

A G E N D A

HICKORY CITY COUNCIL

April 2, 2024



6:00 p.m.



AGENDA
www.hickorync.gov

If you have any questions about any item on this agenda or if you need more information about any item in addition to the information contained in the agenda package, please call the City Manager at 323-7412. For more information about the City of Hickory go to: www.hickorync.gov.

Hickory City Council
76 North Center Street

April 2, 2024
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Susan Smith, Assistant Executive Director of Exodus Homes, and Senior Associate Pastor of Exodus Missionary Outreach United Church of Christ
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Presentation of a Proclamation for Fair Housing Month to Catawba Valley Association of Realtors, Karleta Sharisse Smith. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
 - A. Mr. Clifton Bennett to Discuss the Salvation Army Boys & Girls Club.
- VI. Approval of Minutes
 - A. Regular Meeting of March 19, 2024. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
 - A. Budget Revision Number 17. **(First Reading Vote: Unanimous)**
 - B. Consideration of Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. **(First Reading Vote: Unanimous)**
 - C. Consideration of Rezoning Petition 24-04 for Property Located at 2536 Startown Road, Containing 11.147-Acres from Catawba County R-20 Residential to City of Hickory R-2 Residential. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
 - A. Approval of the Community Relations Council's Spring 2024 Grant Recommendations. **(Exhibit VIII.A.)**

The Community Relations Council (CRC) requests the City Council's approval of the Spring 2024 grant cycle. As part of the CRC work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the

CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area. For the Spring 2024 grant cycle, the CRC received 9 grant applications for projects totaling \$13,500 and is recommending approval of 2 grants, The Salvation Army- \$1,500 and Catawba County Hispanic Ministry, Inc. - \$1,500, totaling \$3,000. Funds are available in the CRC budget for the recommended grant approvals. The Community Relations Council recommends funding of the 2 grants listed totaling \$3,000.

- B. Approval of a Pyrotechnic Display Permit with Pyrotechnics for a Fireworks Display at Lenoir-Rhyne University on April 29, 2024. **(Exhibit VIII.B.)**

Justin Hay, Deputy Director for External Relations at Lenoir-Rhyne University, has submitted a request to obtain permission to conduct public fireworks display on April 29, 2024, no rain date was requested. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommend approval of the pyrotechnics display permit.

- C. Approval to Donate VIPER Radio Network Expansion Equipment to the State of North Carolina at the Riverbend Road VIPER P25 RF Site in Catawba County. **(Exhibit VIII.C.)**

Hickory Police Department requests approval to donate VIPER Radio Network Expansion equipment to the State of North Carolina at the Riverbend Road VIPER P25 RF site in Catawba County. Hickory Police Department is in the process of switching to the North Carolina Viper Radio Network. Hickory Police Department purchased VIPER Radio Network Equipment from Motorola Solutions to be installed at the Riverbend Road Viper P25 RF Tower site in Catawba County. This equipment is needed to expand the channel capacity at the Riverbend Road site to prepare for the future increased usage by the Hickory Police Department. The requested VIPER equipment list to be donated is as follows: 1 – GTR 8000 Expandable Site Sub-System Channel Addition Upgrade; 1 – 700/800 MHZ; 1 – GTR Base Radio; 1 – Astro 25 Site Repeater SW; and 1 – Astro System Release 2019.2. This equipment was purchased by the Hickory Police Department from Funds budgeted in the FY 2022/2023 CIP. The cost of this equipment was \$31,620. Once donated, the State of North Carolina will assume ownership of this equipment, be responsible for installation, future maintenance, and system upgrades as needed. North Carolina General Statute 160A-280 grants cities the authority to donate surplus, obsolete, or unused equipment to other governmental entities after posting a five-day public notice, followed by City Council's approval in the form of a resolution. Notice was posted on the City's website on March 21, 2024. The donation of the VIPER equipment is required to allow the State to take possession of and assume the responsibility for all future updates and maintenance. The Hickory Police Department recommends that the above listed VIPER Radio Network Expansion equipment be donated to the State of North Carolina.

- D. Approval of an Ordinance Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances. **(Exhibit VIII.D.)**

Staff requests the Council's approval of an Ordinance amending Section 1-2 and adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances. The City of Hickory has a significant governmental interest in protecting the health, safety, and welfare of its employees, customers, and the public and in preserving the public order. The City Council has determined that it is necessary and will serve the governmental interest to

establish certain ground rules for aircraft located at the Hickory Regional Airport. Section 1-2 of the Hickory Code of Ordinances shall be amended to definitions. Section 3-30, "Ground Rules for Aircraft". Section 3-31 "Enforcement", and Section 3-32, "Penalties for Violations" shall be added to the Hickory Code of Ordinances. Staff recommends the City Council's approval of the Ordinance amending Section 1-2 and adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances.

E. Approval of a Cemetery Deed Transfer from Charles Edward Hayes, Jr., and wife Kimberly C. Hayes to Adele Reese Barrier, and husband Neill Lee Barrier, Jr., Oakwood Cemetery, Plot A, Lot No. 4, Section 56, containing 80 square feet more or less. (Prepared by Susannah L. Brown, Attorney at Law). **(Exhibit VIII.E.)**

F. Approval of the Acceptance of the Offer of Public Dedication of Street Right of Way for 14th Avenue Drive NE. **(Exhibit VIII.F.)**

Consideration of the acceptance of the offer of public dedication of street right-of-way, being 14th Avenue Drive NE. In 2024 construction was bonded or completed on a new street providing access to a new hotel and restaurant off US Hwy 70 SE. As part of this development, a new street was constructed to provide access to new building lots. The City has been presented with an offer of public dedication of street right-of-way as shown on a plat recorded at Plat Book 84, Page 75 of the Catawba County Registry. The area offered for public dedication is a 45-foot-wide right-of-way known as 14th Avenue Drive NE. The street will or has been constructed by the developer as part of a new commercial development. The street will be or has been properly inspected by the City of Hickory and found to meet the minimum design requirements necessary for public maintenance. Public use and maintenance of street right-of-way cannot occur unless the City Council formally accepts the offer of public dedication by means of a duly executed resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. Staff recommends the City Council's approval of the resolution accepting the offer of public dedication of a 45-foot-wide right-of-way containing a newly constructed street known as 14th Avenue Drive NE.

G. Budget Revision Number #18. **(Exhibit VIII.G.)**

1. *To appropriate \$2,184 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
2. *To appropriate \$19,192 from an insurance claim reimbursement within the Solid Waste Fund.*
3. *To appropriate \$450,000 in State Capital & Infrastructure Fund Revenues from OSBM to be distributed to local non-profits in the Hickory Metro Area.*
4. *To appropriate \$197 from a reimbursement from Catawba County for use of City Fire Department supplies towards supply costs for the Hickory Fire Department.*
5. *To appropriate \$3,000 in donation revenues for summer programming costs at Patrick Beaver Memorial Library.*
6. *To appropriate \$905 in refund revenues towards Fixed Based Operations costs at Hickory Regional Airport.*
7. *To appropriate \$1,500,000 in revenues from Catawba County to go towards construction costs for the Hickory Aviation Museum & Catawba Valley Community College Workforce & Innovation Center Project.*
8. *To return \$3 in remaining funds from JAG 2022 Project to General Fund Balance and close out the project.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business

A. Public Hearings
April 2, 2024

1. Consideration of the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6th Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina – Presented by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

Consideration of the voluntary contiguous annexation of 304.39 acres of property located at 2319 6th Street SE, identified as PIN 3711-13-03-6026. The property is currently vacant and located within the City’s extraterritorial jurisdiction. The property is zoned R-1 Residential, which permits residential development at 2 dwelling units per acre. The property is currently owned by the State of North Carolina. The State of North Carolina has petitioned annexation so that the property can be located within Hickory’s corporate limits. While the property is slated to be a new State Park, no definitive park plans have been developed. Surrounding properties are zoned Catawba County R-20 Residential and City of Hickory R-1 Residential and occupied by single family homes, vacant or under development. The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 23, 2024.

B. Departmental Reports

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Cliff Moone Resigned VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms with Unlimited Appointments) (Appointed by City Council)
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties Owner (Council Appoints) VACANT
Building Trades Profession (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) VACANT
Ward 6 (Patton Appoints) VACANT
At-Large (Council Appoints) VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**



City of Hickory
PO Box 398
Hickory, NC 28603
Phone: (828) 323-7412
Fax: (828) 323-7550

PROCLAMATION FAIR HOUSING MONTH

NATIONAL ASSOCIATION OF REALTORS CELEBRATES EQUAL CHOICE IN HOUSING

WHEREAS, April 11, 2024, marks the 56th anniversary of the passage of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, religion, sex, familial status, handicap, and national origin, and encourages fair housing opportunities for all; and

WHEREAS, The Catawba Valley Association of Realtors, is committed to highlight the Fair Housing Act by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure all people of their right to fair housing; and

WHEREAS, WHEREAS, The NATIONAL ASSOCIATION OF REALTORS® Code of Ethics commits all REALTORS® to providing equal professional services without discrimination based on race, color, religion, sex, familial status, handicap, sexual orientation, gender identity, and national origin,

NOW, THEREFORE, I HANK GUESS, MAYOR OF THE CITY OF HICKORY, on behalf of Hickory City Council, do hereby proclaim the month of April, 2024 as

FAIR HOUSING MONTH

and ask the citizens of Hickory to join the Catawba Valley Association of Realtors in celebrating Fair Housing Month, reflecting on what has been done to eliminate housing discrimination and consider what more needs to be accomplished.

This the 2nd day of April, 2024

Hank Guess, Mayor

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 19, 2024, at 6:00 p.m., with the following members present:

Tony Wood Charlotte C. Williams Danny Seaver	Hank Guess Aldermen	Anthony Freeman David P. Zagaroli Jill Patton
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A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Assistant City Manager Yaidee Fox, Deputy City Attorney Arnita Dula, City Attorney Timothy Swanson, Deputy City Clerk Crystal B. Mundy, and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Mayor Guess
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
 - A. Regular Meeting of March 5, 2024.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of March 5, 2024, be approved. The motion carried unanimously.
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderman Freeman moved, seconded by Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

 - A. Budget Revision Number 16. (First Reading Vote: Unanimous)
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

City Manager Warren Wood asked that Item "F" be removed from the Consent Agenda.

Mayor Guess moved, seconded by Alderman Seaver approval of the Consent Agenda except for Item "F". The motion carried unanimously.

- A. Notification of Unpaid Delinquent Tax Amounts for the Current Fiscal Year in the City of Hickory Limits of Caldwell and Burke County, Real, Personal, and Business Property Taxes and Approved the Advertisement Attempting to Collect the Outstanding Taxes.

North Carolina General Statute 105.369(a) mandates that the Tax Collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". 2023 Caldwell County real property taxes total \$6,711.88; Burke County real property taxes \$1,277.16, personal property taxes \$650.65, and business personal property taxes \$10,094.42, Total of \$12,022.23. A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. North Carolina General Statute 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers with the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay" immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed the City Council of the unpaid tax amounts for the current fiscal year. It is recommended that the City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record to attempt collecting the outstanding taxes.

March 19, 2024

- B. Approved the Issuance of Pyrotechnic Display Permits to Pyro Shows Inc. for Firework Displays at the Hickory Crawdads Stadium.

Staff requests approval to issue pyrotechnic display permits to Pyro Shows Inc. for fireworks displays at the Hickory Crawdads stadium. Douglas Locascio, General Manager of the Hickory Crawdads, submitted a request to obtain permission to conduct public fireworks displays on the following dates: April 12, April 26, May 17, May 24, May 26, June 7, June 21, July 3, July 19, July 26, August 9, August 23, and September 6, 2024. The following would be rain dates: April 13, April 27, May 18, May 25, June 8, June 22, July 20, July 27, August 10, August 24, and September 7, 2024. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommend approval of the above pyrotechnics displays.

- C. Called for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6th Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina. (Authorized Public Hearing for April 2, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 24-11
 RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
 UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from the State of North Carolina requesting annexation of an area described in a petition was received on March 6, 2024, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the 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 and/or G.S. 160A-58.1, as amended:

Property of the State of North Carolina, containing 304.39-acres more or less, located at 2319 6th Street SE, PIN 3711-13-03-6026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory on this 6th day of March 2024.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 24-12
 RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
 PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on April 2, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of the State of North Carolina containing 304.39-acres more or less, located at 2319 6th Street SE, PIN 3711-13-03-6026.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 24-13

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY THE STATE OF NORTH CAROLINA AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, the State of North Carolina is the owner of certain real property as described herein, which property is located at 2319 6th Street SE, Hickory NC, and identified as PIN 3711-13-03-6026, containing 304.39-acres more or less; and

WHEREAS, such property is currently located in the City’s extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 19th day of March 2024 at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 6:00 p.m. on April 2, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on map entitled State of NC (State Park), Voluntary Non-Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; State of NC (State Park), Voluntary Non-Contiguous Annexation Map 2, Current City Zoning, subject property outlined in red; State of NC (State Park), Map 3, Aerial Photography, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

D. Approved for up to \$850,000 through the NC Department of Commerce’s Rural Downtown Economic Development Program.

Staff requests approval to apply for up to \$850,000 through the NC Department of Commerce’s Rural Downtown Economic Development Program. The North Carolina Department of Commerce recently advertised a program to provide grant funding for economic development. Since Hickory is located within a tier 2 County, as defined by the NC Department of Commerce, the City is eligible to apply for up to \$850,000 in funding for improvements to the downtown area. The program provides funding for streetscape improvements and other downtown development projects. Staff proposes applying for funding to upgrade the streetscapes on Government Avenue from 1st Street SW and 3rd Street SW and 1st Avenue NW between North Center Street at 2nd Street NW. These

upgrades will include bulb-outs, improved outdoor spaces, and lighting to match the existing streetscapes in the downtown area. The grant requires a 5 percent match from the City of Hickory. The exact amount of the application will be determined by the preliminary estimate for the project in accordance with program guidelines. Staff recommends the Council authorize the City Manager to apply and execute all documents related to the grant application.

RESOLUTION NO 24-14
Application for North Carolina Department of Commerce
Rural Downtown Economic Development Grant Fund Main Street &
Rural Planning Center Downtown Streetscape Improvements

WHEREAS, the Hickory City Council has indicated its desire to assist in development efforts in downtown Hickory; and,

WHEREAS, the Hickory City Council fully supports the proposed Downtown Streetscape project which will result in the improvement of the streetscapes of Government Avenue SW and 1st Avenue NW in downtown Hickory; and,

WHEREAS, the Hickory City Council wished to pursue a formal application for the Rural Downtown Economic Development Grant in the amount of \$850,000 from the North Carolina Department of Commerce, Main Street & Rural Planning Center; and,

WHEREAS, the Hickory City Council is aware that the program requires 5 percent matching funds; and,

NOW, THEREFORE, BE IT RESOLVED, by the Hickory City Council;

That the City Manager is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Downtown Economic Development Grant Fund, Main Street & Rural Planning Center in order to provide assistance to downtown streetscape improvements.

That this Resolution shall take effect immediately upon its adoption.

- E. Approved a Community Appearance Grant for Non-Residential Property owned by Marshall Kim Harkins, Located at 266 1st Avenue NW in the Amount of \$7,500.

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Marshall Kim Harkins and occupied by a commercial building, located at 266 1st Avenue NW in the amount of \$7,500. The City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to the City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's awnings and stonework, the entrance steps, window replacement, and improvements to an entrance door. The property is located within the City's defined Urban Revitalization Area, and as such is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work listed above, the lowest estimates for the work totals \$14,145. If the Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$7,500 grant. The subject property's current tax value is assessed at \$276,100. The requested grant amounts to 2% of the property's tax value. The application was reviewed by the Community Appearance Commission and unanimously recommends funding of the grant application in the amount of \$7,500.

- F. Removed from Consent Agenda and Discussed Under "IX. Items Removed from Consent Agenda". Approved a Loan Settlement with Triple Crown Investments in the Amount of \$18,000 to Satisfy an Outstanding Lien for a CDBG Housing Rehabilitation Loan in the Amount of \$28,568.86 for Property Located at 518 1st Avenue SE.

Staff requests Council's approval of a CDBG (Community Development Block Grant) loan settlement of \$18,000 for 518 1st Avenue SE. The home at 518 1st Avenue SE has been vacant for approximately seven years and has an older Community Development loan balance of \$28,568.86. It has delinquent property taxes dating back to 2009 in the amount of \$21,031.08. The remaining balance on the CDBG loan as of March 7, 2024, is \$28,568.86. Triple Crown Investments has made an offer to settle this debt with a payment to the City of Hickory in the amount of \$18,000 and this has been approved by the Citizen's Advisory Committee. Staff recommends approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy the outstanding lien for CDBG Housing Rehabilitation Loan in the amount of \$28,568.86 for the property at 518 1st Avenue SE.

- G. Approved the Citizens' Advisory Committee's Recommendation for Assistance through the City of Hickory's Housing Programs.

The mission of the City of Hickory's Community Development Division is to preserve the existing housing base, enhance ownership opportunities for all its citizens to obtain decent housing, and provide a quality environment conducive to the safe and healthy growth of its citizenry. The seven-member Citizens' Advisory Committee was formed to provide for citizen input in the facilitation of the City's CDBG program, as well as any other similar community enhancement funding the City may receive. The following requests were considered by the Citizens' Advisory Committee at their regular meeting on March 7, 2024:

- Debora Jenkins, 2013 13th Avenue NE Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.
- Betty Clark, 264 5th Avenue SW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for assistance due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.
- Maria Lira, 134 40th Avenue Place NW, Hickory, was not recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee declined the applicant for approval due to the home repairs needed do not meet the Housing Rehabilitation loan guidelines.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- H. Approved the Arbor Day Proclamation for April 27, 2024.
- I. Approved on First Reading Budget Revision Number 17

**ORDINANCE NO. 24-10
BUDGET REVISION NUMBER 17**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2024, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Culture & Recreation	12,908	-
General Government	550,000	-
TOTAL	562,908	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	10,143	-
Miscellaneous	2,765	-
Other Financing Sources	1,051,401	501,401
TOTAL	1,064,309	501,401

SECTION 2. To amend the Water/Sewer Fund within the FY 2023-24 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	1,050,000	-
TOTAL	1,050,000	-

To provide funding for the above, the Water/Sewer Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	1,050,000	-
TOTAL	1,050,000	-

SECTION 3. To amend the MUNIS/Tyler Technologies (#450001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,000,000	500,000
TOTAL	1,000,000	500,000

To provide funding for the above, the MUNIS/Tyler Technologies (#450001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	500,000	-
TOTAL	500,000	-

SECTION 4. To amend the Ridgeview Library Expansion (#630001) Capital Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	1,401	1,401
TOTAL	1,401	1,401

SECTION 5. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – Item “F”.

City Manager Warren Wood recommended approval of Item “F”, which was approval of a loan settlement with Triple Crown Investments in the amount of \$18,000 to satisfy an outstanding lien for a CDBG (Community Development Block Grant) Housing Rehabilitation Loan in the amount of \$28,568.86 for property located at 518 1st Avenue SE. He asked Business and Community Development Manager Dave Leonetti to the podium to explain what was happening with this agreement.

Business and Community Development Manager Dave Leonetti advised that this property being referenced, 518 1st Avenue SE, was located approximately a half mile southeast of City Hall. The City did a rehab loan on this back in 1997, and the owner of the house subsequently passed away. Her nephew took ownership of the house, and he passed away in 2017. The house had been vacant since about 2017. The property taxes had not been paid since 2009, and the property was under tax foreclosure with Catawba County. In this action with the folks that were interested in purchasing this property, they would pay off the outstanding property taxes owed, as well as pay the City \$18,000 of the remaining balance on the housing rehabilitation loan. If the property was allowed to go through tax foreclosure, that could take up to probably an additional year or so, and the property would be sold at auction. There would no guarantee that the City would receive anything in that settlement. The property tax revenue would get paid first, and there would be no guarantee the City would receive anything in that settlement. This would potentially get the City some of the revenue from the outstanding loan, the property tax funding, and get the property back on the tax roll in a quicker manner. He asked for any questions.

Mayor Guess commented that this was a very rare occasion, it sounds like.

Mr. Leonetti advised they had done one of these a few years back on a very old rehab loan, again, it was to get it back on the property taxes after somebody had passed away, he believed, as well.

Mayor Guess asked for any other questions for Mr. Leonetti.

Alderman Wood asked if the \$18,000 rolled back over into that fund.

Mr. Leonetti advised yes, that would be treated as program income into the Community Development Block Grant Program, so they would be able to use that for funding.

City Manager Warren Wood mentioned that the Community Development Loans were somewhat risky, so the fact that they had not had many was a testament to what was done to collect that.

Mayor Guess asked for any other questions. He thanked Mr. Leonetti.

Alderman Seaver moved, seconded by Alderwoman Patton approval of Item “F”, Settlement of the CDBG Housing Rehabilitation Loan. The motion carried unanimously.

X. Informational Item

XI. New Business

A. Public Hearings

1. Approved on First Reading Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial – Presentation by Planning Manager Cal Overby.

Staff requests consideration of Rezoning Petition 24-03 as requested by Shilpababen and Pravinkumar Patel for rezoning of 2.76 acres of property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units. The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 square feet of non-residential or mixed-use development. However, design constraints would reduce the stated maximums. The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9 and 16, 2024.

Mayor Guess asked City Manager Warren Wood to introduce the public hearing.

City Manager Warren Wood asked the City's Planning Manager Cal Overby to the podium to present Council with rezoning petition number 24-03 for property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial.

