: LEWIAN CAROLINAS LCC TOWN OF AF BY: BY: BY:	PEX
Authorized Agent DATE: 2/21/20 DATE:	Authorized Agent

AGENT	AUTHORIZATIO	ON FORM
Applica	ation #:	Submittal Date:
KOBRA	LLC	is the owner* of the property for which the attached
applicat	tion is being sub	mitted:
□	au	endment Conditional Zoning and Planned Development rezoning applications, this thorization includes express consent to zoning conditions that are agreed to by the tent which will apply if the application is approved.
V	Site Plan	
	Subdivision	
	Variance	
	Other:	
The pro	perty address is	7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD
The age	nt for this proje	ct is: WithersRavenel
	☐ I am the o	wner of the property and will be acting as my own agent
Agent N	lame:	WithersRavenel
Address	s:	137 S. Wilmington Street, Suite 200, Raleigh, NC 27601
Telepho	one Number:	919.469.3340
E-Mail	Address:	bvega@withersravenel.com
		Signature(s) of Owner(s)* Susan R. Lewett Type or print name Date
		Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFI	DAVIT OF OWNERSHIP
Appl	ication #: Submittal Date:
	or affirms as follows: (the "Affiant") first being duly sworn, hereby
1.	Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 7500 Green Level Church Rd & 7501 Jenks Rd, Apex, NC and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2.	This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3.	If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated $\frac{11/14/2000}{}$ and recorded in the Wake County Register of Deeds Office on $\frac{11/22/2000}{}$, in Book $\frac{008739}{}$ Page $\frac{01293}{}$.
4.	If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5.	If Affiant is the owner of the Property, from the time Affiant was deeded the Property on
	in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/14/2000 , no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.
	This the 27 day of February 2020.
	Sclewell (seal)
	SOSAN PIAWLING JEWETT Type or print name
	OF NORTH CAROLINA Y OF <u>WAKE</u>
I, the	undersigned, a Notary Public in and for the County of WAKE, hereby certify that
SUSP	Affiant, personally known to me or known to me by said Affiant's presentation of
said Af	fiant's, personally appeared before me this day and acknowledged the
due an	d voluntary execution of the foregoing Affidavit.
-	KALYN LAPP PRIVETTE Notary Public, North Carolina Wake County My Commission Expires May 25, 2020 My Commission Expires My Commission Expires: MAY 35, 3030

- Page 134 -Planned Unit Develo

[NOTARY SEAL]

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

02.13.2020

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Dear	No	iah	ho	r
Deal	ING	IKI	เมบ	и.

You are invited to a neighborhood meeting to review and discuss the development proposal at

7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD

0733102211 & 0732196422

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at www.apexnc.org.

A Neighborhood Meeting is required because this project includes (check all that apply):

App	olication Type	Approving Authority
V	Rezoning (including Planned Unit Development)	Town Council
	Major Site Plan	Town Council (QJPH*)
	Special Use Permit	Town Council (QJPH*)
	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

^{*}Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
The referenced parcels are currently zoned Rural Residential (RR). The proposed rezoning requests that

the parcels be zoned Planned Unit Development Conditional District (PUD-CZ).

Estimated submittal date: 03.02.2020				
MEETING INFORMATION:				
Property Owner(s) name(s):	Kobra LLC			
Applicant(s):	WithersRavenel			
Contact information (email/phone):	919.469.3340 / bvega@withersravenel.com			
Meeting Address:	6175 Old Jenks Road, Apex, NC 27523			
Date of meeting**:	02.13.2020			
Time of meeting**:	6:00pm			

MEETING AGENDA TIMES:

Welcome: 6:00pm Project Presentation: 6:10pm Question & Answer: 6:40pm

^{**}Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180/Planning.

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:			Maria de la companya			
Project Name: Kobra Tracts				Z	oning:	RR (requesting PUD)
Location: 7500 GREEN LEVEL CHURCH RD & 7501 JENKS RD						
Property PIN(s): 0733102211 & 073	2196422	Acreage	/Square	Feet: 1	8.21 &	5.46
Property Owner: KOBRA LLC						
Address: 117 Woodland Ridge	Drive					
City: Fuquay-Varina			State:	NC	Z	Zip: 27526
Phone:	Email:					
Developer: Lennar						
Address: 1100 Perimeter Park	Drive					
City: Morrisville		State:	NC		Zip:	27560
Phone: 919.337.0235	Fax:			Email:	tim.l	lengen@lennar.com
Engineer: WithersRavenel						
Address: 137 S Wilmington Str	eet, Suite	200				
City: Raleigh			State:	NC		Zip: 27601
Phone: 919.469.3340	Fax: 91	19.467.	6008	Email	: bve	ga@withersravenel.com
Builder (if known):						
Address:						
City:			State:		;	Zip:
Phone:	Fax:			Email	:	

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4d

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction: Non-Emergency Police

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic:

James Misciagno

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/striping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources - Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations:

Non-Emergency Police

919-362-8661

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road:

James Misciagno

919-372-7470

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams:

James Misciagno

919-372-7470

Danny Smith

Danny.Smith@ncdenr.gov

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

James Misciagno

919-372-7470

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

James Misciagno

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins:

James Misciagno

919-372-7470

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures:

Mike Deaton

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation:

Rodney Smith

919-249-3342

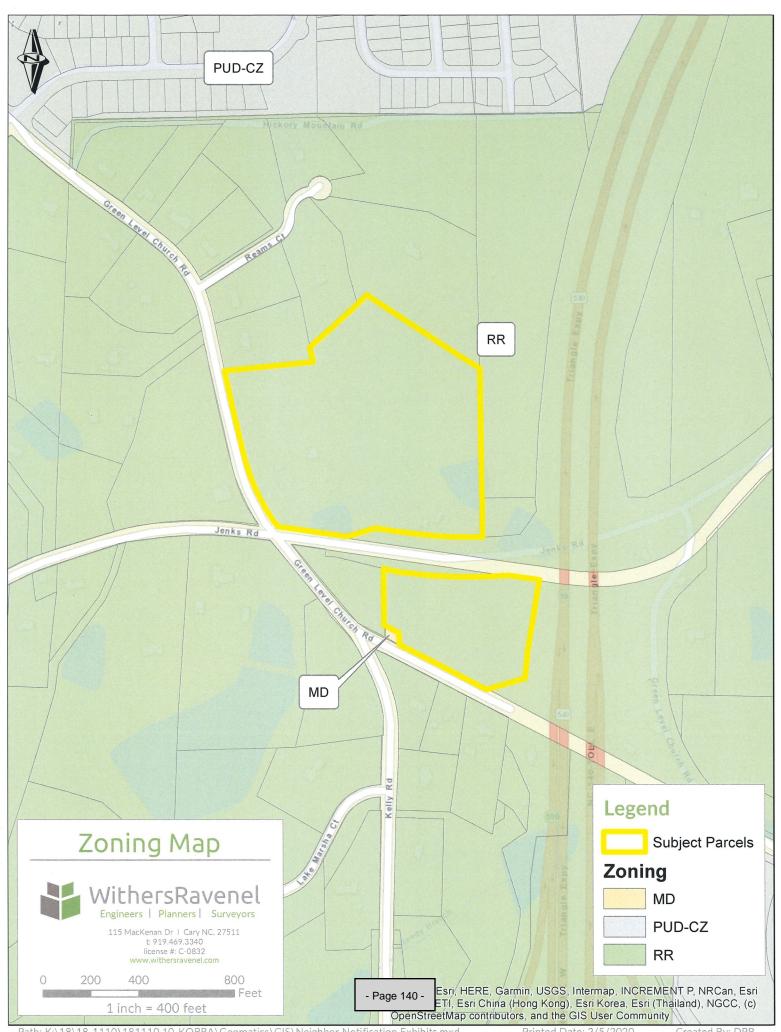
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



Path: K:\18\18-1110\181110.10-KOBRA\Geomatics\GIS\Neighbor Notification Fxhibits.mxd

Printed Date: 1/28/2020

Created Bv: DPR





Neighborhood Meeting

Date: 2/13/2020, at 6:00pm

Project: KOBRA Tracts Rezoning

Development Tim Lengen, Land Entitlement Manager (Lennar Corporation - Raleigh

Team: Division)

Brendie Vega, Director of Planning (WithersRavenel, Inc.) Arnaldo Echevarria, P.E., Project Manager (WithersRavenel, Inc.)

Attendees: The neighbors listed on the attendance sheet attached as **Exhibit A**.

1) Introduction. The meeting started at 6:00 pm, with an introduction of the development team by Brendie Vega, a description of the site, and an overview of the petition for Rezoning from RR to PUD-CZ. Ms. Vega then explained the intent to develop the site (Lot 2) with approximately 60 Townhomes, how the petition is consistent with the Future Land Use Map, the typical Town of Apex Rezoning Process and timeline. Ms. Vega clarified that the application included Lot 3 South of Jenks Road, to be rezoned for about 40,000 square-feet GFA to allow for commercial use, but not to be developed by Lennar. Ms. Vega also explained that this was a preliminary meeting and that the applicant had not yet filed the rezoning petition. The materials on display easels included:

- a) Vicinity Map;
- b) Existing Zoning Map;
- c) Future Land Use Map;
- d) Town of Apex Thoroughfare and Street Plan.
- 2) <u>Background of Developer</u>. Mr. Lengen provided a brief history on Lennar and their goals for the Apex market, a brief description of the proposed building types, and how the site is intended to be developed.
- 3) Roadways and Traffic. A neighbor asked about the ultimate R/W of Green Level Church Road (GLC), and whether or not the entire ultimate R/W width needed to be dedicated in full now. The team responded that the proposed development will dedicate the portion of the R/W that the site is responsible for, as half the ultimate measured from the existing centerline. Another neighbor commented on the existing traffic congestion of the area during the morning hours due to Green Level High School, and was concerned the project will make it worse. The team advised that due to the relatively low number of units proposed compared to other developments in the vicinity, the impact if any was going to be minimum, and that the road is planned to be improved to 3 lanes in the future. Another neighbor asked about the location of the proposed entrance to the site. The team responded that, there will be one entrance on Jenks Road and another one on Green Level Church Road, and that both entrances will be located approximately 500 to 600 feet from the intersection of Jenks Road and Green Level Church Road on both roads.

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The team mentioned the Town of Apex Thoroughfare and Collector Street Plan includes a Roundabout at the intersection of GLC and Jenks, but that a traffic signal is going to be installed as part of a nearby development. Some neighbors didn't think the signal was the best option for the current traffic situation, but were advised that the development may actually provide some relieve due to the added street connection from Jenks to GLC Rd.

- 4) <u>Buildings</u>. A neighbor asked about square footage, home prices, and whether or not they include garages. Mr. Lengen estimated the proposed square footage to be between 1,800 to 2,000 square feet and around \$300,000.
- 5) Stormwater Management. A neighbor said he was concerned about the development affecting the existing ditch that conveys runoff from Green Level Church Road along the northern property line of the site. Mr. Echevarria discussed how the drainage from the road will continue to be safely conveyed and that the development will incorporate stormwater control measure(s) to address the site development and the added impervious, while maintaining the existing drainage patterns to the maximum extent practicable.
- 6) Environment. One neighbor asked about the chances of the existing ponds remaining. Mr. Lengen responded that the project's environmental consultant is in the process of obtaining a buffer determination and potentially a permit to drain the one closest to the intersection of Jenks Road and Green Level Church Road. The team also mentioned that the development will be taking place on the west side of the property, due to the larger of the two existing ponds remaining and the stream that runs north from it. Mr. Echevarria stated that the USACE would have a hard time approving a stream crossing to the east for a road that will not connect to an existing stub, and that the eastern area of the site will remain as Resource Conservation Area (RCA).
- 7) <u>Utilities</u>. Lastly the Team mentioned the sewer will be served by connecting to the existing system north of the site, part of the Greenmoor subdivision, and that electric will be provided by Apex Power.

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: 6175 Old Jenks Road, Apex, NC 27523		
Date of meeting: 02.13.2020	Time of meeting: 6:00 pm	_
Property Owner(s) name(s): Kobra LLC		_
Applicant(s): WithersRavenel		_

Please <u>print</u> your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Robertlatacs	1529 GROSS Cold			& UPDATES
2.	Bruce Sears	7605 Jelo Rd			
3.	Elizabeth Sears	7605 Jents Rd			
4.	Doloris Leleson	7624 Ream Ct			
5.	Clano Mersinger	7528 Green LuzichPl			
6.	Bob Crayproft	7616 Reams Ct			
7.	Lynn Crayeroft	1/			
8.	Doeg Willowber	3617 Leck 10			
9.	Ruth Willenborg	TOIT Jenks Rd			
10.		1012 TIMBER MIST CT			
11.	CJAINIX, LIE)				
12.					
13.					
14.			The second secon		

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: 6175 Old Jenks Road, Apex, NC 27523		
Date of meeting: 02.13.2020	Time of meeting: 6:00 pm	_
Property Owner(s) name(s): Kobra LLC		_
Applicant(s): WithersRavenel		_

Please <u>print</u> your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	DEBBIE WILKINSON LAFORT	7524 GORAN LEVEL OU DO			A OFDATES
2.	HATHUR LATERP	7524 GREEN LEVEL CHIRD.			
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.		4			
13.					
14.					

Use additional sheets, if necessary.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

_{I,} <u>Arnaldo Echevarria, P.E.</u>	, do hereby declare as follows:
Print Name	
	eeting for the proposed Rezoning, Major Site Plan, Master n accordance with UDO Sec. 2.2.7 Neighborhood Meeting.
	the Apex Planning Department, all property owners within 300 ighborhood association that represents citizens in the area via advance of the Neighborhood Meeting.
3. The meeting was conducted at 6175 O on 02.13.2020 (date	e) from 6:00pm (start time) to 8:00pm (end time).
 I have included the mailing list, meeting map/reduced plans with the application 	invitation, sign-in sheet, issue/response summary, and zoning.
5. I have prepared these materials in good	faith and to the best of my ability.
Z/27/2020 Date STATE OF NORTH CAROLINA COUNTY OF WAKE LEE	By: Analle Ehmanne
	Patterson, a Notary Public for the above State and
SEAL	Draine Patterson
William Parking	Notary Public Tracie Patterson
Trillegole allo alle	Print Name
SEAL Note: Not	My Commission Expires: 4-17-22
"In County"	

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Planned Unit Development Plan

KOBRA TRACTS

Apex, North Carolina

Revision Date: 9-8-2020 Prepared for The Town of Apex

Applicant

Lennar Corporation – Raleigh Division 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560

Property Owner

KOBRA LLC

117 Woodland Ridge Drive
Fuquay-Varina, NC 27526

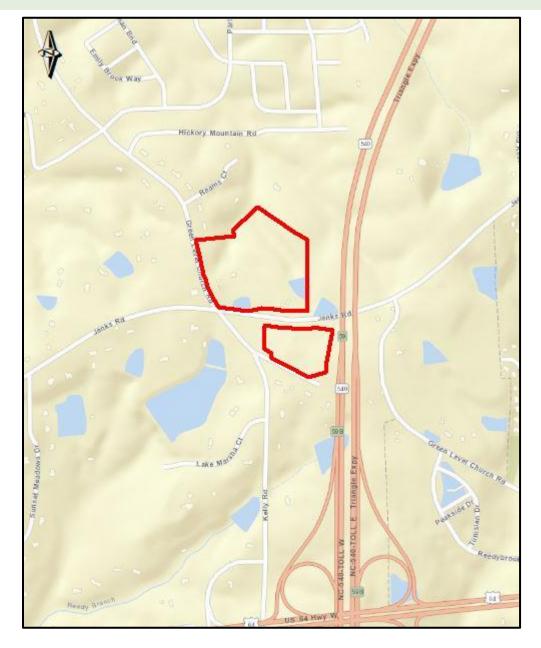


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18 O Flevations	15



2.0 VICINITY MAP



Project Parcels: Not to Scale



3.0 PROJECT DATA

Name of Project	KOBRA Tra	ects	
PIN(s)	0733102211		
	07321964	422	
Preparer/Owner Information	Prepared	WithersRavenel	
	by	137 S. Wilmington Street, Suite 200	
		Raleigh, NC 27601	
		Phone: 919.469.3340	
		Fax: 919.467.6008	
		Email: <u>bvega@withersravenel.com</u>	
	Owner	KOBRA LLC	
		117 Woodland Ridge Drive	
		Fuquay-Varina, NC 27526	
Current Zoning Designation	Rural Residential (RR)		
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)		
Current 2045 Land Use Map Designation	Med. Density Residential/Office Employment & Mixed-Use: High Density Residential/Office Employment/Commercial Services		
Proposed 2045 Land Use Map Designation	No Proposed Change		
Area of Tracts	18.21 ac & 5.46 ac (Total 23.67 ac)		
Area designated as Mixed-Use on 2045 Land Use Map	5.46 ac		
Area of Mixed-Use Property Proposed as Non-Residential Development	5.46 ac		
Percent of Mixed-Use Areas Proposed as Non-Residential Development	100%		



4.0 PROPOSED LIST OF USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Residential

- Single-Family
- Townhouse
- Townhouse, Detached

Non-Residential

- Utility, Minor
- Greenway
- Park, Active
- Park, Passive
- Office, Business or Professional
- Restaurant, General
- Medical or Dental Office or Clinic
- Medical or Dental Laboratory
- Hotel or Motel
- Artisan Studio
- Barber and Beauty Shop
- Pet Services
- Studio for Art
- Tailor Shop
- Microbrewery
- Microdistillery
- Retail Sales, General
- Grocery, Specialty

- Book Store
- Financial Institution
- Floral Shop
- Funeral Home
- Kennel
- Newsstand or Gift Shop
- Personal Service
- Pharmacy
- Printing and Copying Service
- Real Estate Sales



5.0 PURPOSE STATEMENT-PLANNED UNIT DEVELOPMENT STANDARDS

The KOBRA Tracts Conceptual Layout has been carefully designed in order to help establish appropriately-sized residential and non-residential land uses strategically along major thoroughfares. With the Town of Apex expanding, intentional development along the 540 corridor will help the nearby areas grow in a purposeful manner according to the concepts laid out in the Advance Apex Future Land Use Plan. The site will provide a mixture of residential options and non-residential uses that will set the tone for corridor development in northwest Apex. This elegant mixture of uses will create a live/work environment that will promote walkability and serve as an anchor for strategic, intentional development.

6.0 PROPOSED DESIGN CONTROLS

Maximum Square Footage per Non- Residential Use	39,000 sq. ft.			
Maximum Densities per Residential Use (du/Acre)	3 du/acre (70 du total)			
Maximum Height of the Buildings	3 stories (48 feet)			
Minimum Residential Setbacks	Front: 5' from façade 19' from garage to lot	Side: 5'	Rear: 10'	
	line 20' from garage to back of sidewalk	Corner Side: 10'		
Non-Residential Setbacks	Front: 20'	Side: 10' Corner	Rear: 20'	
		Side: 10'		
Amount and Percentage of Built Upon Area Allowed	70%			
Amount and Percentage of Proposed Built Upon Area (Max)	16.57 Acres, 70%			

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Buffers shall be designated as such:

Northern Parcel (PIN #0733102211)		
North	10' Type B Buffer	
East	10' Type B Buffer	
South	30' Type B Buffer	
West	30' Type B Buffer	
Southern Parcel (PIN #0732196422)	
North	30' Type E Buffer	
West	20' Type B Buffer	
South	20' Type B Buffer	
East	100' Type A Buffer**	
**May be reduced to 50' Type A Buffer per UDO Section 8.2.6		

7.0 PROPOSED RESIDENTIAL ARCHITECTURAL CONTROLS

- 1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 2. All townhomes shall have a raised foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
- 3. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- 4. Garage doors must have windows, decorative details or carriage-style adornments on them.
- 5. Entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- 6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
- 7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- 8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

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- 9. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
- Windows
- Bay window
- Recessed window
- Decorative window
- Trim around the windows
- Wrap-around porch or side porch
- Two or more building materials
- Decorative brick/stone
- Decorative trim

- Decorative shake
- Decorative air vents on gables
- Decorative gable
- Decorative cornice
- Column
- Portico
- Balcony
- Dormer

8.0 PROPOSED NON-RESIDENTIAL ARCHITECTURAL CONTROLS

- 1. The predominant exterior building materials shall be brick, wood, stone, and tinted/textured concrete masonry units.
- 2. The building exterior shall have more than one (1) material color.
- 3. No more than 20% of any building façade may consist of EIFS material.
- 4. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.

9.0 PARKING AND LOADING

All parking provided on the Site will comply with the requirements outlined in Section 8.3 of the Town of Apex Unified Development Ordinance.

10.0 SIGNAGE

All signage on the Site will comply with the requirements outlined in Section 8.7 of the Town of Apex Unified Development Ordinance.



11.0 NATURAL RESOURCE AND ENVIRONMENTAL DATA

The KOBRA Tracts Site is located within the Primary Watershed Protection Overlay District and is therefore subject to the requirements outlined in Section 6.1 of the Town of Apex Unified Development Ordinance.

The parcels that make up the Site do not contain FEMA designated 100-year floodplains according to FEMA FIRM Panels 3720073300J and 3720073200J, effective 05/02/2006.

The Site is also subject to the Resource Conservation Area requirements outlined in Section 8.1 of the Town of Apex Unified Development Ordinance.

- 5.92 acres (25% of gross site acreage) required for the Resource Conservation
 Area
- 6.0 acres (25.35% of gross site acreage) of Resource Conservation Area provided.

According the North Carolina Historic Preservation Office's HPOWEB 2.0 Mapping application, there are no historic structure contained on the Site.

12.0 STORMWATER MANAGEMENT REQUIREMENTS

The parcels on which the development is proposed upon currently consist of a few existing structures, some cleared lands, and wooded lands. Two ponds exist on the northern parcel, and drain to Clark Branch Creek and Reedy Branch Creek, eventually feeding into Jordan Lake. The proposed development plan will require stormwater management measures in accordance with Sections 6.1 and 7.5.7 in the Town of Apex Unified Development Ordinance. Stormwater captured on the Site will be conveyed to proposed Stormwater Control Measures, which will be identified on plans during the master subdivision or site plan approval stage. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year and 10-year storm events in accordance with the Unified Development Ordinance. Treatment for the first 1-inch of runoff will be provided such that the removal of 85% Total Suspended Solids is achieved. All stormwater devices will meet the design requirements of NCDENR and the Town of Apex.



13.0 PARKS, RECREATION AND CULTURAL ADVISORY COMMISSION REVIEW

At the June 24, 2020 meeting, the PRCAC recommended a fee-in-lieu of \$2,321.54 per unit to be paid at the time of the first final subdivision plat.

14.0 PUBLIC FACILITIES REQUIREMENTS

All utilities shall meet the Town of Apex Master Utility Maps.

Sanitary Sewer Service

All on-site sanitary sewer lines will be designed according to Town of Apex Engineering Standards and Specifications. Easements will be established for public sewer outside of Public R/W.

Sanitary Sewer will be established upon the site and will tie into an existing manhole at the southern end of the Greenmoor Subdivision via an offsite sewer outfall to be within a Town of Apex utility easement. Potable water will be established upon the site and tie to the existing lines along Green Level Church Road and Jenks Road.

Water Service

All on-site water lines will be designed according to Town of Apex Engineering Standards and Specifications.

Gas & Electric Service

The Public Service Company of North Carolina (PSNC) will require a revenue analysis based on the proposed development in order to determine the applicable costs to the developer for installation of infrastructure.

The Site is in the service area of both the Town of Apex Electric Utilities and Progress Energy.

Roadways

The Site will require an internal public roadway network and parking spaces. The onsite transportation circulation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details.



Frontage improvements along Jenks Road & Green Level Church Road have been identified during the pre-application correspondence and will be incorporated into the design, subject to approval by the Town of Apex & NCDOT.

Phase 1 roadway improvements are as follows:

- i. Developer shall dedicate public right-of-way along Green Level Church Road based on a minimum of half of a 4-lane, 110' right-ofway section and construct a 5' paved shoulder along the frontage within Phase 1.
- ii. Developer shall construct a southbound left turn lane on Green Level Church Road at Jenks Road with at least 150' of storage and adequate taper & deceleration lengths per NCDOT standards.
- iii. Developer shall construct a southbound left turn lane on Green Level Church Road at proposed site access with at least 50' of storage and adequate taper & deceleration lengths per NCDOT standards. This access shall be located a minimum of 500 feet from Jenks Road.
- iv. Developer shall dedicate public right-of-way along Jenks Road based on a minimum of half of a 3-lane, 80' right-of-way section and construct a 5' paved shoulder along the frontage within Phase 1. Jenks Road improvements shall include the extension of the existing two-way left turn lane from west of the NC 540 bridge to the intersection with Green Level Church Road. The access points for Phase 1 and Phase 2 shall align across from each other and be located a minimum of 500 feet from Green Level Church Road.
- v. Developer shall coordinate with traffic signal installation by others at the intersection of Green Level Church Road at Jenks Road if not already installed by the time this development plan moves forward. Developer is responsible for plan revisions and modifications to the traffic signal to accommodate roadway improvements associated with Phase 1 and Phase 2.
- vi. Developer shall dedicate additional right-of-way along the project frontage to accommodate a roundabout based on the preliminary layout on file with the Town (designed as part of the Westford development zoning conditions) if not removed from the Transportation Plan prior to subdivision plan approval.

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Phase 2 roadway improvements are as follows:

- Developer shall not propose access to Dominik Court until either one of the following conditions is met:
 - a. Dominik Court is realigned southward to provide an approximate right-angle intersection with Kelly Road approximately 700-800' south of Jenks Road, and a southbound left turn lane is provided on Kelly Road at Dominik Court with a minimum of 100' of storage plus deceleration and taper according to NCDOT standards.
 - b. A public street connecting Dominik Court to Jenks Road is constructed and Dominik Court is converted to a rightin/right-out access at Kelly Road.

Transit

According to the Advance Apex 2045 Transportation Plan, there are no existing or proposed transit routes designated on or adjacent to the Site.

Pedestrian Facilities

According to the Advance Apex 2045 Plan, sidewalks are planned along both Green Level Church Road and Jenks Road. The development plan will incorporate sidewalk infrastructure along both streets as well as the internal street network, and thus is in compliance with the future land use plan.

Phase 1 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the east side of Green Level Church Road along the frontage within Phase 1.
- Developer shall construct a 5' sidewalk on the north side of Jenks ii. Road along the frontage within Phase 1.

Phase 2 pedestrian facility improvements are as follows:

- i. Developer shall construct a 10' side path on the south side of Jenks Road along the frontage within Phase 2.
- Developer shall construct an extension of the 10' side path ii. located on the south side of Jenks Road from Phase 2 to the intersection of Jenks Road and Green Level Church Road and

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design and install a signalized crosswalk across Jenks Road at the traffic signal. Fee-in-lieu, in the amount of 125% of the estimated cost of construction plus fair market value of the property to be acquired, shall be assessed if easement or right-of-way cannot be secured prior to completion of the first CO within Phase 2. Any performance guarantee provided for this section of side-path shall be released upon acceptance of said fee-in-lieu by the Town.

iii. Developer shall improve the north side of Dominik Court along the frontage of Phase 2 based on a minimum 27' b-b curb and gutter roadway with 5' sidewalk.

Education

Wake County Public Schools Long Range Planning has verified the following base schools for this future residential area:

Base School	Enrollment Cap	Student Overflow School
White Oak Elementary	Yes	Davis Drive Elementary
Mills Park Middle	Yes	West Cary Middle
Green Level High	No	

The Apex Friendship Elementary School on Humie Olive Road is expected to open in August 2022.

15.0 PHASING PLAN

KOBRA Tracts development will be constructed in phases according to economic considerations and infrastructure requirements. The residential section of the site will be developed as a standalone phase separate from the commercial section. Phase 1 and phase 2 improvements shall be constructed as described in the previous section.

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Please note the following considerations for the phasing plan:

- 1. Access points are preliminary in nature and subject to Town of Apex and NCDOT review and approval.
- 2. Limits of land disturbance within each phase shall be determined at the master subdivision plan and site plan stages.
- 3. Public utilities shall be provided for each phase of development.

16.0 CONSISTENCY WITH 2045 LAND USE PLAN

The Advance Apex 2045 Future Land Use Map depicts the future land use of the northern parcel as a mixture of Medium Density Residential and Office Employment. Medium Density Residential lands are described in the Land Use Plan as consisting of single-family homes, duplexes, and townhomes with densities between three (3) and seven (7) dwelling units per acre. It is intended to act as a transition between higher and lower residential densities. The Office Employment land use is described as allowing for a wide range of businesses that provide professional, managerial, or administrative services. The plan also states that Office Employment lands should match the scale and character of their surroundings.

The southern parcel is made up of High Density Residential, Office Employment and Commercial Service designations, as well as being considered a Mixed-Use land classification. High Density Residential land is described as providing housing options located in close proximity to major commercial areas or corridors, and includes townhomes, triplexes, quadplexes and apartments at densities greater than 14 dwelling units per acre. Similar to Office Employment, Commercial Services land is described as match the scale and character of its surroundings. These lands are designated to supply commercial services and conveniences. Being within a Mixed-Use portion of land, the site is required to have greater than or equal to 30 percent of its development be related to non-residential uses.

Overall, the KOBRA Tracts Site proposes medium density residential housing options appropriate to its proximity to major thoroughfares, as well as establishing a healthy mixture of non-residential space to nurture a live/work environment in northwestern Apex. Uses proposed for the site are directly in line with the uses declared in the Future Land Use Plan.

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17.0 CONSISTENCY WITH UNIFIED DEVELOPMENT ORDINANCE

The proposed development is consistent with all applicable requirements of the Town of Apex Unified Development Ordinance. To this extent, it is worth noting that the development will not supply stub streets on the eastern termination of the residential section of the project per the text of the following section:

• 7.2.1.A.2.c.iii - Where severe topography or other physical features exist, the Planning Director in conjunction with the Stormwater and Utility Engineering Manager, may determine that a stub street is not required.

Due to the environmental impact of the potential connection to the eastern parcel, it is requested that no stub be required at this location.

18.0 ELEVATIONS

Please see the following pages for typical elevations illustrative of the proposed residential building.

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KOBRATRACTS

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

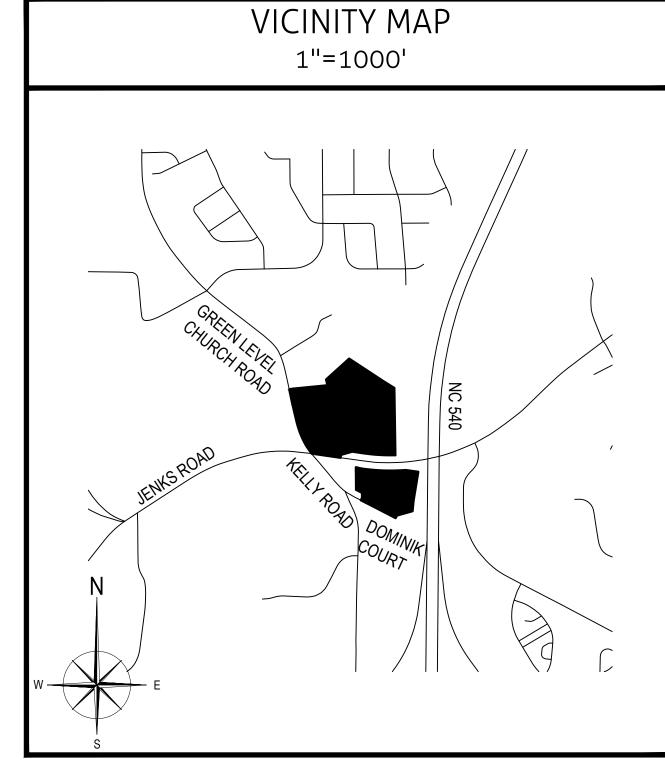
1ST SUBMITTAL: MARCH 2, 2020 2ND SUBMITTAL: JULY 10, 2020 3RD SUBMITTAL: AUGUST 14, 2020

CASE #: 20CZ04

2045 LAND USE PLAN DESIGNATION	CURRENT		MEDIL	JM DENSITY	RESIDENTI	AL/OFFICE	EMPLOYMEN	T & MIXED U	SE
	PROPOSED			HANGE					
ZONING	CURRENT		RURA	L RESIDENT	AL (RR)				
ZONING	PROPOSED			NED UNIT DE		IT (PUD-CZ)	1		
AREA OF TRACTS IN PROPOSED PUD	0733-10-2211			AC.		(. 02 02)			
WENT TO TO WITHOUT GOLD FOR	0732-19-6422		5.46						
	TOTAL =		23.67						
AREA DESIGNATED AS MIXED-USE ON 2045 LAND USE MAP	5.46 AC.			7.0.					
AREA OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	5.46 AC.								
PERCENT OF MIXED-USE PROPERTY PROPOSED AS NON-RESIDENTIAL DEVELOPMENT	100%	100%							
REQUESTED SEWER CAPACITY	SOUTHERN TRACT:	.09 GPD * 39	,000 SF * 2.5	(PEAKING F	ACTOR) = 8	,775 GPD			
	NORTHERN TRACT:	120 GPD * 3	BEDROOMS	S/TOWNHOM	= * 71 TOWN	NHOMES = 2	25,560 GPD		-
RESIDENTIAL DENSITY	MAXIMUM		3 DU/	ACRE					
SQUARE FOOTAGE PER NON-RESIDENTIAL JSE	MAXIMUM 39,000 SF								
BUILDING HEIGHT	MAXIMUM		45 FT						
BUILDING SETBACKS	RESIDENTIAL								
		FRONT	19 FT*	REAR	10 FT	SIDE	5 FT	CORNER	10 FT
	NON-RESIDENTIAL								
		FRONT	20 FT	REAR	20 FT	SIDE	10 FT	CORNER	10 FT
WATERSHED	PROPERTY LOCATE	D WITHIN T	HE PRIMARY	WATERSHE	D PROTECT	TION OVERI	_AY DISTRIC	Г.	
HISTORIC STRUCTURES	NONE								
COMMUNITY AMENITIES	0.4 ACRE RECREAT	IONAL PLAY	LAWN						
SITE BUFFERS									
NORTHERN PARCEL (PIN #0733102211)									
	NORTH		10' TYI	PE B BUFFER	?				
	EAST		10' TYI	PE B BUFFER	?				
	SOUTH		30' TY	PE B BUFFER	?				
	WEST		30' TY	PE B BUFFER	?				
SOUTHERN PARCEL (PIN #0732196422)	NORTH		30' TY	PE E BUFFE	₹				
	EAST		20' TY	20' TYPE B BUFFER					
	SOUTH		20' TY	PE B BUFFE	?				
	WEST		100' T	YPE A BUFFE	R**				

NOTE: THE PARKS AND RECREATION ADVISORY COMMISSION VOTED TO APPROVE FEE-IN-LIEU OF PARK LAND DEDICATION ON JUNE 24TH, 2020. FEE-IN-LIEU AMOUNT TO BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLANS ACCORDING TO THE TOWN OF APEX FEE SCHEDULE.





DEVELOPER

LENNAR CORPORATION - RALEIGH DIVISION 1100 PERIMETER PARK DRIVE, SUITE 112 MORRISVILLE, NC 27560 PHONE: 919.337.0235

> ATTN: STEPHEN DORN STEPHEN.DORN@LENNAR.COM

PREPARED BY:



115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP BVEGA@WITHERSRAVENEL.COM

CIVIL ENGINEER: ARNALDO ECHEVARRIA, PE AECHEVARRIA@WITHERSRAVENEL.COM

OWNER

KOBRA LLC 117 WOODLAND RIDGE DRIVE FUQUAY-VARINA, NC 27526

INDEX OF SHEETS

2.0 PRELIMINARY PHASING PLAN 3.0 4.0 PRELIMINARY UTILITY PLAN STORMWATER MANAGEMENT PLAN

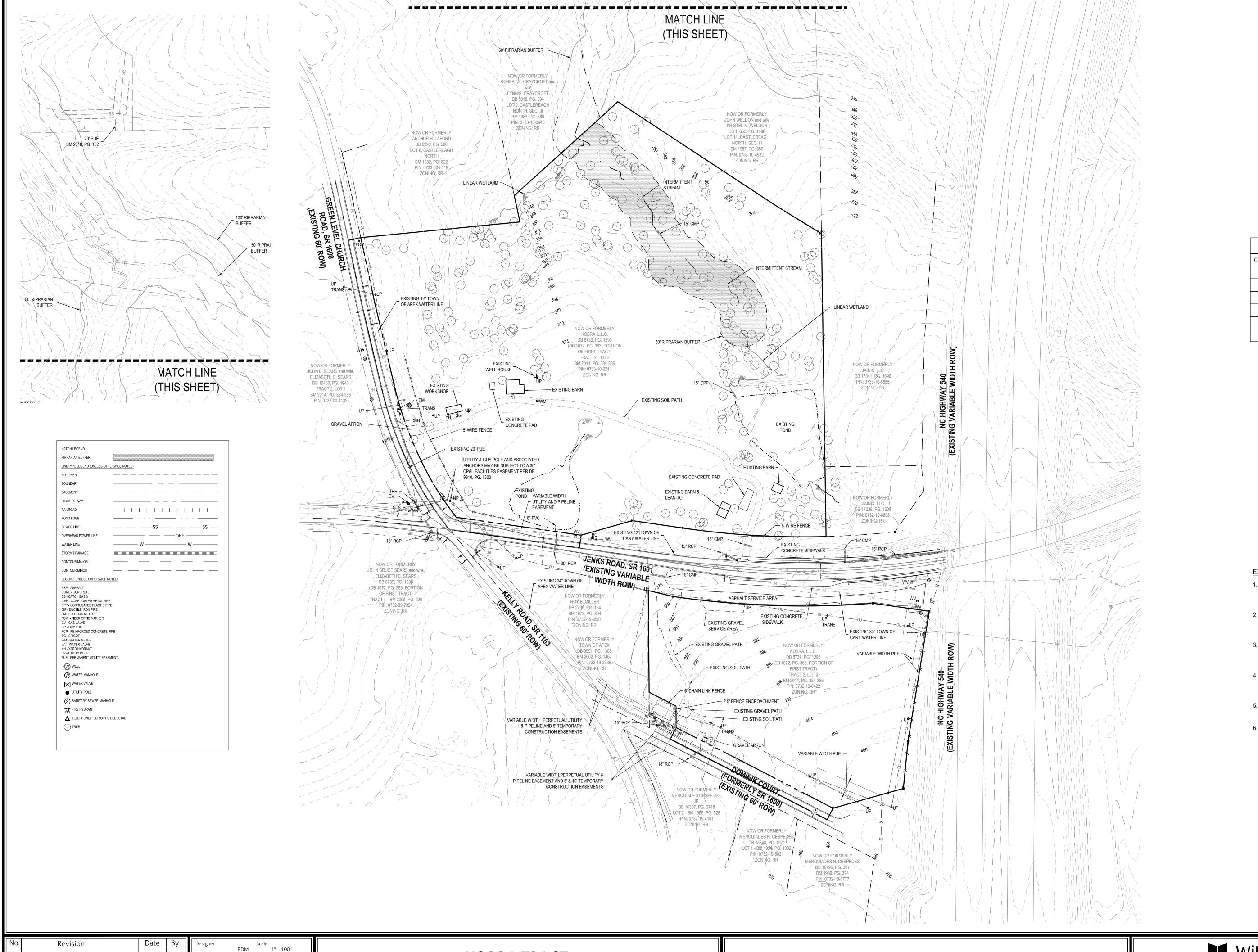
ZONING CONDITIONS

PHASE 1 IMPROVEMENTS

- JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 1
- DEVELOPER SHALL COORDINATE WITH TRAFFIC SIGNAL INSTALLATION BY ROAD IF NOT ALREADY INSTALLED BY THE TIME THIS DEVELOPMENT PLAN MOVES FORWARD. DEVELOPER IS RESPONSIBLE FOR PLAN REVISIONS ROADWAY IMPROVEMENTS ASSOCIATED WITH PHASE 1 AND PHASE 2.
- DEVELOPER SHALL DEDICATE ADDITIONAL RIGHT-OF-WAY ALONG THE PROJECT FRONTAGE TO ACCOMMODATE A ROUNDABOUT BASED ON THE PRELIMINARY LAYOUT ON FILE WITH THE TOWN (DESIGNED AS PART OF THE WESTFORD DEVELOPMENT ZONING CONDITIONS) IF NOT REMOVED FROM THE TRANSPORTATION PLAN PRIOR TO SUBDIVISION PLAN

PHASE 2 IMPROVEMENTS

- DEVELOPER SHALL CONSTRUCT A 10' SIDE PATH ON THE SOUTH SIDE OF JENKS ROAD ALONG THE FRONTAGE WITHIN PHASE 2.
- DEVELOPER SHALL CONSTRUCT AN EXTENSION OF THE 10' SIDE PATH LOCATED ON THE SOUTH SIDE OF JENKS ROAD FROM PHASE 2 TO THE INTERSECTION OF JENKS ROAD AND GREEN LEVEL CHURCH ROAD AND DESIGN AND INSTALL A SIGNALIZED CROSSWALK ACROSS JENKS ROAD AT THE TRAFFIC SIGNAL. FEE-IN-LIEU, IN THE AMOUNT OF 125% OF THE ESTIMATED COST OF CONSTRUCTION PLUS FAIR MARKET VALUE OF THE PROPERTY TO BE ACQUIRED, SHALL BE ASSESSED IF EASEMENT OR RIGHT-OF-WAY CANNOT BE SECURED PRIOR TO COMPLETION OF THE FIRST CO WITHIN PHASE 2. ANY PERFORMANCE GUARANTEE PROVIDED FOR THIS SECTION OF SIDE-PATH SHALL BE RELEASED UPON ACCEPTANCE OF SAID FEE-IN-LIEU BY THE TOWN.
- DEVELOPER SHALL IMPROVE THE NORTH SIDE OF DOMINIK COURT ALONG THE FRONTAGE OF PHASE 2 BASED ON A MINIMUM 27' B-B CURB AND GUTTER ROADWAY WITH 5' SIDEWALK.
- DEVELOPER SHALL NOT PROPOSE ACCESS TO DOMINIK COURT UNTIL EITHER ONE OF THE FOLLOWING CONDITIONS IS MET:
- A. DOMINIK COURT IS REALIGNED SOUTHWARD TO PROVIDE AN APPROXIMATE RIGHT-ANGLE INTERSECTION WITH KELLY ROAD APPROXIMATELY 700-800' SOUTH OF JENKS ROAD, AND A SOUTHBOUND LEFT TURN LANE IS PROVIDED ON KELLY ROAD AT DOMINIK COURT WITH A MINIMUM OF 100' OF STORAGE PLUS DECELERATION AND TAPER ACCORDING TO NCDOT STANDARDS.
- 12.2. B. A PUBLIC STREET CONNECTING DOMINIK COURT TO JENKS ROAD IS CONSTRUCTED AND DOMINIK COURT IS CONVERTED TO A RIGHT-IN/RIGHT-OUT ACCESS AT KELLY ROAD.