Planning Manager Cal Overby gave a PowerPoint presentation. He commented as City Manager Warren Wood outlined, this was a request to rezone property located at the intersection of 20th Avenue Drive NE, and 16th Street NE. The property was approximately two- and three-quarter acres in size and the request was to rezone the property from R-3 Residential to Neighborhood Commercial. He referred to the PowerPoint and displayed a map, which was the Hickory by Choice 2030 Comprehensive Plan map. This map showed the area in question, which he pointed out the location. He noted it was the center of what was a neighborhood node. The Comprehensive Plan was made up of corridors and nodes. That was a lot of what the background of the plan called for. In this area that was what the plan called for, rezoning of the property from R-3 Residential to Neighborhood Commercial. It was a mixed-use center, which would include anything from professional office, retail, and even residential in this area. With regards to the existing zoning of the property, the property was zoned R-3 Residential as well as all the surrounding properties, as well as the properties across the intersections were all zoned Neighborhood Commercial. In terms of consistency, it was contiguous to an existing district. They were growing the district organically, and it was not a spot zone of any sort.

Mr. Overby discussed the land uses around the property. He referred to the PowerPoint and displayed a map. He pointed out the State Employees Credit Union, the former location of the Family Video, Marco's Pizza, the shopping center that was bought by Tabernacle Church, which they were in the process of renovating to put in a childcare center, and some other ancillary uses for the church. He pointed out Argyle Place apartments, and several medical offices within this park, which was called Five Oaks. He mentioned that staff look at these considering the Comprehensive Plan, which was a guiding document that they use to make their recommendations and decisions. As he noted on the prior map, this area was classified as neighborhood mixed-use. The plan discussed neighborhood mixed-use as being an area with a mixture of residential, retail and office space. That was what was seen in the area now. The only one that the plan talked about, which was not there, was a park, that was the one that was missing in the node now. It was consistent with the plan asked for. He reiterated several of the uses that are there now included what the plan projected being there.

Mr. Overby advised this item was reviewed by the Hickory Regional Planning Commission on February 28, and after consideration, the owner's agents spoke in favor, and no one spoke in opposition. The Planning Commission voted

unanimously to recommend the City Council's approval. He asked for any questions.

Mayor Guess asked for any questions for Mr. Overby.

Alderman Wood asked if they give any indication of what they were going to put on this property if it was rezoned.

Mr. Overby commented not directly to him, but their agent may be able to shed some light onto that. With rezoning to Neighborhood Commercial one thing to remember was it was not specific, so whatever was permitted in that district would be there. It could be anything from a retail center, a retail business, it could be an office, it could be residential. They were looking at all those when they were doing just a general map change there.

Alderman Wood commented that his thought was the long-term care facility that was adjacent to this property, the consistency of use, and what might be there.

Mayor Guess explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if anyone in favor of the proposal wished to speak.

Mr. Andrew Loftin, 200 South Tryon Street, Suite 200, Charlotte, NC, 28202 advised he represented the owner and was present to answer any questions.

Alderman Wood asked if he could answer his previous question about intended use.

Mr. Loftin advised they were still working on the program for what they were going to do, but it would obviously be something that was allowed in the Neighborhood Commercial zone. They were happy to work with the site beside of them to make sure they were consistent with everything in that area.

Alderman Wood thought it was just an appropriate buffer for a facility that was being used for that purpose. He thought a proper buffer was called for there. Certainly, they were going to do everything within the limits, but he would ask that they give that consideration.

Mr. Loftin advised they would provide an appropriate buffer.

Mayor Guess asked for any other questions for Mr. Loftin? He asked if he had anything else to add. He thanked Mr. Loftin. He asked if there was anyone else present that would like to speak in favor. No one else appeared. Mayor Guess declared the public hearing closed.

Alderman Patton moved, seconded by Alderman Williams approval of rezoning petition number 24-03. The motion carried unanimously.

ORDINANCE NO. 24-11

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 2.76 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 16TH STREET NE AND 29TH AVENUE DRIVE NE, INCLUDING 1630 29TH AVENUE DRIVE NE, FROM R-3 RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL (NC)

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the property owner has been petitioned to rezone +/- 2.76 acres of property located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE, more particularly described on Exhibit A attached hereto, to allow a Neighborhood Commercial District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 2024, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 24-03 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject properties are located at the southeast corner of 16th Street NE and 29th Avenue Drive NE, including 1630 29th Avenue Drive NE, and identified as PINs 371419611284 and 371419616084.
- The rezoning request is intended to further implement the recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: "A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments, such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks."

Given these factors, the rezoning of the properties to Neighborhood Commercial (NC) are consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future neighborhood scaled mixed use development, which is what the Neighborhood Commercial (NC) district provides.

- Preserve and protect land, air, water and environmental resources and property values.

All improvements that are to take place on the properties will be required to follow all applicable development regulations.

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resources and governmental expenditures.

The subject properties have access to two state-maintained roadways, 16th Street NE (SR 1401) and 29th Avenue Drive NE (SR 1402) and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.

- Regulate the type and intensity of development; and

The current land use pattern of the larger area is mixed use in nature; with residential, office and commercial being present. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.

- Ensure protection from fire, flood, and other dangers.

The subject properties will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.
- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current zoning and use of the larger area is mixed use, with residential, office and retail being components. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district allows residential, but also allows for office and retail uses. Given the nature of the location of the properties at the intersection of two major thoroughfares, a mixture of land uses would be appropriate as envisioned by the city's comprehensive plan.
- The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and practical.
- The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.
- The proposed amendment (zoning map) will protect public health, safety, and general welfare.

The subject properties are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated mixed use development.

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-03 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

2. Approved the Voluntary Contiguous Annexation of 11.147-Acres Located at 2536 Startown Road, PIN 3721-1950-9129, Owned by Matthew Varney, and wife Yer Vang – Presentation by Planning Manager Cal Overby.

Consideration of the voluntary contiguous annexation of 11.147 acres of property located at 2536 Startown Road, identified as PIN 372119509129. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County, zoned Catawba County R-20 Residential. If annexed the owner has requested the property be zoned R-2 Residential. The property owner desires to connect the property to the city sewer service, which requires annexation. The property could potentially be the location of a new residential subdivision. The current tax value of the property is \$376,400. If annexed, the vacant property would generate \$1,712.62 in additional tax revenues. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff find the petition to be in conformity with applicable statutes and recommend approval of the petition.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9, 2024.

Mayor Guess asked City Manager Warren Wood to introduce the next public hearing.

City Manager Warren Wood asked Planning Manager Cal Overby back to the podium to present Council with a request for voluntary contiguous annexation of 11.147-acres of property located at 2536 Startown Road, owned by Matthew Varney and wife, Yer Vang.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed the contiguous annexation for the property located at 2536 Startown Road, containing just over 11 acres of property. The closest ward was Ward 3, Alderman Seaver. The current development was a single-family residence, and the future development was potentially a single-family subdivision. The annexation was being sought for connection to the City utility system. He referred to a map on the PowerPoint and pointed out the subject property. He pointed out the City limits, which were contiguous, the extra-territorial jurisdiction, and the area which was under Catawba County's zoning authority. He discussed the existing zoning in the area, he pointed out Trivium Corporate Center, a subdivision which was Piedmont Startown, which was currently under construction, the future phase of Trivium, Fairgrove Business Park, Catawba Valley Boulevard, and retail areas in that area.

Mr. Overby discussed land use. He referred to a map on the PowerPoint and advised the map did not show the residential development that was currently being constructed in this area. He pointed out Trivium Corporate Center, vacant parcels, and sparsely single-family development. Staff evaluated this to see if it met the requirements and if adequate services were available to serve the property. Upon this analysis, they found that they were. Staff recommended approval of the annexation. He asked for questions.

Mayor Guess asked for questions from the Council. He thanked Mr. Overby. Mayor Guess advised the rules for conducting the public hearing applied as previously explained. He declared the public hearing open and asked if anyone in opposition to the proposal wished to speak. No one appeared. Mayor Guess asked if anyone in favor of the proposal wished to speak.

Mr. Will Clayton, Clayton Engineering, 2080 Singer Drive, Hickory, NC, advised he would hopefully be the Design Engineer on this project. They were not exactly sure what they were going to do with it once it was annexed, but some kind of residential development on it. He commented he would be happy to answer any questions.

Mayor Guess asked for questions. He thanked Mr. Clayton. Mayor Guess declared the public hearing closed.

Alderman Patton moved, seconded by Alderman Seaver approval of the voluntary contiguous annexation of the property located at 2536 Startown Road. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 498
VOLUNTARY ANNEXATION ORDINANCE (CONTIGUOUS)
Matthew Varney and wife, Yer Vang

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 19th day of March, 2024; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.

- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1 as amended, have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described contiguous territory is hereby annexed and made a part of the City of Hickory as of the 31st day of March 2024:

Contiguous Annexation
by the City of Hickory
of the property known as
Matthew Varney and wife, Yer Vang

That certain property or tract of land lying and being about 5.32 miles southeast of the center of the City of Hickory. Bounded on the north by the existing City of Hickory city limits as shown in Plat Book 79 at Page 70 and other lands of Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709; on the east by the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713 and Deed Book 3623 at Page 1853; on the south by the by the lands of Alan Devite as described in Deed Book 3495 at Page 1558; on the west by Startown Road (S.R. 1005) and more particularly described as follows, to wit.

Beginning at 1/2" rebar in the south line of the Piedmont Companies, Inc. as described in Deed Book 3715 at Page 1709 and the City of Hickory city limits line as shown in Plat Book 79 at Page 70 and running thence, as the south line of Piedmont Companies, Inc. and existing city limits the following calls: North 52 degrees 46 minutes 01" East 121.32 feet to a 1/2" rebar; thence South 86 degrees 19 minutes 34 seconds East 417.02 feet to a 1" rebar; thence South 86 degrees 47 minutes 22 seconds East 568.81 feet to a 1 1/4" pipe, the southeast corner of the Piedmont Companies, Inc. lands in the west line of the lands of Jason Ronald Sain as described in Deed Book 3047 at Page 1713; thence, with the west line of Sain and as new City of Hickory city limits lines, South 40 degrees 35 minutes 48 seconds East 356.34 feet to an existing stone, the northwest corner of the lands of Jason Ronald Sain as described in Deed Book 3623 at Page 1853; thence, with the west line of Sain, South 05 degrees 50 minutes 12 seconds West 126.19 feet to a 1/2" rebar in the west line of Sain, the northeast corner of the lands of Alan Devite as described in Deed Book 3495 at Page 1558; thence, with the north line of Devite, the following calls: North 88 degrees 33 minutes 27 seconds West 565.78 feet to a 1/2" rebar; thence North 88 degrees 34 minutes 12 seconds West 398.65 feet to a 1/2" rebar; thence north 88 degrees 34 minutes 34 seconds West 230.00 feet to a 1/2" rebar; thence, continuing the same bearing, 31.19 feet to a point in Startown Road (S. R. 1005); thence, running with Startown Road (S.R. 1005), the following calls: North 09 degrees 17 minutes 50 seconds West 67.28 feet to a point; thence North 13 degrees 39 minutes 23 seconds West 90.26 feet to a point; thence North 16 degrees 53 minutes 17 seconds West 47.71 feet to a point; thence North 20 degrees 08 minutes 16 seconds West 71.00 feet to a point; North 23 degrees 46 minutes 39 seconds West 71.41 feet to a point; thence, leaving Startown Road (S.R. 1005), North 52 degrees 46 minutes 01 seconds East 31.13 feet to the point of beginning. Containing 11.147 acres more or less. This description is drawn from a plat by Derek R. Bunton, PLS-4808 entitled "Contiguous Annexation by the City of Hickory known as Matthew T. Varney and wife, Yer Vang" dated October 23, 2023.

Section 2. Upon and after the 31st day of March 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

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

ADOPTED THIS 19TH DAY OF MARCH 2024.

3. Approved Rezoning Petition 24-04 for Property Located at 2536 Startown Road, Containing 11.147-Acres from Catawba County R-20 Residential to City of Hickory R-2 Residential – Presentation by Planning Manager Cal Overby.

Staff requests consideration of Rezoning Petition 24-04 as requested by Piedmont Companies, Inc., agents for Matthew Varney and Yer Vang for the consideration of rezoning of 11.147 acres of property located at 2536 Startown Road from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is currently occupied by a single-family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings. The Hickory Regional Planning Commission conducted a public hearing on February 28, 2024, to consider the petition. Upon closing the public hearing, the Hickory Regional Planning Commission acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan and voted unanimously to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on March 9 and 16, 2024.

Mayor Guess asked City Manager Warren Wood to introduce the last public hearing.

City Manager Warren Wood asked Planning Manager Cal Overby back to the podium to present Council with rezoning petition number 24-04 for property located at 2536 Startown Road, containing 11.147 acres of property, rezoning request to rezone from Catawba County R-20 Residential to City of Hickory R-2 Residential.

Planning Manager Cal Overby gave a PowerPoint presentation. He discussed rezoning petition number 24-04 for property located at 2536 Startown Road. This was a request to rezone the property that was just discussed with the annexation from Catawba County, R-20 residential, to City of Hickory, R-2 Residential. Given the property was annexed the property must be given a City of Hickory zoning classification. The property was a little over eleven acres in size. He referred to the PowerPoint and displayed a map pointing out the subject property. He noted the area was just to the south of Trivium, on the boundary, an area which was considered medium density residential. The next map showed the actual parcel data. He pointed out the planned development, which he spoke of earlier, with the residential development was currently taking place, the Trivium Corporate Center, the next phase of Trivium, and the subject property. He discussed land uses. On a displayed map he pointed out Trivium, Fairgrove Business Park, a residential development, lower density residential, and an area which was agricultural open type land.

Mr. Overby advised in terms of the Hickory by Choice 2030 Plan this area was classified as medium density residential. Hickory's plan discussed medium density residential being between two to four units an acre, R-2 Residential district's maximum density was four units an acre. They were within that threshold for what was being requested. The existing zoning by Catawba County was basically two units an acre. That was what the R-20 was, 20,000 square feet. In reviewing it was consistent with the recommendations of the plans. The plan specifically listed R-2 Residential as an implementing district for the medium density residential future land use classification. Hickory Regional Planning Commission reviewed this on February 28, and no one spoke in opposition. The applicant's agent spoke in favor of the petition, and upon closing the hearing, the Planning Commission voted unanimously to recommend approval of the rezoning. He asked for any questions from Council.

Mayor Guess asked for any questions for Mr. Overby.

Alderman Wood asked if there was house on the property now.

Mr. Overby replied yes, sir.

Alderman Wood asked if it was occupied by the owners.

Mr. Overby confirmed it was.

Mayor Guess asked for anything further. He thanked Mr. Overby. Mayor Guess advised the rules for conducting the public hearing applied as previously explained. He declared the public hearing open. Mayor Guess asked if anyone in opposition to the proposal wished to speak. No one appeared. Mayor Guess asked if anyone in favor of the proposal wished to speak. No one appeared. Mayor Guess declared the public hearing closed.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of Rezoning Petition 24-04. The motion carried unanimously.

ORDINANCE NO. 24-12

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 11.147 ACRES OF PROPERTY LOCATED AT 2536 STARTOWN ROAD, FROM R-20 RESIDENTIAL TO R-2 RESIDENTIAL.

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the property owner has been petitioned to rezone +/- 11.147 acres of property located at 2536 Startown Road, more particularly described on Exhibit A attached hereto, to allow a R-2 Residential District; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on February 28, 2024, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires findings the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 24-04 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT THE REZONING OF PROPERTY DESCRIBED IN EXHIBIT A IS APPROVED.

SECTION 1. Findings of fact.

- The subject property is located at 25636 Startown Road and identified as PIN 372119509129.
- The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. The Hickory by Choice 2030 Comprehensive Plan states the following about such areas: "well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density

residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas with higher density. Although the housing density would be less than the high-density residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory.

Given these factors, the rezoning of the property to R-2 Residential is consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan.

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being an area for future medium density residential development, which is what the R-2 Residential district provides.
- Preserve and protect land, air, water and environmental resources and property values.

All improvements that are to take place on the property will be required to follow all applicable development regulations.
- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resources and governmental expenditures.

The subject properties have access to a state-maintained roadway, Startown Road (SR1005) and also has access to water and sewer infrastructure. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.
- Regulate the type and intensity of development; and

The current land use pattern of the larger area is predominately residential in nature. The exception to this is the Trivium Business Park, which houses several large manufacturing facilities and serves as a large employment center. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.
- Ensure protection from fire, flood, and other dangers.

The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.
- The suitability of the subject property for the uses permitted under the existing and proposed zoning classification:

The current zoning and use of the larger area is predominantly residential, with the exception of the Trivium Business Park. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district does the same.
- The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and practical.

- The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

Most of the area surrounding the subject property is residential, and the requested district is residential. Being the requested district is residential in nature, if ever developed, such development would add additional residences to the area.

- The proposed amendment (zoning map) will protect public health, safety, and general welfare.

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated residential development.

Based upon these findings, the Hickory City Council has found Rezoning Petition 24-04 to be reasonable, and consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports

1. Appointments to Boards and Commissions

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Caucasian (Council Appoints) Cliff Moone Resigned VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT

Mayor Guess nominated Amira Sago as an Other Minority Representative on the Community Relations Council.

HICKORY REGIONAL PLANNING COMMISSION

(Term Expiring 6-30; 3-Year Terms With Unlimited Appointments) (Appointed by City Council)
Burke County Representative (Mayor Appoints with Recommendation from Burke County) VACANT

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Historic Properties Owner (Council Appoints) VACANT
Building Trades Profession (Council Appoints) VACANT

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT
Ward 6 (Patton Appoints) Clise Plant Resigned 3-13-2024 VACANT

Alderwoman Patton nominated Pamela Walters as Ward 6 Representative on the Public Art Commission.

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Freeman Appoints) VACANT
Ward 6 (Patton Appoints) VACANT
At-Large (Council Appoints) VACANT
At-Large (Council Appoints) VACANT

Mayor Guess moved, seconded by Alderwoman Patton, that the above nominations be approved. The motion carried unanimously.

March 19, 2024

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Guess mentioned the Riverwalk ribbon cutting, April 4th. They had also decided that the OLLE Art Walk groundbreaking would be that same day prior to the Riverwalk.

City Manager Warren Wood advised at 9:00 a.m. right by where Keever’s Key was located. That area would be the staging area.

Mayor Guess commented there would be more information shared about that with the media, but they were the first to learn that the OLLE Art Walk groundbreaking would be at 9:00 a.m., in the vicinity of Keever’s Key on Old Lenoir Road on April 4th. Immediately following that, or relatively close after that, at 10:30 a.m. they would be doing the ribbon cutting and the grand opening for the long-anticipated Riverwalk.

City Manager Warren Wood mentioned they could park at Geitner or down at the Riverwalk, or along the road to the Riverwalk, or down below the water plant. They anticipated a decent crowd.

Mayor Guess commented they were excited about both of those and hoped that they would join them and share that information with everybody. He mentioned that today was the first day of spring. It was a little cool, but they would take it.

XIV. There being no further business, the meeting adjourned at 6:26 p.m.

Mayor

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Philip Demas

Contact Person: Philip Demas



Date: 03/14/2024

Re: Community Relations Council Spring 2023 Grant Recommendations

REQUEST

The City of Hickory CRC is hereby submitting grant recommendations for City Council approval on consent agenda for the Spring 2024 grant cycle.

BACKGROUND

As part of the CRC work plan and annual budget process, the Community Relations Council receives funds to disperse during the fiscal year through the CRC grant process. Non-profit agencies working with diverse populations in Hickory are eligible for grant funding. The grant proposal must show how the program under consideration fits into the CRC goals and mission and how the program will serve to improve human relations in the Hickory area.

ANALYSIS

For the Spring 2024 grant cycle, the CRC received 9 grant applications for projects totaling \$13,500.00 and is recommending approval of 2 grants totaling \$3,000.00. A summary sheet is attached which lists the agencies, projects, costs and CRC recommendations for funding. Funds are available in the CRC budget for the recommended grant approvals.

RECOMMENDATION

The Community Relations Council recommends funding of the 2 grants listed on the attachment totaling \$3,000.00.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Philip Demas (PD)
Initiating Department Head
Date 03/14/2024

A. Dula
Deputy City Attorney, A. Dula
Date 3-22-24

Rodney Miller
Asst. City Manager Rodney Miller
Date 3/26/24

R. Beasley
Asst. City Manager, R. Beasley
Date 3/26/24

Melissa Miller
Finance Officer, Melissa Miller
Date 3/26/24

Camron
Deputy Finance Officer
Date 3-27-24

Yaidee Fox
Asst City mgr, Yaidee
Date 3/26/24

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

W. Wood
City Manager, W. Wood
Date 3.27.24

Hickory Community Relations Council
Monday, March 11, 2024, 5:30 pm

A regular meeting of the Hickory Community Relations Council (CRC) was held on Monday, March 11, 2024, 5:30 pm, in the Training Room at the Hickory Police Department.

Members Present: LaKeisha Ross-Johnson, George Rhinehardt, Malcolm Linebarger, Ida Clough, Leslie Chavez, MacGregor VanBeurden, Phyllis Michaux, and Daria Jackson

Members Excused: Paul Packard and Mandy Hildebrand

Members Absent: Mallory Bond and Samantha Midea

Guests Present: Vanessa Linebarger and Amira Sago

Others Present: Captain Phil Demas, staff liaison, and Minutes Clerk Anne Starnes

A quorum was present.

Call to Order: LaKeisha Ross-Johnson, Chair, called the meeting to order at 5:35 pm.

Spring 2024 Grants Review & Recommendation: The CRC seeks grant applications from tax-exempt organizations during the fall and spring of each fiscal year. Captain Phil Demas, staff liaison, received nine (9) grant applications by the deadline, which members received for review prior to the meeting.