NORTH CAROLINAL

KOBRA TRACT

WAKE COUNTY

Checked By

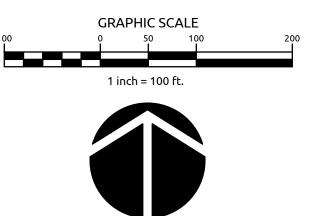
LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N12°09'14"W	62.39'		
L2	N47°16'47"E	55.55'		
L3	S08°08'33"W	30.00'		
L4	N77°57'22"E	30.00'		
L5	S81°55'19"E	131.38'		
L6	S74°18'38"W	168.88'		
L7	S27°20'07"W	30.00'		
L8	N27°04'31"E	29.72'		
L9	N00°33'05"W	49.68'		
L10	N62°29'58"W	69.96'		
L11	S76°36'12"E	59.39'		

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	331.36	1920.00	N86°36'58"W	330.95'
C2	111.75	900.89	N34°42'19"W	111.68'
C3	252.92	880.73	N21°36'21"W	252.05'
C4	243.94	850.73	S21°35'41"E	243.11'
C5	95.77	870.89	S34°19'29"E	95.72'
C6	463.43	2080.00	S88°03'21"E	462.48'

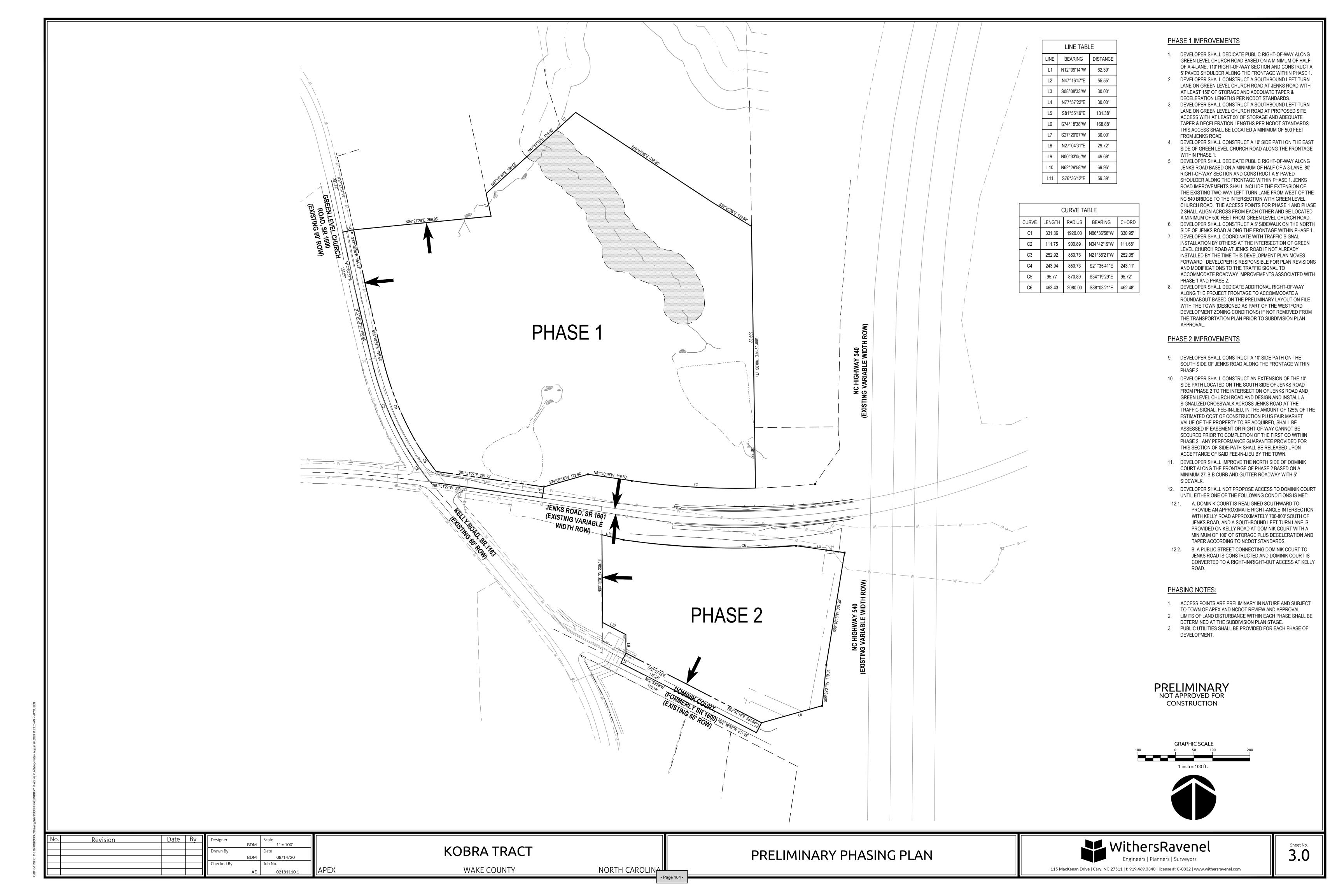
EXISTING CONDITION NOTES:

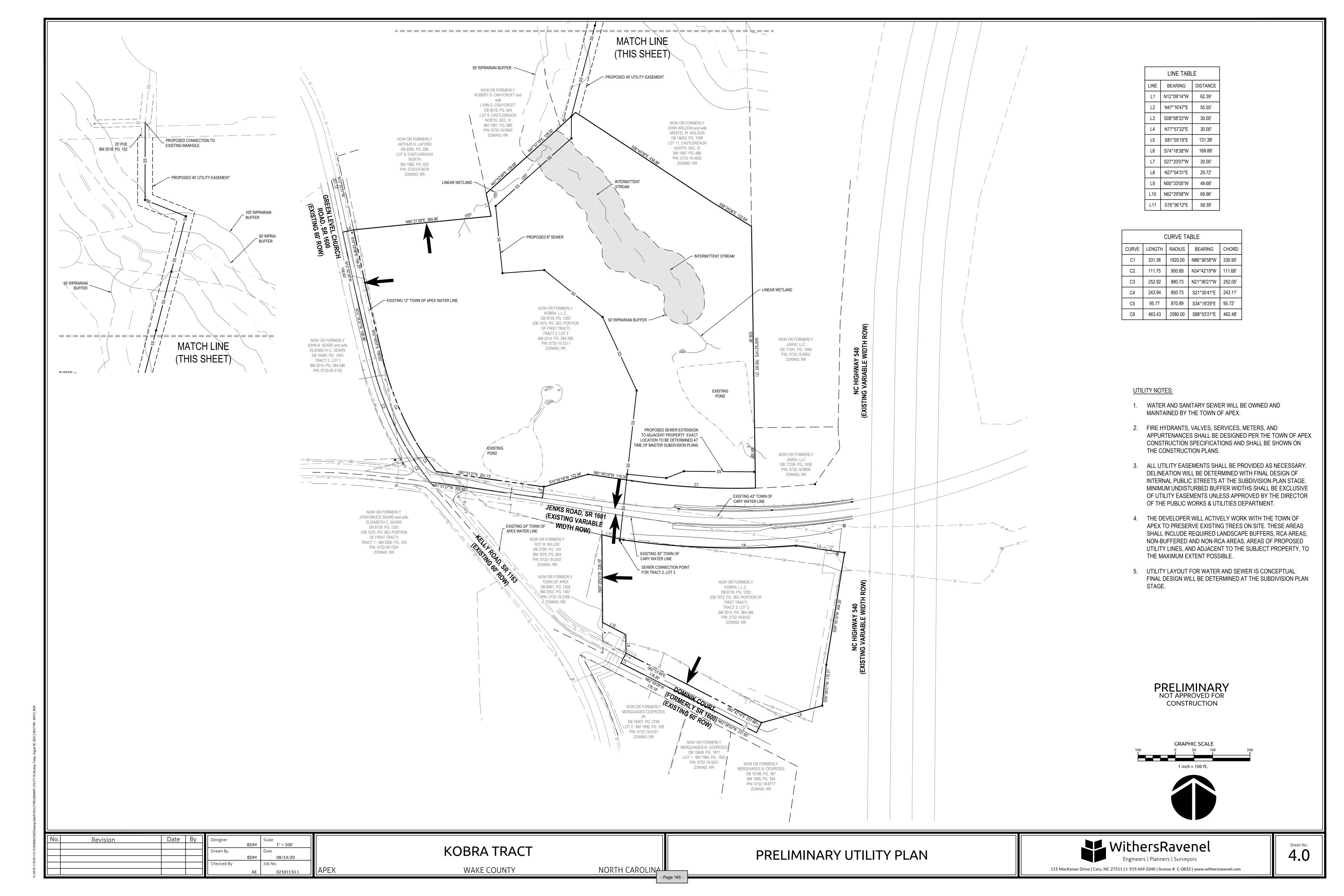
- TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING. PRELIMINARY BOUNDARY SURVEY PREPARED BY WITHERSRAVENEL DATED 02/18/20.
- WETLAND/STREAM INFORMATION BASED ON EVALUATION BY S&EC DATED 02/06/20. BUFFERS BASED ON TOWN OF APEX STREAM BUFFER DETERMINATION (APEX #19-006).
- 3. REGULATORY FEMA MAPPED FLOODPLAINS DO NOT EXIST ON SITE PER FIRM MAPS #3720073300J (5/2/06) & #3720073200J (5/2/06).
- 4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY
- 5. TREE INFORMATION BASED ON TREE SURVEY BY S&EC DATED 02/06/20.
- 6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.

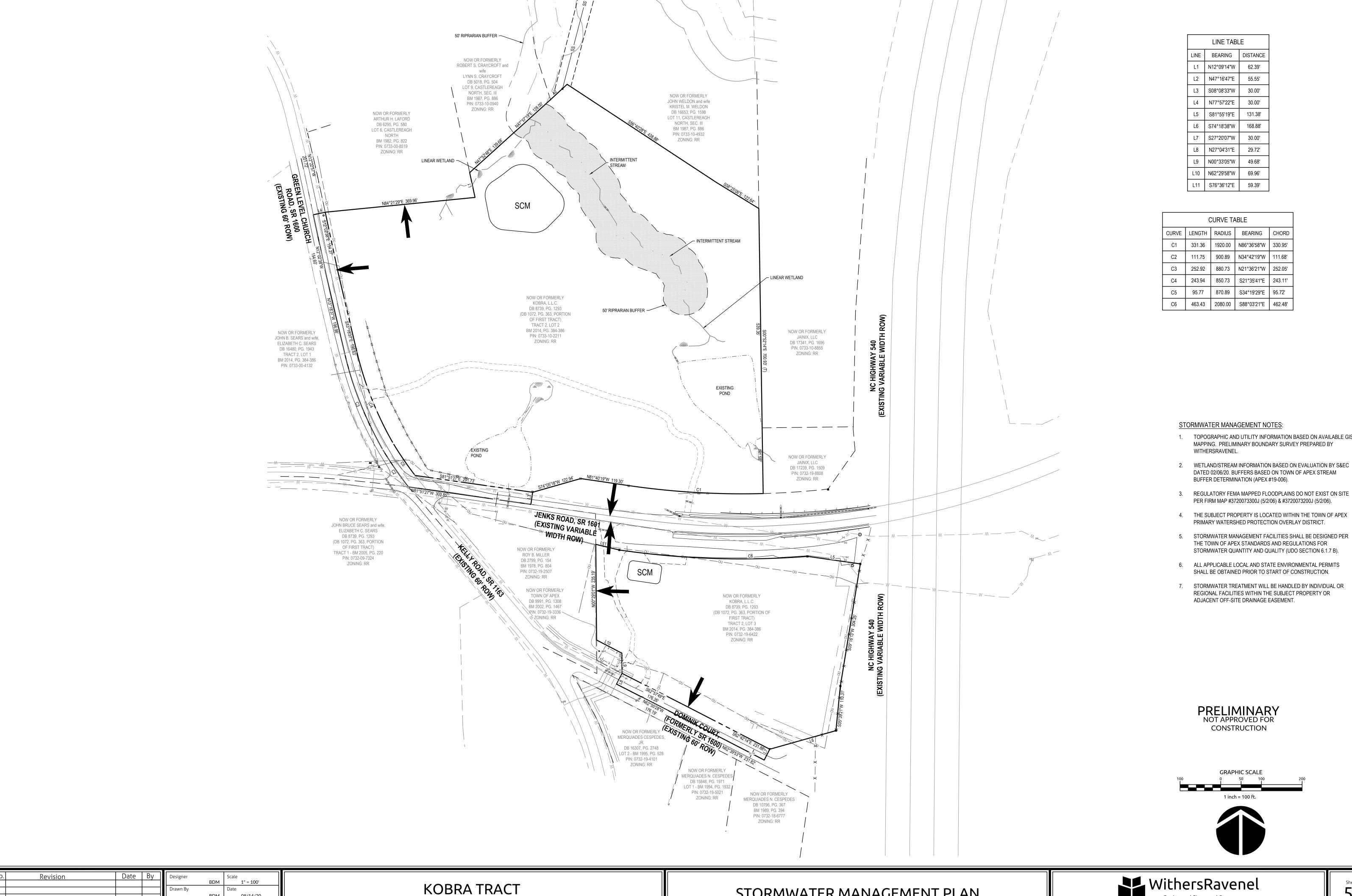
PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION











NORTH CAROLINA ■

WAKE COUNTY

Checked By

APEX

- 1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON AVAILABLE GIS MAPPING. PRELIMINARY BOUNDARY SURVEY PREPARED BY
 - DATED 02/06/20. BUFFERS BASED ON TOWN OF APEX STREAM
 - PER FIRM MAP #3720073300J (5/2/06) & #3720073200J (5/2/06).
 - PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
 - THE TOWN OF APEX STANDARDS AND REGULATIONS FOR STORMWATER QUANTITY AND QUALITY (UDO SECTION 6.1.7 B).
 - SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
 - 7. STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR

STORMWATER MANAGEMENT PLAN





| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ06, Trinity Henderson, petitioner, for the property located at 204 & 206 Lynch Street.

<u>Approval Recommended?</u>

The Planning and Community Development Department recommends approval.

<u>Item Details</u>

Rezoning Case #20CZ06 was approved at the August 18, 2020 Town Council meeting.

<u>Attachments</u>

- Statement of Town Council
- Ordinance to Amend the Official Zoning District Map



STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON ZONING PETITION #20CZ06

Trinity Henderson, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of May 2020 (the "Application"). The proposed conditional zoning is designated #20CZ06.

The Planning & Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ06 before the Planning Board held on the 10th day of August 2020.

The Apex Planning Board held a public hearing on the 10th day of August 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ06. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ06.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #20CZ06 before the Town Council on the 18th day of August 2020.

The Apex Town Council held a public hearing on the 18th day of August 2020. Liz Loftin, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ06 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 4 and 0 approved Application #20CZ06 rezoning the subject tract located at 204 and 206 Lynch Street from High Density Single Family (HDSF) to High Density Single Family-Conditional Zoning (HDSF-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium Density Residential. The proposed rezoning to High Density Single Family-Conditional Zoning (HDSF-CZ) is generally consistent with that land use classification and the Apex Town Council has further considered that the proposed rezoning to High Density Single Family-Conditional Zoning (HDSF-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the shared property line can be shifted west in order to remedy the encroachment of the house located at 204 Lynch Street that currently exists on 206 Lynch Street. This will allow the property owner of 204 Lynch Street to make improvements to the home. The rezoning will encourage compatible development of the property and increase the tax base.

	Jacques K. Gilbert Mayor
ATTEST:	Mayor
Donna B. Hosch, MMC, NCCMC Town Clerk	
Date	- Page 169 -

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY .45 ACRE LOCATED AT 204 & 206 LYNCH STREET FROM HIGH DENSITY SINGLE FAMILY (HDSF) TO HIGH DENSITY SINGLE FAMILY-CONDITIONAL ZONING (HDSF-CZ)

#20CZ06

WHEREAS, the application of Trinity Henderson petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 10th day of August 2020 before the Planning Board and the 18th day of August 2020, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; NOW, THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

<u>Section 2</u>: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from High Density Single Family to High Density Single Family-Conditional Zoning District, subject to the conditions stated herein.

<u>Section 3:</u> The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

<u>Section 4:</u> The "Rezoned Lands" are subject to all of the following conditions which are imposed as part of this rezoning:

Zoning Conditions:

The rezoned lands may be used for, and only for, the uses listed immediatetly below. The permitted uses are subject to the limitations stated.

- 1. Accessory Apartment
- 2. Single Family
- 3. Utility, minor

204 Lynch Street Conditions:

1. The minimum setback from the western property line shall be 3 feet.

206 Lynch Street Conditions:

- 1. The minimum lot width shall be 50 feet.
- 2. The minimum setback from the eastern property line shall be 8 feet.
- 3. The minimum setback from the western property line shall be 4 feet.

Ordinance Amending the Official Zoning District Map #20CZ06 Page Two

<u>Section 5:</u> The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member		
Seconded by Council Member		
With Council Member(s) voting "a With Council Member(s) voting "r		
This the day of	2020.	
	TOWN OF APEX	
ATTEST:	Mayor	
ATTEST.		
Town Clerk		
APPROVED AS TO FORM:		
Town Attorney		

"Attachment A" 204 Lynch Street

BK012987PG02040

Exhibit "A"

LEGAL DESCRIPTION

Tract 1:

BEING all of Lot 140, Worthdale, Section 3, as shown on plat recorded in Book of Maps 1967, page 50, Wake County Register of Deeds.

Tract 2:

BEING all of Lot 136, Chastain, Phase 5, as shown on plat recorded in Book of Maps 2001, page 1129, Wake County Register of Deeds.

Tract 3:

BEGINNING at a stake on the North side of Lynch Street, a corner for T.L. Forney, runs thence with the line of T.L. Forney in a Northernly direction 150 feet to a stake in the line of Tom Fuller's thence with said Fullers line in a easterly direction 60 feet to a stake, a corner for Joe Foggs, thence with said Fogg a line in a southernly direction 150 feet to a stake on the North side of said Lynch Street; thence parallel with Lynch Street in a Westernly direction 60 feet to the point of BEGINNING. This being the land conveyed to Margaret Josey Thompson by Lottie Bell Josey Page and husband, David Page, by deed dated the 12th of February, 1958 recorded in Book 1238, Page 604 of the Office of the Register of Deeds for Wake County, North Carolina.

204 Lynch St

"Attachment A" 206 Legal Description EXHIBIT "A" LEGAL DESCRIPTION Wake County

Roberto F. Arellano Moran and Ashley Arellano Situated in Wake County and beginning described as follows:

See attached Exhibit A

LEGAL DESCRIPTION

Commencing at a computed point as shown on the plat in Map Book 2003, Page 1452 for the Apex R/W Acquisition dated 4/11/03 on the northern side of the Lynch Street right-of-way and running almost parallel with the lot lines of Willie Smiley and Walter A. Thompson, as shown on said plat, then North 28°07′1″ East for 2.91 feet to an Iron Pipe Set (IPS) at the corner of the lots of Willie Smiley and Walter A. Thompson, as shown said plat, and the POINT OF BEGINNING. Then proceeding South 29°14′49″ West for 162.42 feet to an Auto Jack Post, then South 60°03′01″ East for 60 feet to an IPS at the corner of an old wire fence and a chain link fence where three of the adjoining properties meet with the northeast corner of the property. Then South 29°15′28″ West for 156.74 feet to an IPS at the southeast corner of the property, then proceeding North 64°42′09″ West for 8.62 feet to an IPS, then North 65°35′49″ West for 51.55 feet to the Point of Beginning encompassing approximately 0.220 acres as shown on an unrecorded map of survey by John S. Collier, PLS. L-3879 dated 11/3/18.

For reference purposes, this property is located at: 206 Lynch Street Apex, NC 27502

and has tax identification number 0741282977))

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve first amendment to the Utility Infrastructure Reimbursement Agreement with Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. and to authorize the Town Manager to execute the same.

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

The original agreement was put in place to enable the subject developer to receive sewer and water acreage fee credits as reimbursement for certain sewer and water improvements they constructed as part of the development of the White Oak Basin. This amendment will replace the original credit mechanism that used acreage fees with a percentage (20%) of the now in effect Capital Recovery Fees instead. Acreage fees were eliminated on July 1, 2017, in anticipation of changes to state law as it relates to the collection of impact fees and replaced with Capital Recovery fees. The amendment also has a yearly "true-up" clause that ensures equivalence between the credits available from the 20% Capital Recovery Fee and what would be due under the previous acreage fees.

<u>Attachments</u>

• First Amendment to Utility Infrastructure Reimbursement Agreement



COUNTY OF WAKE

This First Amendment to Utility Infrastructure Reimbursement Agreement ("Amendment") is made and entered into as of the Effective Date (as defined in Paragraph 10), by and between the Town of Apex ("Town") Pulte Home Company, LLC, a Michigan limited liability company ("Pulte"), Standard Pacific of the Carolinas, LLC, a Delaware limited liability company ("StanPac"), and Taylor Morrison of Carolinas, Inc., a North Carolina corporation ("Taylor"). Pulte, StanPac and Taylor are collectively referred to herein as the "Developers". Town and Developers are sometimes hereinafter referred to collectively as the "Parties."

WITNESSETH

WHEREAS, the Town, StanPac, StanPac's predecessor, Green Olive Investments, LLC, Pulte, and Taylor's predecessor, Raleigh Land Fund 1, LLC, entered into that certain Utility Infrastructure Reimbursement Agreement dated February 25, 2015 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Town amended its ordinances ("Ordinance Amendment") regarding water and sewer fees to eliminate Acreage Fees (as defined in Paragraph 1) and adopted Capital Reimbursement Fees (as defined in Paragraph 1) in lieu thereof; and

WHEREAS, the Town has updated and adopted its "Policy Regarding Town Participation in Utility Projects" which governs reimbursement of costs incurred by private developers in constructing extensions of public utility infrastructure, which affects the reimbursement of the Final Approved Actual Project Costs and Acquisition Costs incurred by Developers; and

WHEREAS, prior to the Ordinance Amendment, the Developers and Third Parties (as defined in Paragraph 1) paid Acreage Fees to the Town and after the Ordinance Amendment, Developers and Third Parties (as defined in Paragraph 1) have paid or are required to pay Capital Reimbursement Fees by the Town's current ordinances for developments within the Benefitted Land; and

WHEREAS, the Parties desire to amend the Agreement to account for the Ordinance Amendment and policy changes in order to reimburse Developers for the Final Approved Actual Project Costs and the Acquisition Costs as contemplated under the original Agreement.

NOW, THEREFORE, in consideration of the foregoing, the Parties do hereby agree as follows:

1. **<u>DEFINED TERMS</u>**. The following terms shall have the meaning ascribed to them as follows:

- a. <u>Acreage Fees</u>. The term "Acreage Fees" as used in this Amendment shall mean all water and/or sewer acreage fees assessed by the Town and paid or to be paid with respect to any development within the Benefitted Land in order to connect to the Facilities or any portion thereof.
- b. <u>Capital Reimbursement Fees</u>. The term "Capital Reimbursement Fees" as used in this Amendment shall mean all water and/or sewer capital reimbursement fees assessed by the Town and paid or to be paid with respect to any development within the Benefitted Land in order to connect the Facilities or any portion thereof.
- c. <u>Escrow Agent</u>. The term "Escrow Agent" as used in this Amendment shall mean Michael G. Winters with Ellis & Winters, LLP.
- d. <u>Third Parties</u>. The term "Third Parties" as used in this Amendment shall mean any party, excluding Developers, who has paid or is required to pay Acreage Fees and/or Capital Reimbursement Fees in connection with the development of any land within the Benefitted Land and any development within the Beckwith Subdivision (includes Beckwith Sewer Pump Station basin).
- e. <u>MOA Improvements</u>. The term "MOA Improvements" as used in this Amendment shall mean the Developers' portion of the payments, work or other improvements required by that Memorandum of Agreement (MOA) between the United States of America and the Town of Apex and Wake County and the North Carolina Wildlife Resources Commission executed on May 8, 2016, more specifically defined as;
- i) 60% of the cost of completing the 1-40 Wildlife Sub-Impoundment Access from NC Hwy 54, which work is described in the MOA,
- ii) 60% of the cost of the Little Beaver Creek Game Lands Access from Poole/Barker Road, which work is described in the MOA,
- \$25,000 payment to the NCWRC for the cost of abutment, ADA accessible sidewalk, and ADA accessible floating pier at Beaver Creek Road Site,
- iv) \$15,590 payment for loss of timber impacted by the utility project, and
- v) the cost of mitigating for adverse impacts to the County's American Tobacco Trail and Trailhead, which work is described in the MOA.

Unless otherwise defined in this Amendment, all terms with their initial letter capitalized in this Amendment shall have the same meaning herein as such terms are defined in the Agreement.

2. **POLICY**. The sixth "WHEREAS" clause in the Agreement is hereby deleted in its entirety and the following is inserted in its place:

WHEREAS, on or about June 6, 2017, the Town duly adopted a modified "Policy Regarding Town Participation in Utility Projects," which governs reimbursement costs incurred by private developers in constructing extensions of public utilities infrastructure and related public improvements (the "**Policy**"):

3. <u>APPROVED ACTUAL PROJECT COSTS</u>. The Town and Developers agree that the "Approved Actual Project Costs," as defined in Paragraph 4 of the Agreement, are

those indicated in Column "A" of Exhibit 2, attached hereto and incorporated herein for all purposes. If, in the future, Developer submits evidence of satisfactory completion of the MOA improvements shown in Column "B" of the attached Exhibit 2, Town agrees that the "Approved Actual Project Costs" will be adjusted to include the actual costs associated with the MOA Improvements. Upon completion of the MOA improvements, the Town and Developer agree that the amount approved for the currently approved Project Costs plus the amount approved for the MOA Improvements will constitute the "Final Approved Actual Project Costs" as defined in the Agreement.

- 4. **CREDITS**. Paragraph 5C of the Agreement is hereby deleted in its entirety.
- 5. **REIMBURSEMENTS.** Notwithstanding anything contained in Paragraphs 6A, 6B, and 6C of the Agreement to the contrary, the Town agrees to reimburse Developers for the Final Approved Actual Project Costs and the Acquisition Costs as follows:
 - a. <u>Acreage Fees Paid by Developers</u>. Within sixty (60) days after the Effective Date, the Town shall pay to Developers an amount equal to all of the Acreage Fees previously paid by the Developers to the Town in connection with the Properties.
 - b. <u>Acreage Fees Paid by Third Parties</u>. Within sixty (60) days after the Effective Date, the Town shall pay to Developers an amount equal to all of the Acreage Fees previously paid by all Third Parties to the Town in connection with the Benefitted Land.
 - c. <u>Capital Reimbursement Fees Previously Paid by Developers</u>. Within sixty (60) days after the Effective Date, the Town shall pay to Developers an amount equal to twenty percent (20%) of the Capital Reimbursement Fees paid by the Developers to the Town prior to the Effective Date less any amounts of such fees refunded to Developer prior to the execution of this Amendment.
 - d. <u>Capital Reimbursement Fees Previously Paid by Third Parties</u>. Within sixty (60) days after the Effective Date, the Town will pay to Developers an amount equal to twenty percent (20%) of the Capital Reimbursement Fees paid by Third Parties to the Town prior to the Effective Date less any amounts of such fees refunded to such Third Parties prior to the execution of this Amendment.
 - e. **Future Capital Reimbursement Fees to be Paid by Developers.** After the Effective Date, the Town agrees that the Developers shall receive a twenty percent (20%) credit on the current rate of Capital Reimbursement Fees, which may be assessed by the Town and owed by Developers.
 - f. Future Capital Reimbursement Fees to be Paid by Third Parties. Commencing on the 30th day after the first calendar quarter after the Effective Date, and continuing the on 30th day after each calendar quarter thereafter, the Town shall pay Developers an amount equal to twenty percent (20%) of all Capital Reimbursement Fees paid by Third Parties during the applicable quarter.
 - g. <u>Termination of Obligation</u>. The Town's obligation to reimburse Developers any of the Acreage Fees and Capital Reimbursement Fees, which are paid by Third Parties, shall terminate on the fifteenth (15th) anniversary of the Effective Date of the Agreement.

- h. <u>Dollar for Dollar Basis</u>. All amounts paid by the Town to the Developers or credited to the Capital Reimbursement Fees shall reduce the outstanding balance of the Final Approved Actual Project Costs and the Acquisition Costs owed by the Town to the Developers on a dollar for dollar basis.
- i. <u>Escrow Agent</u>. All payments due hereunder from the Town to the Developers shall be made to the Escrow Agent on behalf of the Developers.
- 6. **NO DOUBLE REIMBURSEMENT.** Notwithstanding anything contained in Paragraph 6D of the Agreement, in no event shall the aggregate of the reimbursement to Developers under Paragraph 5 of this Amendment exceed the credits/reimbursements due Developers under Paragraphs 5A and 5B of the Agreement.
- 7. **NO GUARANTEE OF FULL REIMBURSEMENT.** The Parties acknowledge that this Amendment does not guarantee that Developers will be reimbursed in full for the Final approved Actual Project Costs. The Town makes no representation or warranty that the Developers will be reimbursed in full for the Final Approved Actual Project Costs.
- 8. ANNUAL TRUE-UP PAYMENTS. The Parties agree that the reimbursements to which the Developers are entitled pursuant to the Agreement as amended by this Amendment shall be no less than the amount of reimbursements to which the Developers would have been entitled under the Agreement prior to this Amendment. Accordingly, annually and no earlier than August 1st each year commencing on August 1, 2020, the Town shall perform an internal audit (the "Annual Audit") to determine the amount Developers would have received as reimbursements under the Agreement prior to this Amendment in the preceding year as if the Town had imposed and collected Acreage Fees (in the amount reflected in exhibit 1), including an annual rate of increase equal to the then applicable annual percentage increase in the Consumer Price Index (CPI) for all Urban Consumers All Cities Average, For All Items published by the Bureau of Labor Statistics, United States Department of Labor) on the thirdparty development that occurred in the previous year and subsequently payable to the Developers pursuant to Paragraph 6B of the Agreement prior to this Amendment as a reimbursement of Third Party Acreage Fees (the "Original Agreement Reimbursement Amount"). A copy of the Annual Audit shall be provided to the Developers promptly following its completion, but no later than October 1 of each year. In the event the Annual Audit reveals that the Original Agreement Reimbursement Amount for the preceding year exceeds the amount paid by the Town to Developers pursuant to Paragraph 5 of this Amendment (the "Amendment Reimbursement Amount") for that year, the Town shall pay Developers a sum equal to the amount by which the Original Agreement Reimbursement Amount exceeds the Amendment Reimbursement Amount for that particular year (the "Annual True-Up Payment") not later than October 1 each year. Nothing herein shall require the Developers to pay the Town or to forfeit its right to reimbursement as a result of the Amendment Reimbursement Amount exceeding the Original Agreement Reimbursement Amount, or otherwise. The Annual True-Up Payments that the Town pays to the Developers shall be reimbursement of the Final Approved Actual Project Costs and Acquisition Costs and shall be applied to reduce the amount of the Final Approved Actual Project Costs and Acquisition Costs eligible to be reimbursed by the Town to the Developers dollar for dollar.

In no event shall the amounts paid to Developers under Paragraph 5 of this Amendment and the Annual True-Up Payment exceed the total credits due under Paragraph 5 of the Agreement, as amended by this Amendment.

- 9. **COMPLETION OF FACILITIES**. The Parties acknowledge that as of the date of this Amendment, the Facilities have been completed and accepted by the Town (subject to standard warranty) and that the Agreement remains in full force and effect. The Parties further acknowledge that the MOA Improvements have been partially completed and that when completion is acknowledged by the governing agency, the Approved Actual Project Costs will be adjusted in accordance with Paragraph 3 of this Amendment.
- 10. **NO OTHER MODIFICATIONS**. Except as expressed in this Amendment, the Agreement is not otherwise modified.
- 11. **EFFECTIVE DATE**. The term "**Effective Date**" as used in this Amendment shall mean the latest date on which the Parties execute this Amendment below.

[SIGNATURE PAGES FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties have entered into this Amendment as of the Effective Date.

	TOWN OF APEX, NORTH CAROLINA
[SEAL]	
	Andrew L. Havens, Town Manager
Attest:	Date:
Donna B. Hosch, Town Clerk, CMC	
STATE OF NORTH CAROLINA COUNTY OF WAKE	
came before me this day and acknowle Carolina Municipal Corporation, and the	ate aforesaid, certify that Donna B. Hosch personally dged that she is Town Clerk of the Town of Apex, a North nat by authority duly given and as the act of the was signed in its name by its Town Manager, sealed with a its Town Clerk.
Witness my hand and official stamp or	seal, this the day of, 2020.
[Signature of Notary Public]	
My Commission Expires:	
This instrument has been preaudited in the n Control Act.	nanner required by the Local Government Budget and Fiscal
Finance Director	

STANDARD PACIFIC OF THE CAROLINAS,

LLC, a Delaware limited liability company

County, North Carolina Wake

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Truy J. George

(Print name of signatory in blank)

Date: 9 19 20

My Commission Expires:

Print Name: Elisabeth Waven

[Affix Notary Stamp or Seal]

June 18,2024

ELISABETH WARREN Notary Public, North Carolina **Durham County** My Commission Expires June 18, 2024

TAYLOR MORRISON OF CAROLINAS, INC.

a North Carolina corporation

Name: Mark AH man

Title: Director of Land Development

Date: 8-19-2020

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Mark Altman

(Print name of signatory in blank)

Date: 8/19/2020

My Commission Expires: 8/14/23

[Affix Notary Stamp or Seal]

PULTE HOME COMPANY, LLC,

a Michigan limited liability company

County, NC

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Onvis Raughley

(Print name of signatory in blank)

Date: 8/24/20

My Commission Expires:

Melizu Emitana

Notary Public

Notary Public
Print Name: Melisa Smetana

[Affix Notary Stamp or Seal]



Exhibit 1
White Oak Pump Station - First Amendment to Utility Infrastructure Agreement
Estimated Original Agreement Reimbursement Amount (Subject to Annual Audit Verification)

Zoning W/S Ac Fee Project Phase Plat Book Plat Page Rec Date Acreage Weddington 2018 1068 5/31/2018 8.731 PUD CZ 4,460.00 2 2018 6/28/2018 23.733 4,460.00 1276 3 2018 2435 12/31/2018 5.155 4,460.00 4a 4b 2019 926 5/31/2019 5.00 4.460.00 8/21/2019 2019 1404 5.149 4.460.00 2019 1665 9/27/2019 16.975 4,460.00 Castleberry 2016 1290 8/17/2016 73.485 LD-CZ 3,180.00 1 2017 888 5/8/2017 9 346 3.180.00 8/11/2017 1 2017 1572 13.495 3,180.00 3 2018 2345 11/26/2018 11.47 3,180.00 10/24/2019 25.716 3,180.00 2017 1983 43007 LD-CZ \$ 3,180.00 Green Level Estates 1 18.79 Toll Enclave 1 LD 2016 423 3/22/2016 19.015 3,160.00 2 2016 2164 12/15/2016 10.173 3,180.00 4/12/2017 3,180.00 2017 Toll Regency 1580 9/24/2015 14.316 3,160.00 1A 2105 1b 2106 137 1/28/2016 11.031 3,160.00 3/22/2016 1C 2016 427 12.849 3,160.00 8/26/2016 1357 6.856 3,180.00 Gler 2016 За 2017 1/10/2017 6.02 3,180.00 3b 2017 1884 9/19/2017 10.382 3,180.00 4 2017 685 4/6/2017 11.709 3,180.00 11/8/2018 5 2018 2258 21.2 3.180.00 3/29/2018 37.824 3,180.00 2018 Crestmont MD 6/30/2016 1A 2016 983 8.54 3,810.00 18 2016 1569 9/22/2016 5.37 3,810.00 2017 2563 12/20/2017 3,810.00 2A 2b 2018 60 1/9/2018 7.83 3,810.00 3 2017 334 2/20/2017 7.87 3.810.00 11/9/2017 3,810.00 2310 19.4 4 2017 2018 3/23/2018 3,810.00 MD Pud Greenmoor 12/22/2016 4,460.00 2016 2224 22.3 2017 1027 5/30/2017 12.89 4,460.00 1C 2A 2B 2017 1675 8/25/2017 10.14 4 460 00 4.460.00 1/3/2018 10.88 2018 14 2018 100 1/19/2018 4,460.00 6.43 2C/D 2E 2018 603 3/29/2018 20.72 4,460.00 2017 2180 10/26/2017 21.54 4,460.00 2F 2G/I 10/2/2018 4.460.00 2018 1952 12.45 2018 1264 6/28/2018 17.2 4,460.00 2H 11/8/2019 4,460.00 2019 1990 4.13 2018 872 5/7/2018 4.16 4,460.00 1A 1B 4/18/2017 3,160.00 Toll Pines 2017 761 8.759 LD 3,160.00 2016 841 6/6/2016 16.715 2017 1637 8/23/2017 18.119 3,180.00 209 1/31/2018 22.871 3,180.00 TM White Oak PUD MD 1/27/2017 25.1134 4,460.00 2017 182 2017 1625 8/22/2017 5.5184 4,460.00 2A 2017 1625 8/22/2017 17.1112 4,460.00 4.460.00 2B 2018 61 1/9/2018 20.8224 2C/3C 2018 960 5/21/2018 15.7099 4,460.00 2018 2512 12/21/2018 10.9929 4,460.00

Exhibit 2								
White Oak Pump	Station	- First Amendment	to Util	ity Infrastrı	ucture Agreemer	it		
Project Costs				COLUMN "A"		C	OLUMN "B"	
						Bud	get for MOA	
			Ар	proved Actual		Im	provements	
Const Contract			C	osts Jan 2020			Costs	
Base Contract	\$	3,763,113.00	\$	3,763,113.00				
Change Order 1	\$	27,845.46	\$	27,845.46				
Change Order 2	\$	1,150.00	\$	1,150.00				
Change Order 3	\$	10,275.17	\$	10,275.17				
Change Order 4	\$	38,957.38	\$					
Change Order 5	\$	13,269.69	\$	13,269.69				
Change Order 6	\$	50,650.58	\$	19,150.58				
Change Order 7	\$	75,000.00	\$	-				
Total Contract	\$	3,980,261.28	\$	3,834,803.90				
Soft Coata								
Soft Costs	6	73,727.30	ć	73,727.30				
Easement Acq	\$		\$					
Attorney	\$	23,705.57	\$	23,705.57				
MOA Design	\$	34,362.13						
Const Admin	\$	234,765.29		42 540 50				
Permits/Fees	\$	12,518.50	\$	12,518.50				
Total Soft Costs	\$	379,078.79	\$	109,951.37				
MOA Mitigation Co	osts							
Fees Paid	\$	50,590.00	\$	50,590.00				
ATT	\$	88,978.74				\$	88,978.74	
I-40 Impoundment	\$	70,978.60				\$	70,978.60	
Beaver Creek	\$	63,905.53				\$	63,905.53	
Change Orders	\$	57,480.00				\$	57,480.00	
								Budget Cost for
								MOA
Total MOA Cost	\$	331,932.87	\$	50,590.00		\$	281,342.87	Improvements
Total Reimburse	ment							
Const Contract	\$	3,980,261.28	\$	3,834,803.90				
Soft Costs	\$	379,078.79	\$	109,951.37				
MOA Costs	\$	331,932.87	\$	50,590.00				
					Total Approved Actual			Budget Cost for MOA
Total Reimbursement	\$	4,691,272.94	\$	3,995,345.27	Costs Jan 2020	\$	281,342.87	Improvements

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Steve Adams

Department(s): Administration

Requested Motion

Motion to approve contract between the Town and Halle Properties to trade a Town owned property at Old Mill Village for a Halle owned property on Hunter Street

<u>Approval Recommended?</u>

Yes

Item Details

As a part of the ongoing effort to improve our Parks an agreement has been drafted to trade a parcel of Town owned property in Old Mill Village for a parcel on Hunter Street adjacent to the Hunter Street Park. This is to be an even exchange. Acquiring this parcel on Hunter Street will allow improvements and expansion of the park and cause the removal of an abandoned house and related structures. As a conclusion to these discussions the attached contract and exhibit maps have been developed to facilitate the transaction.

<u>Attachments</u>

- Contract for land swap between Jordan Oil and the Town of Apex
- Exhibit A of the contract Town Property
- Exhibit B of the contract Halle Property
- Exhibit C Map with both properties



WAKE COUNTY

THIS LAN	ID EXCHANGE AGREEMENT ("Agreement") is made and entered into this
day of	, 2020, by and between North Carolina II LP ("NC II") and the Town of
Apex ("Town").	

WITNESSETH:

WHEREAS, Section 160A-271 of the North Carolina General Statutes expressly provides that a city may exchange any real property belonging to the city for other real property by private negotiations if the city receives full and fair consideration in exchange for its property; and

WHEREAS, NC II and the Town desire to exchange with each other certain tracts of real property of like value.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. Land Exchange.

- (a) The Town is the owner of a certain tract of land comprising 1.441 acres located in the County of Wake, State of North Carolina, which is designated as PIN #0742-71-4334 by the Wake County Revenue Department, and is more particularly described in the deed recorded in Deed Book 16213, Page 1421, and as "Lot 5" as shown in "Recombination & Major Subdivision Final Plat Old Mill Village Lot 3 Phase 1 for Apex First Development Co, LLC," recorded in Book of Maps 2007, Page 2390-2391, Wake County Registry. The entire tract shall be known as the Town Tract.
- (b) NC II is the owner of a certain tract of land comprising 1.722 acres located in the County of Wake, State of North Carolina, which is designated as PIN #0742-53-2930 by the Wake County Revenue Department, and is more particularly described in the deed recorded in Deed Book 12626, Page 0412 and as "Lot 7" as shown in "Major Subdivision Final Plat The Villages of Apex South Village Phase 1 Lot 3 and Lot 4, Lot 5, Lot 6 and Lot 7," recorded in Book of Maps 2009, Page 05, Wake County Registry. The entire tract shall be known as the NC II Tract.
- (c) Subject to the terms and conditions of this Agreement, NC II agrees to exchange the NC II Tract for the Town Tract and the Town agrees to exchange the Town Tract for the NC II Tract (the "Exchange"). The consideration provided by each party to the other shall be the simultaneous conveyance of the NC II Tract by NC II to the Town and the conveyance of the Town Tract by the Town to NC II.

Section 2. <u>Commissions; Agency</u>.

Neither party shall be responsible for payment of any commission payable to a broker or agent arising out of this transaction except as specifically retained and agreed by that party, and each party agrees to otherwise indemnify the other, non-retaining, party from liability for any such commission.

Section 3. Cooperation.

Each party agrees to take such action and execute such documents as are reasonably necessary to enable the other party to use the property it acquires under this agreement for the use intended by the acquiring party.

Section 4. Environmental.

Each party warrants that, to the best of that party's knowledge, the property being conveyed by that party is free of underground storage tanks, pollution, contamination, hazardous materials, toxic wastes, asbestos, and products containing same, and is in compliance with all environmental regulations. Each party shall, upon signing this contract, furnish the other party with any available environmental reports or audits pertaining to the property being conveyed by that party.

Section 5. Property Condition.

Except as specifically set forth above, neither party warrants the physical condition of the property being conveyed by that party or any improvements thereon, and each tract is conveyed "as-is" as to physical condition.

Section 6. Closing.

The closing (the "Closing") of the Exchange shall occur no later than _______.

2020 (the "Closing Date"), at a location designated by the Town. At Closing, the following shall occur:

- (a) Each party shall deliver to the other party the items set forth below, to the reasonable satisfaction of each party's counsel:
 - (i) A General Warranty Deed (the "**Deed**") fully and duly executed and acknowledged by the party, that conveys to the other party the tract as provided in Section 1. Each party agrees to pay at Closing the cost of the excise tax if any due and payable in connection with recording the General Warranty Deed from it to the other party and to pay at Closing the cost of recording the General Warranty Deed to it from the other party;
 - (ii) Each party shall provide the other with an affidavit (the "Title Affidavit") stating that there are no unpaid debts for work performed on or materials provided to that

party's tract as of the Closing Date;

- (iii) Each party shall provide the other with a certificate (the "FIRPTA Certificate") executed and sworn to by it that it is not a "foreign person" as defined under Section 1445 of the Internal Revenue Code;
- (b) Each party shall pay for the cost of the title insurance policy (if any) obtained by it for the tract to be conveyed to it. Each party shall pay its own costs and expenses incurred in connection with this Agreement, including its respective attorneys' fees and any other expenses specifically allocated hereunder.
- (c) Each party shall pay the real estate taxes due on its own tract that it is conveying to the other party, or will be due in the year at closing. Each party shall be responsible for any special assessments which are owing or due on its property as of the Closing Date. The provisions of this Section shall survive the Closing.

Section 7. <u>Title</u>.

- (a) At Closing, each party shall deliver to the other the Deed, subject to Acceptable Encumbrances (as defined below), conveying to the other, an indefeasible, fee simple, marketable title to the Property, insurable at regular rates by a reputable title insurance company of Purchaser's choice (the "**Title Company**").
- (b) Within **ten** (10) **days** after the Execution Date of this Agreement, each party agrees to deliver to the other copies of all relevant title information and title policies in possession of, or reasonably available to it.
- (c) As a condition to being obligated to close, each party shall be able to obtain a commitment for a policy of title insurance insuring title to the property it will receive at standard rates from the Title Company, subject only to the following (collectively the "Acceptable Encumbrances"):
 - (i) Real property taxes for the year in which the sale and purchase shall be closed.
 - (ii) Any other exceptions that specifically approved in writing.
- (d) Acceptable Encumbrances are limited to the following: any easements to the Town of Apex.
- (e) Each party shall have until fifteen (15) days before the Closing Date within which to cause the title to the Property to be examined and then to notify the other party of any objections thereto that render title other than good, marketable and insurable. If a party so notifies the other party and the other party does not cure the title defect within **ten (10) days** of the mailing of the Notice, then notifying party shall have the right to terminate this contract by written Notice to the other party.

Section 8. Further Warranties.

The parties respectively make the following representations to each other. Such representations also shall be deemed made as of the Closing.

- (a) Each party has the full right, power, and authority to execute, deliver, and perform this Agreement.
- (b) There are no unpaid bills for labor or materials related to the tracts. There are no taxes, charges or assessments that would constitute a lien against the tracts that are unpaid other than ad valorem taxes for the current year now due and payable.
- (c) Each party has complied with all applicable laws, ordinances, regulations, and restrictions relating to its tracts.

Section 9. Notices.

Any notice required under this Agreement shall be in writing and shall be delivered in person, by certified mail, return receipt requested, or by a nationally recognized overnight delivery service. Notices shall be effective as of the time of delivery. Notices shall be addressed as follows:

<u>Го NC II</u> :	
<u>Γο Town</u> :	Drew Havens, Town Manager, Town of Apex, P.O. Box 250, Apex, NC

Either party may, at any time, and from time to time, designate in writing a substitute address by giving notice to the other party.

Section 10. Further Assurances.

Each of the parties hereto agrees to perform, execute, acknowledge and deliver and cause to be performed, executed, acknowledged and delivered all such further acts, assignments, transfers and assurances as shall reasonably be requested of it in order to carry out this Agreement. Without in any manner limiting their specific rights and obligations set forth in this Agreement, the parties declare their intention to cooperate with each other in effecting the terms of this Agreement.

Section 11. Other Terms or Conditions.

This Agreement is the entire agreement between NC II and the Town concerning the properties and no modification hereof is effective unless it be in writing and signed by the parties. This Agreement shall be binding and inure to the benefit of NC II and the Town, their heirs, legal representatives, successors and assigns.

EXECUTED the date and year noted beside the respective signatures.

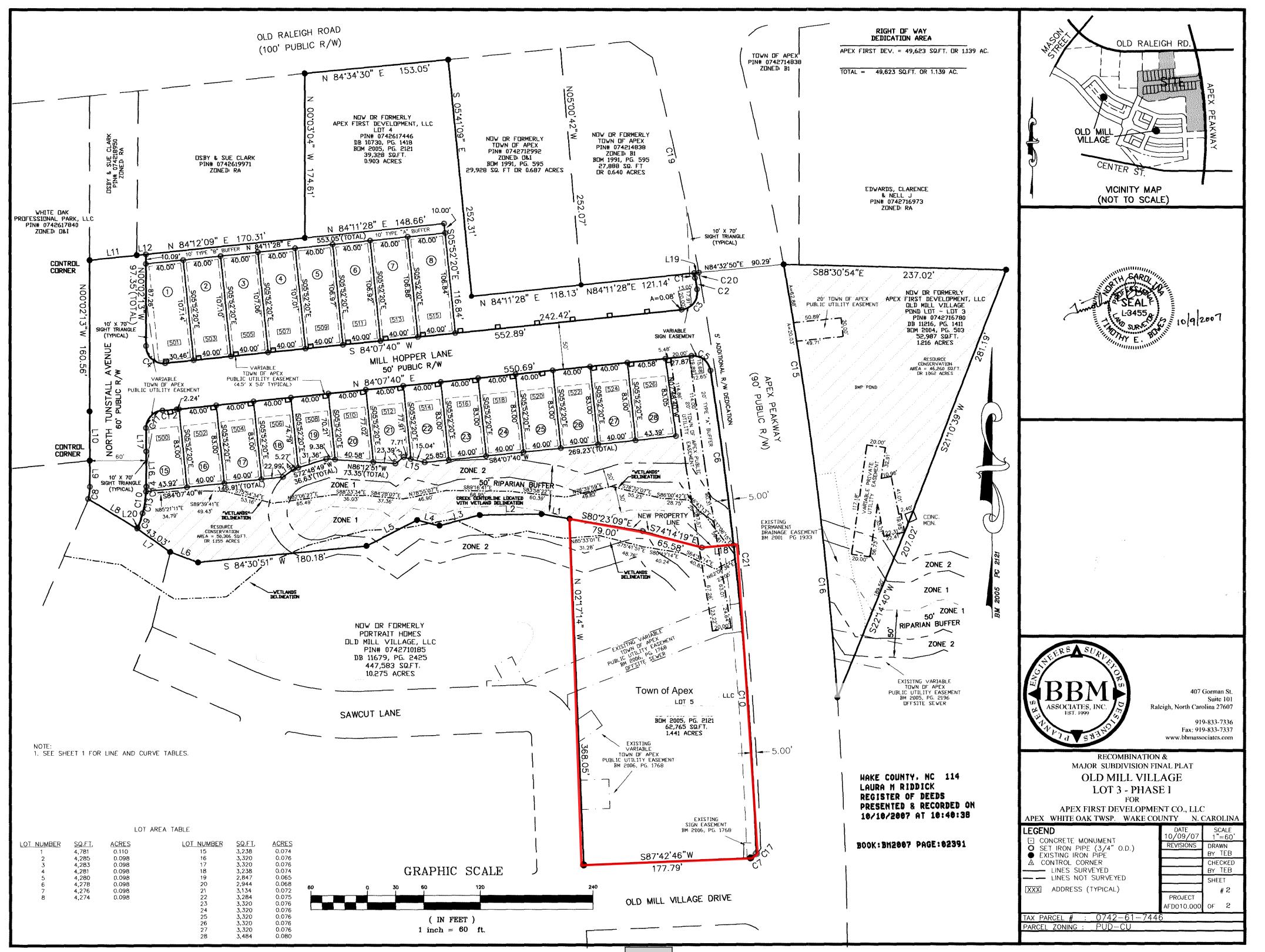
North Carolina II, LP

By:	
NORTH CAROLINA COUNTY	
I, a Notary Public of the County and State aforesaid, cappeared before me this day and acknowledged the ex Witness my hand and official stamp or seal, this of the county and State aforesaid, cappeared before me this day and acknowledged the extension of the County and State aforesaid, cappeared before me this day and acknowledged the extension of the County and State aforesaid, cappeared before me this day and acknowledged the extension of the County and State aforesaid, cappeared before me this day and acknowledged the extension of the County and State aforesaid, cappeared before me this day and acknowledged the extension of the County and State aforesaid, cappeared before me this day and acknowledged the extension of the cappeared before me this day and acknowledged the extension of the cappeared before me this day and acknowledged the extension of the cappeared before me this day and acknowledged the extension of the cappeared before me this day and acknowledged the extension of the cappeared before me this day and acknowledged the extension of the cappeared before me the cappeared before the cap	secution of the foregoing instrument.
[Signature of Notary]	
[Print of Type Notary Name]	
My Commission Expires:	

(Corporate Seal) Jacques K. Gilbert, Mayor ATTEST: Donna B. Hosch, Town Clerk STATE OF NORTH CAROLINA COUNTY OF WAKE I, a Notary Public of the County and State aforesaid, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina 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 Town Clerk. Witness my hand and official stamp or seal, this the _____ day of ________, 2020. [Notary Signature] _______, Notary Public [Print or Type Notary Name]

My Commission Expires: _____

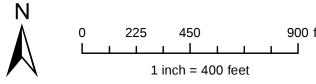
Town of Apex







Old Mill property swap



<u>Disclaimer</u>
iMaps makes every effort to produce and publish
the most current and accurate information possible.
However, the maps are produced for information purposes,
and are **NOT** surveys. No warranties, expressed or implied,
are provided for the data therein, its use, or its interpretation.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA September 15, 2020

Meeting Date:

Item Details

Presenter(s): Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director

Department(s): Streets and Finance

Requested Motion

Motion to approve Budget Ordinance Amendment No. 2 appropriating funds for the purpose of reimbursing a developer for completion of the Hasse Avenue Extension connecting the Sweetwater and Linden Subdivisions.

Approval Recommended?

Yes

Item Details

In December 2017 the Town received a fee in lieu of streets from a developer that was not required to construct the Hasse Avenue Extension to their property line per the Town's UDO Sec. 7.5.4.F. A fee-in-lieu of construction is permitted where due to environmental constraints it is not possible to construct a stub street within 10 feet of the property line. In this instance, the environmental constraint is a creek crossing, requiring a culvert across the property line. Per UDO Sec. 7.5.4.F.4, when the adjacent site plan includes completion of the street, the developer of the adjacent site shall receive the full balance of the fee-in-lieu. In this case, it is a completion of the connection started by the Sweetwater development (the first approved development) into the Linden development (the second approved development). The extension has recently been completed by Dan Ryan Builders and they are entitled to an amount equal to the fee in lieu. The transaction will also result in the extension being added to the fixed assets of the Town at a value equal to the fee.

The fee was deposited in the Transportation Capital Reserve Fund. The budget amendment will also appropriate funds to be transferred from the Reserve Fund to the General Fund to make the payment.

<u>Attachments</u>

• Budget Ordinance Amendment No. 2



BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues:

	Transfer form Transportation Capital Reserve	\$278,221							
	Total Revenues	\$278,221							
Section 2.	Section 2. Expenditures:								
	Streets-Capital Outlay-Improvements	\$278,221							
	Total Expenditures	\$278,221							

TRANSPORTATION CAPITAL RESERVE FUND

Section 3.

	Appropriated Fund Balance	\$278,221						
	Total Revenues	\$278,221						
Section 4.								
	Transfer to General Fund	\$278,221						
	Total Expenditures							
Section 3. Within five (5) days after adoption, copies of this Amendment shall be filed with the								

Section 3. Within five (5) days after adoption, copies of this Amendment shall be filed with Finance Officer and Town Clerk.

Adopted this the 15th day of September, 2020 Attest:

Jacques K. Gilbert, Mayor Donna B. Hosch, MMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter(s): Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director

Department(s): Streets and Finance

Requested Motion

Motion to approve Budget Ordinance Amendment No. 3 appropriating funds for the purpose of refunding a payment in lieu of streets made by a developer to the Town.

<u>Approval Recommended?</u>

Yes

Item Details

In September 2007 the Town received a fee in lieu of streets from Apex First Development who was not required to construct an extension of Tunstall Avenue to their property line in connection with the Old Mill Village project per the Town's UDO 7.5.4.F. A fee-in-lieu of construction is permitted where due to environmental constraints it is not possible to construct a stub street within 10 feet of the property line. In this instance, the environmental constraint is a creek crossing requiring a culvert across the property line. The expectation was that an adjacent future developer would complete this connection. In this case, adjacent parcel has been developed and the connection was not completed and it is unlikely that this connection will ever be completed. Because the funds have not been used by the Town for that purpose and the number of years which have passed, the developer has requested a refund of the fee in lieu.

The fee was deposited in the Transportation Capital Reserve Fund. The budget amendment appropriates those funds to make the payment.

Attachments

• Budget Ordinance Amendment No. 3



BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

TRANSPORTATION CAPITAL RESERVE FUND

Section	1
Section	ı.

	Appropriated Fund Balance	\$11,333						
Total Revenues								
Section 2.								
	Refund of Developer Fees	\$11,333						
	Total Expenditures	\$11,333						
	Within five (5) days after adoption, copies of this Amendment shall be filed w	rith the						

Finance Officer and Town Clerk.

Adopted this the 15th day of September, 2020

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

Item Details

Presenter: Shelly Mayo, Planner II

Department: Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for October 6, 2020 on the Question of Annexation – Apex Town Council's intent to annex Henry Steven Kastelberg, Carol B. Heelan Irrevocable Trust c/o George Heelan, Edward and Deborah Peart and Jerfi and Lisa Cicin (Heelan PUD) property containing 141.732 acres located at 8824 & 8829 New Hope Farm Road, 0 Humie Olive Road and 3108 & 3120 Olive Farm Road, Annexation #676 into the Town's corporate limits.

<u>Approval Recommended?</u>

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation. Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

Attachments

- Annexation Petition
- Legal Description
- Vicinity Map
- Resolution Directing the Town Clerk to Investigate Petition
- Certificate of Sufficiency by the Town Clerk
- Resolution Setting Date of Public Hearing



Beginning at an existing iron pipe found in Olive Farm Road (SR 1178)(60' Public Right of Way), said iron pipe being South 49°37'44" West 28,658.33 feet from NCGS monument "Staley" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point, with a line in said road the following 8 calls; South 21°48'27" West 100.04 feet to a point, thence South 12°15'17" West 100.09 feet to a point, thence South 03°45'42" West 100.03 feet to a point, thence South 01°43'47" West 100.04 feet to a point, thence South 00°11'33" East 100.03 feet to a point, thence South 10°26'03" East 99.95 feet to a point, thence South 37°21'17" East 74.79 feet to an existing iron pipe, thence South 62°11'48" East 52.88 feet to a rebar set, thence leaving said line in Olive Farm Road (SR 1178) North 82°02'43" West 78.75 feet to a rebar set on the southwestern right of way of Olive Farm Road (SR 1178)(60' Public Right of Way), thence leaving said right of way North 82°02'43" West 64.50 feet to an existing iron pipe, thence North 85°44'16" West 448.90 feet to an existing iron pipe, thence South 03°55'05" West 1,407.26 feet to an existing iron pipe, thence South 03°53'40" West 401.10 feet to an existing iron pipe, thence South 06°15'03" West 347.00 feet to a rebar set, thence North 87°04'04" West 851.57 feet to an existing iron pipe, thence North 86°43'16" West 847.07 feet to a rebar set, thence North 01°00'24" East 76.02 feet to nail found at a bent iron pipe, thence North 89°12'54" West 100.50 feet to an existing iron pipe found, thence North 00°14'54" East 1,005.76 feet to an existing iron pipe, thence North 00°16'46" East 692.82 feet to an existing iron pipe, thence North 00°15'45" East 344.53 feet to an existing iron pipe, thence North 00°15'45" East 372.44 feet to a rebar set, thence North 00°22'39" East 30.01 feet to a rebar set, thence North 00°18'40" East 30.01 feet to an existing iron pipe, thence North 00°16'16" East 344.87 feet to an existing iron pipe, thence South 89°48'42" East 617.69 feet to an existing iron pipe, thence North 06°53'33" West 580.45 feet to a point in the centerline of Humie Olive Road (SR 1142)(60' Public Right of way), thence with said centerline North 81°10'21" East 136.24 feet to a point, thence North 81°24'46" East 53.40 feet to a point, thence North 83°08'38" East 60.19 feet to a point, thence North 85°15'06" East 77.57 feet to a point, thence North 85°46'28" East 104.35 feet to a point, thence North 85°53'22" East 147.45 feet to a point, thence North 86°13'49" East 26.06 feet to a point, thence North 86°13'49" East 35.00 feet to a point, thence North 86°13'49" East 115.00 feet to a point, thence leaving said centerline South 02°39'12" West 30.17 feet to a point on the southern right of way of Hume Olive Road (SR 1142)(60' Public Right of Way), thence leaving said right of way South 02°47'15" West 621.32 feet to an existing iron pipe, thence South 00°29'09" West 225.80 feet to an existing rebar, thence North 89°34'45" East 1,224.62 feet to the point and place of Beginning containing 141.732 Acres more or less.

	П														

This document is a pub	lic record under the No	rth Carolina Public Record	Is Act and may be published on the	Town's website or disclose	d to third parties.					
Application #: 676 Fee Paid \$ 200			Submittal Date:	10/1/2019						
			Check#	11680						
TO THE TOWN COU	NCIL APEX, NORTH	PARGLINA								
	signed owners of r Apex, Wake Count		cfully request that the area d	escribed in Part 4 bel	ow be annexed					
			ntiguous (satellite) to the To description attached hereto.	• •	arolina and the					
	his annexation will , unless otherwise	ng rights-of-way for streets, i tion amendment.	railroads and other ar	eas as stated in						
Owner Informati	 (4) (4) (2) (2) 	(Cartie) (Cartie)								
Henry Steven Kas	telberg		0710-98-6889							
Owner Name (Plea	se Print)	-	Property PIN or Deed Boo	ok & Page #						
Phone			E-mail Address							
Carol B Heelan Irr		o George Heelan	0720-07-5965 & 0720-18-1967							
Owner Name (Plea	se Print)		Property PIN or Deed Boo	ok & Page #						
Phone			E-mail Address							
Edward A & Debor	rah N Peart		0720-09-3139							
Owner Name (Pleas	se Print)		Property PIN or Deed Book & Page #							
Jerfi & Lisa Cicin			0720-09-2779							
Phone			E-mail Address							
Surveyor Informa	ton 1878		indian expensive		ALSO BELLEVIOLE OF THE SECOND					
Surveyor: Robin	son & Plante, P.0	> .								
Phone: 919-8	59-6030		Fax: 919-859-6032							
E-mail Address:	ouddy@robinson	olante.com								
Annexation Summa	g energy (part)	napolicae dise		(4) (4) (4) (4) (4) (4) (4) (4) (4) (4)	Control of the Contro					
Total Acreage to be	annexed:	141.732	Reason for annexation: (select one)							
Population of acreas	ge to be annexed:	0	_ Receive Town Services X							
Existing # of housing	units:	3	Other (please specify)							
Zoning District*:		R-40W								
*if the property to b	ne anneved is not w	vithin the Town of Ar	nev's Extraterritorial Jurisdict	ion the applicant mu	et also submit					

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

Page 2 of 5

Application #:	676	_ Si	ubmittal Date:	10/1/2019
0	ANIONAIDUALS.			
	nust sign. (If additional signatur	res are neces	sary, please attach	an additional sheet.)
lencu Steven	lease Print		Im Stel	and at the
, J	Please Print	-4	0	Signature
F	Please Print			Signature
F	lease Print			Signature
F STATE OF NORTH CARC COUNTY OF WAKE	Please Print DLINA			Signature
Sworn and subscribed			, a Notary Public	for the above State and County,
this thelday o	of, oct 2019	tu	turine E	. Nolden otary Public
SEAL SEAL	NOTAPL POEN			10/20/2020
SOMPLETE IF A CORPC	entre entre en en proprieta en estado en entre en entre en entre en entre en entre entre en entre entre entre en entre en entre entr			
	id corporation has caused this in			
Secretary by order of t	ts board of Directors, this the	uay or _		, 20
SEAL	Corporate N	Name		
		D		
Attest:		Ву:	Pr	esident (Signature)
Secretary (Signature)		-		
STATE OF NORTH CAR COUNTY OF WAKE	OLINA			
			, a Notary Publi	c for the above State and County,
this theday	of, 20			
CEAL			Notar	ry Public
SEAL				
		My Cor	nmission Expires:	

Petition for Voluntary Annexation	
Application #: 676	Submittal Date: 10/1/2019
COMPLETE IF SIGNED BY INDIVIDUALS:	
All individual owners must sign. (If additional signature of the signature	res are necessary, please attach an additional sheel.) Signature Signature
Please Print	Signature
Please Print STATE OF NORTH CAROLINA COUNTY OF WAKE	Signature
Sworn and subscribed before me, <u>Kathleen</u> Methies the <u>Both</u> day of, <u>September</u> , 2019	1- Angel, a Notary Public for the above State and County, Notary Public
SEAL Kathleen M Angel NOTARY PUBLIC Wake County, State of North Carolina My Commission Expires 4-29-22	Notary Public () My Commission Expires: <u> </u>
COMPLETE IF A CORPORATION:	
In witness whereof, said corporation has caused this in Secretary by order of its Board of Directors, this the	nstrument to be executed by its President and attested by its day of
Corporate N	Name
SEAL	
Attest:	By: President (Signature)
Attest.	rresident (Signature)
Secretary (Signature)	-
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me,	a Notary Public for the above State and County,
this theday of, 20	
	Notary Public
SEAL	
	My Commission Expires:

PETITION FOR VOLUNT Application #:	ARY ANNEXATION 676	Submittal Date:	10/1/2019
and the specific specific and the restriction of the second of		Submittal Date:	10/1/2013
COMPLETE IF SIGNED BY IN	DIVIDUALS:		
	. (es are necessary, please attach a	
beinge	Hela N se Print	Derrye	J⪕_ Signature
 	se Print	V	Signature
Disa	se Print		C:
Plea	se Print		Signature
Pleas	se Print	_	Signature
	se Print		Signature
STATE OF NORTH CAROLIN COUNTY OF WAKE			
Sworn and subscribed befo	oreme Saras C	lifton a Notary Public	for the above State and County,
this the 25 day of.	September, 2019.	, a restary rabile	are above state and county,
,	- AND	Clarab	. Ceef er
CEAL	HARA S. C.	No	tary Public
SEAL	10 MOIN		
	× s.	My Commission Expires:	1-10-2020
COMPLETE IF A CORPORATI	BLIC		
	A Constitution C	(A)	
	orporation has caused this ins	trument to be executed by its P	
	Corporate Na	me	
SEAL			
		Ву:	
Attest:		Pre	sident (Signature)
Secretary (Signature)			
STATE OF NORTH CAROLIN COUNTY OF WAKE	IA .		
Sworn and subscribed befo	ore me,	a Notary Public	for the above State and County,
	, 20		
		Notary	Public
SEAL		Notary	FUNIC
		14.0	
		My Commission Expires:	

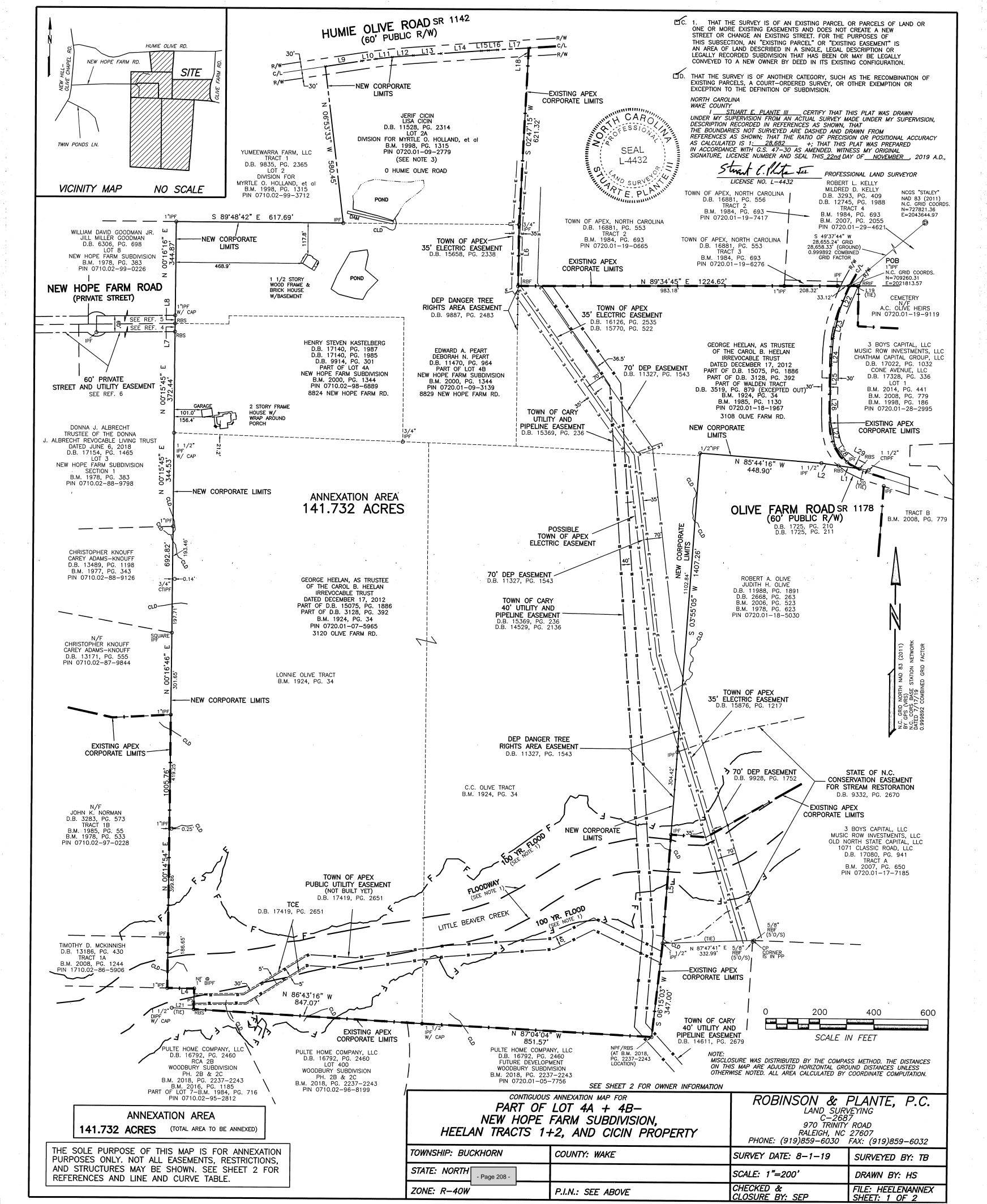
AGENT AUTHORIZA	TION FORM
Application #:	676 Submittal Date: 10/1/2019
CAROL B HEELAN II	RREVOCABLE TRUST is the owner* of the property for which the attached
application is being	submitted:
✓ Land Use	Amendment
☑ Rezoning:	For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
Site Plan	
Subdivisio	n
□ Variance	
☐ Other:	
The property address	3108 OLIVE FARM RD (0720-18-1967) & 3120 OLIVE FARM RD (0720-07-5965)
The agent for this pro	oject is: M/I Homes of Raleigh, LLC
☐ I am the	owner of the property and will be acting as my own agent
Agent Name:	Erica Leatham
Address:	1511 Sunday Drive Ste 100 Raleigh, NC 27607
Telephone Number:	
E-Mail Address:	
	Signature(s) of Owner(s)*
	Leone Heelen
	Jeorge Heelen Sept. 25,201
	Type or print name Date
	Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

Beginning at an existing iron pipe found in Olive Farm Road (SR 1178)(60' Public Right of Way), said iron pipe being South 49°37'44" West 28,658.33 feet from NCGS monument "Staley" having N.C. Grid Coordinates (NAD83/2011) of N=727,821.36, E=2,043,644.97, thence from said Beginning point, with a line in said road the following 8 calls; South 21°48'27" West 100.04 feet to a point, thence South 12°15'17" West 100.09 feet to a point, thence South 03°45'42" West 100.03 feet to a point, thence South 01°43'47" West 100.04 feet to a point, thence South 00°11'33" East 100.03 feet to a point, thence South 10°26'03" East 99.95 feet to a point, thence South 37°21'17" East 74.79 feet to an existing iron pipe, thence South 62°11'48" East 52.88 feet to a rebar set, thence leaving said line in Olive Farm Road (SR 1178) North 82°02'43" West 78.75 feet to a rebar set on the southwestern right of way of Olive Farm Road (SR 1178)(60' Public Right of Way), thence leaving said right of way North 82°02'43" West 64.50 feet to an existing iron pipe, thence North 85°44'16" West 448.90 feet to an existing iron pipe, thence South 03°55'05" West 1,407.26 feet to an existing iron pipe, thence South 03°53'40" West 401.10 feet to an existing iron pipe, thence South 06°15'03" West 347.00 feet to a rebar set, thence North 87°04'04" West 851.57 feet to an existing iron pipe, thence North 86°43'16" West 847.07 feet to a rebar set, thence North 01°00'24" East 76.02 feet to nail found at a bent iron pipe, thence North 89°12'54" West 100.50 feet to an existing iron pipe found, thence North 00°14'54" East 1,005.76 feet to an existing iron pipe, thence North 00°16'46" East 692.82 feet to an existing iron pipe, thence North 00°15'45" East 344.53 feet to an existing iron pipe, thence North 00°15'45" East 372.44 feet to a rebar set, thence North 00°22'39" East 30.01 feet to a rebar set, thence North 00°18'40" East 30.01 feet to an existing iron pipe, thence North 00°16'16" East 344.87 feet to an existing iron pipe, thence South 89°48'42" East 617.69 feet to an existing iron pipe, thence North 06°53'33" West 580.45 feet to a point in the centerline of Humie Olive Road (SR 1142)(60' Public Right of way), thence with said centerline North 81°10'21" East 136.24 feet to a point, thence North 81°24'46" East 53.40 feet to a point, thence North 83°08'38" East 60.19 feet to a point, thence North 85°15'06" East 77.57 feet to a point, thence North 85°46'28" East 104.35 feet to a point, thence North 85°53'22" East 147.45 feet to a point, thence North 86°13'49" East 26.06 feet to a point, thence North 86°13'49" East 35.00 feet to a point, thence North 86°13'49" East 115.00 feet to a point, thence leaving said centerline South 02°39'12" West 30.17 feet to a point on the southern right of way of Hume Olive Road (SR 1142)(60' Public Right of Way), thence leaving said right of way South 02°47'15" West 621.32 feet to an existing iron pipe, thence South 00°29'09" West 225.80 feet to an existing rebar, thence North 89°34'45" East 1,224.62 feet to the point and place of Beginning containing 141.732 Acres more or less.