The FY 2023-2024 budget provides \$15,000 for the two grant cycles combined. Each grant applicant must meet the established guidelines, and projects must fit the CRC mission. In fall 2023, Captain Demas said CRC members spent \$7,900 from their budget on the recommended fall 2023 grants, and \$7,100 remained for the spring 2024 grants. Members reviewed all applications and discussed them in detail before deciding their recommended funding.

Grant applicants, project names, funding requests, and the awards recommended were as follows:

Hickory Community Relations Council			
SPRING 2024 GRANTS SUMMARY			
Name of Applicant	Project Title	Requested	CRC Recommends
1. The Salvation Army, Andrea Beatty	Tickets for Transportation (for the homeless community)	\$1,500	\$1,500
2. Genita Hill	Joseph Hill Reachback Tutorial Program	\$1,500	\$0
3. One Purpose Parks and Recreation Council	Dee Dee Dawkins Basketball League	\$1,500	\$0
4. Hickory Choral Society	Fall 2024 Concert, Featuring Dr. Andre J. Thomas, Guest Conductor, in Collaboration with Hickory Area Choirs	\$1,500	\$0
5. Watts Evangelism, Inc. (dba Mom's On'a Mission)	Mom's On'a Mission Sports Scholarship	\$1,500	\$0

6. Catawba County Hispanic Ministry, Inc. (dba Centro Latino)	Todos Somas America, III	\$1,500	\$1,500
7. Hickory Community Theatre	Acto Latino	\$1,500	\$0
8. Agape by Yahweh, LLC	Self-care and Wellbeing Awareness Project	\$1,500	\$0
9. NC Hmong Women Association	Diverse Horizons	\$1,500	\$0
			\$3,000 TOTAL

In summary, of the nine (9) spring 2024 grant applications received, CRC members recommended full funding for two (2) grant projects, **a total \$3,000**, and declined to recommend funding for the remaining seven (7) grant projects, based on detailed member discussion.

The CRC recommendation to fund two (2) spring 2024 grants now goes to Hickory City Council for their consideration and approval.

COUNCIL AGENDA MEMOS

To: City Manager's Office
From: Stephen Craig, Fire Marshal
Contact Person: Stephen Craig
Date: March 19, 2024
Re: Public Fireworks Display

REQUEST

To obtain approval to issue a pyrotechnic display permit to Contracted Pyrotechnics for a fireworks display at Lenoir-Rhyne University for the below listed date.

BACKGROUND

Justin Hay, Deputy Director for External Relations at Lenoir Rhyne University, has submitted a request to obtain permission to conduct a public fireworks display on the following date:

Monday, April 29, 2024

There is no rain date requested.

ANALYSIS

The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one million dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable).

RECOMMENDATION

Staff recommends approval of the above pyrotechnics displays.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

[Signature] 3-19-24
Initiating Department Head Date

[Signature] 3/26/24
Asst. City Manager Rodney Miller Date

[Signature] 3/26/24
Finance Officer, Melissa Miller Date

[Signature] 3/26/24
Asst. City Mgr, Yaidee Fox Date

[Signature]
Deputy City Attorney, A. Dula

Date

[Signature] 3/26/24
Asst. City Manager, R. Beasley Date

[Signature] 3/27/24
Asst. Finance Officer, C. McHargue Date

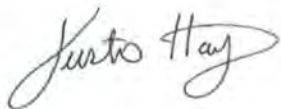
Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).

[Signature]
City Manager, W. Wood
3.27.24
Date

Date: March, 13, 2024

To: Hickory City Council

This letter is to grant permission to Contracted Pyrotechnics for multiple fireworks displays at Lenoir-Rhyne's Moretz Stadium on April 29th, 2024. The pyro used by Contracted Pyrotechnics for this event would be minor, short shots after the conclusion of the event off the videoboard. These are the same type of fireworks used for Touchdowns and after team wins during football season. We have signed a contract with Contracted Pyrotechnics and are excited for the event celebrating our student-athletes. Let me know if you need anything else from us and we appreciate your assistance!

A handwritten signature in black ink that reads "Justin Hay". The signature is written in a cursive, flowing style.

Justin Hay

Deputy Athletic Director for External Relations

COUNCIL AGENDA MEMOS

4

To: City Manager’s Office

From: Police Department/Major Bryan Adams

Contact: Major Bryan Adams

Date: March 20, 2024

Re: Request Approval to donate VIPER Radio Network Expansion equipment to the State of North Carolina

REQUEST: Hickory Police Department requests approval to donate VIPER Radio Network Expansion equipment to the State of North Carolina at the Riverbend Road VIPER P25 RF site in Catawba County.

BACKGROUND: Hickory Police Department is in the process of switching to the North Carolina Viper Radio Network. Hickory Police Department purchased VIPER Radio Network Equipment from Motorola Solutions to be installed at the Riverbend Road Viper P25 RF Tower site in Catawba County. This equipment is needed to expand the channel capacity at the Riverbend Road site to prepare for the future increased usage by the Hickory Police Department. The requested VIPER equipment list to be donated is as follows:

- 1 – GTR 8000 Expandable Site Sub-System Channel Addition Upgrade
- 1 – 700/800 MHZ
- 1 – GTR Base Radio
- 1 – Astro 25 Site Repeater SW
- 1 – Astro System Release 2019.2

This equipment was purchased by the Hickory Police Department from Funds budgeted in the FY 2022/2023 CIP. The cost of this equipment was \$31,620.00.

Once donated, the State of North Carolina will assume ownership of this equipment. They will be responsible for installation, future maintenance, and system upgrades as needed.

ANALYSIS: N. C. General Statute 160A-280 grants cities the authority to donate surplus, obsolete, or unused equipment to other governmental entities after posting a five-day public notice, followed by the City Council’s approval in the form of a resolution. The public notice by the City Clerk was posted on March 21, 2024. The donation of the VIPER equipment is required to allow the state to take possession and assume the responsibility for all future updates and maintenance.

RECOMMENDATION: Hickory Police Department recommends that the above listed VIPER Radio Network Expansion equipment be donated to the State of North Carolina.

BUDGET ANALYSIS:

Budgetary Action

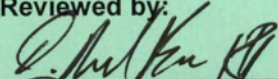
Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

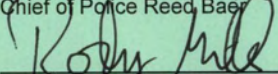
Reviewed by:


Chief of Police Reed Baer

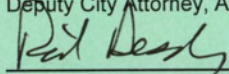
3/20/24
Date

Deputy City Attorney, A. Dula

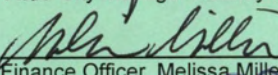
Date


Asst. City Manager Rodney Miller

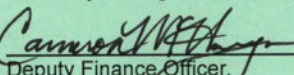
3/26/24
Date


Asst. City Manager, R. Beasley

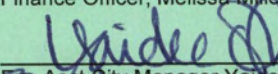
3/26/24
Date


Finance Officer, Melissa Miller

3/26/24
Date

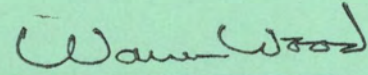

Deputy Finance Officer,
Cameron McHargue

3/27/24
Date


Asst City Manager Yaidee Fox

3/26/24
Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc).


City Manager, W. Wood

3.27.24
Date

RESOLUTION NO. 24-___

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS HICKORY POLICE DEPARTMENT VIPER RADIO EXPANSION EQUIPMENT TO THE STATE OF NORTH CAROLINA

WHEREAS, the Hickory Police Department of the City of Hickory desires to donate Hickory Viper radio expansion equipment to the State of North Carolina Viper Network.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The Hickory Police Department (the "Department") is transitioning to the State of North Carolina Viper Radio Network.
2. The Department purchased VIPER Radio Network Equipment ("Equipment") for the purpose of expanding the Department's radio channel capacity on the Viper Radio Network.
3. The Equipment consists of a) a GTR 8000 Expandable Site Sub-System Channel Addition Upgrade, b) a 700/800 MHZ, c) a GTR Base Radio, d) an Astro 25 Site Repeater SW, and e) an Astro System Release 2019.2.
4. The Equipment is valued at \$31,620.
5. The Department desires to donate the Equipment to the State of North Carolina's Viper Radio Network.
6. Upon receipt of the donated Equipment, the State will assume ownership and be responsible for the installation, maintenance, and upgrades of it.
7. N.C.G.S. 160A-280 authorizes a municipality to donate personal property to another governmental entity by the governing body's adoption of a resolution authorizing the donation.
8. In accordance with the statute, notice of the proposed donation was posted on the City of Hickory's website and
9. The City Council hereby authorizes the Department to donate the Equipment to the State of North Carolina Viper Radio Network.

Adopted this the ____ day of _____, 2024.

THE CITY OF HICKORY a
North Carolina Municipal Corporation

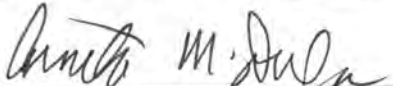
(SEAL)

ATTEST:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

Approved as to form this 22nd day of March, 2024.


Deputy City Attorney for the City of Hickory

CNTR 009
(December 2017)

North Carolina Department of Public Safety Donation Acceptance Form

A. Section/Location Information

Section/Location: SHP Support Services Section - VIPER Section/Location Head: Captain D. K. Owens
 Section/Location Number: _____ Telephone Number: 984-349-6818

B. Donated Item

Brief Description of Donated Item: City of Hickory is donating VIPER equipment at the Riverbend tower site to increase their capacity.

How Will the Donated Item Be Used? To increase the city's capacity.

What is the Value of the Item? (Donor Specify): \$31,620.00

Describe Any Additional Costs Associated With the Donation (Donor Specify): _____

C. Donor Information

Donor Name: City of Hickory Police Department
 Donor Address: 347 2nd Ave SW Hickory, NC 28602
 Telephone Number: 828-261-2601

D. Donor Certification

I certify that I am not presently, nor have I within the past twelve (12) months been under contract with, or otherwise done business with the Department of Public Safety. Further, I certify that I do not intend to bid on a contract, or otherwise do business with the Department of Public Safety within the six (6) months following this donation. I agree that the Department of Public Safety will not be liable for any additional costs, and will not be held liable for any related costs subsequent to acceptance of this donation.

Signature of Donor or Representative: Warren Wood Date: _____
 Donor Title: City Manager

E. Approval

Section/Location Head (All Donations): _____ Date: _____

Controller's Office: _____ Date: _____
 (For Donations Above \$1,000)

Division Head: _____ Date: _____
 (For Donations \$5,000 - \$24,999)

Secretary of Public Safety: _____ Date: _____
 (For Donations \$25,000 and Above)

F. Acceptance of Donation

Upon final approval, the CNTR 009 shall be sent back to the Section/Location for acceptance and completion of the information below. After completion, one copy shall be furnished to the Donor, and one copy shall be maintained at the Section/Location for audit purposes. The original shall be forwarded to the Fixed Assets Unit within the Controller's Office.

Person Accepting (Receiving) the Donation: _____
 Title of Individual Receiving Donation: _____
 Date Donation Conveyed: _____



HICKORY, NC PD

VIPER CHANNEL ADDITION

APRIL 25, 20223

TRAN

The design, technical, pricing, and other information ("Information") furnished with this **Error! Unknown document property name.** submission is proprietary and/or trade secret information of Motorola Solutions, Inc. ("Motorola Solutions") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola Solutions. **Error! Unknown document property name.**

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Equipment List

QTY	NOMENCLATURE	DESCRIPTION
1	T7071	GTR 8000 EXPANDABLE SITE SUB-SYSTEM CHANNEL ADDITION UPGRADE
1	CA00855AA	ADD: 700/800 MHZ
1	X301AE	ADD: QTY (1) GTR 8000 BASE RADIO
1	X591AE	ENH: ASTRO 25 SITE REPEATER SW
1	CA00719AA	ADD: ASTRO SYSTEM RELEASE 2019.2

Design Assumptions

- It shall be the responsibility of Hickory PD to obtain any necessary VIPER MOU agreements associated with acquisition and operation of subscriber equipment on the VIPER ASTRO 25 radio network.
- The design assumes that the proposed GTR8000 ESS RF site equipment will be utilized to expand the channel capacity at the Riverbend Road VIPER P25 RF site.
- It is expected that Hickory PD will donate the GTR8000 channel expansion equipment to the state of North Carolina. Viper will assume ownership of the equipment and provide maintenance and system upgrades as required. Hickory PD shall work with Viper personnel to complete the donation process.
- It is understood the Viper technicians will install the equipment at the appropriate sites after the donation process is complete.
- The design includes no shelters, generators or towers and it is assumed that existing facilities will be utilized. The design assumes that there will be sufficient space, available commercial power as well as capacity on existing generators, UPS and HVAC equipment at each location to support the installation and continued operation of the existing as well as the proposed equipment.
- Motorola is not providing Grade of Service guarantees for system channel availability. The number of RF channel additions provided is based on studies and requirements provided by Viper.
- The design includes no RF coverage guarantees and no coverage maps are being supplied.
- Motorola reserves the right to modify or change part numbers that may change periodically.

System Overview

As part of the VIPER Radio network expansion Hickory PD will supply equipment for the site referenced in this document. Hickory PD will donate the equipment to Viper. Viper personnel will install and maintain the new GTR8000 equipment at the Hickory PD sites.

Riverbend Road Site

Hickory PD is to provide a (1) RF channel expansion for the GTR ESS system at the Riverbend Road Site.

System equipment and services costs provided are based on the Design Assumptions listed below.

Pricing

VIPER System site addition for Hickory PD

EQUIPMENT:

Total Equipment	\$ 31,620.00
-----------------	--------------

**The pricing provided on this sheet is based on the Design Assumptions listed below.*

5

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Yaidee Fox, Assistant City Manager

Contact Person: Yaidee Fox

Date: March 22, 2024

Re: Approval of Ordinance of the City of Hickory Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances

REQUEST

Staff requests Council approval of the Ordinance of the City of Hickory Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances.

BACKGROUND

The City of Hickory has a significant governmental interest in protecting the health, safety, and welfare of its employees, customers, and the general public and in preserving the public order. City Council has determined that it is necessary and will serve the governmental interest to establish certain ground rules for aircraft located at the Hickory Regional Airport.

ANALYSIS

Section 1-2 of the Hickory Code of Ordinances shall be amended to add the following definitions:

"Airport. The term "airport" means the Hickory Regional Airport."

"Airworthy or Airworthy Aircraft. The term "airworthy" or "airworthy aircraft" means an aircraft that has a current annual inspection and is operational and capable of self-propulsion, with the exception of aircraft that is non-operational or incapable of self-propulsion and is undergoing maintenance, repair and/or refurbishment for a period not to exceed ninety (90) days."

Section 3-30 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-30. – Ground rules for aircraft.

- (a) All aircraft located and/or stored on airport property shall be airworthy.
- (b) No person shall park or otherwise leave any non-airworthy aircraft unattended anywhere on airport property except in designated repair and/or hangar facilities for a period not to exceed ninety (90) days while undergoing maintenance, repair and/or refurbishment.
- (c) No person shall park or otherwise leave unattended any aircraft anywhere on airport property without the permission of the airport director.
- (d) No person shall carry on or conduct any aircraft activity upon or from the airport or locate and/or store aircraft on airport property without first securing approval from the airport director and executing such lease, contract or other written agreement as may be required by the airport director. The airport director may require aircraft owners or operators to pay fees to the city as a condition of carrying on or conducting aircraft activity upon or from the airport and/or for locating or storing aircraft on airport property. In the event an aircraft owner or operator fails to pay fees within the time required by the airport director, the airport director may tow, store and/or dispose of that owner or operator's aircraft in accordance with Section 3-30(e).
- (e) In addition to other penalties generally imposed for violations of this Code, any aircraft conducting activity upon or from the airport and any aircraft located and/or stored on airport property in violation of subsections (a) through (d) of this section may be towed, stored and/or disposed of by the city in accordance with the procedures set out in N.C. Gen. Stat. 160A-303 or as otherwise provided under North Carolina law. Before the owner may take possession of any

aircraft towed and/or stored by the city he or she must pay the city the entire reasonable costs incidental to removing and storing the aircraft and locating the owner.”

Section 3-31 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-31. – Enforcement

“The airport director shall have the power and duty to:

- (a) Enforce this article;
- (b) Collect fees, require deposits and design and require the use of such forms necessitated by this article; and
- (c) Establish such procedural rules as he shall, from time to time, deem necessary or conducive to the property and administration of this article.”

Section 3-32 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-32. – Penalties for violations.

“A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500.00 pursuant to G.S. 160A-175 and G.S. 14-4.”

RECOMMENDATION

Staff recommends City Council's approval of the Ordinance of the City of Hickory Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances.

BUDGET ANALYSIS:

Budgetary Action

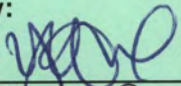
Is a Budget Amendment required?

Yes

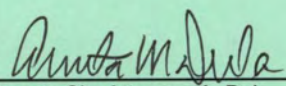
No

LIST THE EXPENDITURE CODE:

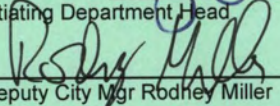
Reviewed by:

Yaidee Fox 
Initiating Department Head

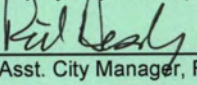
03/22/2024
Date


Deputy City Attorney, A. Dula

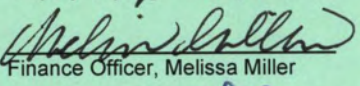
3-22-24
Date


Deputy City Mgr Rodney Miller

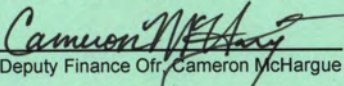
3/26/24
Date


Asst. City Manager, R. Beasley


3/26/24
Date


Finance Officer, Melissa Miller

3/26/24
Date

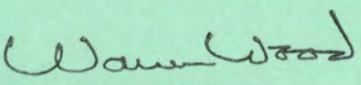

Deputy Finance Ofr, Cameron McHargue

3/27/24
Date

Yaidee Fox 
Asst City Mgr, Yaidee Fox

03/24/24
Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).


City Manager, W. Wood

3.27.24
Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HICKORY
AMENDING SECTION 1-2 AND ADOPTING SECTIONS 3-30, 3-31 AND 3-32 OF THE
CITY OF HICKORY CODE OF ORDINANCES

WHEREAS, the City of Hickory has significant governmental interest in protecting the health, safety and welfare of its employees, customers, and the general public and in preserving the public order; and

WHEREAS, City Council has determined that it is necessary and will serve the aforementioned governmental interest to establish certain ground rules for aircraft located at the Hickory Regional Airport.

NOW, THEREFORE, BE IT HEREBY ORDAINED, BY CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT:

- 1. Section 1-2 of the Hickory Code of Ordinances shall be amended to add the following definitions:

Airport. The term “airport” means the Hickory Regional Airport.

Airworthy or Airworthy Aircraft. The term “airworthy” or “airworthy aircraft” means an aircraft that has a current annual inspection and is operational and capable of self-propulsion, with the exception of aircraft that is non-operational or incapable of self-propulsion and is undergoing maintenance, repair and/or refurbishment for a period not to exceed ninety (90) days.

- 2. Section 3-30 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-30. – Ground rules for aircraft.

- (a) All aircraft located and/or stored on airport property shall be airworthy.
- (b) No person shall park or otherwise leave any non-airworthy aircraft unattended anywhere on airport property except in designated repair and/or hangar facilities for a period not to exceed ninety (90) days while undergoing maintenance, repair and/or refurbishment,.
- (c) No person shall park or otherwise leave unattended any aircraft anywhere on airport property without the permission of the airport director.
- (d) No person shall carry on or conduct any aircraft activity upon or from the airport or locate and/or store aircraft on airport property without first securing approval from the airport director and executing such lease,

ORDINANCE NO. _____
HICKORY CITY COUNCIL

contract or other written agreement as may be required by the airport director. The airport director may require aircraft owners or operators to pay fees to the city as a condition of carrying on or conducting aircraft activity upon or from the airport and/or for locating or storing aircraft on airport property. In the event an aircraft owner or operator fails to pay fees within the time required by the airport director, the airport director may tow, store and/or dispose of that owner or operator's aircraft in accordance with Section 3-30(e).

- (e) In addition to other penalties generally imposed for violations of this Code, any aircraft conducting activity upon or from the airport and any aircraft located and/or stored on airport property in violation of subsections (a) through (d) of this section may be towed, stored and/or disposed of by the city in accordance with the procedures set out in N.C. Gen. Stat. 160A-303 or as otherwise provided under North Carolina law. Before the owner may take possession of any aircraft towed and/or stored by the city he or she must pay the city the entire reasonable costs incidental to removing and storing the aircraft and locating the owner.

- 3. Section 3-31 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-31. – Enforcement

The airport director shall have the power and duty to:

- (a) Enforce this article;
- (b) Collect fees, require deposits and design and require the use of such forms necessitated by this article; and
- (c) Establish such procedural rules as he shall, from time to time, deem necessary or conducive to the property and administration of this article.

- 4. Section 3-32 shall be added to the Hickory Code of Ordinances and shall read as follows:

Sec. 3-32. – Penalties for violations.

A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$500.00 pursuant to G.S. 160A-175 and G.S. 14-4.

- 5. All ordinances or provisions of the Hickory City Code of Ordinance which are not in conformance with the provisions of this Ordinance are repealed as of the effective date hereof.
- 6. This Ordinance shall become effective upon adoption.

ORDAINED BY City Council for Hickory, North Carolina, this ____ day of _____, 2024.

CITY OF HICKORY,
a North Carolina Municipal Corporation

(SEAL)

ATTEST:

By: _____
Hank Guess, Mayor

Debbie Miller, City Clerk

Excise Tax: \$0.00

PREPARED BY: Susannah L. Brown, Attorney at Law
Anthony & Brown
430 1st Avenue NW
Hickory, NC 28601

STATE OF NORTH CAROLINA – CATAWBA COUNTY: CEMETERY DEED

THIS DEED, made this the 21st day of March, 2024, by **Charles Edward Hayes, Jr.**, and wife, **Kimberly C. Hayes**, to be referred to as Grantors, whose permanent address is 108 28th Avenue NW, Hickory, NC 28601, and **Adele Reese Barrier**, and husband, **Neil Lee Barrier, Jr.**, hereinafter referred to as Grantees, whose permanent mailing address is 431 16th Avenue NW, Hickory, NC 28601;

WITNESSETH

THAT the Grantors, in consideration of the sum of **TEN (\$10) DOLLARS**, to them paid by the Grantees, receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantees, and their heirs, that certain lot of land containing **EIGHTY (80) square feet**, more or less, situate in **OAKWOOD CEMETERY** in said City of Hickory, Catawba County, North Carolina and being designated on the plot of said Cemetery as **Plot A, Lot No. 4, Section 56**.

TO HAVE AND TO HOLD said cemetery lot to said Grantees, their heirs and assigns forever, for burial of bodies of persons and for no other purpose.

This Deed is executed, delivered and accepted upon the condition that the Grantees and their heirs and assigns shall faithfully comply with and carry out all of the terms of Chapter 7 of the Hickory City Code and to any Ordinance of the Hickory City Council amending, revising and/or replacing, in whole or in part Chapter 7 of the Hickory City Code regarding the operation of municipally owned cemeteries and establishing an effective date for the same.

In the event of the actual or attempted use of said lot by the Grantees or their heirs and assigns for any purposes other than designated herein or in any manner in violation of said set out Section of said Chapter 7, this conveyance shall become inoperative and the City of Hickory shall have the right to immediately resume possession and control of said lot; further, said lot shall not be transferred without the consent in writing of the City of Hickory, which said consent shall not be unreasonably withheld; and, upon the further condition that no curbing shall be placed upon/around or partially around said lot.

For reference to title, see Oakwood Cemetery Deed in Deed Book 2697 at Page 363, Catawba County Registry.

**CEMETERY DEED
HICKORY, NC
CITY OF HICKORY**

IN TESTIMONY WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first above written.

Charles Edward Hayes, Jr. (SEAL)
Charles Edward Hayes, Jr.

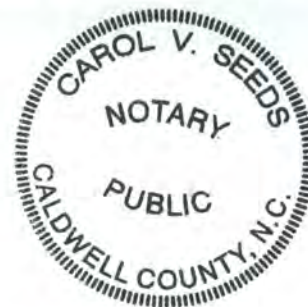
Kimberly C. Hayes (SEAL)
Kimberly C. Hayes

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, Carol V. Seeds, a Notary Public of said County, State of North Carolina, do hereby certify that **Charles Edward Hayes, Jr.** and **Kimberly C. Hayes** personally came before me this day and acknowledged that she signed the foregoing instrument in her name on her behalf as her act and deed. Witness my hand and Notarial stamp or seal, this 21st day of March, 2024.

Carol V. Seeds
Notary Public

My Commission Expires: September 15, 2026.



**THIS IS TO CERTIFY THAT THE FOREGOING TRANSFER OF A CEMETERY LOT
IN OAKWOOD CEMETERY WAS DULY APPROVED BY THE CITY COUNCIL OF
THE CITY OF HICKORY IN REGULAR SESSION HELD ON _____,
2024.**

City Clerk

COUNCIL AGENDA MEMOS

To: City Manager's Office

From: Office of Business Development – Planning and Development

Contact Person: Brian Frazier, Planning Director

Date: March 21, 2024

Re: Offer of Public Dedication of Street Right-of-Way – 14th Avenue Drive NE

REQUEST

Consideration of the acceptance of the offer of public dedication of street right-of-way, being 14th Avenue Drive NE. This street is shown as 45-foot-wide right-of-way shown on a plat titled "PCA Development, LLC and Furniture Inn, Inc." recorded in Plat Book 84, Page 75 of the Catawba County Registry.

BACKGROUND

In 2024 construction was bonded or completed on a new street providing access to a new hotel and restaurant off US Hwy 70 SE. As part of this development, a new street was constructed to provide access to new building lots. The new street is known as 14th Avenue Drive NE.

ANALYSIS

The City has been presented with an offer of public dedication of street right-of-way as shown on a plat recorded at Plat Book 84, Page 75 of the Catawba County Registry. The area offered for public dedication is a 45-foot-wide right-of-way known as 14th Avenue Drive NE. The street will or has been constructed by the developer as part of a new commercial development. The street will be or has been properly inspected by the City of Hickory and found to meet the minimum design requirements necessary for public maintenance.

Public use and maintenance of street right-of-way cannot occur unless City Council formally accepts the offer of public dedication by means of a duly executed resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code.

RECOMMENDATION

Staff recommends City Council approve the resolution accepting the offer of off public dedication of a 45-foot-wide right-of-way containing a newly constructed street known as 14th Avenue Drive NE.

BUDGET ANALYSIS:

Budgetary Action

Is a Budget Amendment required?

Yes

No

LIST THE EXPENDITURE CODE:

Reviewed by:

Brian M. Frazier *BMF* 3/21/2024
Initiating Department Head Date

Deputy City Attorney, A. Dula _____
Date

Rodney Miller 3/26/24
Asst. City Manager, R. Miller Date

Paul Beasley 3/26/24
Asst. City Manager R. Beasley Date

Melinda Miller 3/26/24
Finance Officer, M. Miller Date

Yvonne Fox 3/26/24
Asst. City Manager, Y. Fox Date

Cameron McHargue 3/27/24
Asst Finance Officer, C. McHargue Date

Recommended for approval and placement on _____ Council agenda (as
Consent, Public Hearing, Informational, Department Report, etc.).

Waverly Wood
City Manager, W. Wood

3.27.24
Date

RESOLUTION NO. _____

A RESOLUTION OF THE HICKORY CITY COUNCIL ACCEPTING THE OFFER OF PUBLIC DEDICATION OF LANDS AND IMPROVEMENTS KNOWN AS 14th AVENUE DRIVE NE, WHICH IS SHOWN ON EXHIBIT A.

WHEREAS NCGS §160D-806 and Article 2, Section 2.3.6 of the Land Development Code provide City Council may, by resolution, accept offers of public dedication made to the public of lands and facilities for streets, sidewalks, open spaces and public utilities after verification from the City Engineer such properties and improvements are in a manner acceptable for acceptance; and

WHEREAS, the City of Hickory has been provided an offer of dedication of lands and improvements known as 14th Avenue Drive NE, which is shown on "EXHIBIT A" as a 45-foot-wide right-of-way, and shown in more detail in Plat Book 84, Page 75 of the Catawba County Registry; and

WHEREAS, the City of Hickory has reviewed the land and improvements placed upon them provided as part of the offer of public dedication, and such land and improvements have been found to conform with standards in place for such land and improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hickory, North Carolina, the offer of public dedication for 14th Avenue Drive NE, which is described in detail within Exhibit A, is accepted, subject to the following terms and conditions:

SECTION 1. Terms and Conditions of Acceptance:

1. The developer shall guarantee all materials and workmanship for a period of eighteen (18) months from the date of official acceptance by the City Council.
2. The acceptance by the City Council shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the city, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities that the city, its agencies or employees may assert or be entitled to.
3. All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the city and any and all benefits derived there from shall inure to the city, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments and that the dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever.

- 4. Acceptance of dedication of lands and facilities shall not obligate the city to construct, install, maintain, repair, replace, extend, improve, build or operate any public facilities or utilities which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the city to construct any main, line, pipe, lateral, or other extension or permit connection to the city's water, sanitary sewer, storm sewer, drainage or other public utilities systems.

SECTION 2. This Resolution shall become effective immediately upon adoption.

RESOLVED by the City Council of Hickory, North Carolina, this, the ____ day of _____, 2024.

(SEAL)

THE CITY OF HICKORY, a
North Carolina Municipal Corporation

Attest:

By: _____
Hank Guess, Mayor

Debbie D. Miller, City Clerk

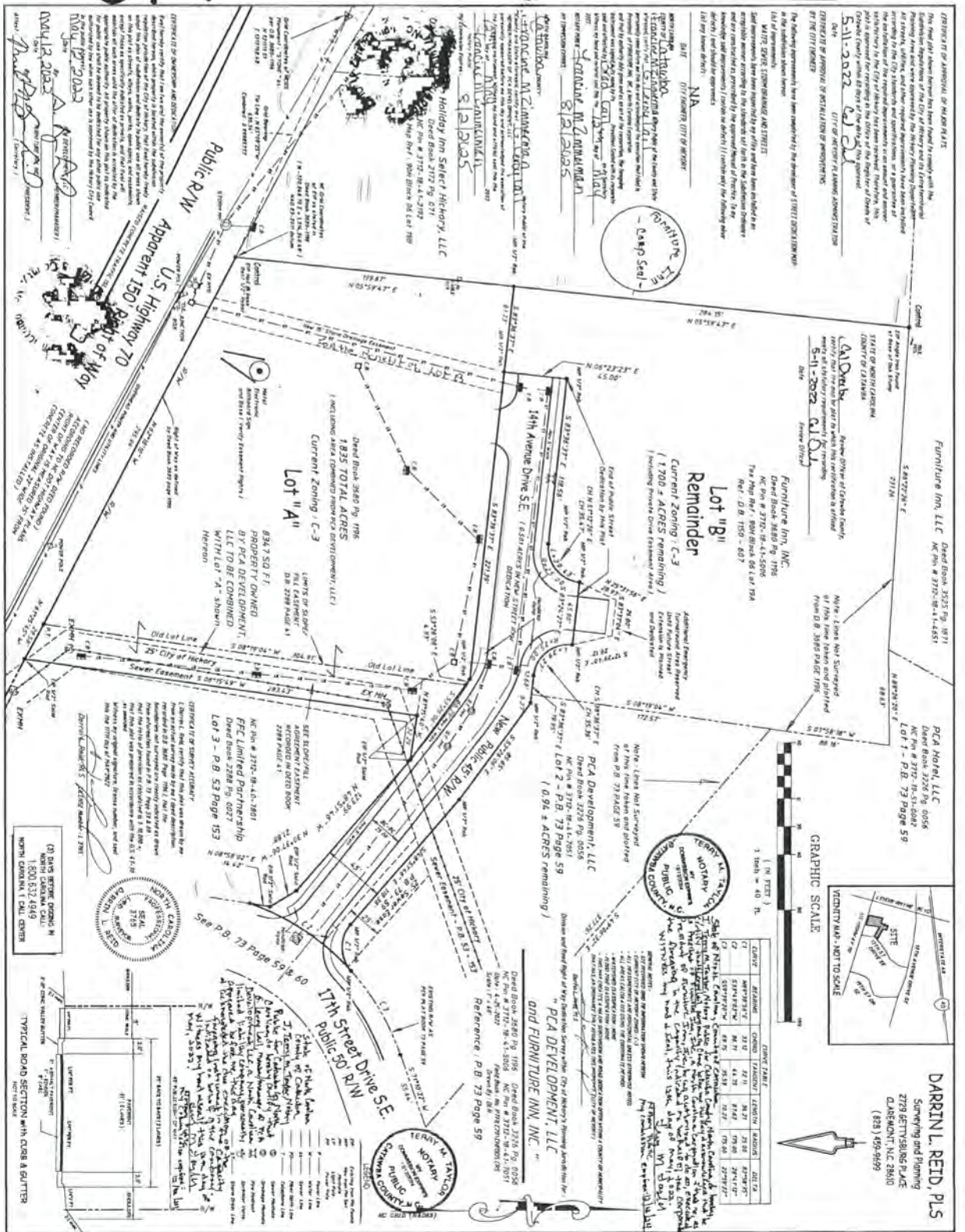
Approved as to form this ____ day of _____, 2024.

Attorney for the City of Hickory

EXHIBIT A

84-75

FILED May 13, 2022 02:11 pm
 BOOK 00884 CATAWBA COUNTY NC
 PAGE 0075 DONNA HICKS SPENCER
 INST # 11048 REGISTER OF DEEDS



BUDGET REVISION # 18

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2024 and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the		General Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Culture & Recreation	5,184		
	Public Safety	194		
	TOTAL	5,378	-	
To provide funding for the above, the		General Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Sales and Services	2,378		
	Miscellaneous	3,000		
	Other Financing Sources	3	3	
	TOTAL	5,381	3	

SECTION 2. To amend the		Solid Waste Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Environmental Protection	19,192		
	TOTAL	19,192	-	
To provide funding for the above, the		Solid Waste Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Miscellaneous	19,192		
	TOTAL	19,192	-	

SECTION 3. To amend the		Airport Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Transportation	905		
	TOTAL	905	-	
To provide funding for the above, the		Airport Fund	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Miscellaneous	905		
	TOTAL	905	-	

SECTION 4. To amend the		CVCC Innovation Center (#700014)	Capital Project Ordinance, the expenditures	
shall be amended as follows:				
	FUNCTIONAL AREA	INCREASE	DECREASE	
	General Government	1,500,000		
	TOTAL	1,500,000	-	
To provide funding for the above, the		CVCC Innovation Center (#700014)	revenues will be amended as follows:	
	FUNCTIONAL AREA	INCREASE	DECREASE	
	Restricted Intergovernmental	1,500,000		
	TOTAL	1,500,000	-	

SECTION 5. To amend the Justice Assistance 2022 (#G51107) Capital Project Ordinance, the expenditures shall be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Other Financing Uses		3	
TOTAL		3	-
To provide funding for the above, the Justice Assistance 2022 (#G51107) revenues will be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Investment Earnings		3	
TOTAL		3	-

SECTION 6. To establish the OSBM-SCIF 450k Flow-Thru (#G50182) Grant Project, the expenditures shall be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Economic & Community Development		450,000	
TOTAL		450,000	-
To provide funding for the above, the OSBM-SCIF 450k Flow-Thru (#G50182) revenues will be amended as follows:			
FUNCTIONAL AREA		INCREASE	DECREASE
Restricted Intergovernmental		450,000	
TOTAL		450,000	-

SECTION 7. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

Adopted this ____ day of _____, 2024

Mayor

Clerk

**CITY OF HICKORY
GRANT PROJECT ORDINANCE
OSBM-SCIF \$450K FLOW-THRU**

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted for the duration of the project.

SECTION 1. The project authorization is the OSBM-SCIF \$450k Flow-Thru.

SECTION 2. The officers of this unit are hereby directed to proceed with the Grant Project within the terms of the budget contained herein.

SECTION 3. The following revenues are anticipated to be available to complete the project:

Restricted Intergovernmental:	
State Revenues/Miscellaneous	\$ 450,000
Total	\$ 450,000

SECTION 4. The following amounts are appropriated for the project:

Economic & Community Development	
Distribute to Other Entities	\$ 450,000
Total	\$ 450,000

SECTION 5. The Finance Officer is hereby directed to maintain within the Multi-Year Grant Project Fund sufficient specific detailed accounting records to provide the accounting required by any financing agreement associated with this project and/or State and Federal regulations.

SECTION 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element and on the total revenues received or claimed.

SECTION 7. The City Manager (Budget Officer) is directed to include a detailed analysis of past and future costs and revenues on this Grant Project in every budget submission made to this board.

SECTION 8. Copies of this Grant Project Ordinance shall be furnished to the Clerk of the Governing Board, the City Manager (Budget Officer) and the Finance Officer for direction in carrying out this project.

Adopted this the ____ day _____, 2024.

Mayor

Clerk

2

COUNCIL AGENDA MEMOS

Exhibit XI.A.1.

To: City Manager's Office

From: Office of Business Development, Planning Division

Contact Person: Cal Overby, Planning Manager

Date: March 20, 2024

Re: Voluntary non-contiguous annexation of property owned by The State of North Carolina

REQUEST

Consideration of the voluntary contiguous annexation of 304.39 acres of property located at 2319 6th Street SE. This property is identified as PIN 371113036026.

BACKGROUND

The property is currently vacant and located within the City's extraterritorial jurisdiction. The property is zoned R-1 Residential, which permits residential development at 2 dwelling units per acre. The property is currently owned by the State of North Carolina, and is slated to be a new state park.

ANALYSIS

The State of North Carolina has petitioned annexation so that the property can be located within Hickory's corporate limits. While the property is slated to be a new state park, no definitive park plans have been developed.

Surrounding properties are zoned Catawba County R-20 Residential and City of Hickory R-1 Residential and occupied by single family homes, vacant or under development.

The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100.00. Prior to being owned by the State of North Carolina, the property was owned by the Foothills Land Conservancy. When the property was purchased by the Foothills Land Conservancy in 2020, the tax value was listed at \$575,500.00.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available.

RECOMMENDATION

Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

BUDGET ANALYSIS:

Budgetary Action

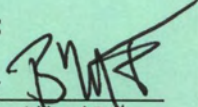
Is a Budget Amendment required?

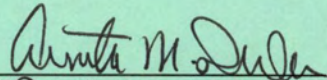
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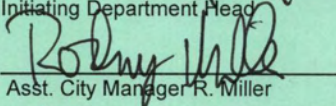
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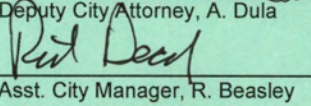
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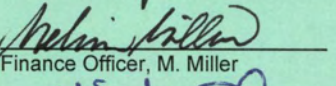
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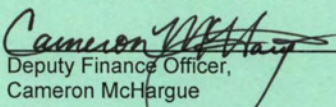
Brian Frazier  03/20/2024
 Initiating Department Head Date

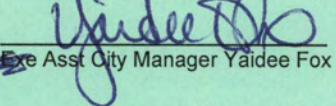
Armita M. Dula  3/22/24
 Deputy City Attorney, A. Dula Date

Robyn Miller  3/26/24
 Asst. City Manager R. Miller Date

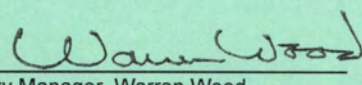
Paul Deed  3/26/24
 Asst. City Manager, R. Beasley Date

Melvin Miller  3/26/24
 Finance Officer, M. Miller Date

Cameron McHargue  3/27/24
 Deputy Finance Officer, Cameron McHargue Date

Yaidee Fox  3/26/24
 Asst City Manager Yaidee Fox Date

Recommended for approval and placement on _____ Council agenda (as Consent, Public Hearing, Informational, Department Report, etc).

Warren Wood 
 City Manager, Warren Wood
3.27.24
 Date

**CITY OF HICKORY
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 4-5-2023

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition for voluntary annexation into the municipal limits of the City of Hickory.

1. The property to be voluntarily annexed is located on 24th Avenue SE between Ponderosa Road and 6th Street SE, shown in more on a provided survey.

Parcel Identification Number: 3711-13-03-6026.

Physical (Street) Address: Not currently addressed.

2. The property is owned by: State of North Carolina

Owner Information:

Name: State of North Carolina

Address: 1321 Mail Service Center, Raleigh, NC 27699

Phone Number: 984-236-0000

3. The petition is submitted by: State of North Carolina, Department of Administration

Agent Information:

Name: Pamela B. Cashwell, Secretary, Department of Administration

Address: 1321 Mail Service Center, Raleigh, NC 27699

Phone Number: 984-236-0000

4. If annexation is approved by the Hickory City Council, the applicant would request that the property retain its current zoning of R-1 Residential.

5. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein is true and correct.

State of North Carolina
Printed Name of Property Owner

Pamela B. Cashwell
Signature of Property Owner

1321 Mail Service Center, Raleigh, NC 27699
Address of Property Owner

984-236-0000
Telephone Number of Property Owner

State of North Carolina – County of Wake

I certify that Pamela B. Cashwell, Secretary of the North Carolina Department of Administration, personally appeared before me this date and acknowledged that she signed the foregoing document.

This the 04 day of April, 2023.

Angelika Chafalovitch
Notary Public Signature



Angelika Chafalovitch
Notary Public Printed Name

My commission expires: 01-26-2027

3612-0931

FILED ELECTRONICALLY
 CATAWBA COUNTY NC
 DONNA HICKS SPENCER

FILED Nov 09, 2020
 AT 02:41:00 PM
 BOOK 03612
 START PAGE 0931
 END PAGE 0934
 INSTRUMENT # 23267
 EXCISE TAX \$1,412.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: **\$1,412.00**

PIN: 3711-13-03-6026, 3701-16-94-9654, and 3711-13-14-1814

Description: 301.19 +/- acres, Hickory Township

Return to: **Young, Morphis, Bach & Taylor, LLP**
Jimmy R. Summerlin, Jr., P.O. Drawer 2428, Hickory, NC 28603

This instrument was prepared by: **Jimmy R. Summerlin, Jr., Attorney, Hickory, NC**

THIS DEED, made this the 6th day of **November, 2020**, by and between:

GRANTOR: Foothills Conservancy of North Carolina, Inc.,
 whose address is **P.O. Box 3023, Morganton, NC 28680**,
 (herein collectively referred to as **Grantor**)

and

GRANTEE: STATE OF NORTH CAROLINA
 whose address is **c/o State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321**,
 (herein referred to as **Grantee**).

WITNESSETH:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Catawba County, North Carolina and being more particularly described as follows:

SEE EXHIBIT "A" attached hereto and incorporated herein.

Said property having been previously conveyed to Grantor by instrument(s) recorded in Book 3568, Page 0790 and Book 3568, Page 0796, of the **Catawba** County Registry.

submitted electronically by "Young, Morphis, Bach & Taylor, LLP"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Catawba County Register of Deeds.

259897.1

3612-0932

A map of a portion of the property is recorded in Map Book 81, Page 131, of the **Catawba** County Registry.