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B.M. 2000, PG. 1344
PIN 0710.02—98—6889
8824 NEW HOPE FARM RD.
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PART OF LOT 4B
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PIN 0720.01—09—3139
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60' PRIVATE STREET
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B.M. 1977, PG. 799
B.M. 1977, PG. 878
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B.M. 1977, PG. 329
B.M. 1981, PG. 365

- 1. THE PROPERTY IS IN THE 100 YR. FLOOD AND FLOODWAY, ZONE AE, BY FEMA FIRM MAP NO. 3720071000K PANEL 0710, EFFECTIVE DATE 2/2/2007 AND FIRM MAP NO. 3720072000J PANEL 0720, EFFECTIVE DATE 5/2/2006. 100 YR. FLOOD AND FLOODWAY LINES TAKEN FROM NCFLOODMAPS.COM ON 8/2/19.
- 2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. NO TITLE EXAMINATION HAS BEEN DONE BY ROBINSON & PLANTE, P.C.
- 3. CICIN PROPERTY WAS NOT FIELD SURVEYED AT THIS TIME. BOUNDARY SHOWN TAKEN FORM B.M. 1998, PG. 1315. NO EASEMENTS, RESTRICTIONS, OR STRUCTURES HAVE BEEN SHOWN FOR THIS PROPERTY.

C. 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WAKE COUNTY

I STUART E. PLANTE III CERTIFY THAT THIS PLAT WAS DRAWN
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION,
DESCRIPTION RECORDED IN REFERENCES AS SHOWN, THAT
THE BOUNDARIES NOT SURVEYED ARE DASHED AND DRAWN FROM
REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY
AS CALCULATED IS 1: 28,682 +; THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL
SIGNATURE, LICENSE NUMBER AND SEAL THIS 22nd DAY OF NOVEMBER, 2019 A.D.,

Strukt. Plater PROFESSIONAL LAND SURVEYOR LICENSE NO. 1-4432



RECORDED IN PLAT BOOK PAGE_ OWNERS:

JERIF AND LISA CICIN 104 CORSICA LN. CARY. NC 27511 DEBORAH AND EDWARD PEART 8829 NEW HOPE FARM RD. NEW HILL, NC 27562 HENRY STEVEN KASTELBERG 8824 NEW HOPE FARM RD. NEW HILL, NC 27562 GEORGE HEELAN TRUSTEE 12940 DORMAN RD., APT. 2206 PINEVILLE, NC 28134 LEGEND

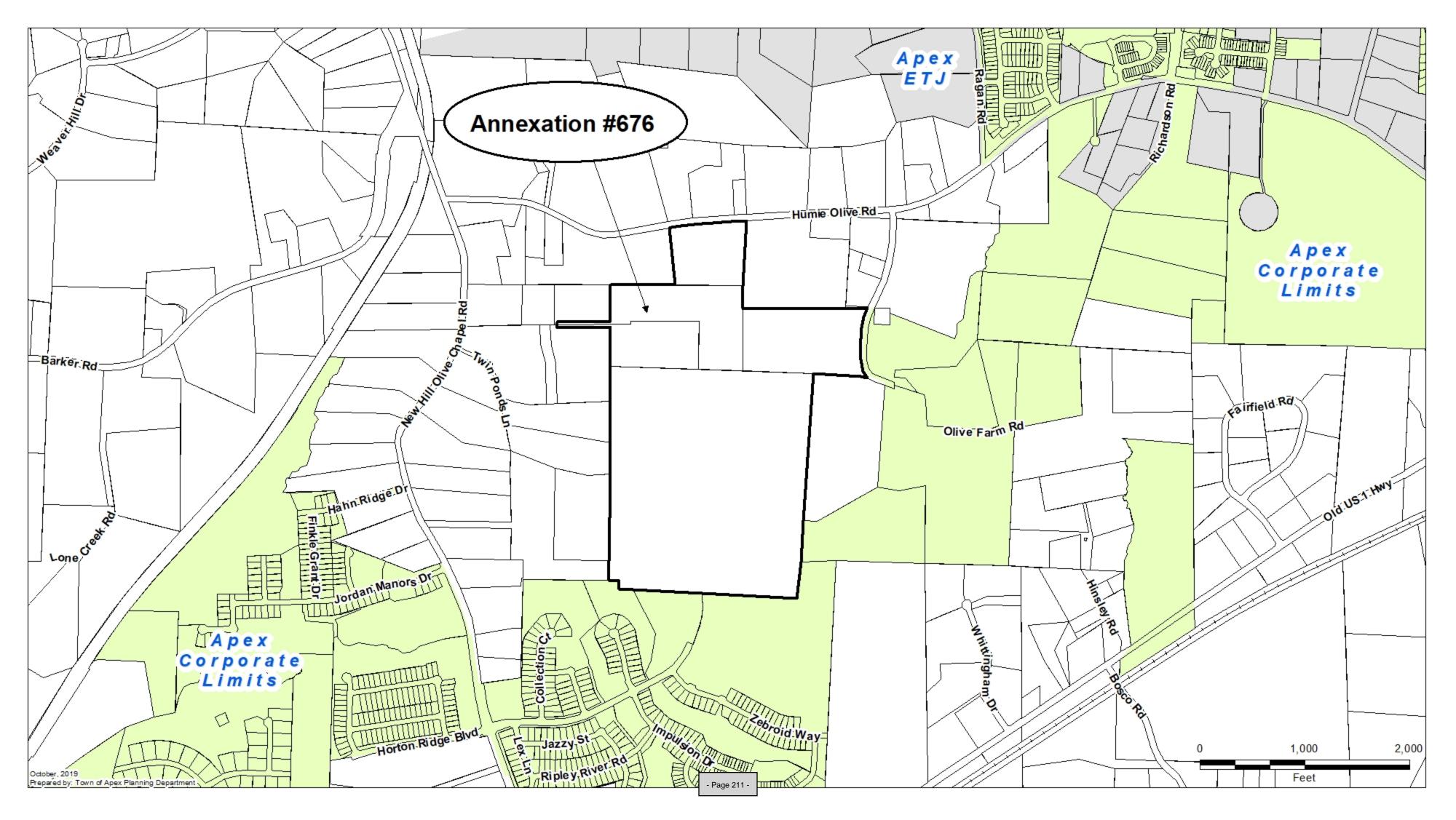
(X)-CALCULATED POINT
(BIPF)-BENT IRON PIPE FOUND
(IPF)-IRON PIPE FOUND (DIPF)—DISTURBED IRON PIPE FOUND
(RRIF)—RAILROAD IRON FOUND
(RBF)—REBAR FOUND
(RBS)—REBAR SET (NE)-REDAR SET
(NF)-NAIL FOUND
(CTIPF)-CRIMP TOP IRON PIPE FOUND
(DEP)-DUKE ENERGY PROGRESS
(CLD)-CENTERLINE DITCH
(TCE)-TEMPORARY CONSTRUCTION EASEMENT (POB)-POINT OF BEGINNING

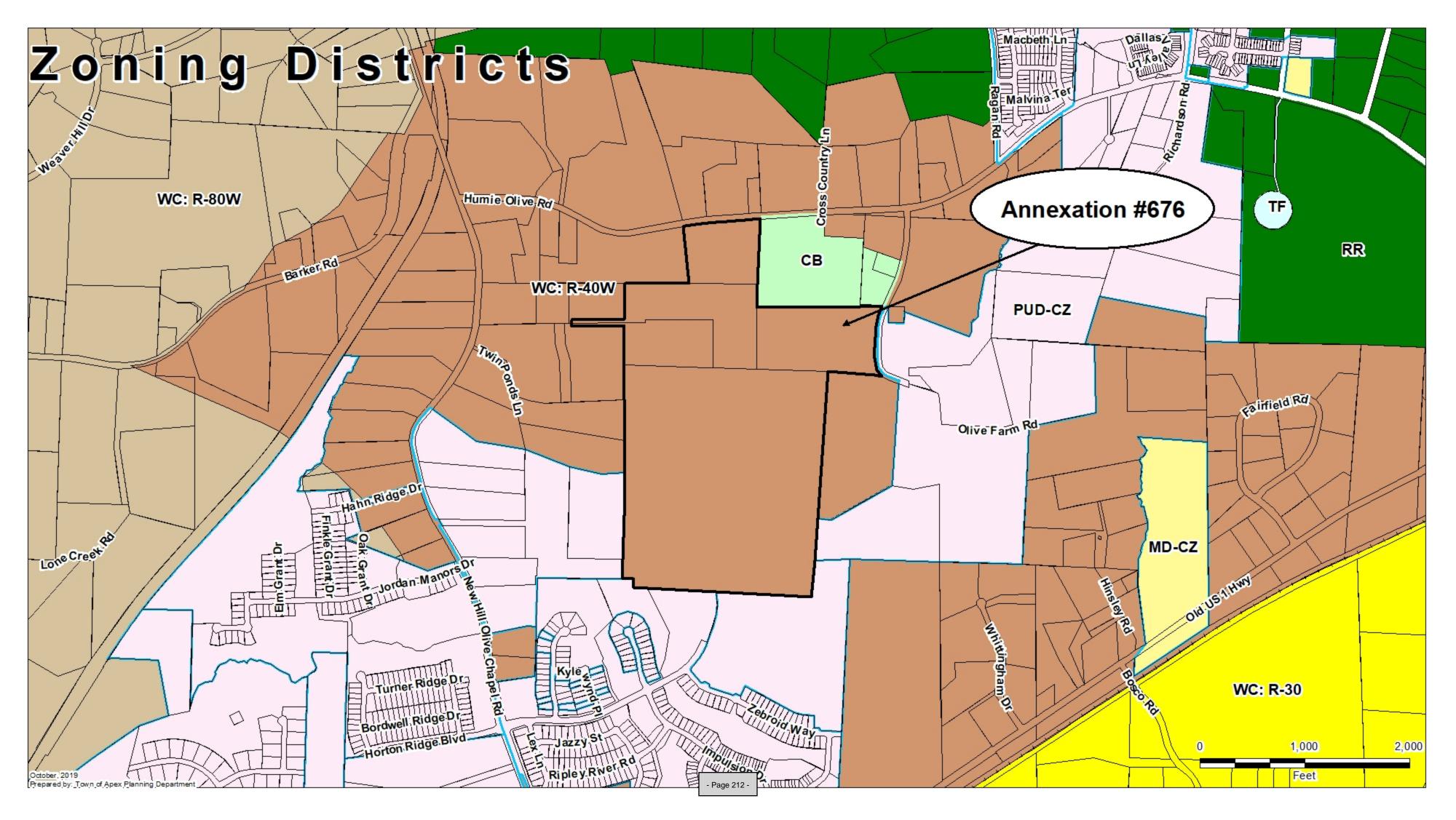
	LINE TABLE	
LINE	BEARING	DISTANCE
L1	N 82'02'43" W	78.75'
L2	N 82'02'43" W	64.50'
L3	N 01'00'24" E	76.02
L4	N 89"12'54" W	100.50'
L5	S 03'53'40" W	401.10
L6	S 00'29'09" W	225.80'
L7	N 00°22'39" E	30.01
L8	N 00'18'40" E	30.01
L9	N 81°10'21" E	136.24
L10	N 81°24'46" E	53.40'
L11	N 83"08'38" E	60.19'
L12	N 85'15'06" E	77.57'
L13	N 85'46'28" E	104.35'
L14	N 85'53'22" E	147.45'
L15	N 86"13"49" E	26.06'
L16	N 86'13'49" E	35.00'
L17	N 86"13'49" E	115.00'
L18	S 02'39'12" W	30.17'
L19	N 89'34'45" E	33.65' 33.58'
L20	S 82'02'43" E	33.58'
L21	N 86'43'16" W	81.79'
L22	S 21'48'27" W	100.04
L23	S 12'15'17" W	100.09
L24	S 03'45'42" W	100.03
L25	S 01'43'47" W	100.04
L26	S 00°11'33" E	100.03
L27	S 10'26'03" E	99.95'
L28	S 37°21'17" E	74.79'
L29	S 62'11'48" E	52.88'

PART NEW HO	OF LOT 4A + 4B— PE FARM SUBDIVISION, 5 1+2, AND CICIN PROPERTY	LAND SUI C-26 970 TRINIT RALEIGH, NO	ROBINSON & PLANTE, P.C. LAND SURVEYING C-2687 970 TRINITY ROAD RALEIGH, NC 27607 PHONE: (919)859-6030 FAX: (919)859-6032						
TOWNSHIP: BUCKHORN	COUNTY: WAKE	SURVEY DATE: 8-1-19	SURVEYED BY: TB						
STATE: NORTH CAROLINA		SCALE: 1"=200"	DRAWN BY: HS						
ZONE: R-40W	P.I.N.: SEE ABOVE	CHECKED & CLOSURE BY: SEP	FILE: HEELENANNEX SHEET: 2 OF 2						

- Page 209 -









RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE PETITION RECEIVED UNDER G.S.§ 160A-31

Annexation Petition#676 Heelan PUD

WHEREAS, G.S. §160-A 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of her investigation.

This the 15th day of September 2020.

	Jacques K. Gilbert Mayor	
ATTEST:		
Donna B. Hosch, MMC, NCCMC Town Clerk		



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #676 Heelan PUD

To: The Town Council of the Town of Apex, North Carolina

I, Donna B. Hosch, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 15th day of September 2020.

Donna B. Hosch, MMC, NCCMC Town Clerk

(Seal)

															E				

This document is a pr	ublic record under the No	rth Carolina Public Recor	ds Act and may be published on the	Town's website or disclose	ed to third parties.				
Application #:	676		Submittal Date:	10/1/2019					
Fee Paid	\$ 200		Check #	11680					
To THE TOWN CO	UNCIL APEX, NORTH	CAROLINA			Color The Color				
	ersigned owners of r of Apex, Wake Coun		tfully request that the area o	described in Part 4 be	low be annexed				
			ntiguous (satellite) to the To description attached hereto	• •	arolina and the				
	this annexation will f), unless otherwise		ing rights-of-way for streets, ation amendment.	railroads and other a	reas as stated in				
Owner Informa	iton (1886)		Control of the Contro		1105 Teach				
Henry Steven Ka	stelberg		0710-98-6889						
Owner Name (Ple	ase Print)	-	Property PIN or Deed Bo	ok & Page #	***************************************				
Phone			E-mail Address						
	rrevocable Trust c/	o George Heelan	0720-07-5965 & 0720-18-1967						
Owner Name (Ple		- Coolgo I Toolai	Property PIN or Deed Book & Page #						
•	•		, ,	5					
Phone			E-mail Address						
Edward A & Deb	orah N Peart		0720-09-3139						
Owner Name (Ple			Property PIN or Deed Bo	ok & Page #					
Jerfi & Lisa Cicin			0720-09-2779						
Phone			E-mail Address						
Surveyor Inform	ation			1977					
Surveyor: Robi	nson & Plante, P.0) ,							
Phone: 919-	859-6030		Fax: 919-859-6032						
E-mail Address:	buddy@robinson	olante.com							
Annexation Summ	any Chart	To provide the second		Walls Supply	per finances				
Total Acreage to b	e annexed:	141.732	Reason for annexation: (select one)					
Population of acre	age to be annexed:	0	Receive Town Services		X				
Existing # of housing	ng units:	3	Other (please specify)						
Zoning District*:		R-40W							
*If the property to	be annexed is not w	vithin the Town of A	pex's Extraterritorial Jurisdict	tion, the applicant mu	st also submit				

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

Page 2 of 5

PETITION FOR VC	DLUNTARY ANNEXATION			Company of the Compan
Application #:	676		Submittal Date:	10/1/2019
Comment in Signifi	PY INDIVIDUALS:		Signal and the second s	
All individual owner	s must sign. (If additional signa	tures are ne	cessary, please attach	an additional speet.)
	Please Print		Jum Stel	ver fatelly c
7. n. y . v	Please Print		1	Signature
			U	
	Please Print			Signature
· · · · · · · · · · · · · · · · · · ·	Please Print			Signature
STATE OF NORTH C	Please Print AROLINA			Signature
Sworn and subscrib	ed before me, Cetherine E.	walder	a Notary Public	for the above State and County,
this theld		a	_	
	WINE E		echerene ?	. Nolden otary Public
SEAL 3	S NOTAA, DEEN			10 20 2020
	Zy WBLIC		n de Santa de La Carlo de Andreiro de Carlo de C	
COMPLETE FA COR	PCCATCO:	e de l'accessor de la company	and the substitute of the section of the	
	, said corporation has caused thi			
Secretary by order	of its Board of Directors, this the	day 0	or	, 20
CEAL	Corporat	e Name		
SEAL				
AAA		By:	Dr	esident (Signature)
Attest:			.,	esident (signature)
Secretary (Signatur	e)			
STATE OF NORTH C	AROLINA			
Sworn and subscrib	ed before me,		, a Notary Publi	c for the above State and County,
	ay of, 20			
			Nota	ry Public
SEAL				,
		Mv	Commission Expires:	
		,		

Petition for Voluntary Annexation	
Application #: 676	Submittal Date: 10/1/2019
COMPLETE IF SIGNED BY INDIVIDUALS:	
All individual owners must sign. (If additional signature of the signature	res are necessary, please attach an additional sheel.) Signature Signature
Please Print	Signature
Please Print STATE OF NORTH CAROLINA COUNTY OF WAKE	Signature
Sworn and subscribed before me, <u>Kathleen</u> Methies the <u>Both</u> day of, <u>September</u> , 2019	1- Angel, a Notary Public for the above State and County, Notary Public
SEAL Kathleen M Angel NOTARY PUBLIC Wake County, State of North Carolina My Commission Expires 4-29-22	Notary Public () My Commission Expires: <u> </u>
COMPLETE IF A CORPORATION:	
In witness whereof, said corporation has caused this in Secretary by order of its Board of Directors, this the	nstrument to be executed by its President and attested by its day of
Corporate N	Name
SEAL	
Attest:	By: President (Signature)
Attest.	rresident (Signature)
Secretary (Signature)	-
STATE OF NORTH CAROLINA COUNTY OF WAKE	
Sworn and subscribed before me,	a Notary Public for the above State and County,
this theday of, 20	
	Notary Public
SEAL	
	My Commission Expires:

PETITION FOR VOLUNT Application #:	ARY ANNEXATION 676	Submittal Date:	10/1/2019
and the specific specific and the restriction of the second of		Submittal Date:	10/1/2013
COMPLETE IF SIGNED BY IN	DIVIDUALS:		
	. (es are necessary, please attach a	1
beinge	Heela N se Print	Derrye	Jacks Signature
 	se Print	V	Signature
Disa	se Print		Cimaka
Plea	se Print		Signature
Pleas	se Print	_	Signature
	se Print		Signature
STATE OF NORTH CAROLIN COUNTY OF WAKE			
Sworn and subscribed befo	oreme Saras C	lifton a Notary Public	for the above State and County,
this the 25 day of.	September, 2019.	, a Notal y 1 dolle	ior the above state and county,
,	- ANTENNA -	Clarabo	Celler
CEAL	HARA S. C.	No	tary Public
SEAL	9 4074		
	S S	My Commission Expires:	1-10-2020
COMPLETE IF A CORPORATI	BLIC		
	A Constitution S		
		strument to be executed by its P	
	Corporate Na	nme	
SEAL			
		Ву:	
Attest:		Pres	sident (Signature)
Secretary (Signature)			
STATE OF NORTH CAROLIN COUNTY OF WAKE	IA .		
Sworn and subscribed befo	ore me,	a Notary Public	for the above State and County,
	, 20		
		Notary	Dublic
SEAL		NOtary	FUDIIC
		16.0	
		My Commission Expires:	

AGENT AUTHORIZAT	ION FORM
Application #:	676 Submittal Date: 10/1/2019
CAROL B HEELAN IRE	REVOCABLE TRUST is the owner* of the property for which the attached
application is being su	bmitted:
✓ Land Use An	nendment
а	or Conditional Zoning and Planned Development rezoning applications, this uthorization includes express consent to zoning conditions that are agreed to by the agent which will apply if the application is approved.
✓ Site Plan	
☑ Subdivision	
☐ Variance	
□ Other:	
The property address i	s: 3108 OLIVE FARM RD (0720-18-1967) & 3120 OLIVE FARM RD (0720-07-5965)
The agent for this proj	ect is: M/I Homes of Raleigh, LLC
☐ I am the o	owner of the property and will be acting as my own agent
Agent Name:	Erica Leatham
Address:	1511 Sunday Drive Ste 100 Raleigh, NC 27607
Telephone Number:	
E-Mail Address:	
	Signature(s) of Owner(s)* Heory Heelen George Heelen Sept. 25, 201
	Type or print name Sept. 25, 201 Date
	Type or print name Date

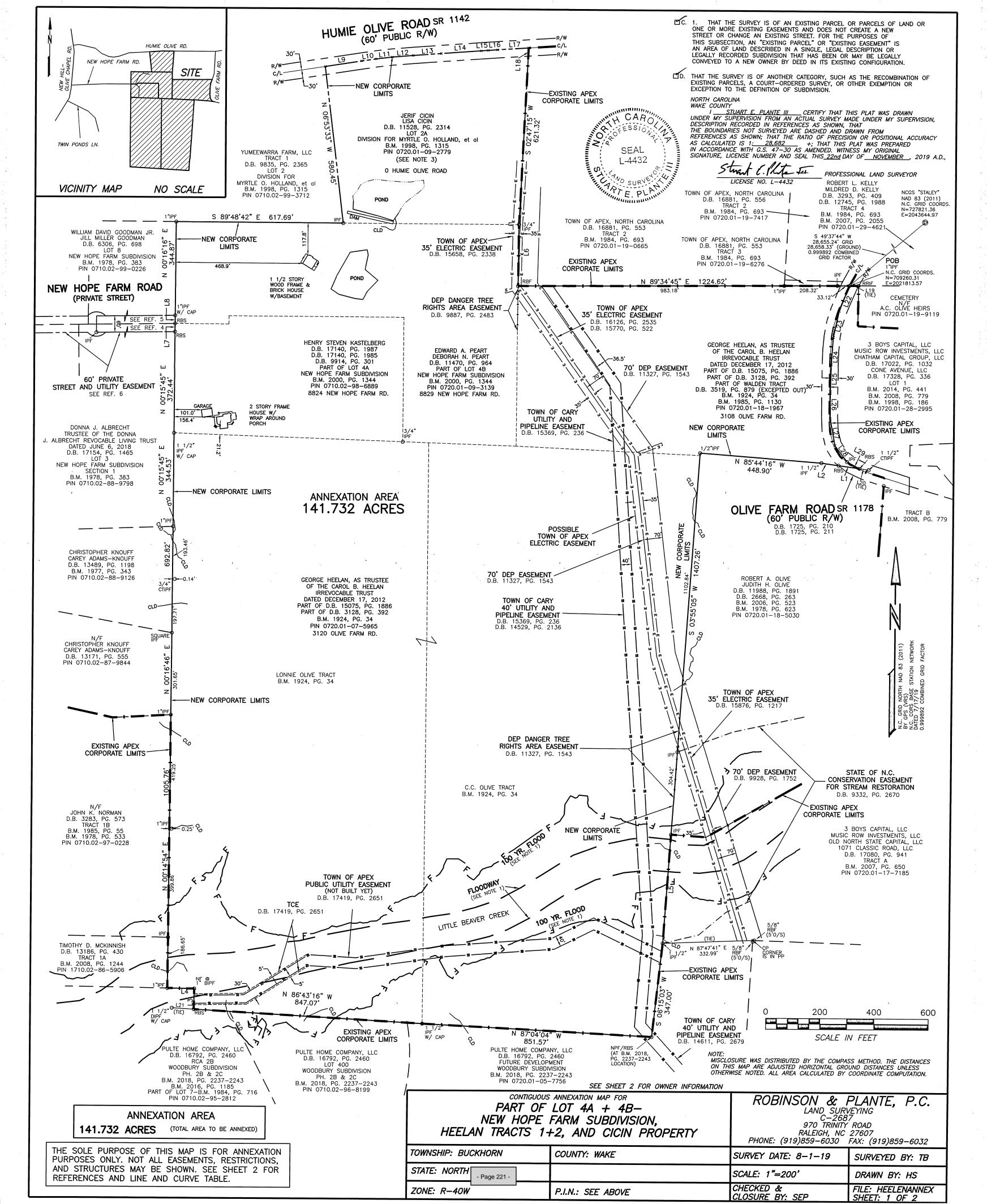
Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

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Zoning Application

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B.M. 1977, PG. 878
B.M. 1977, PG. 878
B.M. 1977, PG. 329
B.M. 1981, PG. 365

- 1. THE PROPERTY IS IN THE 100 YR. FLOOD AND FLOODWAY, ZONE AE, BY FEMA FIRM MAP NO. 3720071000K PANEL 0710, EFFECTIVE DATE 2/2/2007 AND FIRM MAP NO. 3720072000J PANEL 0720, EFFECTIVE DATE 5/2/2006. 100 YR. FLOOD AND FLOODWAY LINES TAKEN FROM NCFLOODMAPS.COM ON 8/2/19.
- 2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. NO TITLE EXAMINATION HAS BEEN DONE BY ROBINSON & PLANTE, P.C.
- 3. CICIN PROPERTY WAS NOT FIELD SURVEYED AT THIS TIME. BOUNDARY SHOWN TAKEN FORM B.M. 1998, PG. 1315. NO EASEMENTS, RESTRICTIONS, OR STRUCTURES HAVE BEEN SHOWN FOR THIS PROPERTY.

C. 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WAKE COUNTY

I STUART E. PLANTE III CERTIFY THAT THIS PLAT WAS DRAWN
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION,
DESCRIPTION RECORDED IN REFERENCES AS SHOWN, THAT
THE BOUNDARIES NOT SURVEYED ARE DASHED AND DRAWN FROM
REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY
AS CALCULATED IS 1: 28,682 +; THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL
SIGNATURE, LICENSE NUMBER AND SEAL THIS 22nd DAY OF NOVEMBER, 2019 A.D.,

Strukt. Plater PROFESSIONAL LAND SURVEYOR LICENSE NO. 1-4432



RECORDED IN PLAT BOOK PAGE_ OWNERS:

JERIF AND LISA CICIN 104 CORSICA LN. CARY. NC 27511 DEBORAH AND EDWARD PEART 8829 NEW HOPE FARM RD. NEW HILL, NC 27562 HENRY STEVEN KASTELBERG 8824 NEW HOPE FARM RD. NEW HILL, NC 27562 GEORGE HEELAN TRUSTEE 12940 DORMAN RD., APT. 2206 PINEVILLE, NC 28134

LEGEND

(X)-CALCULATED POINT
(BIPF)-BENT IRON PIPE FOUND
(IPF)-IRON PIPE FOUND (IFF)—IRON FIFE FOUND
(DIPF)—DISTURBED IRON PIPE FOUND
(RRIF)—RAILROAD IRON FOUND
(RBF)—REBAR FOUND
(RBS)—REBAR SET (NE)-REDAR SET
(NF)-NAIL FOUND
(CTIPF)-CRIMP TOP IRON PIPE FOUND
(DEP)-DUKE ENERGY PROGRESS
(CLD)-CENTERLINE DITCH
(TCE)-TEMPORARY CONSTRUCTION EASEMENT

LINE TABLE						
LINE	BEARING	DISTANCE				
L1	N 82'02'43" W	78.75'				
L2	N 82'02'43" W	64.50'				
L3	N 01'00'24" E	76.02'				
L4	N 89"12'54" W	100.50'				
L5	S 03'53'40" W	4 01.10'				
L6	S 00°29'09" W	225.80'				
L7	N 00°22'39" E	30.01				
L8	N 00'18'40" E	30.01				
L9	N 81°10'21" E	136.24				
L10	N 81°24'46" E	53.40'				
L11	N 83"08'38" E	60.19'				
L12	N 85'15'06" E	77.57'				
L13	N 85'46'28" E	104.35'				
L14	N 85'53'22" E	147.45'				
L15	N 86'13'49" E	26.06'				
L16	N 86'13'49" E	35.00'				
L17	N 86°13'49" E	115.00'				
L18	S 02'39'12" W	30.17'				
L19	N 89'34'45" E	33.65'				
L20	S 82'02'43" E	33.58'				
L21	N 86'43'16" W	81.79'				
L22	S 21'48'27" W	100.04				
L23	S 12'15'17" W	100.09				
L24	S 03'45'42" W	100.03'				
L25	S 01°43'47" W	100.04				
L26	S 00°11'33" E	100.03				
L27	S 10'26'03" E	99.95'				
L28	S 37°21'17" E	74.79'				
L29	S 62'11'48" E	52.88'				

PART C NEW HOP	OUS ANNEXATION MAP FOR OF LOT 4A + 4B— E FARM SUBDIVISION, 1+2, AND CICIN PROPERTY	LAND SUF C-26 970 TRINIT RALEIGH, NO	ROBINSON & PLANTE, P.C. LAND SURVEYING C-2687 970 TRINITY ROAD RALEIGH, NC 27607 PHONE: (919)859-6030 FAX: (919)859-6032		
TOWNSHIP: BUCKHORN	COUNTY: WAKE	SURVEY DATE: 8-1-19	SURVEYED BY: TB		
STATE: NORTH CAROLINA		SCALE: 1"=200'	DRAWN BY: HS		
ZONE: R-40W	P.I.N.: SEE ABOVE	CHECKED & CLOSURE BY: SEP	FILE: HEELENANNEX SHEET: 2 OF 2		

Property Owner



Wake County Real Estate Data **Account Summary**

PIN # 0710986889

<u>iMaps</u> Tax Bills

Account

Search

Property Location Address

Property Description

LO4A RCMB NEW HOPE FARM SUB BM2000-01344

Pin/Parcel History Search Results New Search NORTH CAROLINA Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

KASTELBERG, HEN (Use the Deeds link to		- 11	8824 NEW HO NEW HILL NC	PE FARM RD	- 11	8824 NEW HOPE FA NEW HILL NC 27562	RM RD	
Administrative Data		Transfer	Information		Ass	essed Value		
Old Map #	691-00000-0048							
Map/Scale	0710 02	Deed Date	е	5/30/2018	Land	d Value Assessed	\$444,780	
vcs	03WC900	Book & Pa	age	17140 1987	Bldg	ı. Value Assessed	\$382,090	
City		Revenue	Revenue Stamps					
Fire District	23	Pkg Sale	Pkg Sale Date 11/3/1982					
Township	BUCKHORN	Pkg Sale	Price	\$58,000	Tax	Tax Relief		
Land Class	R-<10-HS	Land Sale	e Date					
ETJ	WC	Land Sale	Price		Lan	d Use Value		
Spec Dist(s)					Use	Value Deferment		
Zoning	R-40W	Improven	nent Summary		Hist	oric Deferment		
History ID 1			,		Tota	l Deferred Value		
History ID 2		Total Units	S	1				
Acreage	8.86	Recycle U		1				
Permit Date	4/29/2011	Apt/SC Sc		-	Use	/Hist/Tax Relief		
Permit #	0000112142	Heated Ar	•	3,377	Asse	essed		
					Tota	l Value Assessed*	\$826,870	

Owner's Mailing Address

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.

^{*}Wake County assessed building and land values reflect the market value as of January 1, 2020, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.



History ID 2

Permit Date

Acreage

Permit #

Wake County Real Estate Data Account Summary

iMaps Tax Bills

Real Estate ID **0047551** PIN # **0720075965**

Account Search

Location Address
3120 OLIVE FARM RD

NORTH CAROLINA Account | Buildings | Land | Deeds | Notes |

Property Description
FONNIE OLIVE LAND

Pin/Parcel History Search Results New Search
Notes | Sales | Photos | Tax Bill | Map

0

0

Use/Hist/Tax Relief

Total Value Assessed*

Assessed



\$10,465

\$2.965.872

Property Owner CAROL B HEELAN II (Use the Deeds link to		UST al owners) Owner's Mailin 10046 BISHOF PINEVILLE NO	S GATE BLVD	Property Location Add 3120 OLIVE FARM RI APEX NC 27502-9632)
Administrative Data		Transfer Information		Assessed Value	
Old Map #	691-00000-0004				
Map/Scale	0720 01	Deed Date	12/27/2012	Land Value Assessed	\$2,965,872
VCS	03WC900	Book & Page	15075 1886	Bldg. Value Assessed	
City		Revenue Stamps			
Fire District	23	Pkg Sale Date	6/6/1983		
Township	BUCKHORN	Pkg Sale Price		Tax Relief	
Land Class	FOR-FARM	Land Sale Date			
ETJ	WC	Land Sale Price		Land Use Value	\$10,465
Spec Dist(s)				Use Value Deferment	\$2,955,407
Zoning	R-40W	Improvement Summary	,	Historic Deferment	
History ID 1				Total Deferred Value	\$2,955,407

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

Total Units

Recycle Units

Apt/SC Sqft

Heated Area

91.00

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Wake County Real Estate Data Account Summary

<u>iMaps</u> Tax Bills

Real Estate ID 0047552

PIN # 0720181967

Account Search

Location Address
3108 OLIVE FARM RD

Property Description WALDEN LD

NORTH CAROLINA Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map



Property Owner
CAROL B HEELAN IRREVOCABLE TRUST
HEELAN, GEORGE /TR

Owner's Mailing Address 10046 BISHOPS GATE BLVD PINEVILLE NC 28134-6568 Property Location Address 3108 OLIVE FARM RD APEX NC 27502-9632

(Use the Deeds link to view any additional owners)							
Administrative Data		Transfer Information		Assessed Value			
Old Map #	691-00000-0003						
Map/Scale	0720 01	Deed Date	12/27/2012	Land Value Assessed	\$611,880		
VCS	03WC900	Book & Page	15075 1886	Bldg. Value Assessed			
City		Revenue Stamps					
Fire District	23	Pkg Sale Date	6/6/1983				
Township	BUCKHORN	Pkg Sale Price		Tax Relief			
Land Class	FOR-FARM	Land Sale Date					
ETJ	WC	Land Sale Price		Land Use Value	\$6,463		
Spec Dist(s)				Use Value Deferment	\$605,417		
Zoning	R-40W	Improvement Summary		Historic Deferment			
History ID 1				Total Deferred Value	\$605,417		
History ID 2		Total Units	0				
Acreage	16.77	Recycle Units	0				
Permit Date		Apt/SC Sqft		Use/Hist/Tax Relief	\$6,463		
Permit #		Heated Area		Assessed			
				Total Value Assessed*	\$611,880		

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The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

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Wake County Real Estate Data **Account Summary**

PIN # 0720093139

<u>iMaps</u> Tax Bills

Account

Search

Property Description

LO4B RCMB NEW HOPE FARM SUB BM2000-01344

Pin/Parcel History Search Results New Search NORTH CAROLINA Account | Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Property Owner PEART, EDWARD A (Use the Deeds link to			8829 NEW H	ling Address HOPE FARM RD NC 27562-9179		Property Location Add 8829 NEW HOPE FAR NEW HILL NC 27562-	RM RD	
Administrative Data		Transfer	Information		Ass	sessed Value		
Old Map #	691-00000-0055							
Map/Scale	0720 01	Deed Date	е	7/15/2005	Lan	d Value Assessed	\$537,900	
VCS	03WC900	Book & Page 11470 0964		Bldg	g. Value Assessed	\$264,458		
City		Revenue Stamps 1150.00						
Fire District	23	Pkg Sale Date 7/15/2005		7/15/2005				
Township	BUCKHORN	Pkg Sale Price \$579		\$575,000	Tax	Tax Relief		
Land Class	AC>10-HS	Land Sale	e Date					
ETJ	WC	Land Sale Price			Lan	d Use Value		
Spec Dist(s)					Use	· Value Deferment		
Zoning	R-40W	Improven	nent Summa	ıry	Hist	oric Deferment		
History ID 1				•	Tota	al Deferred Value		
History ID 2		Total Units	S	1				
Acreage	15.00	Recycle L	Jnits	1				
Permit Date	9/4/2012	Apt/SC So			Use	/Hist/Tax Relief		
Permit #	0000130574	Heated A	rea	2,746	Ass	essed		
				ŕ	Tota	al Value Assessed*	\$802,358	

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The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

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Wake County Real Estate Data **Account Summary**

<u>iMaps</u> Tax Bills

Account

Search

Property Description

PIN # 0720092779

LO2A MYRTLE HOLLAND ETAL PROP BM1998-1315

Pin/Parcel History Search Results New Search

Property Owner CICIN, JERIF & LISA (Use the Deeds link to	view any additiona	104 CORS		Property Location Add 0 HUMIE OLIVE RD APEX NC 27502-8975	
Administrative Data		Transfer Informatio	n	Assessed Value	
Old Map #	668				
Map/Scale	0720 01	Deed Date	8/16/2005	Land Value Assessed	\$482,520
vcs	03WC900	Book & Page	11528 2314	Bldg. Value Assessed	
City		Revenue Stamps	450.00		
Fire District	23	Pkg Sale Date			
Township	BUCKHORN	Pkg Sale Price		Tax Relief	
Land Class	VACANT	Land Sale Date	8/16/2005		
ETJ	WC	Land Sale Price	\$225,000	Land Use Value	
Spec Dist(s)			,	Use Value Deferment	
Zoning	R-40W	Improvement Sumr	narv	Historic Deferment	
History ID 1		miprovement odini	ilai y	Total Deferred Value	
History ID 2		Total Units	0		
Acreage	9.49	Recycle Units	0		
Permit Date		Apt/SC Sqft	•	Use/Hist/Tax Relief	
Permit #		Heated Area		Assessed	
		loated / wed		Total Value Assessed*	\$482,520

^{*}Wake County assessed building and land values reflect the market value as of January 1, 2020, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.



RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO G.S.§ 160A-31 AS AMENDED

Annexation Petition #676 Heelan PUD

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on 6th day of October 2020.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 15th day of September 2020.

	Jacques K. Gilbert, Mayor	
ATTEST:		
Donna B. Hosch, MMC, NCCMC, Town	 Clerk	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: September 15, 2020

<u>Item Details</u>

Presenter(s): Mary Beth Manville, Human Resources Director

Department(s): Human Resources

Requested Motion

Motion to approve the reclassification of the Administration Department's Construction Manager position, Grade 25, to Senior Capital Projects Manager, Grade 29

<u>Approval Recommended?</u>

Yes

Item Details

The Construction Manager position was one of two positions created in 2018 as a result of the Facilities Services Director position being abolished. Given that the position was new and the scope of the projects that this position would oversee were not yet known, the position was assigned to a Grade 25 with the intent to review it again later once the position's duties were more defined. This position has now been in place for over 2 years and, upon reviewing the job's responsibilities and duties, it has been determined that the position's current classification is not reflective of the level of work and responsibility required, and needs to be reclassified to a higher grade.

The Construction Manager position is responsible for managing over \$70 million in capital projects and works very independently managing budgets, designers, contractors, etc. It also has a wide latitude of discretion, making important decisions on behalf of the town that could have significant financial implications. Comprehensive project management and contract negotiation skills are also required for the position. Comparable positions in the area include:

Town of Cary - Facilities Design and Construction Manager, \$86,070 to \$142,022

Town of Cary - Senior Capital Projects Manager, \$75,961 - \$123,430

Town of Morrisville - Senior Capital Projects Manager, \$76,855 to \$122,968

Based on the review of the position's scope and responsibilities, along with comparable positions in the market, the Town recommends reclassifying this position to a Senior Capital Projects Manager, Grade 29. Given the significant increase in grade, we are also recommending that the employee currently holding the position receive a 15% increase to his current salary, to recognize his performance of higher level duties and bring his

salary in-line with other employees in Town who have similar responsibilities and experience. This reclassification would be effective the first day of the payroll following Council approval. **Attachments** N/A 1873

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: September 15, 2020

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex MFW Investments, LLC (Colby Crossing) property containing 7.578 acres located along a portion of the future connection of Colby Chase Drive between Merion and Pemberley subdivisions, Annexation #651 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

<u>Item Details</u>

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Donna Hosch, MMC, NCCMC, Town Clerk Town of Apex P.O. Box 250 Apex, NC 27502

> ORDINANCE NO. 2020-0915-26 ANNEXATION PETITION NO. #651 MFW Investments, LLC (Colby Crossings)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF APEX, NORTH CAROLINA

P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on September 15, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on September 15, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Apex, NC, Wake County, White Oak Township, MFW Investments, LLC, Bateman Civil Survey Company, dated March 26, 2020" and recorded in Book of Maps book number 2020 and page number , Wake County Registry.

<u>Section 2</u>. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

<u>Section 3</u>. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 15th day of September 2020.

ATTEST:	Jacques K. Gilbert Mayor	
Donna B. Hosch, MMC, NCCMC Town Clerk	-	
APPROVED AS TO FORM:		
Laurie L. Hohe Town Attorney	-	

Legal Description

Annexation Legal Description for PIN: 0750264926

All that certain parcel of land, situated in Apex, Wake County, North Carolina, being on the lands of MFW Investments LLC as described in Deed Book 16554 at Page 2295, Wake County Records, and being more particularly described as follows:

Beginning at a Iron Pipe found at the North West property corner of MFW Investments LLC (DB 16554, PG 2295), Wake County Records and North East property corner of Pemberly Property Owners' Association (DB 16533, PG 1996), Wake County records and being designated as the Point of Beginning as shown on map entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0332044, having State Plane Coordinates N:707394.514, E:2052194.260; thence S77°55'01"E, 487.60' to an Iron Pipe set; thence S02°58'15"W, 730.66' to a Iron Pipe set; thence N82°42'02"W, 330.00' to an Iron Pipe set; thence N17°06'50"W, 433.66' to an Iron Pipe found; thence N02°26'33"E, 375.70' to an Iron Pipe found; said Iron Pipe being the Point of Beginning. Said Annexation contains 330,079 square feet / 7.578 acres, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0915-26, adopted at a meeting of the Town Council, on the 15th day of September, 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this 16th day of September 2020.

Donna B. Hosch, MMC, NCCMC	
Town Clerk	

(SEAL)

PETITION FOR VOLUNTARY ANNEXA	TION	
1051	Carolina Public Records A	ct and may be published on the Town's website or disclosed to third parties.
Application #: \sim <u>051</u>	1/2- 00	—Submittal Date:
Fee Paid \$	d00, -	1 Check# 5628
To THE TOWN COUNCIL APEX, NORTH CAP	ROLINA	
We, the undersigned owners of real to the Town of Apex, Wake County,		lly request that the area described in Part 4 below be annexed
2. The area to be annexed is X continuous contained in the m		<u>guous</u> (satellite) to the Town of Apex, North Carolina and the scription attached hereto.
3. If contiguous, this annexation will inc G.S. 160A-31(f), unless otherwise sta		rights-of-way for streets, railroads and other areas as stated in n amendment.
Owner Information	医科学 及10	· · · · · · · · · · · · · · · · · · ·
MFW Investments LLC		0750264926 Deed Book 16554, Page 2295
Owner Name (Please Print)		Property PIN or Deed Book & Page #
919-801-3905		mwhitehead@macgregordev.com
Phone		E-mail Address
	· · · · · · · · · · · · · · · · · · ·	
Owner Name (Please Print)		Property PIN or Deed Book & Page #
Phone		E-mail Address
Owner Name (Please Print)		Property PIN or Deed Book & Page #
Phone		E-mail Address
Surveyor Information		
Surveyor: Bateman Civil Survey Comp	pany Jeff Bake	
		Fax: 919-577-1081
E-mail Address: jeff.baker@batemand	civiisurvey.com	
Annexation Sum mary Chart	7.570	
Total Acreage to be annexed:	7.578	Reason for annexation: (select one)
Population of acreage to be annexed:		Receive Town Servicesx
Existing # of housing units:		Other (please specify)
Zoning District*:	MD-CZ	

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEX	ATION		
Application #: 651		Submittal Date:	11/21/18
COMPLETE IF IN A LIMITED LIABILITY COM	MPANY		
n witness whereof, MFW Investm. ts name by a member/manager pursua	evds, LLC a limit ant to authority duly gi	ted liability company, ca ven, this the 21 day o	used this instrument to be executed for the following the
Name of Lim	nited Liability Company By:	MFW INVE	states, LLC are of Member/Manager
TATE OF NORTH CAROLINA			
day of , Over		Dalen	for the above State and County, Y Public
HALETINIA PARTNERSHIP	M	y Commission Expires:	853032
n witness whereof, ame by a member/manager pursuant	to authority duly give	, a partnership, cause	d this instrument to be executed i
ame by a member/manager parsuant	Name of Partnership		
	Name of Farthership		;
	Ву:		
		Signa	ture of General Partner
TATE OF NORTH CAROLINA COUNTY OF WAKE			
worn and subscribed before me,		, a Notary Publi	c for the above State and County,
his theday of	, 20		
SEAL		Nota	ry Public
	M	y Commission Expires:	



Bateman Civil Survey Company, PC 2524 Reliance Avenue Apex, NC 27539 Phone: (919) 577-1080 Fax: (919) 577-1081 info@batemancivilsurvey.com

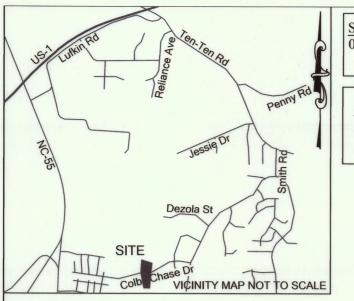
Annexation Legal Description for PIN: 0750264926

All that certain parcel of land, situated in Apex, Wake County, North Carolina, being on the lands of MFW Investments LLC as described in Deed Book 16554 at Page 2295, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the North West property corner of MFW Investments LLC (DB 16554, PG 2295), Wake County Records and North East property corner of Pemberly Property Owners' Association (DB 16533, PG 1996), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 3/26/2020 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0332044, having State Plane Coordinates N:707394.511, E:2052194.259;

thence S77°53'40"E, 487.73' to an Iron Pipe set; thence S02°53'36"W, 729.80' to an Iron Pipe set; thence N82°46'39"W, 330.00' to an Iron Pipe set; thence N17°15'52"W, 434.04' to an Iron Pipe found; thence N02°27'54"E, 375.53' to an Iron Pipe found; said Iron Pipe being the Point of Beginning.

Said Annexation contains 330,112 square feet / 7.578 acres, more or less.



SITE LOCATION: 0 E Williams Street, Apex, NC, 27539

REFERENCES

-Book Map 2006 Page 172 -Deed Book 16554 Page 2295

	ANNEXATION #		. I Donna B.	Hosch, MMC,
	NCCMC, Town Clerk, Apex	, North Carolin	a certify this is a	true and exact map
1	of annexation adopted the	day of	,	, by the Town
1	Council. I set my hand and s	eal of the Town	of Apex,	
-	The state of the s		Day	/ Month / Year

EXISTING APEX CORPORATE LIMITS

Pemberly Property Owner's Association

Pin:0750176279

Pid:0428642 DB 16533, Pg 1996

BM 2015, Pg 407

Zoned: PUD-CZ

Pemberly Property Owner's Association

Pin:0750168881

Pid:0428643

DB 16533, Pg 1996 BM 2015, Pg 407

Zoned: PUD-CZ

Donna B. Hosch, MMC, NCCMC, Town Clerk

GRAPHIC SCALE (IN FEET) 1 inch = 100 ft.

Colby Chase Drive 50' Public Right of Way BM 2003, Pg 1130

George Edward jr & Nicolette Sorger

King Pin:0750278301

Pid:0308838

DB 14780, Pg 2771

BM 2003, Pg 1130

Zoned: RR

N/F Edward & Robin Muse Pin:0750267955 Pid:0308839 DB 14906, Pg 759 BM 2003, Pg 1130

Zoned: RR

50' Future Public Right of Way BM 2003, Pg 1130

N/F Robert C & Lisa M Harris

Pin:0750267504 Pid:0308851

DB 10685, Pg 959 | BM 2003, Pg 1131 Zoned: RR

Easement BM 1911, Pg 91

12' Roadway

Kimberly A & Loomis Horton III

Pin:0750274707

Pid:0033292

DB 16-E, Pg 969

Zoned: PUD-CZ

MFW Investments LLC

Pin:0750264926

Pid:0332044

DB 16554, Pg 2295

BM 2006, Pg 172 Zoned: MD-CZ

Area: 330,112 sf / 7.578 ac

TOTAL ANNEXATION

AREA

330,112 sf 7.578 ac

EIP

'Control Corner'

N 707394.511

E 2052194.259

POB

Annexation Legal Description for PIN: 0750264926

All that certain parcel of land, situated in Apex, Wake County, North Carolina, being on the lands of MFW Investments LLC as described in Deed Book 16554 at Page 2295, Wake County Records, and being more particularly described as follows:

EXISTING APEX CORPORATE LIMITS

N/F

Miramonte Homeowners Association Inc

Pin:0750168061

Pid:0033564

DB 12259, Pg 454

BM 1998, Pg 2005

Zoned: PUD-CU

Beginning at an Iron Pipe found at the North West property corner of MFW Investments LLC (DB 16554, PG 2295), Wake County Records and North East property corner of Pemberly Property Owners' Association (DB 16533, PG 1996), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 3/26/2020 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0332044, having State Plane Coordinates N:707394.511, E:2052194.259; thence S77°53'40"E, 487.73' to an Iron Pipe set; thence S02°53'36"W, 729.80' to an Iron Pipe set; thence N82°46'39"W, 330.00' to an Iron Pipe set; thence N17°15'52"W, 434.04' to an Iron Pipe found; thence N02°27'54"E, 375.53' to an Iron Pipe found;

said Iron Pipe being the Point of Beginning. Said Annexation contains 330,112 square feet / 7.578 acres, more or less.

NOTES:

- This survey was prepared by Bateman Civil Survey Co., under the supervision of Jeffrey W. Baker, PLS.
- This plan has been prepared for layout and permitting purposes only.
- Property lines shown were taken from existing field evidence, existing deeds and/or plats of public record, and information supplied to the surveyor by the client
- All distances are horizontal ground distances and all bearings are North Carolina State Plane Coordinate System unless otherwise shown.
- No investigation into the existence of jurisdictional wetlands or riparian buffers performed by this firm.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- No Grid Monuments found within 2000'.
- 8. Tied to the National CORS Network through NC VRS.

Required Base Information:

Project Information: MFW Investment LLC 0 E Williams Street, Apex, NC 27539 (Reid 0332044)

Owner Information: MFW Investment LLC (Reid 0203125)

Mike Whitehead 114 Birklands Drive, Cary, NC, 27518 mwhitehead@macgregordev.com

Surveyor Information: Jeffrey W. Baker North Carolina L-4412

Date of Survey & Plat Preparation: 11/13/2018

Zoning District & Zoning Case #: MD-CZ

Setbacks: PUD-CZ

Single Family: Front: 25'

Side: 6' minimum 16' total Corner: 15' Rear: 20' Minimum Lot Width: 50'

Township, County, State: White Oak, Wake, North Carolina

Primary or Secondary Watershed: Secondary - Middle Creek Basin

FEMA designated floodplain: 'X' per F.I.R.M #3720075000J dated 05/02/2006

Class of Survey: D

Positional Accuracy: 0.02' Date of Survey: July, 2017

Datum/Epoch: NAD83/NSRS2011

Geoid Model: 12B

Combined Grid Factors: 0.99988461 Units: US Survey Feet

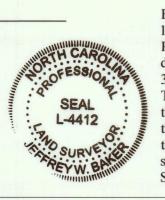
"I, Jeffrey W. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 5861, page 59, Book 10551, page 648); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 1988, page 754, Book 1998, Page 1820; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. witness my original signature, license number and seal this 14th day of April, A.D. 2020."

> Professional Land Surveyor License Number-4412

I, Jeffrey W. Baker, Professional Land Surveyor No. L-4412 certify D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exceptions to the definition of subdivision.

Jeffrey W. Baker, PLS L-4412

4/14/2020

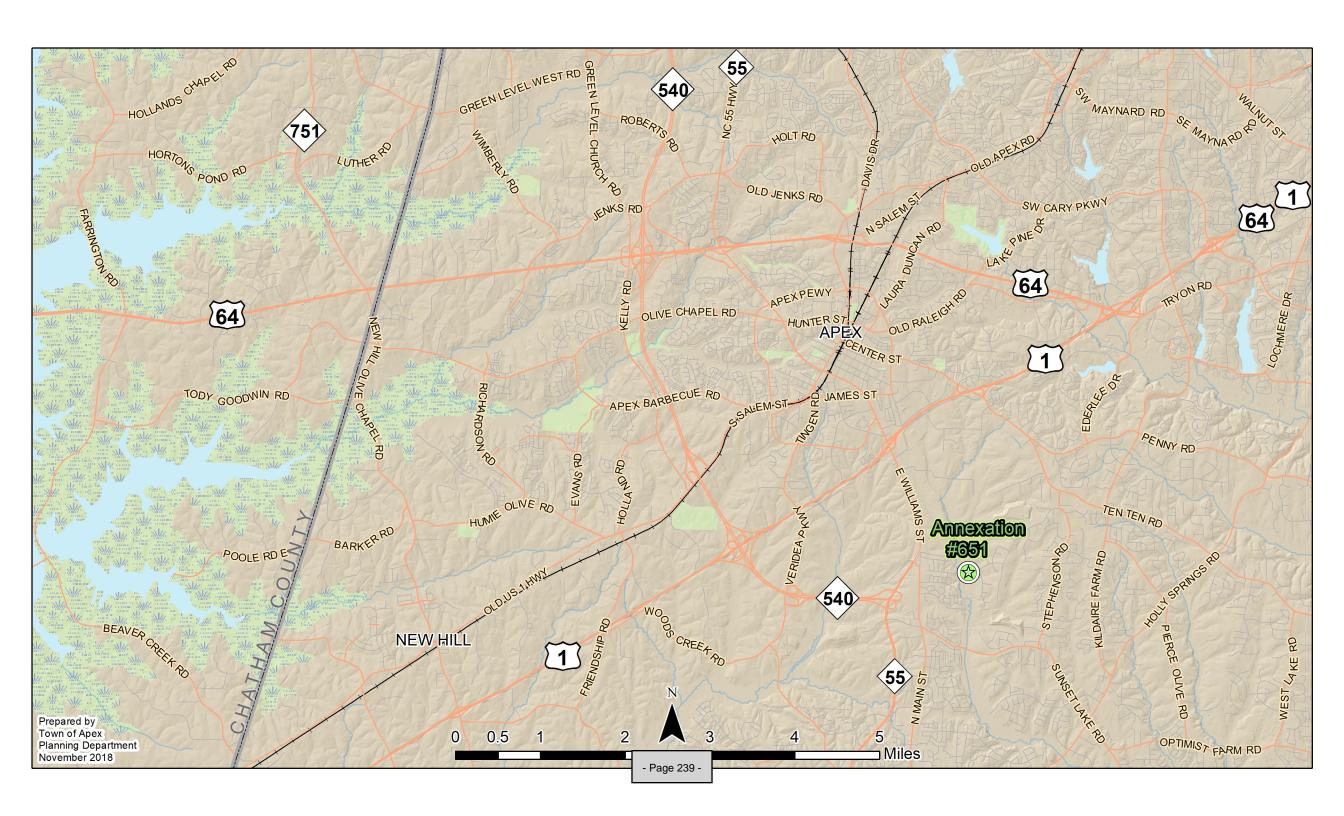


LEGEND IRON PIPE SET O IRON REBAR FOUND IRON PIPE FOUND **⊗** COMPUTED POINT ☑ R/W MARKER FOUND **BOUNDARY LINE** EXISTING PROPERTY LINE EXISTING EASEMENT Line Table Field Direction Length Line # L1 S77°53'40"E 487.73 L2 S02°53'36"W 729.80 L3 N82°46'39"W 330.00 L4 N17°15'52"W 434.04 L5 N02°27'54"E 375.53 Designed By: N/A Drawn By: JCH

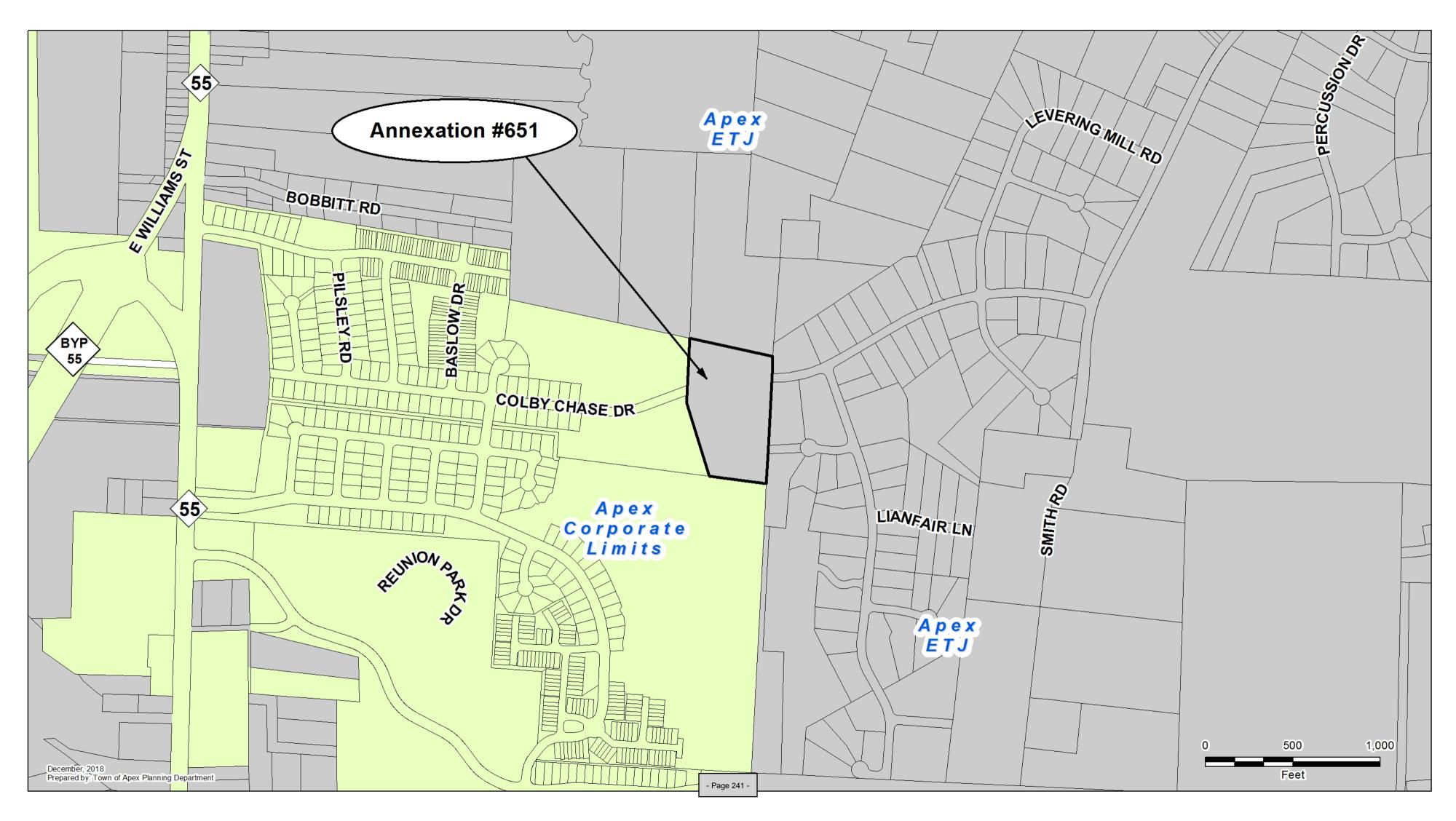
Checked By: JWB Scale: 1"=100'

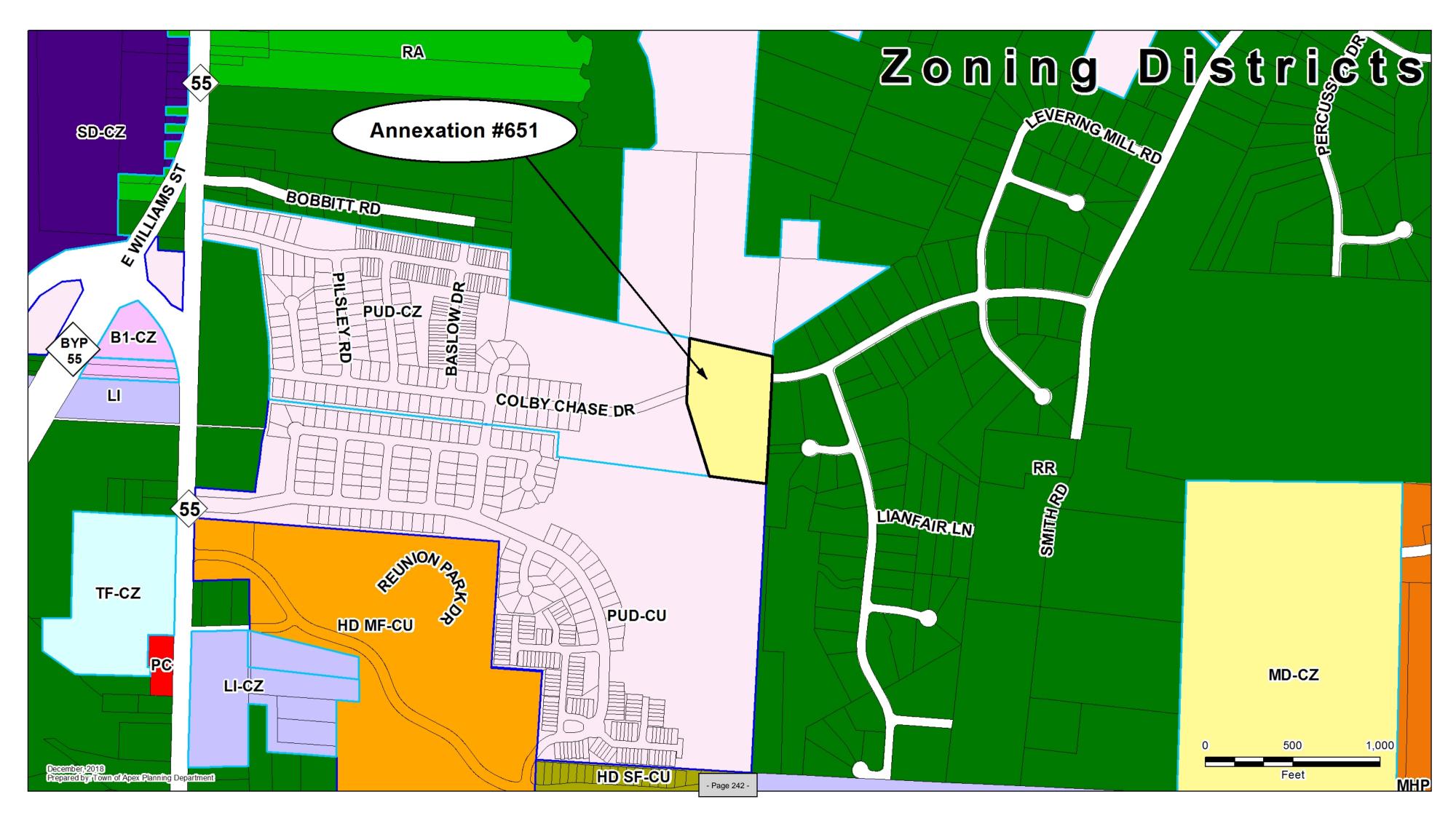
Date: 3/26/2020 Project #:180585

SHEET 1 OF 1









| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: September 15, 2020

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Kimberly & Loomis Horton, III, Mary Elizabeth Horton, Dwight Marvin Wright, MFW Investments, LLC, and MFWIRA, LLC (Horton Park PUD) property containing 101.356 acres located at 8140, 8252, 8306 and 8308 Smith Road, 0 East Williams Street, 0,0,0,0 & 0 Dezola Street and 5220 Jessie Drive, Annexation #687 into the Town's corporate limits.

<u>Approval Recommended?</u>

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Donna Hosch, MMC, NCCMC, Town Clerk Town of Apex P.O. Box 250 Apex, NC 27502

ORDINANCE NO. 2020-0915-25 ANNEXATION PETITION NO. #687 Horton Park PUD

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF APEX, NORTH CAROLINA

P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on Insert September 15, 2020, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Tow	n Council of Apex, North Carolina:
Section 1. By virtue of the authority granted territory described in the attached proper "Annexation Area" on the below identified made part of the Town of Apex, North Carolin Ordinance on September 15, 2020 that descertain survey plat entitled "Annexation May Wake County, White Oak Township, MFW Inv Company, dated March 24, 2020" and record and page number ", Wa	ty description and also shown as survey plat is hereby annexed and ha, as of the date of adoption of this scribes the annexed territory is that p for the Town of Apex, Apex, NC, estments, LLC, Bateman Civil Survey rded in Book of Maps book number
Section 2. Upon and after the adoption of the herein and its citizens and property shall be stand regulations in force in the Town of Apex, to the same privileges and benefits as other pashall be subject to municipal taxes according	ubject to all debts, laws, ordinances North Carolina, and shall be entitled arts of the Town of Apex. Said territory
Section 3. The Clerk of the Town of Aperecorded in the Office of the Register of Deed of the Secretary of State at Raleigh, North Ca County Board of Elections an accurate map of Section 1 hereof, together with a duly certified	ds of Wake County and in the Office rolina and in the Office of the Wake of the annexed territory, described in
Adopted this the 15th day of September 202	20.
ATTEST:	Jacques K. Gilbert Mayor
Donna B. Hosch, MMC, NCCMC Town Clerk	

2

APPROVED AS TO FORM:

Laurie L. Hohe Town Attorney

<u>Legal</u> <u>Description</u>

Annexation Legal Description for REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the South West property corner of MFW Investments LLC (REID 0033171, DB 17139, PG 745), Wake County Records and South East property corner of Kimberly A & Loomis Horton III (REID 0094319, DB 16-E, PG 969), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 3/24/2020 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, having State Plane Coordinates N:707485.663, E:2051769.272; Thence N02°44'07"E, 994.82' to an Iron Pipe found; thence N86°50'22"W, 258.73' to an Iron Pipe found; thence N39°30'30"E, 26.26' to a point; thence N23°42'22"W, 35.95' to a point; thence N13°54'09"E, 79.15' to a point; thence N17°33'13"W, 18.56' to a point; thence N67°29'17"E, 37.85' to a point; thence N02°16'21"W, 22.18' to a point; thence N70°27'02"W, 29.99' to a point; thence N44°05'42"W, 39.31' to a point; thence N13°50'46"E, 28.19' to a point; thence N66°20'10"E, 26.21' to a point; thence N16°14'26"E, 42.75' to a point; thence N42°08'44"E, 49.37' to a point; thence N12°33'20"W, 47.21' to a point; thence \$89°48'05"W, 27.39' to a point; thence N47°19'12"W, 39.00' to a point; thence N17°31'45"E, 67.92' to a point; thence \$52°16'45"E, 28.62' to a point; thence N53°21'20"E, 14.91' to a point; thence N12°12'41"E, 91.90' to a point; thence N02°59'42"W, 51.52' to a point; thence N59°30'21"W, 62.80' to a point; thence \$39°54'45"W, 52.49' to a point; thence S81°30'52"W, 18.15' to a point; thence N37°30'45"W, 51.54' to a point; thence N14°00'20"W, 81.92' to a point; thence N41°47'32"E, 23.66' to a point; thence N31°38'22"W, 1.96' to a point; thence N09°34'30"W, 39.41' to a point; thence N04°27'00"E, 78.83' to a point; thence \$86°25'14"E, 33.05' to a point; thence N79°11'30"E, 445.19' to a point; thence N48°13'38"E, 50.09' to a point; thence N22°54'33"E, 74.47' to a point; thence S87°24'13"E, 584.86' to a point; thence N19°40'32"E, 59.76' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 280.51' and a Direction of N34°33'25"E, 277.37' to a point; thence N49°26'19"E, 244.69' to a point; thence a curve to the Left having a Radius of 25.00', a Length of 38.27' and a Direction of N05°35'05"E, 34.64' to a point; thence N49°26'19"E, 50.04' to a point; thence a curve to the Right having a Radius of 25.00', a Length of 38.27' and a Direction of S86°42'27"E, 34.64' to a point; thence N49°26'19"E, 55.76' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 288.86' and a Direction of N36°48'17"E, 286.52' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 13.10' and a Direction of N22°43'53"W, 11.68' to a point; thence N69°38'01"W, 18.54' to a point; thence N24°32'45"E, 50.21' to a point; thence S69°38'01"E, 15.90' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 12.85' and a Direction of N64°20'28"E, 11.51' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 710.34' and a Direction of N12°45'08"W, 676.04' to a point; thence N43°49'14"W, 349.36' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 161.66' and a Direction of N35°14'40"W, 161.05' to a point; thence N33°53'34"W, 32.27' to a point; thence a curve to the Right having a Radius of 545.00', a Length of 131.00' and a Direction of N16°24'52"W, 130.68' to a point; thence N09°31'44"W, 39.04' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.64' and a Direction of N56°17'17"W, 29.14' to a point; thence N17°01'28"W, 70.37' to a point; thence a curve to the Left having a Radius of 35.00, a Length of 57.08' and a Direction of N63°44'30"W, 50.96' to a point; thence a curve to the Left having a Radius of 899.85', a Length of 59.13' and a Direction of \$67°39'31"W, 59.12' to a point; thence N24°13'25"W, 100.00' to a point; thence a curve to the Right having a Radius of 1,000.00', a Length of 48.98' and a Direction of N67°10'47"E, 48.98' to a point; thence S87°58'54"E, 49.66' to a point; thence \$87°58'17"E, 130.39' to a point; thence \$09°31'44"E, 28.27' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 30.32' and a Direction of S52°57'16"E, 27.50' to a point; thence a curve to the Right having a Radius of 1,005.00', a Length of 79.07' and a Direction of N85°52'26"E, 79.05' to a point; thence N88°07'40"E, 207.65' to a point; thence a curve to the Left having a Radius of 880.00', a Length of 299.33' and a Direction of N78°22'59"E, 297.89' to a point; thence \$87°54'41"E, 25.01' to a point; thence N66°41'16"E, 199.17' to a point; thence S24°31'49"E, 95.91' to a point; thence S65°28'11"W, 172.84' to a point; thence a curve to the Right having a Radius of 990.00', a Length of 391.50' and a Direction of S76°47'55"W, 388.96' to a point; thence S88°15'11"W, 158.83' to a point; thence S82°47'37"W, 110.66' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.23' and a Direction of \$36°37'57"W, 28.85' to a point; thence S09°31'44"E, 31.05' to a point; thence a curve to the Left having a Radius of 475.00', a Length of 114.32' and a Direction of \$16°25'26"E, 114.05' to a point; thence \$14°55'06"E, 28.54' to a point; thence a curve to the Left having a Radius of 480.01', a Length of 143.51' and a Direction of \$35°15'20"E, 142.97' to a point; thence \$43°49'14"E, 349.36' to a point; thence a curve to the Right having a Radius of 715.00', a Length of 674.37' and a Direction of \$16°48'02"E, 649.65' to a point; thence \$87°28'46"E, 195.69' to a point; thence \$87°28'09"E, 1,310.85' to a point; thence \$87°31'29"E, 16.61' to a point; thence \$24°36'54"W, 730.39' to a point; thence a curve to the Right having a Radius of 1097.98', a Length of 143.09' and a Direction of \$49°31'31"E, 142.99' to a point; thence \$45°47'31"E, 153.36' to a point; thence a curve to the Right having a Radius of 880.00', a Length of 231.46' and a Direction of \$53°15'39"E, 230.79' to a point; thence \$45°47'31"W, 376.61' to a point; thence \$35°44'56"W, 30.33' to a point; thence \$35°44'56"W, 30.33' to a point; thence N45°47'31"W, 385.60' to a point; thence a curve to the Left having a Radius of 820.00', a Length of 90.03' and a Direction of N48°52'15"E, 89.98' to a point; thence S66°31'41"W, 375.96' to a point; thence N81°31'47"W, 861.72' to a point; thence N81°28'50"W, 149.98' to a point; thence N81°33'25"W, 56.41' to a point; thence N81°44'30"W, 219.28' to a point; thence \$19°51'42"W, 340.91' to a point; thence N70°08'18"W, 585.61' to a point; thence \$03°40'12"W, 844.63' to a point; thence S03°03'45"W, 587.47' to a point; thence S89°39'02"E, 205.00' to a point; thence N00°17'07"E, 209.76' to a point; thence \$89°42'53"E, 210.00' to a point; thence S00°17'07"W, 210.00' to a point; thence S85°26'31"E, 434.14' to a point; thence S56°32'07"W, 821.71' to a point; thence S02°53'36"W, 73.32' to a point; thence N77°53'40"W, 922.38' to a point; said Iron Pipe being the Point of Beginning. Said Annexation contains 4,415,090 square feet / 101.356 acres, more or less.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0915-25, adopted at a meeting of the Town Council, on the 15th day of September, 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 16th day of September 2020.

Donna B. Hosch, MMC, NCCMC Town Clerk

(SEAL)

	bublic record under the N		ds Act and may be published on the	Town's website or disclosed to third	parties.
Application #:	687		Submittal Date:	6/30/2020	
Fee Paid	\$ 200	- Annua	Check #	1394	
To THE TOWN CO	uncil Apex, North	Carolina			
	ersigned owners of r of Apex, Wake Coun		tfully request that the area c	described in Part 4 below be a	nnexed
			ntiguous (satellite) to the To description attached hereto	own of Apex, North Carolina a	and the
		l include all interveni stated in the annexa		railroads and other areas as st	tated in
Owner Informa	tion				
Kimberly & Loc	omis III Horton		0750-27-4707, 0750	-39-8682	
Owner Name (Ple	ase Print)		Property PIN or Deed Bo	ok & Page #	www.
(919) 801-3905	5		mwhitehead@macgr	egordev.com	
Phone			E-mail Address		
Owner Name (Ple	ase Print)		Property PIN or Deed Bo	ok & Page #	
Phone		William Indiana.	E-mail Address		
Owner Name (Ple	ase Print)		Property PIN or Deed Boo	ok & Page #	• • • • • • • • • • • • • • • • • • • •
Phone			E-mail Address		
Surveyor Inform					-
,	eman Civil Surve	ey Company	040 577 4004		
	-577-1080		Fax: 919-577-1081		
E-mail Address:	heath@batema	incivilsurvey.com			
Annexation Summ					
Property I	Information		Reason(s) for a	nnexation (select all that app	ly)
Total Acreage to b	e annexed:	26.52	Need water service	due to well failure	
Population of acre	age to be annexed:	0	Need sewer service	due to septic system failure	
Existing # of housing	ng units:	0	Water service (new	construction)	4
Proposed # of hou	sing units:	500 (Overall Horton Park Project)	Sewer service (new	construction)	7
Zoning District*:		PUD-CZ	Receive Town Service	ces	Ø

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

Petition - Page 249 -

Page 2 of 5

PETITION FOR VOLUNTARY Application #: 687	Annexation		Submittal Date:	6/30/2020	
COMPLETE IF SIGNED BY INDIVIDU	ALS:				
All individual owners must sign.	(If additional signatu	res are nece	ssary, please attach	an additional sheet.)	
Loomis Hort			Da	· fr L	_
Markey Lloton	nt		Kindon	Signature	
Please Pri	nt		· Marie of c	Signature	-
Please Pri	nt			Signature	
Please Pri	nt	<u> </u>		Signature	
COUNTY OF WAKE					
Sworn and subscribed before me this the Oday of PAU	LISTANDING 20 20 10 10 10 10 10 10 10 10 10 10 10 10 10	<i>무</i> 	64	C for the above State and County, Classification of the state and County, County,	NOTES TO STATE OF THE STATE OF
COMPLETE IF A CORPORATION OF THE					
	Corporate	Name			
SEAL					
		Ву:			_
Attest:			PI	resident (Signature)	
Secretary (Signature)					
STATE OF NORTH CAROLINA COUNTY OF WAKE					
Sworn and subscribed before me	.,		, a Notary Publi	c for the above State and County,	
this theday of	, 20	<u>.</u> ·			i.Ç
		***************************************	Not	ary Public	
SEAL	4				
		МуС	ommission Expires:		

Manager and the second of the second of the second				
PETITION FOR VOLUNTARY ANN				
This document is a public record under the No	orth Carolina Public Record	ds Act and may be published on the		arties.
Application #: 687		Submittal Date:	6/30/2020	
Fee Paid \$		Check #		
To The Town Council Apex, North (CAROLINA			
 We, the undersigned owners of re to the Town of Apex, Wake Count 		fully request that the area d	lescribed in Part 4 below be ar	nnexe
 The area to be annexed is <u>solution</u> contained in the 				nd th
 If contiguous, this annexation will G.S. 160A-31(f), unless otherwise 			railroads and other areas as st	ated ii
Owner Information				
Mary Elizabeth Horton		0750-39-0993		
Owner Name (Please Print)	y tallant eller ver liggres :	Property PIN or Deed Bo	ok & Page #	99 6
(919) 801-3905 / no works	ing phose	mwhitehead@macgr	egordev.com	
Phone	7	E-mail Address		
Mary				
Owner Name (Please Print)	. * + * 5 _ 5 . * . * . * . * . * . * . * . * . * .	Property PIN or Deed Boo	ok & Page #	A =
Phone		E-mail Address	Trages story of the second	
eri, isalim kuri u in nasilim k				
Owner Name (Please Print)	and the second of the second	Property PIN or Deed Boo	ok & Page #	
Phone		E-mail Address	en de la companio de La companio de la co	
Surveyor Information			01 - 154 N. 12 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Surveyor: Bateman Civil Surve	ey Company		The second secon	
Phone: 919-577-1080		Fax: 919-577-1081	and the second of the	
E-mail Address: heath@batema	ncivilsurvey.com	1		
Annexation Summary Chart			and the second s	
Property Information		Reason(s) for a	nnexation (select all that app	ly)
Total Acreage to be annexed:	20	Need water service	due to well failure	
Population of acreage to be annexed:	0	Need sewer service	due to septic system failure	
Existing # of housing units:	0	Water service (new	construction)	V
Proposed # of housing units:	500 (Overall Horton Park Project)	Sewer service (new		V
Zoning District*:	PUD-CZ	Receive Town Servi	res	Ø