The property conveyed by this instrument DOES NOT include the primary residence of the Grantor.

TO HAVE AND TO HOLD unto Grantee, together with all privileges and appurtenances thereunto belonging, in fee simple, subject to the Exceptions and Reservations hereinafter and hereinafter provided, if any. This conveyance is made subject to the following Exceptions and Reservations:

See EXHIBIT "B" attached hereto and incorporated herein.

And Grantor hereby warrants that Grantor is seized of the premises in fee and has the right to convey same in fee simple, that title is marketable and is free and clear of encumbrances other than as set forth herein, and that Grantor will forever warrant and defend the title against the lawful claims of all persons or entities whomsoever.

All references to Grantor and Grantee as used herein shall include the parties as well as their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

**FOOTHILLS CONSERVANCY OF
NORTH CAROLINA, INC.**

Andrew Kota (SEAL)
Andrew Kota, Executive Director

State of **North Carolina**

County of Catawba

I certify that the following person(s) personally appeared before me this day, and acknowledged to me that they signed the foregoing document in the capacity indicated: **Andrew Kota**

Date: 11-6-20

Jimmy R. Summerlin, Jr.
Signature of Notary Public

My Commission Expires:
6-10-22

Jimmy R. Summerlin, Jr.
Typed/Printed Name of Notary

(Official/Notarial Seal)



3612-0933

EXHIBIT "A"

BEING all of that certain property conveyed by George D. Harris, et al., to Foothills Conservancy of North Carolina, Inc., as described in Book 3568, Page 790 of the Catawba County Registry, and all of that certain property conveyed by Donna H. Hamilton, et al., to Foothills Conservancy of North Carolina, Inc., as described in Book 3568, Page 796 of the Catawba County Registry, containing a total of 301.19 acres, more or less, as shown and depicted on that certain Survey for Foothills Conservancy of North Carolina prepared by J. Douglas Suttles, PLS # L-3728 recorded in **Plat Book 81, Page 131** of the Catawba County Registry (hereinafter referred to as the "Plat"), to which plat reference is hereby made for a more complete description.

The foregoing property being currently or previously known as Catawba County PINs 3711-13-03-6026, 3701-16-94-9654, and 3711-13-14-1814.

LESS AND EXCEPT from the foregoing:

(1) that certain 0.82 acre, more or less, overlap area with the property of William F. Hahn (Deed Book 1231, Page 596), as depicted on the Plat, and described as follows: BEGINNING at a 5/8" rebar in the western line of Hahn, thence North 32°34'06" West 120.26 feet to a 5/8" rebar; thence North 68°05'21" East 299.97 feet to a 5/8" rebar; thence South 32°55'58" East 121.86 feet to a 5/8" rebar; thence South 68°21'39" West 301.03 feet to the BEGINNING.

and

(2) that certain 0.04 acre, more or less, "home encroachment area", by the property of James Ray York (Deed Book 1802, Page 624), as depicted on the Plat, and described as follows: BEGINNING at a 5/8" rebar in the common line of Foothills Conservancy of North Carolina, Inc. (Deed Book 3568, Page 796) and James Ray York (Deed Book 1802, Page 624), said point being located South 59°06'24" West 283.09 feet and South 59°19'05" West 258.24 feet from an iron rod, the southeastern corner of the Foothills Conservancy property in the line of Wayne M. Bach, Trustee, Whitener Family Trust (Deed Book 3043, Page 116), and continuing thence N 47°45'20" West 28.83 feet to a 5/8" rebar; thence South 46°23'50" West 60.71 feet to a 5/8" rebar; thence South 46°24'58" East 14.53 feet to a 5/8" rebar; thence North 59°19'05" East 63.70 feet to the BEGINNING.

3612-0934

EXHIBIT "B"

Exceptions and Reservations

This conveyance is made subject to the following Exceptions and Reservations:

1. Taxes for the year 2021, and subsequent years, not yet due and payable.
2. Any inaccuracy in the area, square footage, or acreage of Land described in Exhibit A or the referenced plats.
3. Matters shown on recorded Plat Book 81 at Page 131.
4. All existing easements for public utilities, streets and thoroughfares, affecting the insured premises.
5. Riparian and/or littoral rights incident to the Land; rights of others in and to the continuous and uninterrupted flow of the waters bounding or crossing the Land; and title to any portion of the Land owned by any governmental entity including, but not limited to, marsh, dredged and/or filled areas and Land below the mean high-water mark, including but not limited to Henry Fork River and its tributaries.
6. Title to, and easements in, any portion of the Land lying within any highways, roads, streets, alleys or other ways, including but not limited to Robinson Road.
7. Easement(s) to Piedmont Natural Gas recorded in Book 574, page 472 and Book 3417, page 1085.
8. Final Resolution and Condemnation for sewer easement, City of Hickory, recorded in Book 1150, Page 378 and Book 1167, Page 451.
9. Duke Energy Transmission line crosses insured premises.
10. Easements recorded in Book 1228, page 613 and Book 1872, page 631.
11. Subject to a permanent non-exclusive easement for ingress, egress and regress recorded in Book 1228, page 613 and Book 1872, page 631.

WEBER



North Carolina State Property

What We Do

The State Property Office manages state property transactions on behalf of state agencies through deeds, leases, easements, licenses, eminent domain, or otherwise. It also administers the state's unappropriated and submerged lands.

The office maintains an inventory of state-owned lands and buildings, as well as leased spaces for use by state agencies. The division carries out its work with internal three sections:

- Real Property Section
- Leasing and Space Planning
- Facilities Information Section

Meet the State Propert...




Read our professional services brochure
(<https://ncadmin.nc.gov/documents/files/professional-services-brochure-0/open>) →



Pamela B. Cashwell

Secretary

 [984-236-0000 \(tel:984-236-0000\)](tel:984-236-0000)

Governor Roy Cooper named Pamela Brewington Cashwell Secretary of the North Carolina Department of Administration in April 2021.

<https://ncadmin.nc.gov/about-doa/leadership/pamela-b-cashwell>

VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS

APPLICANT: State of North Carolina.

AGENT: Pamela B. Caswell, Secretary, Department of Administration.

PROPERTY LOCATION: 2319 6th Street SE.

PIN: 3711-10-03-6026.

REQUESTED ACTION: The request is for a voluntary non-contiguous annexation.

WARD: If annexed, this property will be located in Ward 4 (Councilman Freeman).

ACREAGE: 304.39 acres.

DEVELOPMENT POTENTIAL: The property is currently owned by the State of North Carolina and slated to be a new state park. Finalized plans for improvements are still being worked out by the State of North Carolina.

TAX VALUE: The property is under the ownership of the State of North Carolina, and as such would not be taxable. The current listed tax value of the property is \$1,112,100. Prior to being owned by the State of North Carolina, the property was owned by the Foothills Land Conservancy. When the property was purchased by the Foothills Land Conservancy in 2020, the tax value was listed at \$575,500.00.

POPULATION INCREASES: The property is intended to be utilized as a state park. Population increases from such a use would not be expected unless the park is staff by a resident ranger.

SCHOOL DISTRICTS: The property is located within the jurisdictional area of the Hickory City School System, and located in the following school districts:

School Type	School District	Student Multiplier Per Dwelling	Number of Potential or Existing Dwelling Units	Potential Additional Students
Elementary	Longview / SW	0.20	0	0
Middle	Grandview	0.09	0	0
High	Hickory	0.10	0	0

**Note: The student multipliers above reflect estimates and are for single-family dwellings only.*

SURROUNDING ZONING AND LAND USE (See Maps 2 & 3): All surrounding properties are zoned R-1 and R-20 Residential, and are either occupied by residences or vacant / farmland.

UTILITY SERVICE: The proposed annexation area has several sewer lines that run across the property. There are no capacity concerns based on the proposed use. Water is not immediately adjacent to the site, but is available on Robinson Rd and Timberland Hills Dr. Any water and sewer main extensions needed to serve the annexation area will be the responsibility of the State.

ACCESS: Access to the subject property is from 6th Street SE, which is maintained by the North Carolina Department of Transportation (SR 1171).

DISTANCE FROM CITY LIMITS (See Map 1): The property is +/- 970 linear feet south of the nearest proper city boundary.

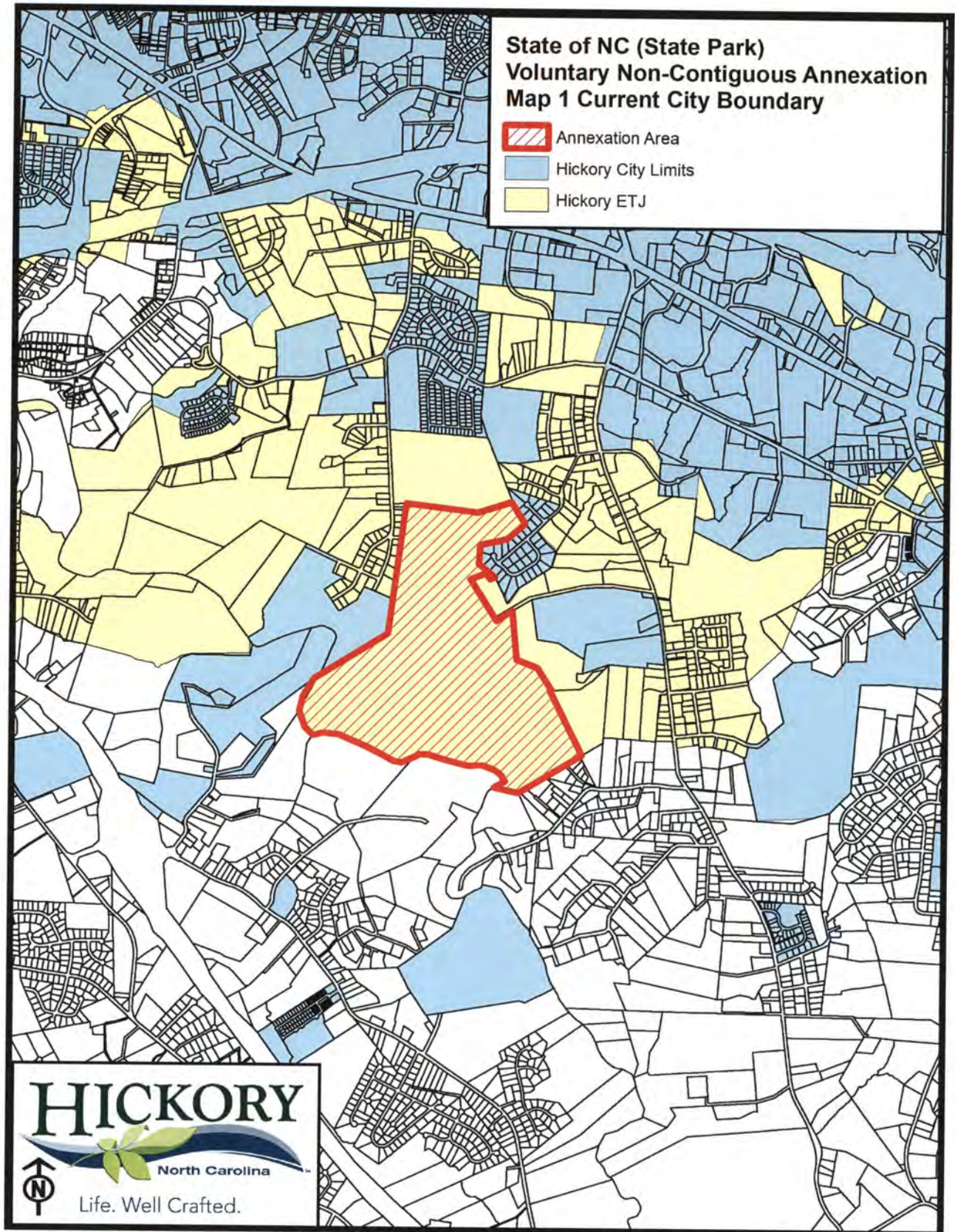
STAFF COMMENTS:

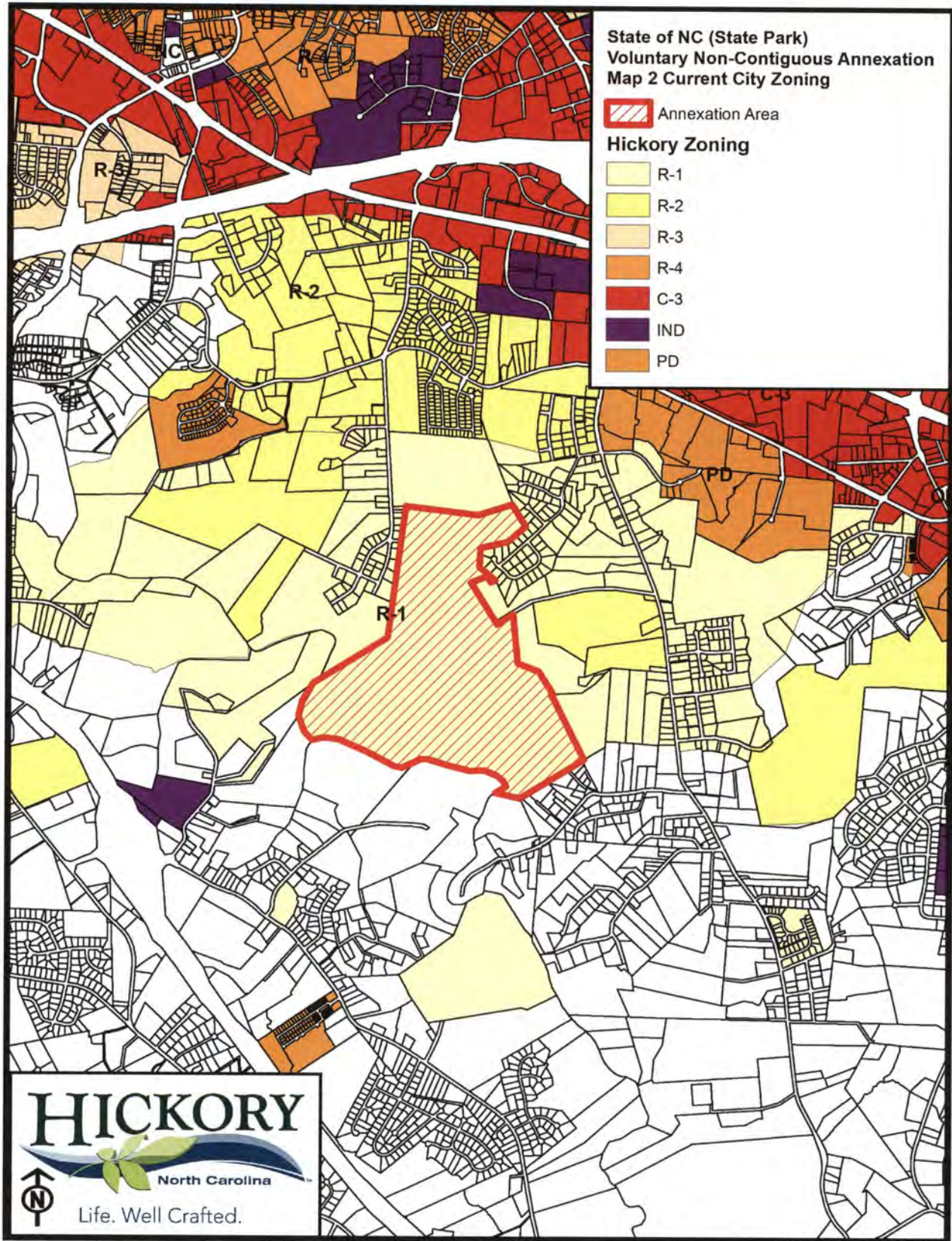
- Fire: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 7's response area.
- Police Department: On-going staffing is a concern with annexation of the proposed state park. Without knowing how the proposed state park will operate, or if on-site state park staff will be assigned to the facility, certainty of its impact on law enforcement cannot be gauged.
- Engineering: No objections.
- Planning: No objections.
- Public Services: No objections.
- Public Utilities: The proposed annexation area has several sewer lines that run across the property. There are no capacity concerns based on the proposed use. Water is not immediately adjacent to the site, but is available on Robinson Rd and Timberland Hills Dr. Any water and sewer main extensions needed to serve the annexation area will be the responsibility of the State.
- Legal: No objections.
- City Manager's Office: No objections.

STAFF RECOMMENDATION: Upon evaluation staff has found the following:

1. The voluntary contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of contiguous properties.
2. Adequate public services are available in sufficient quantities to properly serve the property, subject to the comments provided above.
3. The annexation of the property will not cause available public services to fall below acceptable levels.

Based upon the findings provided above, staff recommends City Council approve the voluntary contiguous annexation petition, while considering the concern of the Hickory Police Department.







Description of that certain parcel of land lying and being south of I-40, east of Hwy 321 and west of Robinson Road; bounded on the north by the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366, on the east by the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90, as well as the Wilburn F. Hahn and wife Margie Naomi Teague Hahn property recorded in Deed Book 1231, Page 596, then along the north side of a 60' right-of-way by the said Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 101 and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637, on the east of the right-of-way by Robinson Road (SR 1148), and on the south of the right-of-way by the Ruth Bolick Pollard, widow and Michael Edward Pollard, married property recorded in Deed Book 3463, Page 608 – Tract 3 and the Samuel Ross Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 which continues to bound the overall property on the east as on the southeast by the Wayne M. Bach, Trustee of the Whitener Family Trust property recorded in Deed Book 3043, Page 1116, bounded on the south by the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756, the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot "E" of Plat Book 31, Page 175, the Nattie Propst property recorded in Deed Book 3736, Page 1530, the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, the Malachi Morris property recorded in Deed Book 3840, Page 1704 – Tract Two and Tract One, the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 – Tracts 1 thru 5, the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, on the southwest by the Dale Calloway, minor, Curtis Calloway, minor, and James B. Trapp, Jr, Guardian ad Litem property recorded in Deed Book 1435, Page 787 – Tract 3, the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 755 and the City of Hickory property recorded in Deed Book 2041, Page 1400, and on the west by the City of Hickory property recorded in Deed Book 895, Page 260 – Tract No. I, the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293 – Tract Two and Tract One, the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Janet Reinhardt Burleson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Jonathan Andrew Harrington and Devin Alexis Williams property recorded in Deed Book 2588, Page 844 and illustrated as Lots 1-4 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, a 60' right-of-way as illustrated in Plat Book 9, Page 24 between Blocks "A" and "B" of Hollywood Heights, and on the northwest by the Steven Clay Shuford property recorded in Deed Book 2928, Page 1029 and illustrated as Lots 18-23 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 and illustrated as Lots 9-13 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker property recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 & 4 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, and the Jeffrey S. Stoker property recorded in Deed Book 1769, Page 689 and illustrated as Lots 1 & 2 of Block "A" of Hollywood Heights in Plat Book 9, Page 24 and more particularly described as follows:

BEGINNING at a $\frac{3}{4}$ " existing iron pipe, the northeast corner of Lot #1, Block A of Plat Book 9, Page 24 and a corner in the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366 and a corner in the property formerly owned by George B.