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

Page 2 of 5

exation

PETITION FOR VOLUNTARY ANNEXA	TION		
Application #: 687		Submittal Date:	6/30/2020
OMPLETE IF SIGNED BY INDIVIDUALS:			
all individual owners must sign. (If addition	onal signatures are ne	ecessary, please attach	an additional sheet.)
		Maria Landa de La Caracteria de La Carac	
Please Print		T RM	Signature
Mar Flizeboth Ho	oton .	1881100	
Mary Elizabeth Ho Please Print		11 11111	Signature
		M	
Please Print			Signature
, rease rime			
Please Print			Signature
STATE OF NORTH CAROLINA			Signature
COUNTY OF WAKE)	
· · · · · · · · · · · · · · · · · · ·	and Stam	No. 1 P. 1 P.	fauth a share Chata and Carret
Sworn and subscribed before me,	1 8004	, a Notary Public	for the above State and County,
" Show	T 34 7	64	2 Stown
a see of the	hission	No	otary Public
SEAL SEAL	OTAPLE		, and a second of the second o
	S	Commission Expires:	May 8,2024
=4.	DBLIC ST	Commission Expires:	1 10 000
77.85.	08-505 - 51		
COMPLETE IF A CORPORATION:	OUNTTIN		
n witness whereof, said corporation has co	aused this instrument		President and attested by its
Secretary by order of its Board of Directors			
	Corporate Name		
SEAL	corporate Name		
	* ,_		
Attest:	By:	Pre	esident (Signature)
Attest.			25.00 5.10 (5.81.00 5.7
Secretary (Signature)			
STATE OF NORTH CAROLINA			
COUNTY OF WAKE			
Sworn and subscribed before me,		a Notary Public	for the above State and County
chis theday of		, a Notary rabile	is the above state and country,
uns thetay of	, 20		
		Nota	ry Public
SEAL			
	Mı	/ Commission Expires:	
	,	2.16.1.20	

PETITION FOR VOLUNTARY ANNE	EXATION					
This document is a public record under the Nor	rth Carolina Public Recor	ds Act and may be published on the To	wn's website or disclosed to third pa	arties.		
Application #: 687		Submittal Date:	6/30/2020			
Fee Paid \$		Check #				
To The Town Council Apex, North C	AROLINA					
 We, the undersigned owners of re to the Town of Apex, Wake County 		tfully request that the area des	cribed in Part 4 below be an	nexed		
 The area to be annexed is <u>■ contiguous</u>, <u>□ non-contiguous</u> (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto. 						
3. If contiguous, this annexation will G.S. 160A-31(f), unless otherwise s			Iroads and other areas as sta	ited in		
Owner Information	100					
Dwight Marvin Wright		0750-49-8888				
Owner Name (Please Print)		Property PIN or Deed Book	& Page #			
919) 801-3905		mwhitehead@macgreg	gordev.com			
Phone		E-mail Address				
Owner Name (Please Print)		Property PIN or Deed Book	& Page #			
Phone		E-mail Address				
Owner Name (Please Print)		Property PIN or Deed Book	& Page #			
Phone		E-mail Address				
Surveyor Information				evi i		
Surveyor: Bateman Civil Surve	y Company					
Phone: 919-577-1080		Fax: 919-577-1081				
E-mail Address: heath@batemai	ncivilsurvey.com					
Annexation Summary Chart						
Property Information	• /	Reason(s) for ann	nexation (select all that appl	y)		
otal Acreage to be annexed:	0.34	Need water service du	ue to well failure			
opulation of acreage to be annexed:	0	Need sewer service du	ue to septic system failure			
existing # of housing units:	0	Water service (new co	onstruction)	V		
Proposed # of housing units:	0	Sewer service (new co	onstruction)	V		
oning District*:	PUD-CZ	Receive Town Services				

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

exation

by Word Carashuts,

	OLUNTARY ANNEXATION	ON		c /20 /2022
Application #:	687		Submittal Date:	6/30/2020
COMPLETE IF SIGNED	BY INDIVIDUALS:			
All individual owner	s must sign. (If additiona	al signatures are ne	cessary, please attach a	an additional sheet.)
Dwight Marvin Wr			Vuglit	+ Man Olget
	Please Print		, 51	Signature
	Please Print			Signature
	Please Print			Signature
STATE OF NORTH CA	Please Print AROLINA		·	Signature
	ay of, AVGUETA	05H C PAT 2020.	Mulash	for the above State and County,
SEAL	PORATION:	, My		19 1 Nos 2021
COMPLETE IF A COR	PORATION:			
	said corporation has cau of its Board of Directors, t			President and attested by its 20
SEAL	Co	orporate Name		
JEAL				
Attest:		By:	Pre	sident (Signature)
Secretary (Signatu	re)			
STATE OF NORTH CA	AROLINA			
Sworn and subscribe	ed before me,		, a Notary Public	for the above State and County,
this theda	ay of	_, 20		
SEAL			Notar	y Public
		Му	Commission Expires:	

exation

- Page 254 -

,							
	FOR VOLUNTARY ANNEX						
This documen	t is a public record under the Nort	h Carolina Public Records	Act and may be published on the	Town's website or disclosed to third par	rties.		
Application	#: 687		Submittal Date:	6/30/2020			
Fee Paid	\$		Check #				
To THE TOW	N COUNCIL APEX, NORTH CA	ROLINA		Control Bearing			
1. We, the		al property, respectf	fully request that the area d	lescribed in Part 4 below be anr	nexed		
2. The are bounda	a to be annexed is <a> cont ries are as contained in the	iguous, \square non-continues and bounds of	tiguous (satellite) to the To description attached hereto.	own of Apex, North Carolina an	d the		
3. If contig G.S. 160	guous, this annexation will in DA-31(f), unless otherwise st	nclude all intervenin tated in the annexat	g rights-of-way for streets, ion amendment.	railroads and other areas as sta	ted in		
Owner Info	ormation						
MFW Inve	estments LLC		0750-27-8677, 0750	-27-0906, 0750-28-0998			
Owner Nam	ne (Please Print)		Property PIN or Deed Book & Page #				
(919) 801	-3905	97	mwhitehead@macgregordev.com				
Phone			E-mail Address				
MFW Inve	estments LLC			7-8925, 0751-31-0079 (PAR	ΓIAL)		
Owner Nam	ne (Please Print)		Property PIN or Deed Book & Page #				
(919) 801	-3905		mwhitehead@macgregordev.com				
Phone			E-mail Address				
Owner Nan	ne (Please Print)		Property PIN or Deed Bo	ook & Page #			
Phone			E-mail Address				
Surveyor I	nformation		建设设备表达				
Surveyor:	Bateman Civil Surve	y Company					
Phone:	919-577-1080		Fax: 919-577-1081				
E-mail Add	dress: heath@batema	ncivilsurvey.com	l				
Annevation	Summary Chart			公司是是对各国的			
	perty Information		Reason(s) for	annexation (select all that appl	y)		
	ge to be annexed:	46.85	Need water service	e due to well failure			
	of acreage to be annexed:	0	Need sewer service	e due to septic system failure			
Existing # o	f housing units:	0 -	Water service (nev	v construction)	V		

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

Sewer service (new construction)

Receive Town Services

500 (Overall Horton Park Project)

PUD-CZ

 \checkmark

Proposed # of housing units:

Zoning District*:

PETITION FOR VOLUNTARY A	Annexation		
Application #: 6	87	Submittal Date:	6/30/2020
OMPLETE IF IN A LIMITED LIABILIT	TY COMPANY		
n witness whereof, MFW s name by a member/manager	Nestands, US lim pursuant to authority duly g	ited liability company, cau iven, this theday of	sed this instrument to be executed in
Name	of Limited Liability Compar	MFW IN	restants, LC
	Ву:	Signatur	e of Member/Manager
TATE OF NORTH CAROLINA			
Sworn and subscribed before me his the	Jarlene S.	Dare One	for the above State and County,
SEAT PUBLIC O		My Commission Expires:	7500A
COMPLETE FILE POURSEY			LUL' is a transport to be associated in its
n witness whereof, name by a member/manager pu	rsuant to authority duly give	a partnership, caused en, this the day of _	this instrument to be executed in its, 20
	Name of Partners	ship	
	Ву:	Sign:	ature of General Partner
STATE OF NORTH CAROLINA COUNTY OF WAKE			
		, a Notary Public	c for the above State and County,
this theday of	, 20	Nota	ary Public
SEAL		1000	
		My Commission Expires:	

PETITION FOR V	OLUNTARY ANNEXATION			
This document is a pub	olic record under the North Carolina Public Records	s Act and may be published on the	Town's website or disclosed to third part	ties.
Application #:	687	Submittal Date:	6/30/2020	
Fee Paid	\$	Check #	· ·	
To THE TOWN COU	NCIL APEX, NORTH CAROLINA			
	signed owners of real property, respectf Apex, Wake County, North Carolina.	ully request that the area o	described in Part 4 below be ann	exed
	e annexed is <u>contiguous</u> , <u>non-cont</u> e as contained in the metes and bounds o			d the
	this annexation will include all intervenin), unless otherwise stated in the annexat		railroads and other areas as stat	ed in
Owner Informati	on			
MFWIRA, LLC		0751-40-0194		
Owner Name (Plea	se Print)	Property PIN or Deed Bo	ook & Page #	
919) 801-3905		mwhitehead@macg	regordev.com	
Phone		E-mail Address		
Owner Name (Plea	se Print)	Property PIN or Deed Bo	ook & Page #	
Phone		E-mail Address		
Owner Name (Plea	ise Print)	Property PIN or Deed Bo	ook & Page #	
Phone		E-mail Address		
Surveyor Informa	ation			
Surveyor: Bate	man Civil Survey Company			
-	577-1080	Fax: 919-577-1081		
-	heath@batemancivilsurvey.com	,		
				53675
Annexation Summ			A second second	
Property I	nformation	Reason(s) for	annexation (select all that apply	1
Total Acreage to be	e annexed: 14.79	Need water service	e due to well failure	
	. 0		- de la continua de l	

Total Acreage to be annexed: 14.79 Need water service due to well failure □ Population of acreage to be annexed: 0 Need sewer service due to septic system failure □ Existing # of housing units: 0 Water service (new construction) □ Proposed # of housing units: Horton Park Project) Sewer service (new construction) □ Zoning District*: PUD-CZ Receive Town Services □

^{*}If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VC	LUNTARY A	NNEXATION		
Application #:	687		Submittal Date:	6/30/2020
_				
COMPLETE IF IN A LIN	IITED LIABILIT	Y COMPANY		
In witness whereof,_its name by a membe	UGW IR A er/manager p	a lir ursuant to authority duly	nited liability company, cau given, this the 2 day of	sed this instrument to be executed in , 20 20 .
	Name	of Limited Liability Compa	any MFWIRA,	UC
		Ву:	Signature	e of Member/Manager
STATE OF NORTH CA	ROLINA			
MARLE	d before me,	Darbnes k	Darling	for the above State and County,
SOL WAKE	KEITH		My Commission Expires:	8.5000
CON LOT IF IN A PA	RTNERS IIP			
In witness Wherebr	11111		, a partnership, caused	this instrument to be executed in its
name by a member,	manager pur	suant to authority duly gi	ven, this the day of _	, 20
		Name of Partner	rship	
		Ву		ature of General Partner
STATE OF NORTH C	AROLINA			
		e,, 20	, a Notary Public	for the above State and County,
			Nota	ry Public
SEAL				
			My Commission Expires:	



Bateman Civil Survey Company, PC 2524 Reliance Avenue Apex, NC 27539 Phone: (919) 577-1080 Fax: (919) 577-1081 info@batemancivilsurvey.com

Annexation Legal Description for REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the South West property corner of MFW Investments LLC (REID 0033171, DB 17139, PG 745), Wake County Records and South East property corner of Kimberly A & Loomis Horton III (REID 0094319, DB 16-E, PG 969), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 3/24/2020 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, having State Plane Coordinates N:707485.663, E:2051769.272;

Thence N02°44'07"E, 994.82' to an Iron Pipe found; thence N86°50'22"W, 258.73' to an Iron Pipe found; thence N39°30'30"E, 26.26' to a point; thence N23°42'22"W, 35.95' to a point; thence N13°54'09"E, 79.15' to a point; thence N17°33'13"W, 18.56' to a point; thence N67°29'17"E, 37.85' to a point; thence N02°16'21"W, 22.18' to a point; thence N70°27'02"W, 29.99' to a point; thence N44°05'42"W, 39.31' to a point; thence N13°50'46"E, 28.19' to a point; thence N66°20'10"E, 26.21' to a point; thence N16°14'26"E, 42.75' to a point; thence N42°08'44"E, 49.37' to a point; thence N12°33'20"W, 47.21' to a point; thence S89°48'05"W, 27.39' to a point; thence N47°19'12"W, 39.00' to a point; thence N17°31'45"E, 67.92' to a point; thence S52°16'45"E, 28.62' to a point; thence N53°21'20"E, 14.91' to a point; thence N12°12'41"E, 91.90' to a point; thence N02°59'42"W, 51.52' to a point; thence N59°30'21"W, 62.80' to a point; thence S39°54'45"W, 52.49' to a point; thence S81°30'52"W, 18.15' to a point; thence N37°30'45"W, 51.54' to a point; thence N14°00'20"W, 81.92' to a point; thence N41°47'32"E, 23.66' to a point; thence N31°38'22"W, 1.96' to a point; thence N09°34'30"W, 39.41' to a point; thence N04°27'00"E, 78.83' to a point; thence S86°25'14"E, 33.05' to a point; thence N79°11'30"E, 445.19' to a point; thence N48°13'38"E, 50.09' to a point; thence N22°54'33"E, 74.47' to a point; thence S87°24'13"E, 584.86' to a point; thence N19°40'32"E, 59.76' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 280.51' and a Direction of N34°33'25"E, 277.37' to a point; thence N49°26'19"E, 244.69' to a point; thence a curve to the Left having a Radius of 25.00', a

Length of 38.27' and a Direction of N05°35'05"E, 34.64' to a point; thence N49°26'19"E, 50.04' to a point; thence a curve to the Right having a Radius of 25.00', a Length of 38.27' and a Direction of S86°42'27"E, 34.64' to a point; thence N49°26'19"E, 55.76' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 288.86' and a Direction of N36°48'17"E, 286.52' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 13.10' and a Direction of N22°43'53"W, 11.68' to a point; thence N69°38'01"W, 18.54' to a point; thence N24°32'45"E, 50.21' to a point; thence S69°38'01"E, 15.90' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 12.85' and a Direction of N64°20'28"E, 11.51' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 710.34' and a Direction of N12°45'08"W, 676.04' to a point; thence N43°49'14"W, 349.36' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 161.66' and a Direction of N35°14'40"W, 161.05' to a point; thence N33°53'34"W, 32.27' to a point; thence a curve to the Right having a Radius of 545.00', a Length of 131.00' and a Direction of N16°24'52"W, 130.68' to a point; thence N09°31'44"W, 39.04' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.64' and a Direction of N56°17'17"W, 29.14' to a point; thence N17°01'28"W, 70.37' to a point; thence a curve to the Left having a Radius of 35.00, a Length of 57.08' and a Direction of N63°44'30"W, 50.96' to a point; thence a curve to the Left having a Radius of 899.85', a Length of 59.13' and a Direction of S67°39'31"W, 59.12' to a point; thence N24°13'25"W, 100.00' to a point; thence a curve to the Right having a Radius of 1,000.00', a Length of 48.98' and a Direction of N67°10'47"E, 48.98' to a point; thence S87°58'54"E, 49.66' to a point; thence S87°58'17"E. 130.39' to a point; thence S09°31'44"E, 28.27' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 30.32' and a Direction of S52°57'16"E, 27.50' to a point; thence a curve to the Right having a Radius of 1,005.00', a Length of 79.07' and a Direction of N85°52'26"E, 79.05' to a point; thence N88°07'40"E, 207.65' to a point; thence a curve to the Left having a Radius of 880.00', a Length of 299.33' and a Direction of N78°22'59"E, 297.89' to a point; thence S87°54'41"E, 25.01' to a point; thence N66°41'16"E, 199.17' to a point; thence S24°31'49"E, 95.91' to a point; thence S65°28'11"W, 172.84' to a point; thence a curve to the Right having a Radius of 990.00'. a Length of 391.50' and a Direction of S76°47'55"W, 388.96' to a point; thence S88°15'11"W, 158.83' to a point; thence S82°47'37"W, 110.66' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.23' and a Direction of S36°37'57"W, 28.85' to a point; thence S09°31'44"E, 31.05' to a point; thence a curve to the Left having a Radius of 475.00', a Length of 114.32' and a Direction of S16°25'26"E, 114.05' to a point; thence S14°55'06"E, 28.54' to a point; thence a curve to the Left having a Radius of 480.01', a Length of 143.51' and a Direction of S35°15'20"E, 142.97' to a point; thence S43°49'14"E, 349.36' to a point; thence a curve to the Right having a Radius of 715.00', a Length of 674.37' and a Direction of S16°48'02"E, 649.65' to a point; thence S87°28'46"E, 195.69' to a point; thence S87°28'09"E, 1,310.85' to a point; thence S87°31'29"E, 16.61' to a point; thence S24°36'54"W, 730.39' to a point; thence a curve to the Right having a Radius of 1097.98', a Length of 143.09' and a Direction of S49°31'31"E, 142.99' to a point; thence S45°47'31"E, 153.36' to a point; thence a curve to the Right having a Radius of 880.00', a Length of 231.46' and a Direction of S53°15'39"E, 230.79' to a point; thence S45°47'31"W, 376.61' to a point; thence S35°44'56"W, 30.33' to a point; thence S35°44'56"W, 30.33' to a point; thence N45°47'31"W, 385.60' to a point; thence a curve to the Left having a Radius of 820.00'. a Length of 90.03' and a Direction of N48°52'15"E, 89.98' to a point; thence

S66°31'41"W, 375.96' to a point; thence N81°31'47"W, 861.72' to a point; thence N81°28'50"W, 149.98' to a point; thence N81°33'25"W, 56.41' to a point; thence N81°44'30"W, 219.28' to a point; thence S19°51'42"W, 340.91' to a point; thence N70°08'18"W, 585.61' to a point; thence S03°40'12"W, 844.63' to a point; thence S03°03'45"W, 587.47' to a point; thence S89°39'02"E, 205.00' to a point; thence N00°17'07"E, 209.76' to a point; thence S89°42'53"E, 210.00' to a point; thence S00°17'07"W, 210.00' to a point; thence S85°26'31"E, 434.14' to a point; thence S56°32'07"W, 821.71' to a point; thence S02°53'36"W, 73.32' to a point; thence N77°53'40"W, 922.38' to a point;

said Iron Pipe being the Point of Beginning. Said Annexation contains 4,415,090 square feet / 101.356 acres, more or less.

REFERENCES -Book Map 1942 Page 114 -Book Map 1987 Page 1199 -Book Map 1988 Page 754 -Book Map 2003 Page 1130 -Book Map 2006 Page 172 -Book Map 2015 Page 1973 -Book Map 2016 Page 1677 -Book Map 2016 Page 1902 -Book Map 2017 Page 1067 -Book Map 2017 Page 2004 -Book Map 2018 Page 1394 -Book Map 2018 Page 1751 -Deed Book 17511 Page 1752 -Deed Book 17511 Page 1755 -Deed Book 17473 Page 2443 -Deed Book 17279 Page 1698 -Deed Book 17211 Page 2706 -Deed Book 17139 Page 745 -Deed Book 16932 Page 295 -Deed Book 16638 Page 1192 -Deed Book 16215 Page 1702 -Deed Book 14735 Page 685 -Deed Book 4443 Page 94

-Deed Book 2353 Page 559

Project Information: MFW Investment LLC 0 E Williams Street, Apex, NC 27539 (Reid 0463860) 5220 Jessie Drive, Apex, NC 27539 (Reid 0012276) 5101 Jessie Drive, Apex, NC 27539 (Reid 0034313) 0 Dezola Street, Apex, NC 27539 (Reid 0203126) 8140 Smith Road, Apex, NC 27539 (Reid 0040550) 8306 Smith Road, Apex, NC 27539 (Reid 0033171)

Required Base Information:

0 Dezola Street, Apex, NC 27539 (Reid 0203135) 8252 Smith Road, Apex, NC 27539 (Reid 0089614) Owner Information: MFW Investment LLC Mike Whitehead

114 Birklands Drive, Cary, NC, 27518 mwhitehead@macgregordev;com Project Information: Trinity Apex North 100 LLC

5125 Jessie Drive, Apex, NC 27539 (Reid 0099938)

Owner Information: Trinity Apex North 100 LLC 106 Island View Drive, Beaufort, NC, 28516 fill in the blank@whoknows.com

Project Information: Mary Elizabeth Horton 0 Dezola Street, Apex, NC 27539 (Reid 0434123)

Owner Information: Mary Elizabeth Horton PO Box 306, Apex, NC, 27539 fill in the blank@whoknows.com

Project Information: MFWIRA LLC 0 Dezola Street, Apex, NC 27539 (Reid 0449641)

Owner Information: MFWIRA LLC Mike Whitehead

> 114 Birklands Drive, Cary, NC, 27518 mwhitehead@macgregordev.com

Project Information: Kimberly A & Loomis Horton III 0 Dezola Street, Apex, NC 27539 (Reid 0457588)

Owner Information: Kimberly A & Loomis Horton III 4801 SW 202nd Avenue, Southwest Ranches, FL, 33332 mwhitehead@macgregordev.com

Project Information: Kimberly A & Loomis Horton III 8308 Smith Road, Apex, NC 27539 (Reid 0033292)

Owner Information: Kimberly A & Loomis Horton III 4801 SW 202nd Avenue, Southwest Ranches, FL, 33332 mwhitehead@macgregordev.com

Project Information: Dwight Marvin Wright 5010 Dezola Street, Apex, NC 27539 (Reid 0104750) Owner Information: Dwight Marvin Wright 407 S Salem Street, Apex, NC, 27539 mwhitehead@macgregordev.com

Surveyor Information: Jeffrey W. Baker North Carolina L-4412 Date of Survey & Plat Preparation: 3/24/2020 Zoning District & Zoning Case #: PUD-CZ

Setbacks: PUD-CZ Single Family: Front: 25' Side: 6' minimum 16' total Corner: 15'

Rear: 20'

Minimum Lot Width: 50' Township, County, State: White Oak, Wake, North Carolina Primary or Secondary Watershed: Secondary - Middle Creek Basin FEMA designated floodplain: 'X' per F.I.R.M #3720075100J dated 05/02/2006

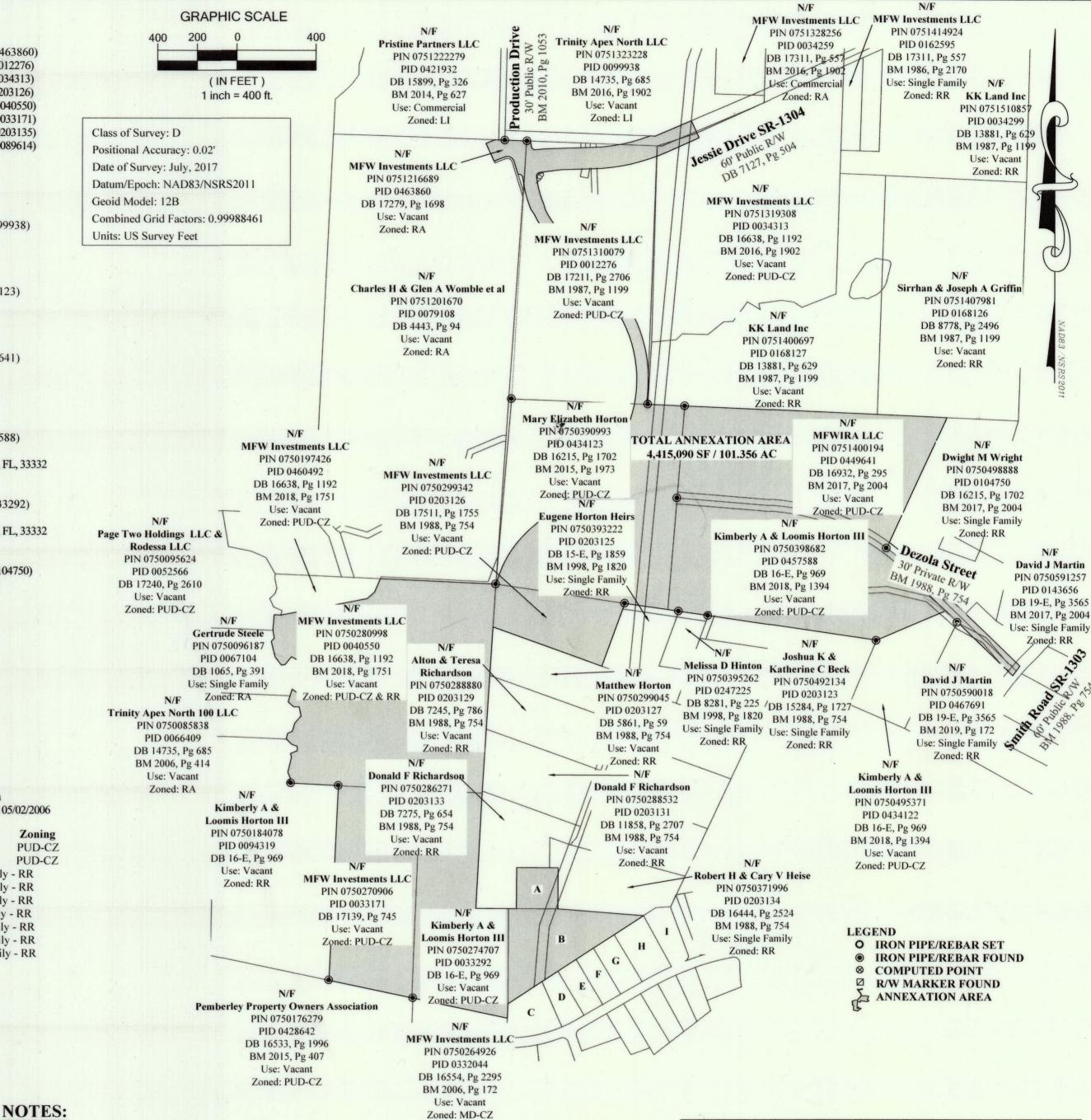
Owner REID# Deed Reference Plat Reference Zoning A) MFW Investments LLC -0750278925 - 0089614 - DB 17473, Pg 2443 - BM 1988, Pg 754, - Vacant -**PUD-CZ** 0750278677 - 0203135 - DB 17511, Pg 1752 - BM 1988, Pg 754, - Vacant -**PUD-CZ** B) MFW Investments LLC -0750278301 - 0308838 - DB 17376, Pg 1337 - BM 2003, Pg 1130, - Single Family - RR C) Timothy & Allison Felton -0750279358 - 0308837 - DB 10836, Pg 2123 - BM 2003, Pg 1130, - Single Family - RR D) John J & Joyce T Falchi -0750370454 - 0308836 - DB 11069, Pg 476 - BM 2003, Pg 1130, - Single Family - RR E) Todd C & Gloria C Young -0750371540 - 0308835 - DB 11800, Pg 97 - BM 2003, Pg 1130, - Single Family - RR F) Dennis & Roberta Dale -G) Richard J & Mary A Stewart - 0750372555 - 0308834 - DB 11012, Pg 2141 - BM 2003, Pg 1130, - Single Family - RR H) Robert E & Krista B Cathey III - 0750373664 - 0308833 - DB 11988, Pg 1801 - BM 2003, Pg 1130, - Single Family - RR 1) Amanda C & Steven A Rhodes - 0750375700 - 0308832 - DB 12006, Pg 1186 - BM 2003, Pg 1130, - Single Family - RR

"I, Jeffrey W. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 17511, page 1752, Book 17511, page 1755, Book 17473, page 2443, Book 17279, page 1698, Book 17211, page 2706, Book 17139, page 745, Book 16932, page 295, Book 16638, page 1192, Book 16215, page 1702, Book 14735, page 685, Book 4443, page 94, Book 2353, page 559); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 1942, page 114, Book 1987, Page 1199, Book 1988, page 754, Book 2003, page 1130, Book 2006, page 172, Book 2015, page 1973, Book 2016, page 1677, Book 2016, page 1902, Book 2017, page 1067, Book 2017, page 2004, Book 2018, page 1394, Book 2018, page 1751; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. witness my original signature, license number and seal this 25th day of June, A.D. 2020."

I, Jeffrey W. Baker, Professional Land Surveyor No. L-4412 certify D. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exceptions to the definition of subdivision.

Baker, PLS L-4412

License Number-4412 SEAL L-4412 4/25/2020



This survey was prepared by Bateman Civil Survey Co., under the supervision of Jeffrey W. Baker, PLS.

This plan has been prepared for layout and permitting purposes only. Property lines shown were taken from existing field evidence, existing deeds and/or plats of public record, and information supplied to

the surveyor by the client All distances are horizontal ground distances and all bearings are North Carolina State Plane Coordinate System unless otherwise shown.

No investigation into the existence of jurisdictional wetlands or riparian buffers performed by this firm. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.

No Grid Monuments found within 2000'.

Tied to the National CORS Network through NC VRS.

ANNEXATION # I Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the day of Council. I set my hand and seal of the Town of Apex, Day / Month / Year

Donna B. Hosch, MMC, NCCMC, Town Clerk

UNLESS THIS MAP IS SIGNED AND SEALED BY THE SURVEYOR IN CHARGE, THIS MAP IS CONSIDERED PRELIMINARY AND NOT TO BE USED FOR RECORDING, CONVEYANCE OR SALES

OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

REID#

Designed By: N/A Drawn By: JCH Checked By: JWB Scale: 1"=400" Date: 03/24/2020

Project #:180585

SHEET

1 OF 7



Civil Survey Company
rs • Surveyors • Planners
Reliance Ave., Apex, NC 27539
919.577.1080 Fax: 919.577.1081

Engineers 2524 Re Phone: 91

OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

ANNEXALION MAE
FOR THE TOWN OF APEX
APEX, NC, WAKE COUNTY, WHITE OAK TOWN
REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449
0040550, 0203126, 0033171, 0033292, 0089614 & 02

Designed By: N/A Drawn By: JCH Checked By: JWB

Scale: 1"=100'

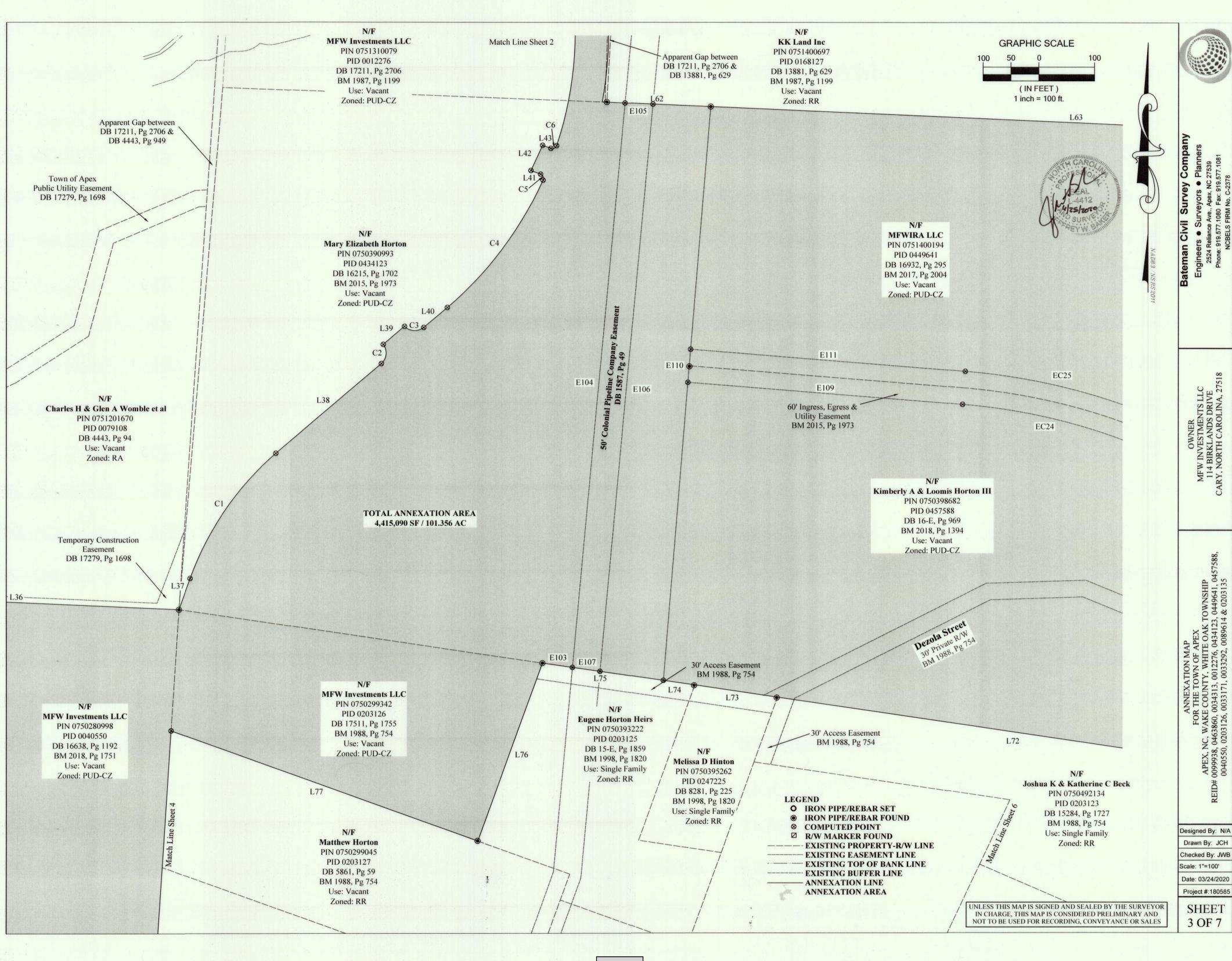
Date: 03/24/2020

Project #:180585 SHEET

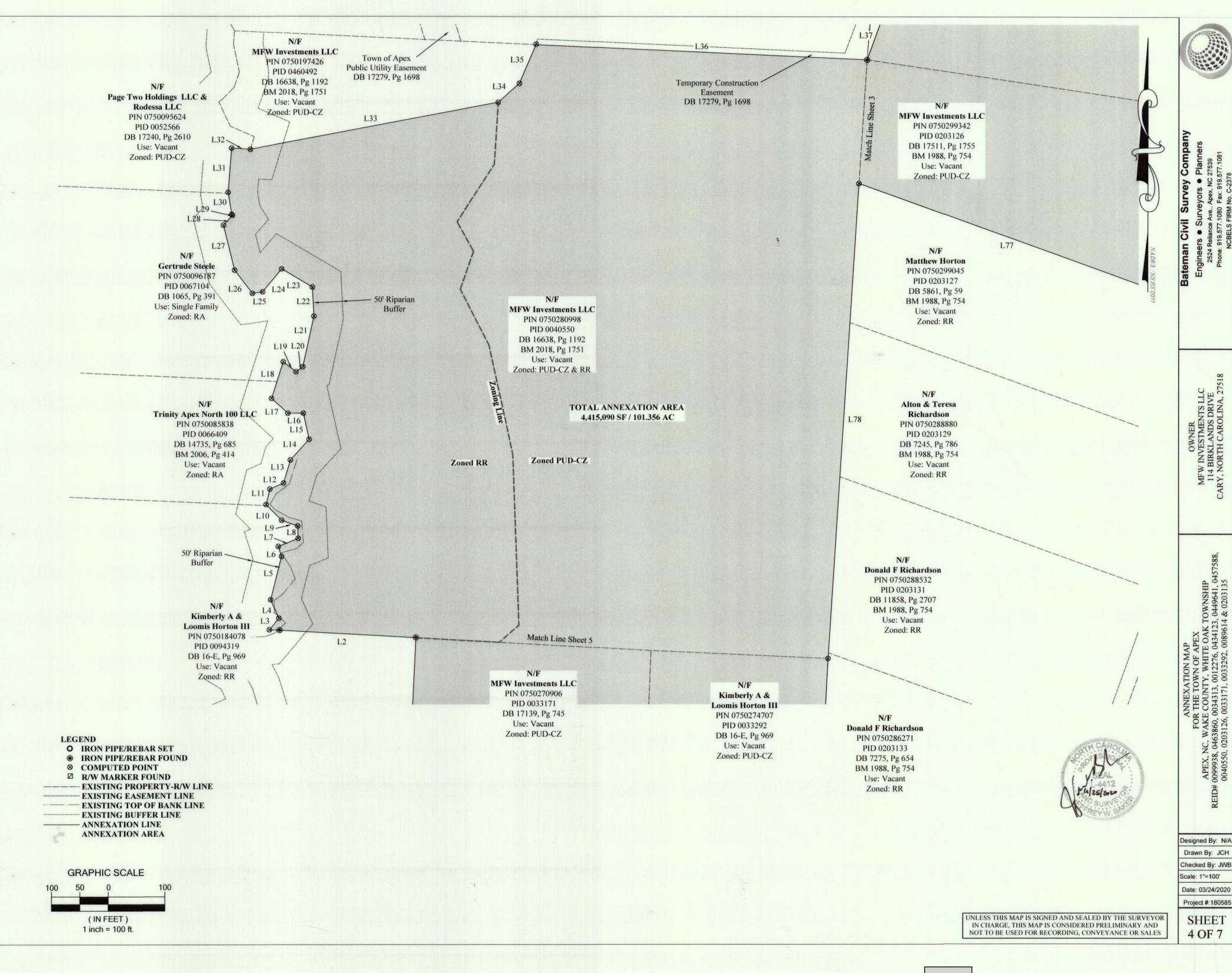
2 OF 7

- Page 263 -

NOT TO BE USED FOR RECORDING, CONVEYANCE OR SALES



- Page 264 -

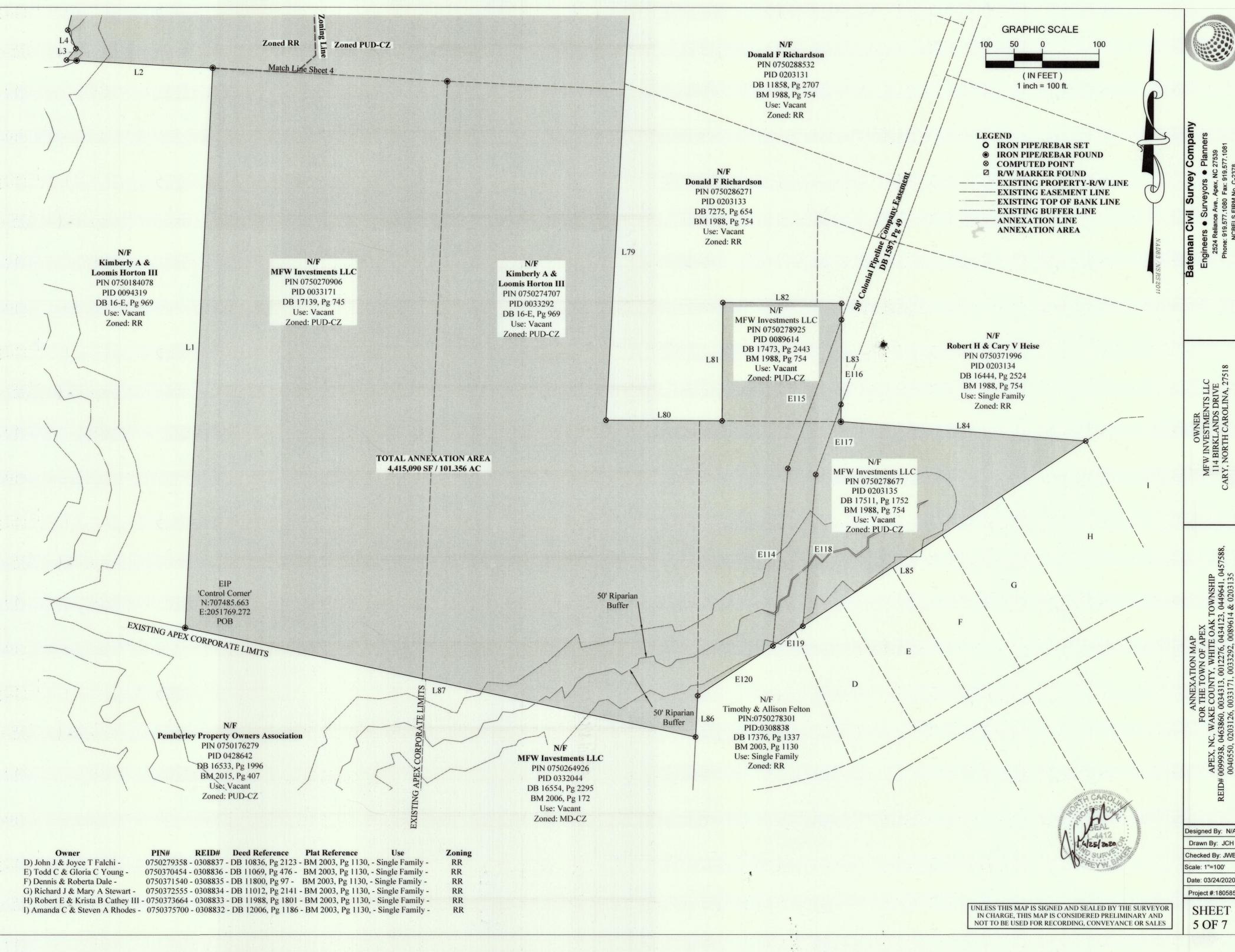


OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

Designed By: N/A Drawn By: JCH Checked By: JWB

Scale: 1"=100' Date: 03/24/2020

SHEET 4 OF 7

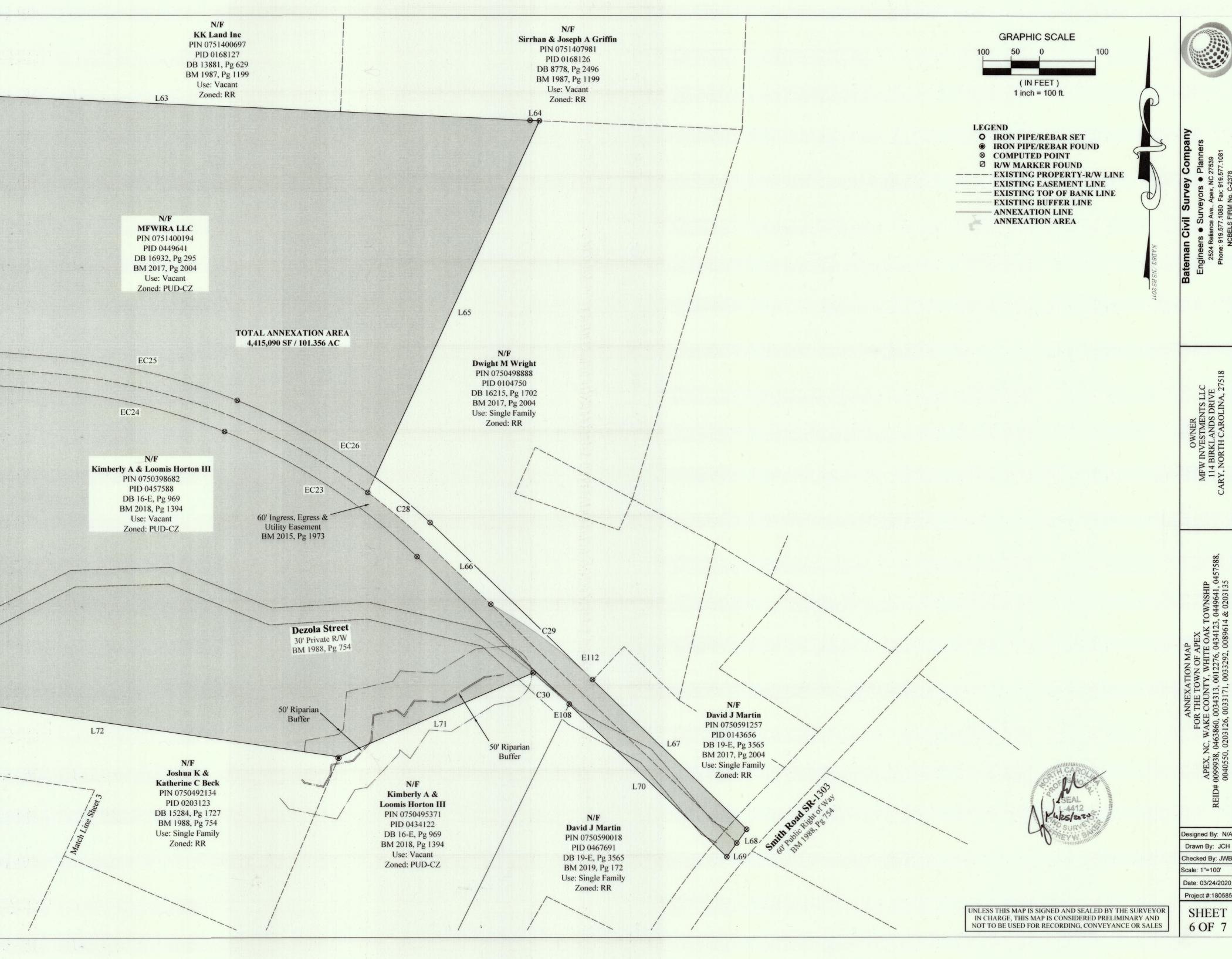


OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

Designed By: N/A Drawn By: JCH

Checked By: JWE Scale: 1"=100" Date: 03/24/2020

SHEET 5 OF 7



OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

VN OF APEX , WHITE OAK TOWNSHIP 312276, 0434123, 0449641, 0457588, 033292, 0089614 & 0203135

Designed By: N/A Drawn By: JCH Checked By: JWB

Date: 03/24/2020

6 OF 7

Annexation Legal Description for REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the South West property corner of MFW Investments LLC (REID 0033171, DB 17139, PG 745), Wake County Records and South East property corner of Kimberly A & Loomis Horton III (REID 0094319, DB 16-E, PG 969), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 3/24/2020 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID# 0099938, 0463860, 0034313, 0012276, 0434123, 0449641, 0457588, 0040550, 0203126, 0033171, 0033292, 0089614 & 0203135, having State Plane Coordinates N:707485.663, E:2051769.272;

Thence N02°44'07"E, 994.82' to an Iron Pipe found; thence N86°50'22"W, 258.73' to an Iron Pipe found; thence N39°30'30"E, 26.26' to a point; thence N23°42'22"W, 35.95' to a point; thence N13°54'09"E, 79.15' to a point; thence N17°33'13"W, 18.56' to a point; thence N67°29'17"E, 37.85' to a point; thence N02°16'21"W, 22.18' to a point; thence N70°27'02"W, 29.99' to a point; thence N44°05'42"W, 39.31' to a point; thence N13°50'46"E, 28.19' to a point; thence N66°20'10"E, 26.21' to a point; thence N16°14'26"E, 42.75' to a point; thence N42°08'44"E, 49.37' to a point; thence N12°33'20"W, 47.21' to a point; thence S89°48'05"W, 27.39' to a point; thence N47°19'12"W, 39.00' to a point; thence N17°31'45"E, 67.92' to a point; thence S52°16'45"E, 28.62' to a point; thence N53°21'20"E, 14.91' to a point; thence N12°12'41"E, 91.90' to a point; thence N02°59'42"W, 51.52' to a point; thence N59°30'21"W, 62.80' to a point; thence S39°54'45"W, 52.49' to a point; thence S81°30'52"W, 18.15' to a point; thence N37°30'45"W, 51.54' to a point; thence N14°00'20"W, 81.92' to a point; thence N41°47'32"E, 23.66' to a point; thence N31°38'22"W, 1.96' to a point; thence N09°34'30"W, 39.41' to a point; thence N04°27'00"E, 78.83' to a point; thence \$86°25'14"E, 33.05' to a point; thence N79°11'30"E, 445.19' to a point; thence N48°13'38"E, 50.09' to a point; thence N22°54'33"E, 74.47' to a point; thence S87°24'13"E, 584.86' to a point; thence N19°40'32"E, 59.76' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 280.51' and a Direction of N34°33'25"E, 277.37' to a point; thence N49°26'19"E, 244.69' to a point; thence a curve to the Left having a Radius of 25.00', a Length of 38.27' and a Direction of N05°35'05"E, 34.64' to a point; thence N49°26'19"E, 50.04' to a point; thence a curve to the Right having a Radius of 25.00', a Length of 38.27' and a Direction of S86°42'27"E, 34.64' to a point; thence N49°26'19"E, 55.76' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 288.86' and a Direction of N36°48'17"E, 286.52' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 13.10' and a Direction of N22°43'53"W, 11.68' to a point; thence N69°38'01"W, 18.54' to a point; thence N24°32'45"E, 50.21' to a point; thence S69°38'01"E, 15.90' to a point; thence a curve to the Left having a Radius of 8.00', a Length of 12.85' and a Direction of N64°20'28"E, 11.51' to a point; thence a curve to the Left having a Radius of 655.00', a Length of 710.34' and a Direction of N12°45'08"W, 676.04' to a point; thence N43°49'14"W, 349.36' to a point; thence a curve to the Right having a Radius of 540.00', a Length of 161.66' and a Direction of N35°14'40"W, 161.05' to a point; thence N33°53'34"W, 32.27' to a point; thence a curve to the Right having a Radius of 545.00', a Length of 131.00' and a Direction of N16°24'52"W, 130.68' to a point; thence N09°31'44"W, 39.04' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.64' and a Direction of N56°17'17"W, 29.14' to a point; thence N17°01'28"W, 70.37' to a point; thence a curve to the Left having a Radius of 35.00, a Length of 57.08' and a Direction of N63°44'30"W, 50.96' to a point; thence a curve to the Left having a Radius of 899.85', a Length of 59.13' and a Direction of S67°39'31"W, 59.12' to a point; thence N24°13'25"W, 100.00' to a point; thence a curve to the Right having a Radius of 1,000.00', a Length of 48.98' and a Direction of N67°10'47"E, 48.98' to a point; thence S87°58'54"E, 49.66' to a point; thence S87°58'17"E, 130.39' to a point; thence S09°31'44"E, 28.27' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 30.32' and a Direction of S52°57'16"E, 27.50' to a point; thence a curve to the Right having a Radius of 1,005.00', a Length of 79.07' and a Direction of N85°52'26"E, 79.05' to a point; thence N88°07'40"E, 207.65' to a point; thence a curve to the Left having a Radius of 880.00', a Length of 299.33' and a Direction of N78°22'59"E, 297.89' to a point; thence S87°54'41"E, 25.01' to a point; thence N66°41'16"E, 199.17' to a point; thence S24°31'49"E, 95.91' to a point; thence S65°28'11"W, 172.84' to a point; thence a curve to the Right having a Radius of 990.00', a Length of 391.50' and a Direction of S76°47'55"W, 388.96' to a point; thence S88°15'11"W, 158.83' to a point; thence S82°47'37"W, 110.66' to a point; thence a curve to the Left having a Radius of 20.00', a Length of 32.23' and a Direction of S36°37'57"W, 28.85' to a point; thence S09°31'44"E, 31.05' to a point; thence a curve to the Left having a Radius of 475.00', a Length of 114.32' and a Direction of S16°25'26"E, 114.05' to a point; thence S14°55'06"E, 28.54' to a point; thence a curve to the Left having a Radius of 480.01', a Length of 143.51' and a Direction of S35°15'20"E, 142.97' to a point; thence S43°49'14"E, 349.36' to a point; thence a curve to the Right having a Radius of 715.00', a Length of 674.37' and a Direction of S16°48'02"E, 649.65' to a point; thence S87°28'46"E, 195.69' to a point; thence S87°28'09"E, 1,310.85' to a point; thence S87°31'29"E, 16.61' to a point; thence S24°36'54"W, 730.39' to a point; thence a curve to the Right having a Radius of 1097.98', a Length of 143.09' and a Direction of S49°31'31"E, 142.99' to a point; thence S45°47'31"E, 153.36' to a point; thence a curve to the Right having a Radius of 880.00', a Length of 231.46' and a Direction of S53°15'39"E, 230.79' to a point; thence S45°47'31"W, 376.61' to a point; thence S35°44'56"W, 30.33' to a point; thence S35°44'56"W, 30.33' to a point; thence N45°47'31"W, 385.60' to a point; thence a curve to the Left having a Radius of 820.00', a Length of 90.03' and a Direction of N48°52'15"E, 89.98' to a point; thence S66°31'41"W, 375.96' to a point; thence N81°31'47"W, 861.72' to a point; thence N81°28'50"W, 149.98' to a point; thence N81°33'25"W, 56.41' to a point; thence N81°44'30"W, 219.28' to a point; thence S19°51'42"W, 340.91' to a point; thence N70°08'18"W, 585.61' to a point; thence S03°40'12"W, 844.63' to a point; thence S03°03'45"W, 587.47' to a point; thence S89°39'02"E, 205.00' to a point; thence N00°17'07"E, 209.76' to a point; thence S89°42'53"E, 210.00' to a point; thence S00°17'07"W, 210.00' to a point; thence S85°26'31"E, 434.14' to a point; thence S56°32'07"W, 821.71' to a point; thence S02°53'36"W, 73.32' to a point; thence N77°53'40"W, 922.38' to a point;

said Iron Pipe being the Point of Beginning. Said Annexation contains 4,415,090 square feet / 101.356 acres, more or less.

		Easement Line T	able
	Line #	Direction	Length
	E90	S05°16'12"W	110.52
	E91	S65°28'11"W	57.62
	E92	N05°16'12"E	111.92
	E93	N66°41'16"E	56.94
	E95	S01°32'39"W	36.51
	E96	S66°43'25"W	562.77
	E97	N87°54'57"W	683.87
	E98	N87°58'54"W	110.69
	E99	N01°20'12"E	50.18
	E100	S87°54'41"E	759.44
	E101	N66°41'16"E	529.20
	E102	S88°26'17"E	65.92
	E103	S81°44'30"E	54.38
	E104	N05°16'12"E	1024.00
	E105	S87°27'56"E	50.06
	E106	S05°16'12"W	1029.00
	E107	N81°44'30"W	50.07
	E108	N45°47'31"W	767.73
	E109	N85°20'31"W	494.97
	E110	N04°39'29"E	60.00
	E111	S85°20'31"E	494.97
	E112	S45°47'31"E	758.81
	E114	N04°45'16"E	317.54
	E115	N19°40'04"E	280.91
	E116	S00°17'07"W	150.66
	E117	S19°40'04"W	132.24
	E118	S04°45'16"W	271.62
	E119	S56°32'07"W	63.64
-	E120	N56°32'07"E	159.14

			Curve Ta	ible		
Curve #	Radius	Length	Delta	Direction	Chord	Tangen
C1	540.00	280.51	029°45'47"	N34°33'25"E	277.37	143.50
C2	25.00	38.27	087°42'27"	N05°35'05"E	34.64	24.02
С3	25.00	38.27	087°42'27"	S86°42'27"E	34.64	24.02
C4	655.00	288.86	025°16'04"	N36°48'17"E	286.52	146.82
C5	8.00	13.10	093°48'15"	N22°43'53"W	11.68	8.55
C6	8.00	12.85	092°03'02"	N64°20'28"E	11.51	8.29
C7	655.00	710.34	062°08'11"	N12°45'08"W	676.04	394.63
C8	540.00	161.66	017°09'08"	N35°14'40"W	161.05	81.44
C9	545.00	131.00	013°46'17"	N16°24'52"W	130.68	65.81
C10	20.00	32.64	093°31'06"	N56°17'17"W	29.14	21.27
C11	35.00	57.08	093°26'04"	N63°44'30"W	50.96	37.16
C12	899.85	59.13	003°45'54"	S67°39'31"W	59.12	29.58
C13	1000.00	48.98	002°48'24"	N67°10'47"E	48.98	24.50
C14	20.00	30.32	086°51'05"	S52°57'16"E	27.50	18.93
C15	1005.00	79.07	004°30'28"	N85°52'26"E	79.05	39.56
C16	880.00	299.33	019°29'22"	N78°22'59"E	297.89	151.13
C17	990.00	391.50	022°39'29"	S76°47'55"W	388.96	198.34
C18	20.00	32.23	092°19'21"	S36°37'57"W	28.85	20.83
C19	475.00	114.32	013°47'24"	S16°25'26"E	114.05	57.44
C20	480.01	143.51	017°07'47"	S35°15'20"E	142.97	72.29
C21	715.00	674.37	054°02'25"	S16°48'02"E	649.65	364.63
C28	1097.98	143.09	007°28'00"	S49°31'31"E	142.99	71.65
C29	880.00	231.46	015°04'12"	S53°15'39"E	230.79	116.40
C30	820.00	90.03	006°17'26"	N48°52'15"W	89.98	45.06

Easement Curve Table						
Curve #	Radius	Length	Delta	Direction	Chord	Tangent
EC23	1070.35	411.40	022°01'20"	N56°49'40"W	408.87	208.27
EC24	1065.04	325.80	017°31'38"	N76°36'09"W	324.53	164.18
EC25	1127.96	344.10	017°28'44"	S76°36'09"E	342.77	173.40
EC26	1127.99	434.53	022°04'18"	S56°49'40"E	431.85	219.99

	Line Table				Line Table			
	Line #	Direction	Lengt	h	Line	# Direction	Length	
	L1	N02°44'07"E	994.82	2	L45	N33°53'34"W	32.27	
	L2	N86°50'22"W	258.73	3	L46	N09°31'44"W	39.04	
	L3	N39°30'30"E	26.26		L47	N17°01'28"W	70.37	
	L4	N23°42'22"W	35.95		L48	N24°13'25"W	100.00	
	L5	N13°54'09"E	79.15		L49	S87°58'54"E	49.66	
	L6	N17°33'13"W	18.56	1	L50	S87°58'17"E	130.39	
	L7	N67°29'17"E	37.85	1	L51	S09°31'44"E	28.27	
	L8	N02°16'21"W	22.18	1	L52	N88°07'40"E	207.65	
	L9	N70°27'02"W	29.99	1	L53	S87°54'41"E	25.01	
	L10	N44°05'42"W	39.31	1	L54	N66°41'16"E	199.17	
	L11	N13°50'46"E	28.19		L55	S24°31'49"E	95.91	
	L12	N66°20'10"E	26.21		L56	S65°28'11"W	172.84	
	L13	N16°14'26"E	42.75		L57	S88°15'11"W	158.83	
	L14	N42°08'44"E	49.37	1	L58	S82°47'37"W	110.66	
T	L15	N12°33'20"W	47.21		L59	S09°31'44"E	31.05	
	L16	S89°48'05"W	27.39	1	L60	S14°55'06"E	28.54	
T	L17	N47°19'12"W	39.00	\parallel	L61	S43°49'14"E	349.36	
	L18	N17°31'45"E	67.92	\parallel	L62	S87°28'46"E	195.69	
	L19	S52°16'45"E	28.62	\parallel	L63	S87°28'09"E	1310.85	
	L20	N53°21'20"E	14.91	\parallel	L64	S87°31'29"E	16.61	
	L21	N12°12'41"E	91.90	\parallel	L65	S24°36'54"W	730.39	
	L22	N02°59'42"W	51.52	\parallel	L66	S45°47'31"E	153.36	
	L23	N59°30'21"W	62.80	╫	L67	S45°47'31"E	376.61	
	L24	S39°54'45"W	52.49	\parallel	L68	S35°44'56"W	30.33	
I	L25	S81°30'52"W	18.15	\parallel	L69	S35°44'56"W	30.33	
I	L26	N37°30'45"W	51.54	\parallel	L70	N45°47'31"W	385.60	
I	L27	N14°00'20"W	81.92	╫	L71	S66°31'41"W	375.96	
I	_28	N41°47'32"E	23.66	╫	L72	N81°31'47"W	861.72	
I	_29	N31°38'22"W	1.96	╫	L73	N81°28'50"W	149.98	
I	.30	N09°34'30"W	39.41	╟	L74	N81°33'25"W	56.41	
I	_31	N04°27'00"E	78.83	╟	L75	N81°44'30"W	219.28	
L	.32	S86°25'14"E	33.05	╟	L76	S19°51'42"W	340.91	
L	.33	N79°11'30"E	445.19	╟	L77	N70°08'18"W	585.61	
L	.34	N48°13'38"E	50.09	╟	L78	S03°40'12"W	844.63	
L	.35	N22°54'33"E	74.47	$\ \cdot\ $	L79	S03°03'45"W	587.47	
L	.36	S87°24'13"E	584.86	H	L80	S89°39'02"E	205.00	
L	.37	N19°40'32"E	59.76		L81	N00°17'07"E	209.76	
L	38	N49°26'19"E	244.69	-	L82	S89°42'53"E	210.00	
L	39	N49°26'19"E	50.04	-	L83	S00°17'07"W	210.00	
L	40	N49°26'19"E	55.76	-	L84	S85°26'31"E	434.14	
-		N69°38'01"W	18.54	H	L85	S56°32'07"W	821.71	
-	42	N24°32'45"E	50.21	-	L86	S02°53'36"W	73.32	
-	43	S69°38'01"E	15.90	H	L87	N77°53'40"W	922.38	
-	-	N43°49'14"W		L	207	11// 33 40 W	744.38	
L ²	44	N43°49'14"W	349.36					



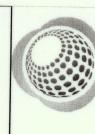
Designed By: N/A
Drawn By: JCH
Checked By: JWB
Scale:

Date: 03/24/2020 Project #:180585

SHEET 7 OF 7

UNLESS THIS MAP IS SIGNED AND SEALED BY THE SURVEYOR IN CHARGE, THIS MAP IS CONSIDERED PRELIMINARY AND NOT TO BE USED FOR RECORDING, CONVEYANCE OR SALES

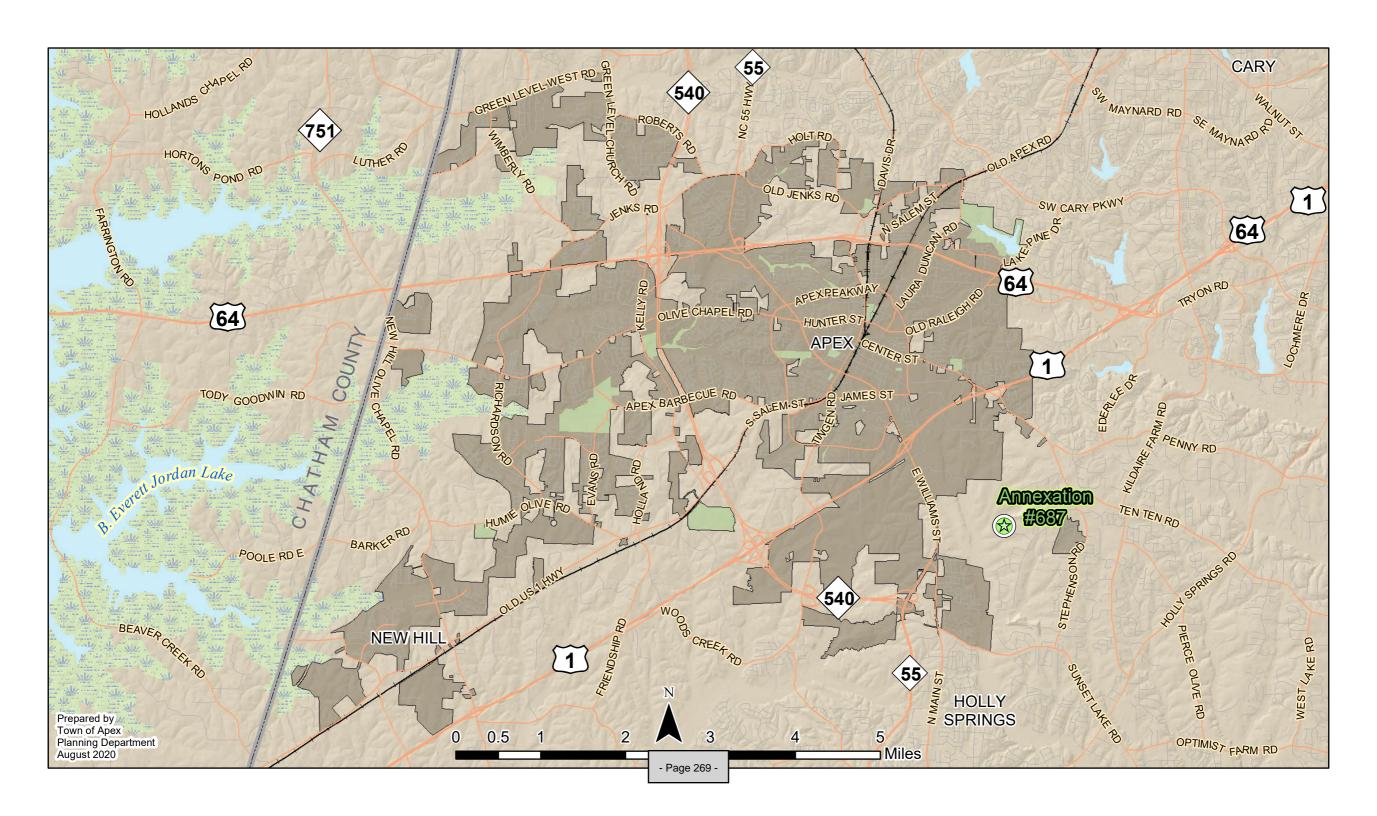
Page 268 -

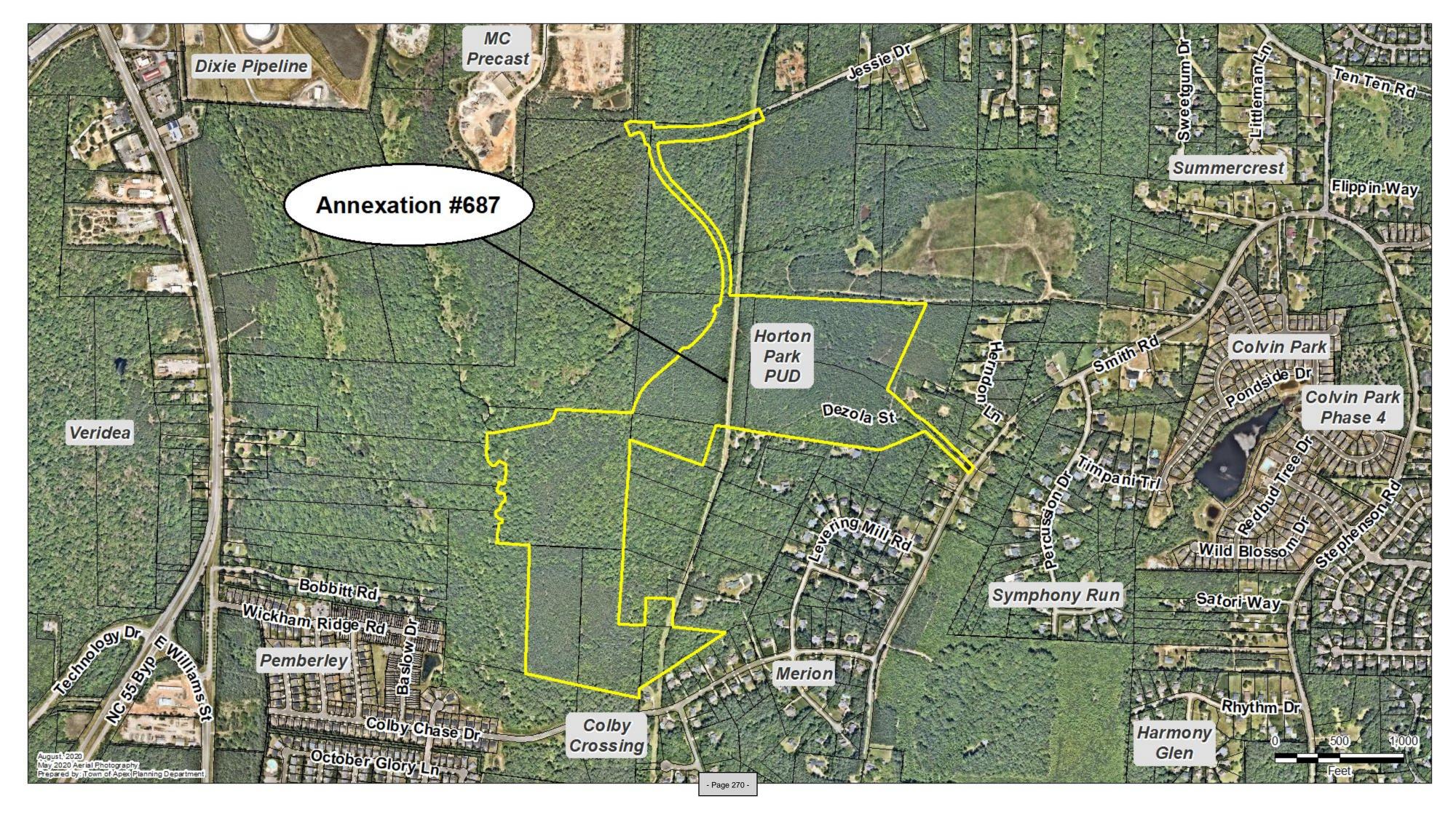


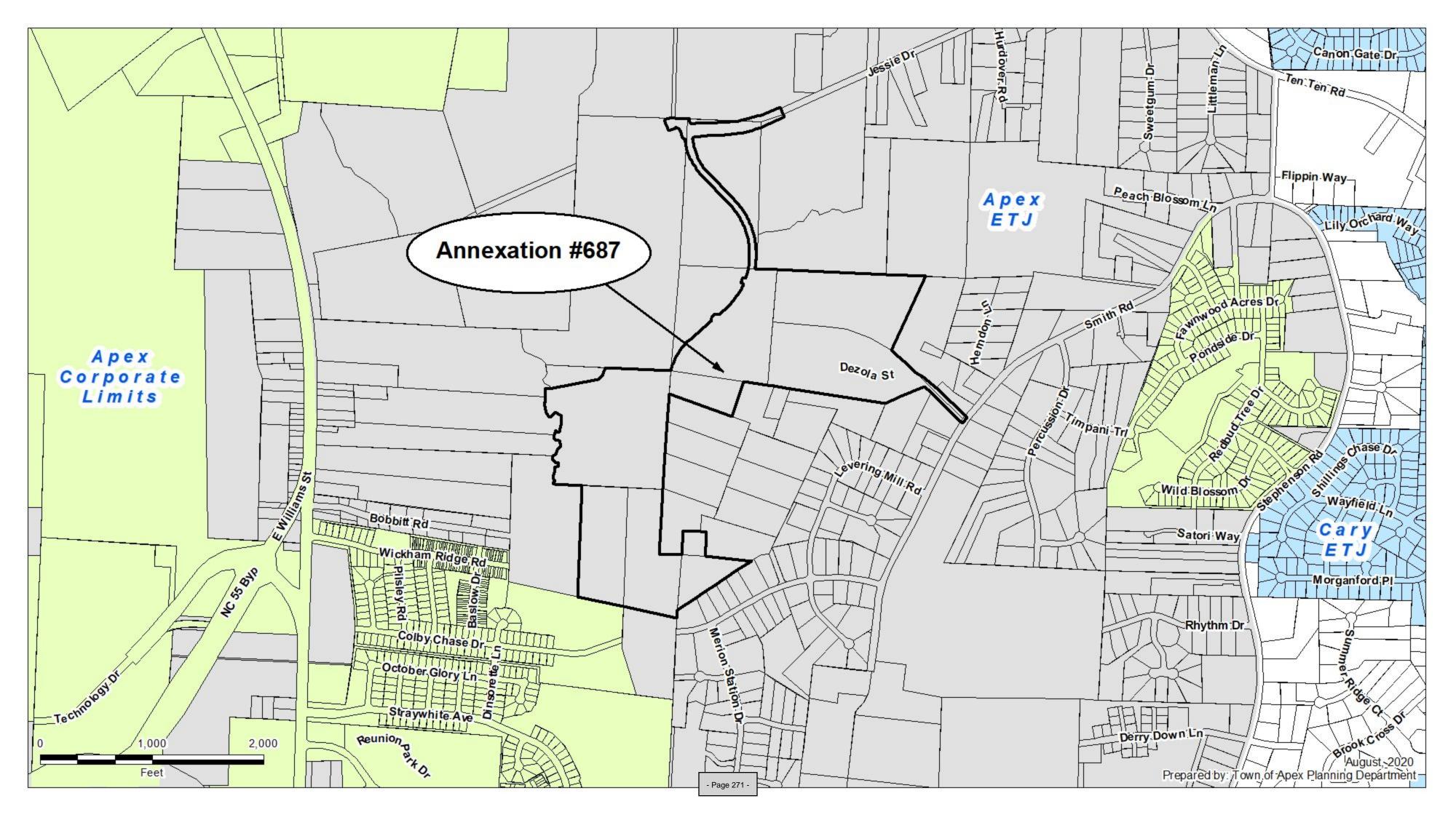
Bateman Civil Survey Company
Engineers ● Surveyors ● Planners
2524 Reliance Ave., Apex, NC 27539
Phone: 919 577 1080 Eav. 616 577 1084

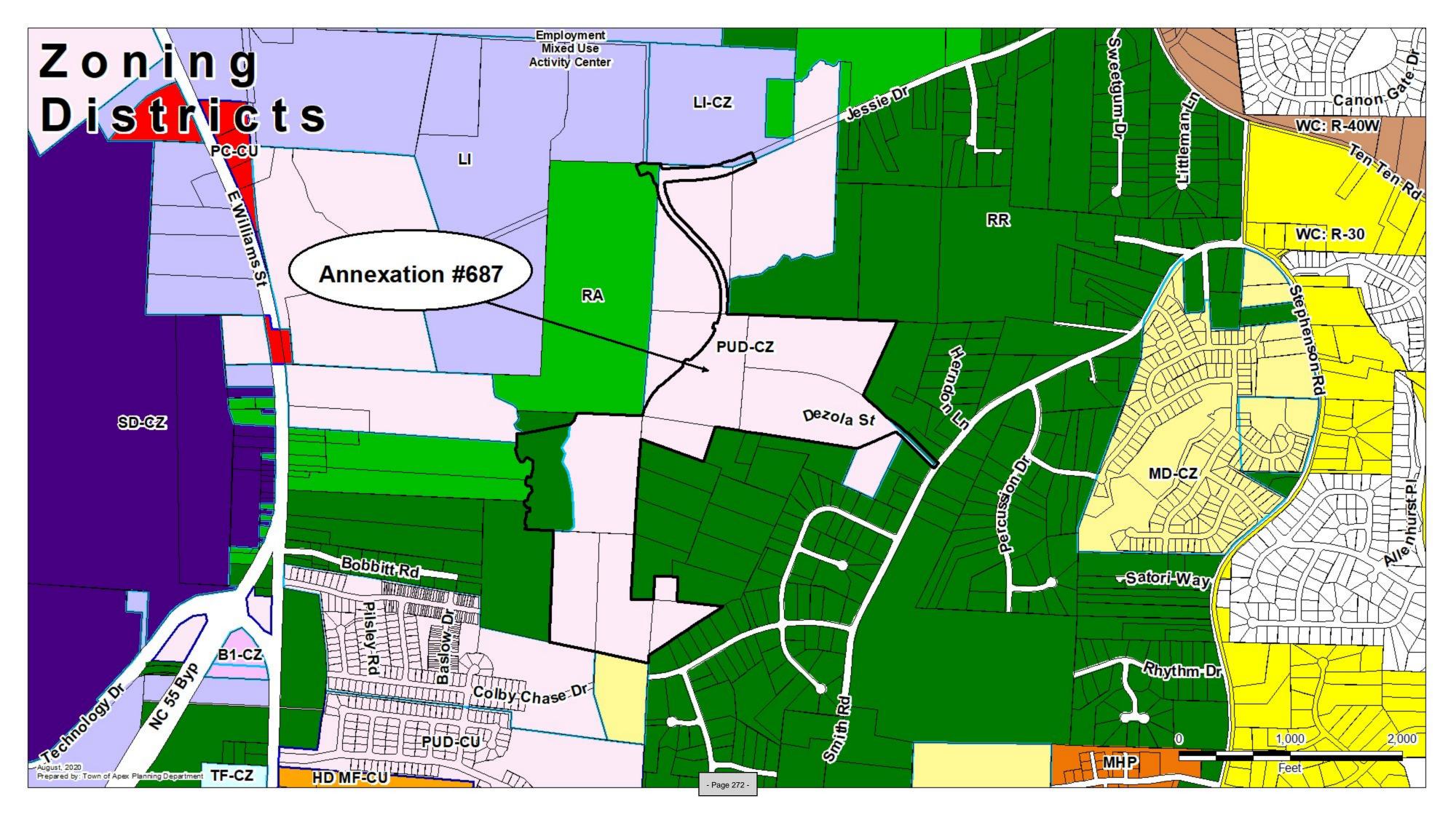
OWNER
MFW INVESTMENTS LLC
114 BIRKLANDS DRIVE
CARY, NORTH CAROLINA, 27518

ANNEXATION MAP FOR THE TOWN OF APEX WAKE COUNTY, WHITE OAK TOWNSHIP 3860, 0034313, 0012276, 0434123, 0449641, 0457 3126, 0033171, 0033292, 0089614 & 0203135









| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: September 15, 2020

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible resolution regarding the Town-initiated proposed renaming of "Lynch Street" within the Town of Apex.

<u>Approval Recommended?</u>

The Planning and Community Development Department is not recommending approval for or against the proposed renaming of Lynch Street, rather staff will present the facts and public input received for Town Council consideration.

Item Details

The purpose of this public hearing is to consider renaming "Lynch Street" to "Lynn Council Street" within the Town of Apex. In accordance with the Town of Apex Address Policy, the Town provided notice of the Town-initiated street renaming by letter to all property owners along Lynch Street. The responses received regarding property-owner preferences for the renaming, and any property-owner suggested alternatives, are summarized in the staff report and will be presented for Town Council consideration.

<u>Attachments</u>

- Staff report
- Resolution of proposed road name change



STAFF REPORT

Street Renaming

September 15, 2020 Town Council Meeting



The purpose of the public hearing is to consider the facts and solicit comments in order to formulate a decision regarding the Town-initiated renaming of "Lynch Street". According to the *Town of Apex Address Policy*, "The Town shall have the authority to rename streets within its corporate limits as needed for reasons related to public safety or inappropriateness." In accordance with the documented procedures, the Town initiated the process of renaming "Lynch Street" by proposing a suitable road name, "Lynn Council Street," to replace the name of concern. The Town notified affected property owners of the intent to change the road name and requested input regarding the matter.

In a letter from the Town Manager, property owners were asked to designate their preference regarding the proposed renaming of "Lynch Street" to "Lynn Council Street" and were given an opportunity to suggest alternative names. At the time this staff report was prepared, 24 responses had been received with the following preferences indicated (one respondent checked both "Lynn Council Street" and "Other", and is tallied twice).

- 1 respondent prefers no road name change;
- 12 respondents prefer "Lynn Council Street"; and
- 12 respondents prefer other road names.

The other road names suggested, along with a reason for the suggestion, are summarized below. Each of the suggested names was evaluated to determine if it is an approvable name. A name is not approvable if it is an existing road name used in Wake County. A notice of the public hearing was sent to all property owners, with a summary of all responses received by August 28, 2020. "Lynn Justice Street" is an additional alternative suggested since that time.