Harris, et al recorded in Deed Book 1133, Page 954 and now owned by the State of North Carolina as recorded in Deed Book 3612, Page 931, said point having North Carolina grid coordinates of N=716,647.320', E=1,309,941.404', Elevation of 1,044.24', a convergence angle of N 01°20'32" E, a scale factor of grid to ground=1.00009731946619, a combined scale factor of grid to ground=1.00014223162381, a geoid of -105.39, a horizontal datum of North American Datum of 1983 and a realization of 2011 (NAD83/2011), a vertical datum of North American Vertical Datum of 1988 (NAVD88), and a geoid of the conterminous US of Geoid18; thence with the Lee and the State of North Carolina boundary line, Course #1, a grid bearing of S 84°20'51" E a distance of 1323.55' to an existing stone found in place of the 3rd corner of Deed Book 344, Page 236 and the 3rd corner of Deed Book 1133, Page 954 the fifteenth tract, and being on the side of the ridge about 75' east of the sewer line at the bottom of the bank; thence continuing with the Lee and the State of North Carolina boundary line, Course #2, turning an interior angle of 158°43'08" to a bearing of N 74°22'17" E a distance of 601.12' to a 2" existing "T" bolt found in place of a stone, said stone is approximately 40' different from the call in both of the aforementioned deeds, again both deeds having called for a stone, said "T" bolt is a corner in Lot #7 of the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90; thence leaving the Lee boundary and running with the aforementioned State of North Carolina boundary and the Shrum line along Lots 7, 8 and 9, Course #3, turning an interior angle of 105°34'31" to a bearing of S 31°12'14" E a distance of 446.63' to a 5/8" rebar set with an aluminum cap on the side of a steep slope and a large debris pile, said rebar is the common corner of Lot 9, Lot 11, and Lot 12 of Shrum Acres in said plat and the aforementioned State of North Carolina boundary; thence running with the aforementioned State of North Carolina boundary and the common lines of Lots 12, 13, 14 and 15 of the Shrum Acres subdivision, Course #4, turning an interior angle of 100°18'55" to a bearing of S 48°28'50" W a distance of 418.38' to an existing 1/2" rebar in the aforementioned State of North Carolina boundary line and being the common corner of Lot 15 and Lot 16 of Shrum Acres; thence with the aforementioned boundary line of the State of North Carolina property and the line of Lots 16, 17 and 18 of Shrum Acres, Course #5, turning an interior angle of 151°37'29" to a bearing of S 76°51'22" W a distance of 493.51' to an existing 3/4" iron pipe, the common corner of the aforementioned State of North Carolina tract and Lot 18 of Shrum Acres; thence continuing with the aforementioned State of North Carolina tract and Lots 18 and 19 of Shrum Acres, Course #6, turning an interior angle of 105°41'32" to a bearing of S 02°32'54" W a distance of 340.74' to an existing 5/8" rebar east of the creek and west of a sanitary sewer maintenance hole, said rebar being a corner in Lot 19 of Shrum Acres; thence continuing with the aforementioned State of North Carolina boundary and Lots 19, 20 and 21 of Shrum Acres, Course #7, turning an interior angle of 125°42'10" to a bearing of S 51°44'56" E a distance of 372.06' to an existing 1/2" rebar in place of a Willow tree on the east side of the creek called for in Deed Book 1133, Page 954 and being the common corner between Lot 21 and Lot 22 of Shrum Acres; thence leaving the Shrum Acres boundary and following the aforementioned State of North Carolina tract and a possible boundary of Hahn as no deed has been found to support this area, Course #8, turning an interior angle of 59°53'25" to a bearing of S 68°21'39" W a distance of 95.20' to a 5/8" rebar set with an aluminum cap, said rebar being in the aforementioned State of North Carolina line and in the boundary of Wilburn F. Hahn and wife Margie Naomi Teague Hahn recorded in Deed Book 1231, Page 596; thence with the aforementioned State of North Carolina boundary and the Hahn property, Course #9, turning an interior angle of 101°17'37" to a bearing of N 32°55'58" W a distance of 121.86' to a 5/8" rebar set with an aluminum cap in place of the 2nd corner of Deed Book 399, Page 404; thence with the Hahn boundary line and traversing through the aforementioned State of North Carolina, Course #10, turning an interior angle of 101°01'18" to a bearing of S 68°05'21" W a distance of 299.97' to a 5/8" rebar set with an aluminum cap at the northwest corner of the aforementioned Hahn property and a corner of the State of North Carolina; thence continuing to the western line of the aforementioned Hahn Property and the eastern line of the aforementioned State of North Carolina, Course #11, turning an interior angle of 79°20'34" to a bearing of S 32°34'06" E a distance of 120.26' to a 5/8" rebar set with an aluminum cap at the intersection of the aforementioned fifteenth tract in the western line of the Hahn Property and in

the eastern line of the aforementioned State of North Carolina property; thence leaving the fifteenth tract and running the western line of the Hahn Tract and the eastern line of the State of North Carolina property, Course #12, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $S 32^{\circ}34'06'' E$ a distance of $687.89'$ to a $5/8''$ rebar set with an aluminum cap on the northern edge of a $60'$ right-of-way and in the western line of the Hahn property and the eastern line of the State of North Carolina property; thence traversing through the aforementioned Hahn property along the northern line of the aforementioned $60'$ right-of-way recited in Deed Book 1872, Page 631, Course #13, turning an interior angle of $89^{\circ}10'59''$ to a bearing of $N 56^{\circ}36'53'' E$ a distance of $299.86'$ to a DuraNail set in a small creek, the corner of the Hahn tract and the north edge of the aforementioned right-of-way; thence along the northern edge of the $60'$ right-of-way and traversing through the Hahn property, Course #14, turning an interior angle of $178^{\circ}30'00''$ to a bearing of $N 58^{\circ}06'53'' E$ a distance of $440.15'$ to a $5/8''$ rebar set with an aluminum cap in the northern edge of the $60'$ right-of-way; thence continuing to traverse through the Hahn property and along the $60'$ right-of-way, Course #15, turning an interior angle of $160^{\circ}23'56''$ to a bearing of $N 77^{\circ}42'58'' E$ passing a $5/8''$ rebar set at $350.47'$ at the intersection of the Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 1011 and continuing a total distance of $352.42'$ to a $5/8''$ rebar set in the northern line of the $60'$ right-of-way; thence traversing along the $60'$ right-of-way and through the Crouch property, Course #16, turning an interior angle of $178^{\circ}53'07''$ to a bearing of $N 76^{\circ}36'05'' E$ a distance of $606.19'$ to a $5/8''$ rebar set with an aluminum cap in the northern edge of the right-of-way and inside the Crouch boundary; thence continuing to traverse through the Crouch boundary and along the northern edge of the right-of-way, Course #17, turning an interior angle of $166^{\circ}59'10''$ to a bearing of $N 89^{\circ}36'55'' E$ a distance of $221.85'$ to a $5/8''$ rebar set with an aluminum cap on the north edge of the aforementioned right-of-way and being located inside the Crouch boundary; thence continuing along the north edge of the right-of-way and through the Crouch boundary, Course #18, turning an interior angle of $176^{\circ}52'18''$ to a bearing of $N 86^{\circ}29'13'' E$ a distance of $163.96'$ to a $5/8''$ rebar set on the north edge of the right-of-way, a common corner with Crouch and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637 and continuing a total distance of $167.49'$ to a $5/8''$ rebar set with an aluminum cap at a bend in the right-of-way and inside the Saunders boundary; thence continuing along the northern right-of-way and through the Saunders property, Course #20, turning an interior angle of $179^{\circ}56'57''$ to a bearing of $N 86^{\circ}32'15'' E$ a distance of $175.52'$ to a $5/8''$ rebar set with aluminum cap on the north edge of the right-of-way and inside the Saunders property; thence continuing along the northern right-of-way line and through the Saunders property, Course #21, turning an interior angle of $168^{\circ}34'34''$ to a bearing of $S 82^{\circ}02'19'' E$ a distance of $679.16'$ to a $5/8''$ rebar set with an aluminum cap on the east edge of Robinson Road (SR 1148), a $20'$ paved surface secondary roadway; thence running south and east along Robinson Road with the east edge of the $60'$ right-of-way and through the Saunders property, Course #22, turning an interior angle of $118^{\circ}11'20''$ to a bearing of $S 20^{\circ}13'39'' E$ a distance of $68.07'$ to an existing cut-off power pole with a MagNail and stainless steel washer set, the common corner of the Saunders property, the Ruth Bolick Pollard (widow) and Michael Edward Pollard (married) property recorded in Deed Book 3463, Page 608, Tract 3 and the southern edge of the aforementioned $60'$ right-of-way; thence following the southern edge of the $60'$ right-of-way, the southern boundary of the Saunders property and the northern boundary line of the Pollard property, Course #23, turning an interior angle of $61^{\circ}48'40''$ to a bearing of $N 82^{\circ}02'19'' W$ a distance of $705.31'$ to an existing $1''$ iron pipe in a fence line on the southern edge of the $60'$ right-of-way, the southern edge of the Saunders property and the northern line of the Pollard property; thence continuing along the common boundary lines of Pollard, Saunders, and the southern line of the $60'$ right-of-way, Course #24, turning an interior angle of $168^{\circ}34'34''$ to a bearing of $S 86^{\circ}32'15'' W$ a distance of $169.50'$ to an existing $1/2''$ iron pipe in the fence line, the southwest corner of the Saunders property, the southeast corner of the aforementioned Crouch property, a corner in the property line of the Pollard property and the southern line of the $60'$ right-of-way; thence continuing along the Pollard and Crouch boundaries and the southern line of the $60'$ right-of-way, Course #25, turning an interior angle of $179^{\circ}56'57''$ to a bearing of $S 86^{\circ}29'13'' W$ a distance of $169.11'$ to an existing $1/2''$ iron pipe in the fence line, the Pollard boundary, the Crouch boundary and the aforementioned right-of-way; thence continuing

to traverse along the fence, the Pollard boundary, the Crouch boundary and the southern edge of the 60' right-of-way, Course #26, turning an interior angle of 176°52'18" to a bearing of S 89°36'55" W a distance of 216.64' to an existing ¾" pinched-top iron pipe in the Pollard boundary and in the southern line of the right-of-way; thence continuing along the Pollard and the right-of-way boundaries, Course #27, turning an interior angle of 166°59'10" to a bearing of S 76°36'05" W a distance of 599.93' to an existing ½" iron pipe the common corner of the Pollard property, the southwest corner of the Crouch property, the southeast corner of the aforementioned Hahn property, and in the southern line of the 60' right-of-way; thence continuing with the northern line of Pollard, the southern line of Hahn and the southern line of the 60' right-of-way, Course #28, turning an interior angle of 178°53'07" to a bearing of S 77°42'58" W a distance of 342.64' to an existing 1" angle iron on the southern line of the 60' right-of-way, the northwest corner of the Pollard property, a corner in the southern boundary of Hahn and the northeast corner of the Samuel Ross Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 and illustrated as Lot 1 of the O.B. Cline property recorded in Plat Book 12, Page 1; thence with the Penland property, the Hahn property and the 60' right-of-way property, Course #29, turning an interior angle of 160°23'56" to a bearing of S 58°06'53" W a distance of 396.76' to an existing ¾" iron pipe the northwest corner of the aforementioned Penland property illustrated as Lot 2 of the O.B. Cline property recorded in Plat Book 12, Page 1, a corner in the Hahn property, a corner of the State of North Carolina property and east of a small branch; thence with the eastern boundary of the State of North Carolina property and the western boundary of Penland, Course #30, turning an interior angle of 116°56'29" to a bearing of S 04°56'37" E a distance of 834.89' to a 5/8" rebar set in the Penland and State of North Carolina boundary where a gas line right-of-way crosses the aforementioned boundary line; thence continuing along the aforementioned boundaries, Course #31, turning an interior angle of 180°00'00" to a bearing of S 04°56'37" E a distance of 32.89' to a 5/8" rebar set with an aluminum cap at the southwest corner of the Penland property and a corner in the State of North Carolina boundary; thence continuing with the State of North Carolina and Penland boundary, Course #32, turning an interior angle of 110°24'44" to a bearing of S 74°31'53" E a distance of 43.72' to a 5/8" rebar set with an aluminum cap where the aforementioned gas line right-of-way crosses the common State of North Carolina and Penland boundary line; thence continuing along the State of North Carolina and Penland boundary line, Course #33, turning an interior angle of 180°00'00" to a bearing of S 74°31'53" E a distance of 17.28' to a 5/8" rebar set aluminum in the common State of North Carolina and Penland boundary line just south of the aforementioned gas line right-of-way; thence continuing with the common line of State of North Carolina and Penland, Course #34, turning an interior angle of 176°02'00" to a bearing of S 78°29'53" E a distance of 99.00' to an existing ¾" pinched-top iron pipe, a common corner of the Penland and the State of North Carolina properties; thence continuing to traverse along the aforementioned boundaries, Course #35, turning an interior angle of 165°31'00" to a bearing of S 64°00'53" E a distance of 240.32' to an existing ¾" pinched-top iron pipe on the eastern edge of a high transmission power line; thence continuing along the common boundary of the State of North Carolina and Penland properties, Course #36, turning an interior angle of 150°01'52" to a bearing of S 34°02'45" E a distance of 479.15' to an existing ¾" pinched-top iron pipe east of the power line right-of-way and a common corner of the State of North Carolina, Penland and the Wayne M. Bach Trustee, Whitener Family Trust property recorded in Deed Book 3043, Page 1116; thence leaving the Penland property and following the State of North Carolina and Whitener Family Trust property line, Course #37, turning an interior angle of 59°51'15" to a bearing of S 86°06'00" W a distance of 40.79' to an existing ¾" pinched-top iron pipe, a corner of the State of North Carolina property and the Whitener Family Trust property; thence continuing with the Whitener Family Trust and the State of North Carolina property, Course #38, turning an interior angle of 68°46'26" to a bearing of S 25°07'34" E a distance of 1300.44' to an existing ½" iron pipe in the cross-country electric power transmission line right-of-way and being a corner of the Whitener Family Trust property, the southeast corner of the State of North Carolina property, and a corner of the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756; thence leaving the Whitener Family Trust property and traversing along the State of North Carolina and Shook property line, Course #39, turning an interior

angle of $95^{\circ}46'02''$ to a bearing of $S 59^{\circ}06'24'' W$ a distance of 283.09' to an existing angle iron on the east edge of a 45' right-of-way, the northeast corner of the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot E recorded in Plat Book 31, Page 175, the northwest corner of the Shook property and a corner in the State of North Carolina boundary line; thence traversing along the York and the State of North Carolina boundary line, Course #40, turning an interior angle of $179^{\circ}47'18''$ to a bearing of $S 59^{\circ}19'05'' W$ a distance of 258.24' to a 5/8" rebar set with an aluminum cap in the York and the State of North Carolina boundary line; thence leaving the York line and traversing into the State of North Carolina property, Course #41, turning an interior angle of $107^{\circ}04'25''$ to a bearing of $N 47^{\circ}45'20'' W$ a distance of 28.83' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary; thence continuing through the State of North Carolina property, Course #42, turning an interior angle of $94^{\circ}09'09''$ to a bearing of $S 46^{\circ}23'50'' W$ a distance of 60.71' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary, Course #43, turning an interior angle of $87^{\circ}11'13''$ to a bearing of $S 46^{\circ}24'58'' E$ a distance of 14.53' to a 5/8" rebar set with an aluminum cap in the northern York boundary and the southern State of North Carolina boundary; thence with the York and the State of North Carolina boundary, Course #44, turning an interior angle of $74^{\circ}15'57''$ to a bearing of $S 59^{\circ}19'05'' W$ a distance of 181.23' to an existing angle iron, the common corner of York, the Nattie Propst property recorded in Deed Book 3736, Page 1350 and a bend in the State of North Carolina boundary; thence with the State of North Carolina and Propst boundary line, Course #45, turning an interior angle of $177^{\circ}44'04''$ to a bearing of $S 57^{\circ}03'09'' W$ a distance of 111.45' to an existing 1/2" iron pipe a common corner of the said Propst property and the State of North Carolina property boundary; thence with the Propst property line and the State of North Carolina boundary, Course #46, turning an interior angle of $178^{\circ}10'55''$ to a bearing of $S 58^{\circ}52'14'' W$ a distance of 213.56' to a 5/8" rebar set in the State of North Carolina and Propst boundary where the Piedmont Natural Gas line right-of-way recorded in Deed Book 3417, Page 1085 crosses; thence continuing with the Propst and the State of North Carolina common boundary, crossing into the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, Course #47, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $S 58^{\circ}52'14'' W$ a distance of 77.78' to a 5/8" rebar set in the opposite side of the aforementioned right-of-way in the State of North Carolina and Malinoski boundary line; thence continuing with the Malinoski and the State of North Carolina boundary line, Course #48, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $S 58^{\circ}52'14'' W$ a distance of 60.79' to an existing 1/2" iron pipe the northwest corner of the aforementioned Malinoski boundary, the northeast corner of Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract Two and being located in the State of North Carolina boundary; thence with the State of North Carolina and Morris boundary, Course #49, turning an interior angle of $179^{\circ}50'05''$ to a bearing of $S 59^{\circ}02'09'' W$ a distance of 36.32' to an existing 3/4" iron pipe, the northwest corner of the aforementioned Morris property, the northeast corner of the Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract One and a corner of the State of North Carolina property; thence continuing with the Morris and the State of North Carolina property, Course #50, turning an interior angle of $137^{\circ}17'37''$ to a bearing of $N 78^{\circ}15'29'' W$ a distance of 351.10' to a 5/8" rebar set with an aluminum cap on the bank of the Henry Fork River in the common line of Morris and the State of North Carolina; thence continuing with the Morris and the State of North Carolina properties Course #51, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 78^{\circ}15'29'' W$ a distance of 105.14' to a point located in the center of the Henry Fork River a common corner of Morris, the State of North Carolina and the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 and listed as Tracts 1, 2, 3, 4, and 5; thence with the centerline of the Henry Fork River and the common line of the State of North Carolina and Griffin Family Limited Partnership, Course #52, turning an interior angle of $45^{\circ}45'41''$ to a bearing of $N 55^{\circ}58'50'' E$ a distance of 61.76' to a point in the center of the Henry Fork River and in the common line of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing the thread of the river and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #53, turning an interior angle of $169^{\circ}10'45''$ to a bearing of $N 66^{\circ}48'05'' E$ a distance of 85.47' to a point in the center of the Henry Fork

River and the common boundary line of the State of North Carolina and Griffin Family Limited Partnership properties; thence continuing to traverse the center of the river, the State of North Carolina boundary and the Griffin Family Limited Partnership boundary lines, Course #54, turning an interior angle of $160^{\circ}10'25''$ to a bearing of $N 46^{\circ}58'30'' E$ a distance of 65.80' to a point in the centerline of the Henry Fork River and the common corner of the State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing with the center of the river, the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #55, turning an interior angle of $126^{\circ}04'20''$ to a bearing of $N 06^{\circ}57'11'' W$ a distance of 66.22' to a point in the center of the Henry Fork River, the eastern edge of the Griffin Family Limited Partnership boundary and in the southwestern edge of the State of North Carolina property; thence continuing with the eastern boundary of the Griffin Family Limited Partnership tract, the southwestern portion of the State of North Carolina property, and the center of the Henry Fork River, Course #56, turning an interior angle of $152^{\circ}05'55''$ to a bearing of $N 34^{\circ}51'16'' W$ a distance of 109.41' to a point located in the center of the Henry Fork River, a corner of the Griffin Family Limited Partnership tract, and a corner of the State of North Carolina property; thence with the center of the river, and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #57, turning an interior angle of $161^{\circ}43'28''$ to a bearing of $N 53^{\circ}07'48'' W$ a distance of 120.25' to a point in the centerline of the Henry Fork River, said point being a corner in the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing with the Griffin Family Limited Partnership and State of North Carolina boundaries in the centerline of the Henry Fork River, Course #58, turning an interior angle of $170^{\circ}27'14''$ to a bearing of $N 62^{\circ}40'34'' W$ a distance of 108.28' to a point in the center of the Henry Fork River, a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the thread of the Henry Fork River, which is the natural boundary line between the State of North Carolina and Griffin Family Limited Partnership properties, Course #59, turning an interior angle of $159^{\circ}35'14''$ to a bearing of $N 83^{\circ}05'20'' W$ a distance of 106.59' to a point in the center of the Henry Fork River, a common corner of the aforementioned Griffin Family Limited Partnership and the State of North Carolina boundaries; thence continuing to traverse the center of the river, the common line between the State of North Carolina and Griffin Family Limited Partnership boundary, Course #60, turning an interior angle of $172^{\circ}17'13''$ to a bearing of $S 89^{\circ}11'54'' W$ a distance of 262.74' to a point in the center of the Henry Fork River, the common corner between the State of North Carolina and Griffin Family Limited Partnership; thence continuing along the centerline of the Henry Fork River, the common boundary line between the State of North Carolina and Griffin Family Limited Partnership, Course #61, turning an interior angle of $168^{\circ}17'14''$ to a bearing of $N 79^{\circ}05'20'' W$ a distance of 133.11' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the Henry Fork River and the aforementioned Griffin Family Limited Partnership and the State of North Carolina boundaries, Course #62, turning an interior angle of $177^{\circ}18'38''$ to a bearing of $N 76^{\circ}23'58'' W$ a distance of 150.67' to a point in the centerline of the Henry Fork River, the common dividing line between the State of North Carolina and Griffin Family Limited Partnership tracts; thence continuing to traverse the centerline of the aforementioned river, Course #63, turning an interior angle of $173^{\circ}48'53''$ to a bearing of $N 70^{\circ}12'51'' W$ a distance of 360.62' to a point in the center of the river, a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline thread of the river, which is the common boundary between the State of North Carolina and Griffin Family Limited Partnership parcels, Course #64, turning an interior angle of $171^{\circ}45'39''$ to a bearing of $N 78^{\circ}27'12'' W$ a distance of 119.58' to a point in the center of the river and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the river, which is the common boundary line between the State of North Carolina and Griffin Family Limited Partnership tracts, Course #65, turning an interior angle of $167^{\circ}39'27''$ to a bearing of $S 89^{\circ}12'15'' W$ a distance of 90.71' to a point in the centerline of the Henry Fork River and a corner in the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary lines; thence continuing along the

center thread of the Henry Fork River and the common boundary of the State of North Carolina and Griffin Family Limited Partnership, Course #66, turning an interior angle of $168^{\circ}34'14''$ to a bearing of $S 77^{\circ}46'30'' W$ a distance of 77.34' to a point in the center of the Henry Fork River; thence continuing to traverse along the center of the Henry Fork River and following the State of North Carolina boundary, and crossing out of the aforementioned Griffin Family Limited Partnership boundary and crossing into the property of the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, Course #67, turning an interior angle of $161^{\circ}43'31''$ to a bearing of $S 59^{\circ}30'01'' W$ a distance of 320.19' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing with the center of the river, the State of North Carolina property and the Griffin Family Limited Partnership, Course #68, turning an interior angle of $148^{\circ}15'17''$ to a bearing of $N 88^{\circ}45'17'' W$ a distance of 57.96' to a point in the centerline of the Henry Fork River and the common line of the State of North Carolina and the Griffin Family Limited Partnership; thence continuing with the common line of the State of North Carolina and the Partnership as it meanders through the center of the river, Course #69, turning an interior angle of $168^{\circ}50'17''$ to a bearing of $N 77^{\circ}35'33'' W$ a distance of 64.49' to a point in the center of the Henry Fork River and the common corner between the State of North Carolina and the Partnership properties; thence continuing to follow the center of the river and the aforementioned lines, Course #70, turning an interior angle of $164^{\circ}25'47''$ to a bearing of $N 62^{\circ}01'21'' W$ a distance of 54.09' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Partnership boundaries; thence continuing to follow the thread of the river and traverse the State of North Carolina and Partnership boundaries, Course #71, turning an interior angle of $174^{\circ}30'44''$ to a bearing of $N 56^{\circ}32'05'' W$ a distance of 138.77' to a point in the center of the Henry Fork River and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing to follow along the centerline of the Henry Fork River and the common lines of the State of North Carolina and the Griffin Family Limited Partnership, Course #72, turning an interior angle of $171^{\circ}58'48''$ to a bearing of $N 64^{\circ}33'17'' W$ a distance of 276.79' to a point in the centerline of the Henry Fork River and a common corner of the aforementioned boundaries; thence continuing to follow the centerline and thread of the Henry Fork River, which is the monument between the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #73, turning an interior angle of $177^{\circ}17'09''$ to a bearing of $N 61^{\circ}50'26'' W$ a distance of 257.54' to a point in the center of the Henry Fork River and a common corner between the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the center of the river, Course #74, turning an interior angle of $175^{\circ}38'47''$ to a bearing of $N 66^{\circ}11'39'' W$ a distance of 187.26' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing to navigate the center of the river, the common line between State of North Carolina and the Griffin Family Limited Partnership, Course #75, turning an interior angle of $177^{\circ}59'06''$ to a bearing of $N 64^{\circ}10'44'' W$ a distance of 130.15' to a point in the center of the river and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the center of the river and the aforementioned boundaries, Course #76, turning an interior angle of $169^{\circ}36'04''$ to a bearing of $N 74^{\circ}34'40'' W$ a distance of 113.69' to a point in the center of the Henry Fork River and being a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the centerline of the river and along the common boundary of the State of North Carolina and the Griffin Family Limited Partnership boundary; Course #77, turning an interior angle of $171^{\circ}54'44''$ to a bearing of $N 82^{\circ}39'56'' W$ a distance of 128.29' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina and the Griffin Family Limited Partnership boundaries; thence with the thread and centerline of the Henry Fork River, which is also the common boundary of the State of North Carolina and the Griffin Family Limited Partnership properties, Course #78, turning an interior angle of $171^{\circ}32'32''$ to a bearing of $S 88^{\circ}52'36'' W$ a distance of 128.52' to a point in the center of the river and is a common corner of the adjoining boundaries; thence continuing to follows the centerline of the Henry Fork River and the common boundary, Course