Other Suggested Name	Reason - paraphrased (if provided)	Approvable
Amatour Street	Comes from, or a derivative of, Latin meaning "love".	Yes
Clarice Atwater Street	To honor Clarice Atwater - the first Black Mayor-Pro-Tem in	Yes
	Apex, a Town Council member for more than 12 years, and a	
	visionary who saw and fulfilled the need for a long-term care	
	facility in the area by building and operating the Atwater Rest	
	Home at 312 Lynch Street.	
Commencement Street	To honor all those who began their life's journey on this	Yes
	historic street.	
Justice Heights Street	Inferred reason is because this area has historically been	Yes
	known as Justice Heights. See also suggestion for Justice	
	Street below.	
Lynn Justice Street	Lynn Street is preferred, but if two words are needed, Lynn	Yes
	Justice is suggested to recognize the history of the Justice	
	Family ownership of the property, as well as the meaning of	
	the word "Justice".	
Nairobi Street	Lynn Council Street is not different enough, it sounds like	Yes
	Lynch Street.	
Name honoring the	The Baldwin Family donated the land for the St. Mary AME	Yes, although
Baldwin family	church and the school where Apex Elementary is now. St.	"Baldwin Ridge"
	Mary AME church is named after Mrs. Mary C. Baldwin.	is an existing
		street name and

Other Suggested Name	Reason - paraphrased (if provided)	Approvable
		would not be
		approvable.
Rosewater Place or other	Rosewater Place is one suggestion of a healing or nature-	No to Rosewater,
nature-based name,	based name representing reflection and the pleasant gateway	but other nature-
avoiding individual names	of the neighborhood it serves. The request reflects a desire to	based names
	avoid naming the street after an individual, which	may be
	necessitates explanation of that individuals' story by	approvable.
	residents. There is concern that retelling the story of what	
	happened to Lynn Council will be a painful reminder of	
	lynching for residents.	
True Way Street		No
Victory Street		No
Abraham Street		No
Atwater Street	To honor the history of the Atwater family in Apex, and	No
	Clarice Atwater in particular.	
Justice Street	Abraham Justice owned and developed the land on Lynch	No
	Street where he lived.	
Liberty Street		No
Lynn Street		No

According to the *Town of Apex Address Policy*, following the public hearing, the Town Council will either approve the road name change or deny the road name change by resolution. A resolution for this purpose is provided as Attachment A.

RESOLUTION NO. 20-0915-06

RESOLUTION TO RENAME LYNCH STREET

WHEREAS, Lynch Street is a public right-of-way maintained by the Town of Apex and is located entirely within Town of Apex corporate limits; and

- **WHEREAS**, Lynch Street extends approximately 2,640 feet (0.50 miles) northwestward from South Salem Street (N.C.S.R. 1011) to its terminus at Wake County Parcel # 0741092405; and
- **WHEREAS**, Lynch Street was evidently named after the William Lynch family, which was granted 100 acres by Governor Thomas Bragg in the same vicinity on April 10, 1855; and
- **WHEREAS,** local, state, and federal records show no evidence of the Lynch family remaining in the area after the remainder of the family land was acquired by the T.A. Bullock and Abraham Justice families in 1935; and
- **WHEREAS**, the street was annexed by the Town of Apex in 1960 and the namesake of said street has obscurity; and
- **WHEREAS**, the namesake of "Lynch" remains obscure among residents and has become a negative reminder of a time of intimidation and oppression of Black and African American citizens; and
- **WHEREAS,** the *Town of Apex Address Policy* states, "The Town shall have the authority to rename streets within its corporate limits as needed for reasons related to public safety or inappropriateness"; and
- **WHEREAS,** the Town of Apex notified Lynch Street property owners of discussion to change the street name, requested feedback and suggested names from aforesaid property owners, and posted public notice of a public hearing before the Town Council to discuss the matter; and
- **WHEREAS,** input from the public was reviewed by Town Council and matters regarding the street renaming were discussed; and
- NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Apex does hereby declare the full extent of Lynch Street to be renamed ______ effective the 1st day of January, 2021 and that all administrative processes, including mailing notifications to affected property owners and ordering street sign replacements, commence immediately upon adoption of this resolution.

Adopted and effective the	_ day of, 2020.
	THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA
ATTEST:	BY: Jacques Gilbert Mayor
Donna B. Hosch, MMC, NCCMC Town Clerk	-

| Agenda Item | cover sheet

for consideration by the Apex Town Counci

Item Type: OLD BUSINESS

Meeting Date: September 15, 2020

Item Details

Presenter(s): Colleen Merays, Downtown and Small Business Development Coordinator

Department(s): Economic Development

Requested Motion

Possible motion to extended current Parking-to-Dining Program layout adopted by Town Council on August 18, 2020 until October 21, 2020 to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to extend the ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through October 21, 2020.

<u>Approval Recommended?</u>

Yes

Item Details

This possible motion is in connection to the Apex Downtown Business Association's unanimous Board of Directors' vote on September 1, 2020 and their monthly ADBA meeting on September 4, 2020 to request the Town of Apex extend the "Parking-to-Dining" program until October 21, 2020. This extension is also in response to NC Executive Order 163 that extends indoor occupancy rates to 50% percent or 12 people per 1,000 sq. ft. through October 2, 2020.

<u>Attachments</u>

- Modification of Ordinances for sidewalk dining during COVID 19 Amended
- New Parking-to-Dining Project Area Layout dated 8-10-2020



ORDINANCE NO. 2020-0915-28

AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14 AND SECTION 18-11 AS TO A TEMPORARILY CLOSED PORTION OF SALEM STREET

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

<u>Section 1.</u> Under the authority of N.C.G.S Section 18B-300(c), Section 18-11 of the Apex Town Code of Ordinances is temporarily modified beginning June 3, 2020 and continuing through October 21, 2020 as follows:

During the temporary closure of the parking portions of Salem Street in downtown Apex, Section 18-11(b) of the Apex Town code is amended as follows:

- (b) Notwithstanding the provisions of Town Code subsection 18-11(a) and section 18-12, downtown sidewalk food service tables may be placed and used on the sidewalks <u>and closed parking spaces</u> in the Central Business District of the Town of Apex as provided in this subsection 18-11(b) except when the street is temporarily closed to regular traffic for special events. A "downtown sidewalk food service table" is a table used for food service by a food service provider and located on a public sidewalk <u>or closed parking space</u> directly in front of the food service provider's place of business in the Central Business District. Downtown sidewalk food service tables are subject to the following requirements:
 - (1) No downtown sidewalk food service table nor any chairs or other items used in connection with one shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches. The width of the clear accessible travel path shall be measured from the street-side edge of the concrete sidewalk perpendicularly toward the building-side edge of the concrete sidewalk.
 - (2) Downtown sidewalk food service tables and all chairs and other items used in connection with them shall be situated, outfitted and used in a manner that does not constitute a hazard to persons using the sidewalks.
 - (3) No person shall place, use or operate a downtown sidewalk food service table except as authorized by a site specific development plan approved by the Apex Planning Department.
- <u>Section 2.</u> Under the authority of N.C.G.S Section 18B-300(c), Section 14-14(d) of the Apex Town Code of Ordinances is temporarily modified beginning June 3, 2020 and continuing through October 21, 2020 as follows:
 - (d) Exemption for downtown sidewalk food service tables. The consumption of malt beverage and unfortified wine and the possession of an open container of the same, at a "downtown sidewalk food service table," as defined in Town Code section 18-11, shall be exempt from subsections 14-14(b) and (c) if the service of such malt beverage or unfortified wine is pursuant to a valid ABC permit and in conformity with the ABC laws.

The Town of Apex grants control over the area of public sidewalk <u>and closed parking space</u> upon which a downtown sidewalk food service table is located to the adjacent food service provider to the least extent necessary for the area to qualify as part of the premises of the adjacent food service provider for the purposes of the applicable ABC permit.

The ordinance shall be effective upon enactment.						
Introduced by Councilmember						
Seconded by Councilmember						
Attest:	TOWN OF APEX					
Donna B. Hosch, MMC, NCCMC Town Clerk	Jacques K. Gilbert Mayor					
Approved As To Form:						
Laurie L. Hohe Town Attorney						

 $\verb|TOA|COVID 19 Response| Modification of Ordinances for sidewalk dining during COVID 19$

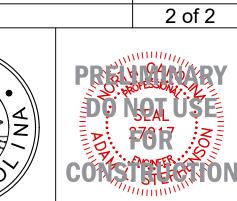
20 40



TOWN OF APEX

PUBLIC WORKS & TRANSPORTATION
ENGINEERING DIVISION
73 HUNTER STREET
APEX, NC 27502
919-249-3417





PROJECT REFERENCE NO. SHEET NO.

PROPOSED CONDITION



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: September 15, 2020

Item Details

Presenter(s): Vance Holloman, Finance Officer

Department(s): Finance

Requested Motion

Discussion and possible motion to adopt Temporary Ordinance Modifications extending the current suspension of utility disconnections and application of penalties and fees for unpaid utility balances

Approval Recommended?

<u>Item Details</u>

At their August 18, 2020 meeting, the Town Council passed a resolution to continue the suspension of utility disconnections for non-payment and the application of late fees and penalties through September 30, 2020. Acknowledging that the current pandemic has made it difficult for some of our customers to pay their entire bill, the Council wanted to ensure our customers did not have service disconnected due to their inability to pay.

As of the end of August, 125 customers have asked for a payment plan. As of August 31, we had 1,615 customers with balances that would make them subject to disconnection with a total of \$618,656 in past due utility bills.

Attachments

- Staff Memo
- Temporary Ordinance Modification



ORDINANCE NO. 2020-0915-29

AN ORDINANCE TEMPORARILY SUSPENDING TOWN CODE SECTIONS 12-37 through 12-39

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1.	Under the authority of N C G S 8 16	0A-314(b), Sections 12-37 through 12-39 o	ıf
·	·	suspended through, 2020	
a. b. c.	The following utility customer fees of suspended through Non-Payment Service Fee Late Fee Reconnect Disconnected Water Fee	_ 2020:	
Section 3.	The ordinance shall be effective upon	n enactment.	
This th	ne 15th day of Septermber, 2020.		
	Councilmember		
Attest:		TOWN OF APEX	
Donna B. Hos Town Clerk	sch, MMC, NCCMC	Jacques K. Gilbert Mayor	
Approved As	To Form:		
Laurie L. Hoh Town Attorne			



Town of Apex

P.O. BOX 250

APEX, NORTH CAROLINA 27502

September 9, 2020

TO:

Drew Havens, Town Manager

FROM:

Vance Holloman, Finance Officer

SUBJECT:

Impact of Suspending Utility Cutoffs upon Utility Funds

You have asked what the financial impact of continuing the Town's suspension of utility cutoffs for nonpayment would be. The Town has three funds providing services whose charges are collected through monthly utility billings. These are the General Fund, the Water Sewer Operating Fund and the Electric Operating Fund. The Electric Operating Fund is the most vulnerable financially. The Fund has the lowest cash balance of the three. The Fund also has the highest dollar amount and percentage of past due accounts. The Town applies utility payments of electric customers to the General Fund and Water Sewer Operating Fund charges first. If an electric customer does not pay their bill, their electric service is cutoff for nonpayment. In addition the Town's outstanding revenue bonds require the maintenance of certain coverage ratios to comply with bond covenants. That ratio measures how many times the net operating income, excluding depreciation, will cover the annual debt service requirements. For that reason I have chosen to perform a stress test of the Electric Operating Fund for the 2020-21 fiscal year (FY 21).

The information below compares, as of June 30 and August 31, the three fund's ratio of past due accounts to revenues from utility charges since March 1. The purpose of this chart is to illustrate the impact of the suspension upon actual collections.

Fund	June 30, 2020	August 31, 2020
Electric Operating Fund	3.6%	2.9%
Water Sewer Operating Fund	2.7%	2.2%
General Fund	2.5%	2.1%
Total	3.2%	2.6%

I first looked at the impact of the suspension has had upon on preliminary figures for the Electric Operating Fund as of June 30th. I found very little change in the Fund's cash and working capital balances, roughly \$5 million and \$8 million respectively. The debt service coverage ratio remains high, 4 times coverage. When calculating that ratio I used the FY 21 debt service requirements which doubled over the prior year due to the issuance of new debt. The Operating Fund currently reflects a small positive income after having made a \$2.25 million transfer to the Electric Capital Project Fund.



Assuming a reduction in revenues of 3.3% due to amounts not collected, I project a decrease of up to \$1.5 million in cash and working capital in FY 21 and a loss in the operating fund of that same amount. That loss is after a transfer of \$1.25 million to the Electric Capital Project Fund. The debt service coverage ratio would remain strong at 3 times coverage. While the Operating Fund can sustain such a loss for a single year, repeated losses of this magnitude would lead to significant reduction in resources and the need to increase rates to compensate for the loss. If the level of noncollection were to change the projection would also change.

In addition to the long term impact on the financial stability of the Electric Operating Fund there are other concerns about continuing the suspension of utility cutoffs for nonpayment. There is an expectation that the Town will make all possible efforts to collect past due accounts from the Town's utility customers, debt holders and oversight agencies. While a temporary suspension of those efforts was mandated by the Governor, there is an expectation those efforts will continue at some point. An extension of the limit will also increase the amounts we will not be able to ultimately collect.

There are reasons to be concerned about the impacts of COVID 19 and the down turn in the economy upon some customers' ability to pay. The Town has options to help customers who are in need. The Town currently plans to implement a payment plan for customers who request it. As long as customers make their current payments and pay a portion of their outstanding balance services will not be interrupted. Wake County has established a program using Federal COVID funds to help utility customers catch up on past due accounts. Town staff has undertaken multiple efforts to make customers aware of these options.

It is also possible for municipalities to establish customer assistance programs (CAPS). One key aspects of CAPS is that funds cannot come from utility payments. The source of funding is typically a General Fund appropriation and voluntary contributions from utility customers or others. Also eligibility is determined by an outside organization with knowledge and experience in social services and eligibility determinations. A publication from the School of Government concerning CAPS can be found at https://efc.sog.unc.edu/sites/default/files/2018/FINAL_Pathways%20to%20Rate-Funded%20CAPs.pdf I have enclosed a few pages from that publication which contain a discussion of issues unique to North Carolina and a case study of a CAP established by the City of Raleigh.

If I can answer any question or give you any further information please let me know.

North Carolina

Water and wastewater utilities in North Carolina fall under several rate setting regulatory systems.

Commission-Regulated Utilities

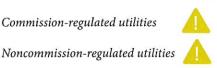
The North Carolina Utilities Commission (NCUC) regulates rates set by private water and wastewater companies.266 The NCUC does not regulate government-owned water or wastewater utilities.267

Under N.C. Gen. Stat. § 62-130, the NCUC shall "make, fix, establish, or allow just and reasonable rates" for commission-regulated utilities. Regulation by the NCUC is done on an individual rate case basis. 268 N.C. Gen. Stat. § 62-140 provides that no commissionregulated utility shall "make or grant any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage" and prohibits commission-regulated utilities from utilizing "any unreasonable difference as to rates or services either as between localities or as between classes of service."

Additionally, commission-regulated utilities are not allowed to charge any person more or less than what the NCUC sets for any service, nor are customers permitted to receive service for a rate greater or less than what the NCUC has set.269 Under N.C. Gen. Stat. § 62-132, rates set by the NCUC are deemed "just and reasonable," and any rate charged by a commissionregulated utility that differs from the NCUC rates shall be deemed "unjust and unreasonable."

In sum, commission-regulated utilities are not expressly prohibited from implementing low-income customer assistance programs (CAPs) funded by rate revenues; however, any such program would have to be approved by the NCUC. Additionally, the language prohibiting commission-regulated utilities from charging greater or less than commission approve rates, or from granting any preferences or advantages to one customer over another customer, likely holds the

Commission-regulated utilities





State Population (2016):

10,146,788

Median Annual Household Income (2015):

\$46,868

Poverty Rate (2015):

17.4%

Typical Annual Household Water and Wastewater Expenditures (2017):

\$914

North Carolina has 2,010 community water systems (CWS), of which 1,458 are privately owned and 1,875 serve populations of 10,000 or fewer people.

North Carolina has 318 publicly owned treatment works facilities (POTWs), of which 213 treat 1 MGD or less.

855,740 people are served by privately owned CWS; 7,164,754 are served by government-owned CWS; and 4,409,160 are served by POTWs.

Estimated Long-Term Water and Wastewater Infrastructure Needs:

\$15.1 billion

Sources: U.S. Census Bureau, 2016 Population Estimate & 2011-2015 American Community Survey 5-Year Estimates; 2016 EFC Rates Survey; U.S. Environmental Protection Agency, 2016 Safe Drinking Water Information System, 2011 Drinking Water Infrastructure Needs Survey, and 2012 Clean Watersheds Needs Survey. See Appendix C for more details.

greatest potential for legal challenges.

Noncommission-Regulated Utilities

Under N.C. Gen. Stat. § 160A-312(a) and § 153A-275, cities and counties are authorized to own and operate "public enterprises," which are defined to include water and wastewater utilities.²⁷⁰ Further, N.C. Gen. Stat. § 160A-314 and § 153A-277 provide that cities and counties may establish and revise rates for public enterprise services, which "may vary according to

^{266.} N.C. Gen. Stat. § 62-130.

^{267.} The NCUC has jurisdiction over any utility furnishing water to the public for compensation or operating a public wastewater utility for compensation. See N.C. Gen. Stat. § 62-3(23)d, § 62-30, § 62-31, § 62-32.

^{268. &}quot;Rate Consolidation," National Association of Water Companies.

^{269.} N.C. Gen. Stat. § 62-139.

classes or service."271 In City of Asheville v. State,272 the court held that, under the broad rate-setting authority found in N.C. Gen. Stat. § 160A-314, "the setting of . . . rates and charges [for water and sewer services] is a matter for the judgment and discretion of municipal authorities, not to be invalidated by the courts absent some showing of arbitrary or discriminatory action." However, in Town of Taylorsville v. Modern Cleaners, 273 the court held that "[a] public utility, whether publicly or privately owned, may not discriminate in the distribution of services or establishment of rates." Additionally, the court elaborated that the "[s]tatutory authority of the city to fix and enforce rates for water and sewer services and to classify its customers is not a license to discriminate among customers of essentially the same character and services; rather, the statute must be read as a codification of the general rule that a city has the right to adopt reasonable classifications based on factors such as cost of service."274

Thus, although there appears to be broad rate-setting authority granted to government entities owning and operating water and wastewater authorities, the aforementioned case law could be interpreted as requiring that rates must be based on cost of service characteristics. For government-owned utilities, this possible cost of service limitation likely creates the greatest potential for legal challenges to low-income CAPs funded by rate revenues. Several publications by the state's leading local government finance legal academic expert reflect this view, advising local governments that using rate revenues to fund these programs is not allowed.²⁷⁵

274. Id.

^{271.} For counties, the phrasing is slightly different and provides that rates may vary for the same class in different areas of the county or may vary according to classes.

^{272.} City of Asheville v. State, 665 S.E.2d 103, 123 (N.C. Ct. App. 2008) (citing Town of Spring Hope v. Bissette, 280 S.E.2d 490 (N.C. 1981)).
273. Town of Taylorsville v. Modern Cleaners, 237 S.E.2d 484, 486 (N.C. Ct. App. 1977).

^{275.} See generally Kara A. Millonzi, A Guide to Billing and Collecting Public Enterprise Utility Fees for Water, Wastewater, and Solid Waste Services, UNC School of Government (2008), 89 (concluding that government-owned utilities cannot reduce utility fees directly).

Case Study #7: City of Raleigh Public Utilities Department, North Carolina

Utility Customer Assistance Program: A Local Government Partnership Overcomes Legal Limitations

Background

Government-owned utilities in North Carolina do not have express authority for establishing low-income customer assistance programs (CAPs) funded by rate revenues. At the same time, "cost of service" rate setting statutory provisions have been interpreted by some legal experts as limiting direct cross subsidization between rate classes. For this reason, North Carolina water and wastewater utilities have been reluctant to implement income-indexed rates, bill discounts, or income eligibility driven temporary assistance funds. Several utilities have created modest CAPs that are funded primarily from nonutility or nongovernmental revenue, such as Orange Water and Sewer Authority's "Care to Share" program. These programs tend to be small in size and have capacity to assist only a limited number of customers each year. In 2016, the City of Raleigh partnered with several other local governments to design a customer assistance program that would comply with what it interpreted as being permissible, but which would still be able to provide significant assistance.

In March 2016, the Raleigh City Council authorized staff to develop a CAP.49 Raleigh recognized that the financial challenges facing some of its utility customers were significant, were not being addressed by existing social programs, and likely could not be adequately addressed by a purely voluntary program. Raleigh also recognized that providing assistance to utility customers would provide cost benefits to the entire community by reducing staff costs and lost revenues associated with disconnections. In December 2016, the city council formally approved a new Utility Customer Assistance Program (UCAP) that would be funded through approximately \$215,000 in general local government revenues from the City of Raleigh and the City of Garner, a neighboring community that has residents who receive services from Raleigh's utility.

About CORPUD

Raleigh is the county seat of Wake County and the capital of North Carolina. The City of Raleigh Public Utilities Department (CORPUD) is a regional water and wastewater service provider that is owned and governed by Raleigh. The utility provides service to approximately 550,000 people who reside within Raleigh's city limits and in a number of surrounding Wake County municipalities. 450 Raleigh and Garner have appropriated funds that have the capacity to serve 895 customer accounts. Six months after launching the program, approximately 400 low-income customers have enrolled and are receiving assistance. 451 The COR-PUD service area covers approximately 194 square miles. CORPUD bills on a monthly basis for water and wastewater services. Some CORPUD customer bills also include charges for other services such as solid waste and stormwater. Raleigh maintains interlocal agreements with the governments of the other municipalities that it serves. These agreements govern different aspects of rate setting, utility expansion, and expenditures.

About UCAP

UCAP provides up to \$240 per year of one-time financial assistance to utility customers who meet established criteria. Each of the local governments that have residents served by CORPUD are given the opportunity to participate in the program by providing general fund revenue into a centrally managed program. During the first year of the program, only Raleigh and Garner chose to participate, providing \$200,000 and \$14,173 respectively. The program is implemented through a partnership with multiple governmental agencies. CORPUD advertises the program on its website, on utility bills, and through customer service staff. Wake County Human Services (WCHS) is responsible for processing applications and carrying out eligibility screening for the program at its offices. WCHS may also notify eligible customers seeking other social assistance of the UCAP's existence. The eligibility requirements are similar to those of the federal Low-

^{449.} City of Raleigh, City Council Meeting Notes The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, November 15, 2016

^{450.} https://www.raleighnc.gov/home/content/Departments/Articles/PublicUtili-

^{451.} City of Raleigh, Correspondence with Author April 4, 2017.

Income Heating and Energy Assistance Program, which is also locally implemented by WCHS. In order to be eligible, utility customers must have incomes less than 130 percent of the federal poverty level and be past due on their accounts or otherwise economically distressed. Once a customer's eligibility for UCAP has been determined, WCHS notifies CORPUD and \$240 is credited to the customer's account.

Legal Framework

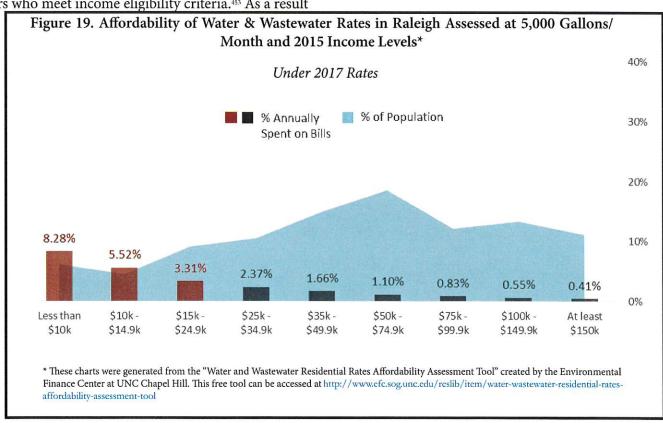
North Carolina statutes provide general guidance on how rates should be set and provide utilities with the authority to vary rates based on classes of service.

Under common law, classes of service and, therefore, the rates customers pay, are tied to factors that affect the cost of serving a customer rather than general attributes of the customer that do not affect cost (e.g., income, age, and so forth). Legal specialists have strictly interpreted this cost of service requirement to limit indirect rate differentiation that would arise if revenue involuntarily collected from one customer was used to fund an emergency or temporary assistance payment program that was only eligible to customers who meet income eligibility criteria. As a result

of these limitations, utilities in North Carolina have avoided implementing any type of income indexed rates or temporary assistance programs funded with rate revenues.

Affordability Assessment for Raleigh

The annual bill for a customer who uses 5,000 gallons a month is \$828. The annual bill increases to \$1,249 for customers who use 8,000 gallons a month. The chart that follows shows the household income distribution of Raleigh in blue, with the percentage of income residential customers with different incomes would spend on water and wastewater services if they used 5,000 gallons/6.7 ccf. For example, a customer in the \$10,000–\$14,999 bracket will spend at least 5.52 percent of their income on water and wastewater services.



^{452.} http://canons.sog.unc.edu/utility-rate-discounts-can-a-local-government-cutits-utility-customers-a-break/

The following table shows key socioeconomic indicators for Raleigh, with the state and national averages available for comparison. Values in red indicate that the indicator is "most stressed," as compared to both the state and national averages. For Raleigh, no indicators are "most stressed."

Figure 20. Af	fordability for Low-Income Cu	istomers in Raleigh	
	Raleigh, North Carolina in 2015	Raleigh in 2014	United States in 2014
Median Household Income	\$55,398	\$46,693	\$53, 482
% Unemployment	5.0%	6.6%	5.8%
% Not in labor force	29.2%	36.8%	36.1%
% of all people with income below poverty	16.0%	17.6%	15.6%
% with Social Security income	18.7%	30.4%	29.3%
% with Supplemental Security income	3.2%	4.9%	5.3%
% with cash public assistance income	1.3%	2.0%	2.8%
% with Food Stamps/SNAP benefits	9.8%	14.4%	13.0%

Sources:

- U.S. Census Bureau's American Community Survey, obtained from American FactFinder, Income tab, Selected Economic Characteristics table from American Community Survey.
- U.S. Census Bureau's American Community Survey, obtained from American FactFinder, B25118: Tenure By Household Income In The Past 12 Months.
- Raleigh Public Utilities, "Utility Rates, Deposits & Other Charges."

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for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: September 15, 2020

Item Details

Presenter(s): Audra Killingsworth, Council Member

Department(s): Governing Body

Requested Motion

Discussion and possible motion to amend section 14-18 of the Town Code of Ordinances to remove the age limit for Trick or Treating

<u>Approval Recommended?</u>

Yes

<u>Item Details</u>

Our current ordinance prohibits anyone over 12 years of age to engage of the practice of trick or treating at any time.

Attachments

• Ordinance Amendment



ORDINANCE NO. 2020-0915-27

AN ORDINANCE TO AMEND SECTION 14-18 OF APEX TOWN CODE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Section 14-18 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-18. - Halloween restrictions.

- (a) No person over 12 years of age shall engage in the practice of "trick or treating" at any time.
- (b) No Halloween "trick or treating" shall be carried on after the hour of 9:00 p.m.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member:		
Seconded by Council Member:		
This the 15th day of September 2020.		
	Jacques V. Cilbert	
	Jacques K. Gilbert Mayor	

ATTEST:
Donna B. Hosch, MMC, NCCMC Town Clerk
APPROVED AS TO FORM:
Laurie L. Hohe Town Attorney

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for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: September 15, 2020

Item Details _____

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Possible motion to approve resolution authorizing the filing of an application with the Local Government Commission to issue \$32 million of General Obligation Refunding Bonds.

Approval Recommended?

Yes

<u>Item Details</u>

This resolution states that the Town has determined there is an economic benefit to refunding all or a portion of the General Obligation Wastewater System Bonds, Series 2012 currently outstanding, authorizes and directs staff to file an application with the North Carolina Local Government Commission for approval of up to \$32 million of bonds for that purpose and authorizes the Town Clerk to publish a notice of intent to file that application and designates Womble Bond Dickinson (US) LLP as the bond attorney and Davenport & Company LLC as the financial advisor in connection with the authorization, sale and issuance of the bonds. A referendum is not required for refunding bonds.

<u>Attachments</u>

- Preliminary Resolution
- Notice to Be Published \$32,000,000 Refunding Bond
- Sworn Statement of Debt
- Statement of Estimated Interest



TO THE PUBLISHER OF THE NEWS AND OBSERVER:

Please publish the following once in <u>The News and Observer</u> on Friday, September 18, 2020:

ORDER AUTHORIZING \$32,000,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the Town Council of the Town of Apex, North Carolina:

- 1. That pursuant to The Local Government Bond Act, as amended, the Town of Apex, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said Town may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$32,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the Town's outstanding General Obligation Wastewater System Bonds, Series 2012, dated June 19, 2012, and (b) pay certain expenses related thereto.
- 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
- 3. That a sworn statement of debt of said Town has been filed with the Town Clerk and is open to public inspection.
 - 4. That this order shall take effect upon adoption.

The foregoing order was adopted on the 15th day of September, 2020, and is hereby published this 18th day of September, 2020. Any action or proceeding questioning the validity of the order must be begun within 30 days after the date of publication of this notice. The Finance Director of said Town has filed a statement estimating that the total amount of interest that will be paid on the proposed bonds over the expected term of the bonds, if issued, is \$4,921,423. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on such bonds. Such statement of estimated interest includes certain assumptions upon which such estimate is based, and there is no assurance that the circumstances included in such assumptions will occur. The validity of the proposed bonds is not subject to challenge on the grounds that the actual interest cost on the bonds when issued is different than the estimated interest amount set forth above.

Donna B. Hosch, MMC, NCCMC Town Clerk Town of Apex, North Carolina The Town Council of the Town of Apex, North Carolina met in a regular meeting in the Council Chambers of the Town Hall located at 73 Hunter Street in Apex, North Carolina, the regular place of meeting, at 6:00 p.m. on September 15, 2020.

Absent: Council M	<u>lembers</u>									
Also present:										
1										
	*	*	*	*	*	*				
	introduced	d the	follo	wing	resc	olution	n the t	tle of v	which was	rea
y of which had been				_						

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWN

BE IT RESOLVED by the Town Council (the "Town Council") of the Town of Apex, North Carolina (the "Town"):

Section 1. The Town Council does hereby determine that:

- (a) Preliminary analysis has been completed to demonstrate the benefit of refunding all or a portion of the Town's outstanding General Obligation Wastewater System Bonds, Series 2012 (the "Series 2012 Bonds").
- (b) The Town Council wishes to commence the procedures for the issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds (the "Refunding Bonds") of the Town at this time for the purpose of refunding all or a portion of the outstanding Series 2012 Bonds.
- (c) The annual audits of the Town show the Town to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.
- Section 2. The filing of an application of the Town with the Local Government Commission for approval of the issuance of the Refunding Bonds of the Town is hereby authorized, ratified and approved.

- Section 3. The law firm of Womble Bond Dickinson (US) LLP is hereby appointed to serve, but solely at the pleasure of the Town Council, as bond counsel to the Town in connection with the authorization, sale and issuance of the Refunding Bonds.
- Section 4. Davenport & Company LLC is hereby appointed to serve, but solely at the pleasure of the Town Council, as financial advisor to the Town in connection with the sale and issuance of the Refunding Bonds.

Section 5. This resolution	on shall take effect im	mmediately upon its adoption.
Upon motion of Counc	il Member	, seconded by Council Member
		led "RESOLUTION MAKING CERTAI
FINDINGS AND DETERM	INATIONS AND A	AUTHORIZING THE FILING OF A
APPLICATION WITH THE	LOCAL GOVERNM	MENT COMMISSION IN CONNECTIO
WITH THE PROPOSED ISSU	JANCE OF GENERA	RAL OBLIGATION REFUNDING BOND
BY THE TOWN" was adopted	by the following vote	e:
Ayes:		
Noes:		
		ed the following order authorizing bonds the been previously distributed to each Counc

ORDER AUTHORIZING \$32,000,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the Town Council of the Town of Apex, North Carolina:

Member:

- 1. That pursuant to The Local Government Bond Act, as amended, the Town of Apex, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said Town may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$32,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the Town's outstanding General Obligation Wastewater System Bonds, Series 2012, dated June 19, 2012, and (b) pay certain expenses related thereto.
- 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
- 3. That a sworn statement of debt of said Town has been filed with the Town Clerk and is open to public inspection.

4. That this order shall take effect upon adoption.

The Town Council thereupon designated the Finance Director of the Town to make and file with the Town Clerk the sworn statement of debt of the Town which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced. The Town Clerk also designated the Finance Director to file with the Town Clerk the statement of total estimated interest which is required by The Local Government Bond Act, as amended, to be filed with the Town Clerk at the time the bond order is introduced and further directed the Town Clerk to file a copy of such statement with the Local Government Commission.

Thereupon, the Finance Director of the Town caused to be filed with the Town Clerk, in the presence of the Town Council, the sworn statement of debt and the statement of total estimated interest as so required.

Upon motion of Council Member _	, seconded by Council				
, the foregoing order	entitled	"ORDER	AUTHORIZING	\$32,000,000	
GENERAL OBLIGATION REFUNDING	BONDS"	was adopte	ed by the following	vote:	
Ayes:					
Noes:					

The Town Clerk was thereupon directed to publish the aforementioned order entitled "ORDER AUTHORIZING \$32,000,000 GENERAL OBLIGATION REFUNDING BONDS," together with the appended statement as required by The Local Government Bond Act, as amended, once in <u>The News and Observer</u>.

* * * * *

I, Donna B. Hosch, MMC, NCCMC, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on September 15, 2020, as relates in any way to the adoption of the foregoing resolution and bond order relating to the authorization of general obligation refunding bonds of said Town and that said proceedings are to be recorded in the minutes of said Town Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 15th day of September, 2020.	
Town Clerk	
[SEAL]	

TOWN OF APEX, NORTH CAROLINA STATEMENT OF TOTAL ESTIMATED INTEREST PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

- I, T. Vance Holloman, Finance Director of the Town of Apex, North Carolina (the "Town"), having been designated by the Town Council of the Town (the "Town Council") to make a statement of total estimated interest pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY as follows:
- 1. On September 15, 2020, the Town Council introduced a bond order authorizing the issuance by the Town of \$32,000,000 General Obligation Refunding Bonds (the "Bonds").
- 2. If the Bonds are duly authorized and issued, I have estimated that the total amount of interest to be paid by the Town over the expected terms of the Bonds to be \$4,921,423. Such estimate is based on the following assumptions:
 - (a) The Bonds will be issued on November 10, 2020 in the aggregate principal amount of \$29,470,000.
 - (b) The Bonds will mature annually on June 1, \$15,000 2021, \$360,000 2022, \$1,475,000 2023, \$1,505,000 2024, \$1,530,000 2025, \$1,560,000 2026, \$1,615,000 2027, \$1,745,000 2028, \$1,810,000 2029, \$1,880,000 2030, \$1,950,000 2031, \$2,005,000 2032, \$2,090,000 2033, \$2,145,000 2034, \$2,650,000 2035, \$2,590,000 2036 and \$2,545,000 2037.
 - (c) The Bonds will bear interest, payable semiannually on each June 1 and December 1, beginning June 1, 2021, at a true interest cost of approximately 1.67% per annum. Such interest cost is based on estimated market rates as of September 2, 2020 and used by the Town for planning purposes.
 - (d) The Bonds will not be redeemed prior to their respective maturities.

The total estimated amount of interest on the Bonds over the expected terms of the Bonds is preliminary and for general purposes only. The Town makes no assurances that the assumptions upon which such estimate is based will occur, and the occurrence of certain of such assumption is beyond the control of the Town. Differences between the actual circumstances at the times the Bonds are issued and the assumptions set forth above could result in significant differences between the total amount of estimated interest and the total amount of actual interest to be paid on the Bonds if and when issued. The validity of the Bonds is not subject to challenge on the grounds that the actual interest to be paid on the Bonds when issued is different than the total amount of estimated interest on the Bonds set forth above.

day of Contember 2020

Cianad this

Signed this day of September, 20	J20.
_	Finance Director

* * * * * *

I, Donna B. Hosch, MMC, NCCMC, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement of total estimated interest which was filed with me at a meeting of the Town Council of said Town held on September 15, 2020, after the introduction of an order authorizing bonds of said Town, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said Town this 15th day of September, 2020.

	Town Clerk
[SEAL]	

TOWN OF APEX, NORTH CAROLINA SWORN STATEMENT OF DEBT MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, T. Vance Holloman, Finance Director of the Town of Apex, North Carolina, having been designated by the Town Council of said Town to make and file with the Town Clerk a statement of the debt of said Town pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

	Wastewater System Bonds, Series 2012	\$29,640,000
	Parks and Recreation Bonds, Series 2013	3,900,000
	Refunding Bonds, Series 2013	2,470,000
	Public Improvement Bonds, Series 2018	21,850,000
	Refunding Bonds, Series 2018	895,000
	Refunding Bonds, Series 2020	2,445,000
	Parks and Recreation Bonds, Series 2020A	1,800,000
	Parks and Recreation Bonds, Series 2020B	28,000,000
	Turks and recreation bonds, somes 2020b	20,000,000
	Total	\$ <u>91,000,000</u>
a(2)	Bonds authorized by orders introduced, but not yet adopted:	
	Refunding Bonds	\$32,000,000
a(3)	Unissued bonds authorized by adopted orders:	
	Street and Sidewalk Improvement Bonds (2015)	\$12,000,000
	Refunding (2018)	345,000
	Refunding (2020)	<u>755,000</u>
	Total	\$ <u>13,100,000</u>
a(4)	Outstanding debt, not evidenced by bonds:	\$
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	\$ <u>136,100,000</u>

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	\$32,000,000
		\$32,000,000
b(2)	Funding and refunding bonds authorized but not yet issued:	\$ <u>1,100,000</u>
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	\$
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	\$
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	\$
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:	\$
b(7)	The amount, as estimated by the Finance Director of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt:	\$ <u>-0-</u>
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7):	\$ <u>33,100,000</u>
	(c) NET DEBT	
(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b):	\$ <u>103,000,000</u>
	(d) ASSESSED VALUE	
(d)	ASSESSED VALUE of property subject to taxation by the Town, as revealed by the Town tax records and certified to the Town by the assessor:	\$ <u>7,882,315,357</u>

(e) PERCENTAGE

(e	Percentage which the NET DEB ASSESSED VALUE (d):	Γ (c) bears to the $\underline{1.307}\%$
Т	The foregoing statement is true.	
		Finance Director
STATE	OF NORTH CAROLINA)	s.:
COUNT	Y OF WAKE	···
S	ubscribed and sworn to before me this	day of September, 2020.
[SEAL]	_	
		Notary Public
	I	Printed Name:
My Com	mission expires	
DO HEI me at a introduc	Donna B. Hosch, MMC, NCCMC, Town CREBY CERTIFY that the foregoing is a true meeting of the Town Council of said Town of an order authorizing general obligation of the public inspection in my officement is open to public inspection in my officement.	e copy of a statement which was filed with wn held on September 15, 2020, after the on refunding bonds of said Town, and that
V	VITNESS my hand and official seal of said T	Fown this 15 th day of September, 2020.
		Town Clerk
[SEAL]		

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for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: September 15, 2020

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal

Requested Motion

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to protect attorney-client privilege and (a)(4) to discuss matters related to the location or expansion of businesses to the area.

<u>Approval Recommended?</u>

N/A

<u>Item Details</u>

N/A

Attachments

• n/a