#79, turning an interior angle of $170^{\circ}30'13''$ to a bearing of $S 79^{\circ}22'49'' W$ a distance of 102.54' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership properties; thence continuing with the centerline of the Henry Fork River and common aforementioned boundaries, Course #80, turning an interior angle of $162^{\circ}58'42''$ to a bearing of $N 83^{\circ}35'53'' W$ a distance of 77.79' to a point in the center of the Henry Fork River and a common corner of the aforementioned properties; thence leaving the center of the river and following the State of North Carolina and the Griffin Family Limited Partnership property boundaries, Course #81, turning an interior angle of $117^{\circ}20'26''$ to a bearing of $S 33^{\circ}44'33'' W$ a distance of 37.72' to an existing 1" iron pipe, a corner of the State of North Carolina tract, a corner of the Dale Calloway, Minor, Curtis Calloway, Minor, and James B Trapp, Jr., Guardian ad Litem property recorded in Deed Book 1435, Page 787, Tract 3 and a point in the aforementioned Griffin Family Limited Partnership property; thence following the State of North Carolina and Calloway properties and being on the west side of the Henry Fork River, Course #82, turning an interior angle of $80^{\circ}56'50''$ to a bearing of $N 47^{\circ}12'16'' W$ a distance of 204.41' to a $5/8''$ rebar set with an aluminum cap on the west bank of the Henry Fork River and a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the line of Calloway and the State of North Carolina properties along the west bank of the Henry Fork River, Course #83, turning an interior angle of $149^{\circ}50'41''$ to a bearing of $N 17^{\circ}02'57'' W$ a distance of 304.52' to an existing $1\frac{1}{2}''$ iron pipe, the common corner of Calloway, the remaining portion of the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 775, and the State of North Carolina tract; thence with the Calloway-Moose and the State of North Carolina boundary line, Course #84, turning an interior angle of $148^{\circ}08'54''$ to a bearing of $N 14^{\circ}48'08'' E$ a distance of 277.60' to an existing $5/8''$ rebar on the west bank of the Henry Fork River and being a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the State of North Carolina and Calloway boundary line, Course #85, turning an interior angle of $162^{\circ}21'19''$ to a bearing of $N 32^{\circ}26'49'' E$ a distance of 368.13' to an existing 15" Sycamore tree which is dead with about only 6' of the trunk remaining and having a $5/8''$ rebar with an aluminum cap set $S 53^{\circ}06'01'' W$ a distance of 20.00' from the center of the tree, said tree is in the line of the City of Hickory property recorded in Deed Book 2041, Page 1400; thence with the City of Hickory property and the State of North Carolina tract, Course #86, turning an interior angle of $159^{\circ}20'49''$ to a bearing of $N 53^{\circ}06'01'' E$ a distance of 88.27' to a point in the center of the Henry Fork River and in the common boundary of the City of Hickory and the State of North Carolina tract; thence with the center of the river and the common boundary line of the City of Hickory and the State of North Carolina tract, Course #87, turning an interior angle of $20^{\circ}24'31''$ to a bearing of $S 32^{\circ}41'30'' W$ a distance of 239.23' to a point in the center of the river and being a common corner of the City of Hickory and the State of North Carolina tract; thence with the City of Hickory and State of North Carolina tracts, Course #88, turning an interior angle of $22^{\circ}45'45''$ to a bearing of $N 55^{\circ}27'15'' E$ a distance of 183.70' to a $5/8''$ rebar set where the City of Hickory and the State of North Carolina boundaries cross a sanitary sewer line and easement; thence continuing along the City of Hickory and the State of North Carolina tract boundaries, Course #89, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 55^{\circ}27'15'' E$ a distance of 506.00' to a $5/8''$ rebar set with an aluminum cap at the natural gas right-of-way line; thence continuing along the common boundary of the City and State tracts, Course #90, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 55^{\circ}27'15'' E$ a distance of 166.40' to a DuraNail set in the intersection of the gas line right-of-way and the common boundary line; thence continuing with the common boundary line of the City of Hickory and the State of North Carolina tract, Course #91, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 55^{\circ}27'15'' E$ a distance of 71.02' to a $5/8''$ rebar set with an aluminum cap at the gas line right-of-way where it crosses the common boundary line; thence continuing along the common boundary line, Course #92, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 55^{\circ}27'15'' E$ a distance of 803.58' to an existing 1" iron pipe (disturbed), said iron pipe being a common corner between the City of Hickory and the State of North Carolina tract; thence continuing to traverse the common boundary line of the City of Hickory and the State of North Carolina tracts, Course #93, turning an interior angle of $128^{\circ}16'16''$ to a bearing of $N 03^{\circ}43'32'' E$ a distance of 589.02' to an existing $3/4''$ iron pipe in the common boundary line and

being a corner of the State of North Carolina; thence with the City of Hickory boundary and the State of North Carolina boundary, Course #94, turning an interior angle of $177^{\circ}13'59''$ to a bearing of $N 06^{\circ}29'32'' E$ a distance of 35.72' to an existing $\frac{3}{4}$ " iron pipe, the southeast corner of the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293, Tract Two, the northeast corner of the City of Hickory property and in the State of North Carolina line; thence with the Shuford and State of North Carolina lines, Course #95, turning an interior angle of $179^{\circ}54'31''$ to a bearing of $N 06^{\circ}35'02'' E$ a distance of 305.40' to an existing angle iron, the northeast corner of Tract One of the aforementioned Shuford deed, said angle iron is in the State of North Carolina line and is also the southeast corner of the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28, Block "B" of Plat Book 9, Page 24; thence with the State of North Carolina boundary and crossing the Cloer property, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" in Plat Book 9, Page 24, the Janet Reinhardt Burselson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" recorded in Plat Book 9, Page 24, and the Jonathan Andrew Harrington and Devin Alexis Willams property recorded in Deed Book 3588, Page 844 as Lots 1-4 of Block "B" and illustrated in Plat Book 9, Page 24, Course #96, turning an interior angle of $179^{\circ}31'43''$ to a bearing of $N 07^{\circ}03'19'' E$ a distance of 728.21' to a $\frac{5}{8}$ " rebar set with an aluminum cap at the northeast corner of the Harrington-Willams parcel and the south side of a 60' right-of-way dedicated in Plat Book 9, Page 24 and being in the State of North Carolina tract Line; thence continuing the same course and crossing the 60' right-of-way, along the State of North Carolina tract boundary line, Course #97, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 07^{\circ}03'19'' E$ a distance of 60.00' to a $\frac{5}{8}$ " rebar set with an aluminum cap on the north edge of the aforementioned 60' right-of-way and at the southeast corner of the Steven Clay Shuford property recorded in Deed Book 2928, Page 1209 and being illustrated as Lots 18-23 of Block "A" of the aforementioned Plat Book 9, Page 24; thence with the State of North Carolina tract, crossing the Shuford lots, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" on the aforementioned recorded plat, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 being illustrated as Lots 9-13 of Block "A" as illustrated on the aforementioned plat, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" on the aforementioned plat, the Jeffrey Scott Stoker property as recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 and 4 of Block "A" of said plat, and the Jeffrey Scott Stoker property recorded in Deed Book 1769, Page 689 and illustrated as lots 1 and 2 of Block "A" of said plat, Course #98, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $N 07^{\circ}03'19'' E$ a distance of 593.78' to a $\frac{3}{4}$ " iron pipe the northeast corner of Lot 1 as owned by Jeffrey Stoker; which is the point of BEGINNING having an area of 13,259,413 square feet or 304.39 acres and being shown on a plat by Suttles Surveying, P.A. dated, February 26th, 2024 and having map file number 14314B.



2/26/2024

Prepared by: Arnita Dula, Deputy City Attorney, City of Hickory
P.O. Box 398, Hickory, NC 28603-0398

ANNEXATION ORDINANCE NO. 499

VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

State of North Carolina

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO
GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)**

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 6:00 p.m. on the 2nd day of April 2024; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of April 2024:

**Satellite Annexation
by the City of Hickory
known as the State of North Carolina Property**

Description of that certain parcel of land lying and being south of I-40, east of Hwy 321 and west of Robinson Road; bounded on the north by the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366, on the east by the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90, as well as the Wilburn F. Hahn and wife Margie Naomi Teague Hahn property recorded in Deed Book 1231, Page 596, then along the north side of a 60' right- of-way by the said Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 101 and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637, on the east of the right-of-way by Robinson Road (SR 1148), and on the south of the right-of-way by the Ruth Bolick Pollard, widow and Michael Edward Pollard, married property recorded in Deed Book 3463, Page 608 – Tract 3 and the Samuel Ross

Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 which continues to bound the overall property on the east as on the southeast by the Wayne M. Bach, Trustee of the Whitener Family Trust property recorded in Deed Book 3043, Page 1116, bounded on the south by the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756, the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot "E" of Plat Book 31, Page 175, the Nattie Propst property recorded in Deed Book 3736, Page 1530, the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, the Malachi Morris property recorded in Deed Book 3840, Page 1704 – Tract Two and Tract One, the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 – Tracts 1 thru 5, the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, on the southwest by the Dale Calloway, minor, Curtis Calloway, minor, and James B. Trapp, Jr, Guardian ad Litem property recorded in Deed Book 1435, Page 787 – Tract 3, the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 755 and the City of Hickory property recorded in Deed Book 2041, Page 1400, and on the west by the City of Hickory property recorded in Deed Book 895, Page 260 – Tract No. I, the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293 – Tract Two and Tract One, the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Janet Reinhardt Burleson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, the Jonathan Andrew Harrington and Devin Alexis Williams property recorded in Deed Book 2588, Page 844 and illustrated as Lots 1-4 of Block "B" of Hollywood Heights in Plat Book 9, Page 24, a 60' right-of-way as illustrated in Plat Book 9, Page 24 between Blocks "A" and "B" of Hollywood Heights, and on the northwest by the Steven Clay Shuford property recorded in Deed Book 2928, Page 1029 and illustrated as Lots 18-23 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 and illustrated as Lots 9-13 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, the Jeffrey S. Stoker property recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 & 4 of Block "A" of Hollywood Heights in Plat Book 9, Page 24, and the Jeffrey S. Stoker property recorded in Deed Book 1769, Page 689 and illustrated as Lots 1 & 2 of Block "A" of Hollywood Heights in Plat Book 9, Page 24 and more particularly described as follows:

BEGINNING at a $\frac{3}{4}$ " existing iron pipe, the northeast corner of Lot #1, Block A of Plat Book 9, Page 24 and a corner in the Lee M. Seagle property recorded in Deed Book 344, Page 236 and in Nancy Frye Seagle property in Estate File# 092E-0366 and a corner in the property formerly owned by George B. Harris, et al recorded in Deed Book 1133, Page 954 and now owned by the State of North Carolina as recorded in Deed Book 3612, Page 931, said point having North Carolina grid coordinates of N=716,647.320', E=1,309,941.404', Elevation of 1,044.24', a convergence angle of N 01°20'32" E, a scale factor of grid to ground=1.00009731946619, a combined scale factor of grid to ground=1.00014223162381, a geoid of -105.39, a horizontal datum of North American Datum of 1983 and a realization of 2011 (NAD83/2011), a vertical datum of North American Vertical Datum of 1988 (NAVD88), and a geoid of the conterminous US of Geoid18; thence with the Lee and the State of North Carolina boundary line, Course #1, a grid bearing of S 84°20'51" E a distance of 1323.55' to an existing stone found in place of the 3rd corner of Deed Book 344, Page 236 and the 3rd corner of Deed Book 1133, Page 954 the fifteenth tract, and being on the side of the ridge about 75' east of the sewer line at the bottom of the bank; thence continuing with the Lee and the State of North Carolina boundary line, Course #2, turning an interior angle of 158°43'08" to a bearing of N 74°22'17" E a distance of 601.12' to a 2" existing "T" bolt found in place of a stone, said stone is approximately 40' different from the call in both of the aforementioned deeds, again both deeds having called for a stone, said "T" bolt is a corner in Lot #7 of the Claude Ray Shrum and Billie S. Shrum property recorded in Deed Book 3430, Page 641 and illustrated as Lots 1-41 of Shrum Acres recorded in Plat Book 77, Page 90; thence leaving the Lee boundary and running with the aforementioned State of North Carolina boundary and the Shrum line along Lots 7, 8 and 9, Course #3, turning an interior angle of 105°34'31" to a bearing of S 31°12'14" E a distance of 446.63' to a 5/8" rebar set with an aluminum cap on the side of a steep slope and a large debris pile, said rebar is the common corner of Lot 9, Lot 11, and Lot 12 of Shrum Acres in said plat and the aforementioned State of North Carolina boundary; thence running with the aforementioned State of North Carolina boundary and the common lines of Lots 12, 13, 14 and 15 of the Shrum Acres subdivision, Course #4, turning an interior angle of 100°18'55" to a bearing of S 48°28'50" W a distance of 418.38' to an existing $\frac{1}{2}$ " rebar in the aforementioned State of North Carolina boundary line and being the common corner of Lot 15 and Lot 16 of Shrum Acres; thence with the aforementioned boundary line of the State of North Carolina property and the line of Lots 16, 17 and 18 of Shrum Acres, Course #5, turning an interior angle of 151°37'29" to a bearing of S 76°51'22" W a distance of 493.51' to an existing $\frac{3}{4}$ " iron pipe, the common corner of the aforementioned State of North Carolina tract and Lot 18 of Shrum Acres; thence continuing with the aforementioned State of North Carolina tract and Lots 18 and 19 of Shrum Acres, Course #6, turning an interior angle of 105°41'32" to a bearing of S 02°32'54" W a distance of 340.74' to an existing 5/8" rebar east of the creek and west of a sanitary sewer maintenance

hole, said rebar being a corner in Lot 19 of Shrum Acres; thence continuing with the aforementioned State of North Carolina boundary and Lots 19, 20 and 21 of Shrum Acres, Course #7, turning an interior angle of $125^{\circ}42'10''$ to a bearing of $S 51^{\circ}44'56'' E$ a distance of 372.06' to an existing $\frac{1}{2}''$ rebar in place of a Willow tree on the east side of the creek called for in Deed Book 1133, Page 954 and being the common corner between Lot 21 and Lot 22 of Shrum Acres; thence leaving the Shrum Acres boundary and following the aforementioned State of North Carolina tract and a possible boundary of Hahn as no deed has been found to support this area, Course #8, turning an interior angle of $59^{\circ}53'25''$ to a bearing of $S 68^{\circ}21'39'' W$ a distance of 95.20' to a $\frac{5}{8}''$ rebar set with an aluminum cap, said rebar being in the aforementioned State of North Carolina line and in the boundary of Wilburn F. Hahn and wife Margie Naomi Teague Hahn recorded in Deed Book 1231, Page 596; thence with the aforementioned State of North Carolina boundary and the Hahn property, Course #9, turning an interior angle of $101^{\circ}17'37''$ to a bearing of $N 32^{\circ}55'58'' W$ a distance of 121.86' to a $\frac{5}{8}''$ rebar set with an aluminum cap in place of the 2nd corner of Deed Book 399, Page 404; thence with the Hahn boundary line and traversing through the aforementioned State of North Carolina, Course #10, turning an interior angle of $101^{\circ}01'18''$ to a bearing of $S 68^{\circ}05'21'' W$ a distance of 299.97' to a $\frac{5}{8}''$ rebar set with an aluminum cap at the northwest corner of the aforementioned Hahn property and a corner of the State of North Carolina; thence continuing to the western line of the aforementioned Hahn Property and the eastern line of the aforementioned State of North Carolina, Course #11, turning an interior angle of $79^{\circ}20'34''$ to a bearing of $S 32^{\circ}34'06'' E$ a distance of 120.26' to a $\frac{5}{8}''$ rebar set with an aluminum cap at the intersection of the aforementioned fifteenth tract in the western line of the Hahn Property and in the eastern line of the aforementioned State of North Carolina property; thence leaving the fifteenth tract and running the western line of the Hahn Tract and the eastern line of the State of North Carolina property, Course #12, turning an interior angle of $180^{\circ}00'00''$ to a bearing of $S 32^{\circ}34'06'' E$ a distance of 687.89' to a $\frac{5}{8}''$ rebar set with an aluminum cap on the northern edge of a 60' right-of-way and in the western line of the Hahn property and the eastern line of the State of North Carolina property; thence traversing through the aforementioned Hahn property along the northern line of the aforementioned 60' right-of-way recited in Deed Book 1872, Page 631, Course #13, turning an interior angle of $89^{\circ}10'59''$ to a bearing of $N 56^{\circ}36'53'' E$ a distance of 299.86' to a DuraNail set in a small creek, the corner of the Hahn tract and the north edge of the aforementioned right-of-way; thence along the northern edge of the 60' right-of-way and traversing through the Hahn property, Course #14, turning an interior angle of $178^{\circ}30'00''$ to a bearing of $N 58^{\circ}06'53'' E$ a distance of 440.15' to a $\frac{5}{8}''$ rebar set with an aluminum cap in the northern edge of the 60' right-of-way; thence continuing to traverse through the Hahn property and along the 60' right-of-way, Course #15, turning an interior angle of $160^{\circ}23'56''$ to a bearing of $N 77^{\circ}42'58'' E$ passing a $\frac{5}{8}''$ rebar set at 350.47' at the intersection of the Hahn property and the Roger Wayne Crouch property recorded in Deed Book 3852, Page 1011 and continuing a total

distance of 352.42' to a 5/8" rebar set in the northern line of the 60' right-of-way; thence traversing along the 60' right-of-way and through the Crouch property, Course #16, turning an interior angle of 178°53'07" to a bearing of N 76°36'05" E a distance of 606.19' to a 5/8" rebar set with an aluminum cap in the northern edge of the right-of-way and inside the Crouch boundary; thence continuing to traverse through the Crouch boundary and along the northern edge of the right-of-way, Course #17, turning an interior angle of 166°59'10" to a bearing of N 89°36'55" E a distance of 221.85' to a 5/8" rebar set with an aluminum cap on the north edge of the aforementioned right-of-way and being located inside the Crouch boundary; thence continuing along the north edge of the right-of-way and through the Crouch boundary, Course #18, turning an interior angle of 176°52'18" to a bearing of N 86°29'13" E a distance of 163.96' to a 5/8" rebar set on the north edge of the right-of-way, a common corner with Crouch and the Kristy Miller Saunders property recorded in Deed Book 3696, Page 637 and continuing a total distance of 167.49' to a 5/8" rebar set with an aluminum cap at a bend in the right-of-way and inside the Saunders boundary; thence continuing along the northern right-of-way and through the Saunders property, Course #20, turning an interior angle of 179°56'57" to a bearing of N 86°32'15" E a distance of 175.52' to a 5/8" rebar set with aluminum cap on the north edge of the right-of-way and inside the Saunders property; thence continuing along the northern right-of-way line and through the Saunders property, Course #21, turning an interior angle of 168°34'34" to a bearing of S 82°02'19" E a distance of 679.16' to a 5/8" rebar set with an aluminum cap on the east edge of Robinson Road (SR 1148), a 20' paved surface secondary roadway; thence running south and east along Robinson Road with the east edge of the 60' right-of-way and through the Saunders property, Course #22, turning an interior angle of 118°11'20" to a bearing of S 20°13'39" E a distance of 68.07' to an existing cut-off power pole with a MagNail and stainless steel washer set, the common corner of the Saunders property, the Ruth Bolick Pollard (widow) and Michael Edward Pollard (married) property recorded in Deed Book 3463, Page 608, Tract 3 and the southern edge of the aforementioned 60' right-of-way; thence following the southern edge of the 60' right-of-way, the southern boundary of the Saunders property and the northern boundary line of the Pollard property, Course #23, turning an interior angle of 61°48'40" to a bearing of N 82°02'19" W a distance of 705.31' to an existing 1" iron pipe in a fence line on the southern edge of the 60' right-of-way, the southern edge of the Saunders property and the northern line of the Pollard property; thence continuing along the common boundary lines of Pollard, Saunders, and the southern line of the 60' right-of-way, Course #24, turning an interior angle of 168°34'34" to a bearing of S 86°32'15" W a distance of 169.50' to an existing 1/2" iron pipe in the fence line, the southwest corner of the Saunders property, the southeast corner of the aforementioned Crouch property, a corner in the property line of the Pollard property and the southern line of the 60' right-of-way; thence continuing along the Pollard and Crouch boundaries and the southern line of the 60' right-of-way, Course #25, turning an interior angle of 179°56'57" to a bearing of S 86°29'13" W a distance

of 169.11' to an existing ½" iron pipe in the fence line, the Pollard boundary, the Crouch boundary and the aforementioned right-of-way; thence continuing to traverse along the fence, the Pollard boundary, the Crouch boundary and the southern edge of the 60' right-of-way, Course #26, turning an interior angle of 176°52'18" to a bearing of S 89°36'55" W a distance of 216.64' to an existing ¾" pinched-top iron pipe in the Pollard boundary and in the southern line of the right-of-way; thence continuing along the Pollard and the right-of-way boundaries, Course #27, turning an interior angle of 166°59'10" to a bearing of S 76°36'05" W a distance of 599.93' to an existing ½" iron pipe the common corner of the Pollard property, the southwest corner of the Crouch property, the southeast corner of the aforementioned Hahn property, and in the southern line of the 60' right-of-way; thence continuing with the northern line of Pollard, the southern line of Hahn and the southern line of the 60' right-of-way, Course #28, turning an interior angle of 178°53'07" to a bearing of S 77°42'58" W a distance of 342.64' to an existing 1" angle iron on the southern line of the 60' right-of-way, the northwest corner of the Pollard property, a corner in the southern boundary of Hahn and the northeast corner of the Samuel Ross Penland and wife, Holly T. Penland property recorded in Deed Book 3159, Page 1735 and illustrated as Lot 1 of the O.B. Cline property recorded in Plat Book 12, Page 1; thence with the Penland property, the Hahn property and the 60' right-of-way property, Course #29, turning an interior angle of 160°23'56" to a bearing of S 58°06'53" W a distance of 396.76' to an existing ¾" iron pipe the northwest corner of the aforementioned Penland property illustrated as Lot 2 of the O.B. Cline property recorded in Plat Book 12, Page 1, a corner in the Hahn property, a corner of the State of North Carolina property and east of a small branch; thence with the eastern boundary of the State of North Carolina property and the western boundary of Penland, Course #30, turning an interior angle of 116°56'29" to a bearing of S 04°56'37" E a distance of 834.89' to a 5/8" rebar set in the Penland and State of North Carolina boundary where a gas line right-of-way crosses the aforementioned boundary line; thence continuing along the aforementioned boundaries, Course #31, turning an interior angle of 180°00'00" to a bearing of S 04°56'37" E a distance of 32.89' to a 5/8" rebar set with an aluminum cap at the southwest corner of the Penland property and a corner in the State of North Carolina boundary; thence continuing with the State of North Carolina and Penland boundary, Course #32, turning an interior angle of 110°24'44" to a bearing of S 74°31'53" E a distance of 43.72' to a 5/8" rebar set with an aluminum cap where the aforementioned gas line right-of-way crosses the common State of North Carolina and Penland boundary line; thence continuing along the State of North Carolina and Penland boundary line, Course #33, turning an interior angle of 180°00'00" to a bearing of S 74°31'53" E a distance of 17.28' to a 5/8" rebar set aluminum in the common State of North Carolina and Penland boundary line just south of the aforementioned gas line right-of-way; thence continuing with the common line of State of North Carolina and Penland, Course #34, turning an interior angle of 176°02'00" to a bearing of S 78°29'53" E a distance of 99.00' to an existing

¾" pinched-top iron pipe, a common corner of the Penland and the State of North Carolina properties; thence continuing to traverse along the aforementioned boundaries, Course #35, turning an interior angle of 165°31'00" to a bearing of S 64°00'53" E a distance of 240.32' to an existing ¾" pinched-top iron pipe on the eastern edge of a high transmission power line; thence continuing along the common boundary of the State of North Carolina and Penland properties, Course #36, turning an interior angle of 150°01'52" to a bearing of S 34°02'45" E a distance of 479.15' to an existing ¾" pinched-top iron pipe east of the power line right-of-way and a common corner of the State of North Carolina, Penland and the Wayne M. Bach Trustee, Whitener Family Trust property recorded in Deed Book 3043, Page 1116; thence leaving the Penland property and following the State of North Carolina and Whitener Family Trust property line, Course #37, turning an interior angle of 59°51'15" to a bearing of S 86°06'00" W a distance of 40.79' to an existing ¾" pinched-top iron pipe, a corner of the State of North Carolina property and the Whitener Family Trust property; thence continuing with the Whitener Family Trust and the State of North Carolina property, Course #38, turning an interior angle of 68°46'26" to a bearing of S 25°07'34" E a distance of 1300.44' to an existing ½" iron pipe in the cross-country electric power transmission line right-of-way and being a corner of the Whitener Family Trust property, the southeast corner of the State of North Carolina property, and a corner of the Ricky Allen Shook and wife, Mary Shortt Shook property recorded in Deed Book 1393, Page 756; thence leaving the Whitener Family Trust property and traversing along the State of North Carolina and Shook property line, Course #39, turning an interior angle of 95°46'02" to a bearing of S 59°06'24" W a distance of 283.09' to an existing angle iron on the east edge of a 45' right-of-way, the northeast corner of the James Ray York and wife, Margaret A. York property recorded in Deed Book 1802, Page 624 and illustrated as Lot E recorded in Plat Book 31, Page 175, the northwest corner of the Shook property and a corner in the State of North Carolina boundary line; thence traversing along the York and the State of North Carolina boundary line, Course #40, turning an interior angle of 179°47'18" to a bearing of S 59°19'05" W a distance of 258.24' to a 5/8" rebar set with an aluminum cap in the York and the State of North Carolina boundary line; thence leaving the York line and traversing into the State of North Carolina property, Course #41, turning an interior angle of 107°04'25" to a bearing of N 47°45'20" W a distance of 28.83' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary; thence continuing through the State of North Carolina property, Course #42, turning an interior angle of 94°09'09" to a bearing of S 46°23'50" W a distance of 60.71' to a 5/8" rebar set with an aluminum cap inside the State of North Carolina boundary, Course #43, turning an interior angle of 87°11'13" to a bearing of S 46°24'58" E a distance of 14.53' to a 5/8" rebar set with an aluminum cap in the northern York boundary and the southern State of North Carolina boundary; thence with the York and the State of North Carolina boundary, Course #44, turning an interior angle of 74°15'57" to a bearing of S 59°19'05" W a distance of 181.23' to an existing angle iron, the common corner of York, the Nattie

Propst property recorded in Deed Book 3736, Page 1350 and a bend in the State of North Carolina boundary; thence with the State of North Carolina and Propst boundary line, Course #45, turning an interior angle of 177°44'04" to a bearing of S 57°03'09" W a distance of 111.45' to an existing ½" iron pipe a common corner of the said Propst property and the State of North Carolina property boundary; thence with the Propst property line and the State of North Carolina boundary, Course #46, turning an interior angle of 178°10'55" to a bearing of S 58°52'14" W a distance of 213.56' to a 5/8" rebar set in the State of North Carolina and Propst boundary where the Piedmont Natural Gas line right-of-way recorded in Deed Book 3417, Page 1085 crosses; thence continuing with the Propst and the State of North Carolina common boundary, crossing into the Christopher F. Malinoski and wife, Amy F. Malinoski property recorded in Deed Book 3731, Page 309, Course #47, turning an interior angle of 180°00'00" to a bearing of S 58°52'14" W a distance of 77.78' to a 5/8" rebar set in the opposite side of the aforementioned right-of-way in the State of North Carolina and Malinoski boundary line; thence continuing with the Malinoski and the State of North Carolina boundary line, Course #48, turning an interior angle of 180°00'00" to a bearing of S 58°52'14" W a distance of 60.79' to an existing ½" iron pipe the northwest corner of the aforementioned Malinoski boundary, the northeast corner of Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract Two and being located in the State of North Carolina boundary; thence with the State of North Carolina and Morris boundary, Course #49, turning an interior angle of 179°50'05" to a bearing of S 59°02'09" W a distance of 36.32' to an existing ¾" iron pipe, the northwest corner of the aforementioned Morris property, the northeast corner of the Malachi Morris property recorded in Deed Book 3840, Page 1704, Tract One and a corner of the State of North Carolina property; thence continuing with the Morris and the State of North Carolina property, Course #50, turning an interior angle of 137°17'37" to a bearing of N 78°15'29" W a distance of 351.10' to a 5/8" rebar set with an aluminum cap on the bank of the Henry Fork River in the common line of Morris and the State of North Carolina; thence continuing with the Morris and the State of North Carolina properties Course #51, turning an interior angle of 180°00'00" to a bearing of N 78°15'29" W a distance of 105.14' to a point located in the center of the Henry Fork River a common corner of Morris, the State of North Carolina and the Richard M. Griffin Family Limited Partnership property recorded in Deed Book 2012, Page 9 and listed as Tracts 1, 2, 3, 4, and 5; thence with the centerline of the Henry Fork River and the common line of the State of North Carolina and Griffin Family Limited Partnership, Course #52, turning an interior angle of 45°45'41" to a bearing of N 55°58'50" E a distance of 61.76' to a point in the center of the Henry Fork River and in the common line of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing the thread of the river and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #53, turning an interior angle of 169°10'45" to a bearing of N 66°48'05" E a distance of 85.47' to a point in the center of the Henry Fork River and the common boundary line of the State of North Carolina and Griffin

Family Limited Partnership properties; thence continuing to traverse the center of the river, the State of North Carolina boundary and the Griffin Family Limited Partnership boundary lines, Course #54, turning an interior angle of $160^{\circ}10'25''$ to a bearing of $N 46^{\circ}58'30'' E$ a distance of 65.80' to a point in the centerline of the Henry Fork River and the common corner of the State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing with the center of the river, the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #55, turning an interior angle of $126^{\circ}04'20''$ to a bearing of $N 06^{\circ}57'11'' W$ a distance of 66.22' to a point in the center of the Henry Fork River, the eastern edge of the Griffin Family Limited Partnership boundary and in the southwestern edge of the State of North Carolina property; thence continuing with the eastern boundary of the Griffin Family Limited Partnership tract, the southwestern portion of the State of North Carolina property, and the center of the Henry Fork River, Course #56, turning an interior angle of $152^{\circ}05'55''$ to a bearing of $N 34^{\circ}51'16'' W$ a distance of 109.41' to a point located in the center of the Henry Fork River, a corner of the Griffin Family Limited Partnership tract, and a corner of the State of North Carolina property; thence with the center of the river, and the common lines of the State of North Carolina and Griffin Family Limited Partnership, Course #57, turning an interior angle of $161^{\circ}43'28''$ to a bearing of $N 53^{\circ}07'48'' W$ a distance of 120.25' to a point in the centerline of the Henry Fork River, said point being a corner in the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing with the Griffin Family Limited Partnership and State of North Carolina boundaries in the centerline of the Henry Fork River, Course #58, turning an interior angle of $170^{\circ}27'14''$ to a bearing of $N 62^{\circ}40'34'' W$ a distance of 108.28' to a point in the center of the Henry Fork River, a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the thread of the Henry Fork River, which is the natural boundary line between the State of North Carolina and Griffin Family Limited Partnership properties, Course #59, turning an interior angle of $159^{\circ}35'14''$ to a bearing of $N 83^{\circ}05'20'' W$ a distance of 106.59' to a point in the center of the Henry Fork River, a common corner of the aforementioned Griffin Family Limited Partnership and the State of North Carolina boundaries; thence continuing to traverse the center of the river, the common line between the State of North Carolina and Griffin Family Limited Partnership boundary, Course #60, turning an interior angle of $172^{\circ}17'13''$ to a bearing of $S 89^{\circ}11'54'' W$ a distance of 262.74' to a point in the center of the Henry Fork River, the common corner between the State of North Carolina and Griffin Family Limited Partnership; thence continuing along the centerline of the Henry Fork River, the common boundary line between the State of North Carolina and Griffin Family Limited Partnership, Course #61, turning an interior angle of $168^{\circ}17'14''$ to a bearing of $N 79^{\circ}05'20'' W$ a distance of 133.11' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the Henry Fork River and the aforementioned Griffin Family Limited Partnership and the State of

North Carolina boundaries, Course #62, turning an interior angle of $177^{\circ}18'38''$ to a bearing of $N 76^{\circ}23'58'' W$ a distance of 150.67' to a point in the centerline of the Henry Fork River, the common dividing line between the State of North Carolina and Griffin Family Limited Partnership tracts; thence continuing to traverse the centerline of the aforementioned river, Course #63, turning an interior angle of $173^{\circ}48'53''$ to a bearing of $N 70^{\circ}12'51'' W$ a distance of 360.62' to a point in the center of the river, a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline thread of the river, which is the common boundary between the State of North Carolina and Griffin Family Limited Partnership parcels, Course #64, turning an interior angle of $171^{\circ}45'39''$ to a bearing of $N 78^{\circ}27'12'' W$ a distance of 119.58' to a point in the center of the river and a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the centerline of the river, which is the common boundary line between the State of North Carolina and Griffin Family Limited Partnership tracts, Course #65, turning an interior angle of $167^{\circ}39'27''$ to a bearing of $S 89^{\circ}12'15'' W$ a distance of 90.71' to a point in the centerline of the Henry Fork River and a corner in the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary lines; thence continuing along the center thread of the Henry Fork River and the common boundary of the State of North Carolina and Griffin Family Limited Partnership, Course #66, turning an interior angle of $168^{\circ}34'14''$ to a bearing of $S 77^{\circ}46'30'' W$ a distance of 77.34' to a point in the center of the Henry Fork River; thence continuing to traverse along the center of the Henry Fork River and following the State of North Carolina boundary, and crossing out of the aforementioned Griffin Family Limited Partnership boundary and crossing into the property of the Richard M. Griffin Family Limited Partnership recorded in Deed Book 2996, Page 875, Course #67, turning an interior angle of $161^{\circ}43'31''$ to a bearing of $S 59^{\circ}30'01'' W$ a distance of 320.19' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing with the center of the river, the State of North Carolina property and the Griffin Family Limited Partnership, Course #68, turning an interior angle of $148^{\circ}15'17''$ to a bearing of $N 88^{\circ}45'17'' W$ a distance of 57.96' to a point in the centerline of the Henry Fork River and the common line of the State of North Carolina and the Griffin Family Limited Partnership; thence continuing with the common line of the State of North Carolina and the Partnership as it meanders through the center of the river, Course #69, turning an interior angle of $168^{\circ}50'17''$ to a bearing of $N 77^{\circ}35'33'' W$ a distance of 64.49' to a point in the center of the Henry Fork River and the common corner between the State of North Carolina and the Partnership properties; thence continuing to follow the center of the river and the aforementioned lines, Course #70, turning an interior angle of $164^{\circ}25'47''$ to a bearing of $N 62^{\circ}01'21'' W$ a distance of 54.09' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Partnership boundaries; thence continuing to follow the thread of the river and traverse the State

of North Carolina and Partnership boundaries, Course #71, turning an interior angle of $174^{\circ}30'44''$ to a bearing of $N 56^{\circ}32'05'' W$ a distance of 138.77' to a point in the center of the Henry Fork River and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundary; thence continuing to follow along the centerline of the Henry Fork River and the common lines of the State of North Carolina and the Griffin Family Limited Partnership, Course #72, turning an interior angle of $171^{\circ}58'48''$ to a bearing of $N 64^{\circ}33'17'' W$ a distance of 276.79' to a point in the centerline of the Henry Fork River and a common corner of the aforementioned boundaries; thence continuing to follow the centerline and thread of the Henry Fork River, which is the monument between the State of North Carolina and Griffin Family Limited Partnership boundaries, Course #73, turning an interior angle of $177^{\circ}17'09''$ to a bearing of $N 61^{\circ}50'26'' W$ a distance of 257.54' to a point in the center of the Henry Fork River and a common corner between the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the center of the river, Course #74, turning an interior angle of $175^{\circ}38'47''$ to a bearing of $N 66^{\circ}11'39'' W$ a distance of 187.26' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina property and the Griffin Family Limited Partnership property; thence continuing to navigate the center of the river, the common line between State of North Carolina and the Griffin Family Limited Partnership, Course #75, turning an interior angle of $177^{\circ}59'06''$ to a bearing of $N 64^{\circ}10'44'' W$ a distance of 130.15' to a point in the center of the river and a common corner of the aforementioned State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to follow the center of the river and the aforementioned boundaries, Course #76, turning an interior angle of $169^{\circ}36'04''$ to a bearing of $74^{\circ}34'40'' W$ a distance of 113.69' to a point in the center of the Henry Fork River and being a common corner of the State of North Carolina and Griffin Family Limited Partnership boundaries; thence continuing to traverse the centerline of the river and along the common boundary of the State of North Carolina and the Griffin Family Limited Partnership boundary; Course #77, turning an interior angle of $171^{\circ}54'44''$ to a bearing of $N 82^{\circ}39'56'' W$ a distance of 128.29' to a point in the centerline of the Henry Fork River and a common corner of the State of North Carolina and the Griffin Family Limited Partnership boundaries; thence with the thread and centerline of the Henry Fork River, which is also the common boundary of the State of North Carolina and the Griffin Family Limited Partnership properties, Course #78, turning an interior angle of $171^{\circ}32'32''$ to a bearing of $S 88^{\circ}52'36'' W$ a distance of 128.52' to a point in the center of the river and is a common corner of the adjoining boundaries; thence continuing to follows the centerline of the Henry Fork River and the common boundary, Course #79, turning an interior angle of $170^{\circ}30'13''$ to a bearing of $S 79^{\circ}22'49'' W$ a distance of 102.54' to a point in the center of the Henry Fork River and a common corner of the State of North Carolina and Griffin Family Limited Partnership properties; thence continuing with the centerline of the Henry Fork River and common aforementioned boundaries, Course #80, turning an interior angle of

162°58'42" to a bearing of N 83°35'53" W a distance of 77.79' to a point in the center of the Henry Fork River and a common corner of the aforementioned properties; thence leaving the center of the river and following the State of North Carolina and the Griffin Family Limited Partnership property boundaries, Course #81, turning an interior angle of 117°20'26" to a bearing of S 33°44'33" W a distance of 37.72' to an existing 1" iron pipe, a corner of the State of North Carolina tract, a corner of the Dale Calloway, Minor, Curtis Calloway, Minor, and James B Trapp, Jr., Guardian ad Litem property recorded in Deed Book 1435, Page 787, Tract 3 and a point in the aforementioned Griffin Family Limited Partnership property; thence following the State of North Carolina and Calloway properties and being on the west side of the Henry Fork River, Course #82, turning an interior angle of 80°56'50" to a bearing of N 47°12'16" W a distance of 204.41' to a 5/8" rebar set with an aluminum cap on the west bank of the Henry Fork River and a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the line of Calloway and the State of North Carolina properties along the west bank of the Henry Fork River, Course #83, turning an interior angle of 149°50'41" to a bearing of N 17°02'57" W a distance of 304.52' to an existing 1 1/2" iron pipe, the common corner of Calloway, the remaining portion of the Dale Calloway and Joelle Moose property recorded in Deed Book 1995, Page 775, and the State of North Carolina tract; thence with the Calloway-Moose and the State of North Carolina boundary line, Course #84, turning an interior angle of 148°08'54" to a bearing of N 14°48'08" E a distance of 277.60' to an existing 5/8" rebar on the west bank of the Henry Fork River and being a common corner of the State of North Carolina and Calloway properties; thence continuing to follow the State of North Carolina and Calloway boundary line, Course #85, turning an interior angle of 162°21'19" to a bearing of N 32°26'49" E a distance of 368.13' to an existing 15" Sycamore tree which is dead with about only 6' of the trunk remaining and having a 5/8" rebar with an aluminum cap set S 53°06'01" W a distance of 20.00' from the center of the tree, said tree is in the line of the City of Hickory property recorded in Deed Book 2041, Page 1400; thence with the City of Hickory property and the State of North Carolina tract, Course #86, turning an interior angle of 159°20'49" to a bearing of N 53°06'01" E a distance of 88.27' to a point in the center of the Henry Fork River and in the common boundary of the City of Hickory and the State of North Carolina tract; thence with the center of the river and the common boundary line of the City of Hickory and the State of North Carolina tract, Course #87, turning an interior angle of 20°24'31" to a bearing of S 32°41'30" W a distance of 239.23' to a point in the center of the river and being a common corner of the City of Hickory and the State of North Carolina tract; thence with the City of Hickory and State of North Carolina tracts, Course #88, turning an interior angle of 22°45'45" to a bearing of N 55°27'15" E a distance of 183.70' to a 5/8" rebar set where the City of Hickory and the State of North Carolina boundaries cross a sanitary sewer line and easement; thence continuing along the City of Hickory and the State of North Carolina tract boundaries, Course #89, turning an interior angle of 180°00'00" to a bearing of N 55°27'15" E a distance of 506.00'

to a 5/8" rebar set with an aluminum cap at the natural gas right-of-way line; thence continuing along the common boundary of the City and State tracts, Course #90, turning an interior angle of 180°00'00" to a bearing of N 55°27'15" E a distance of 166.40' to a DuraNail set in the intersection of the gas line right-of-way and the common boundary line; thence continuing with the common boundary line of the City of Hickory and the State of North Carolina tract, Course #91, turning an interior angle of 180°00'00" to a bearing of N 55°27'15" E a distance of 71.02' to a 5/8" rebar set with an aluminum cap at the gas line right-of-way where it crosses the common boundary line; thence continuing along the common boundary line, Course #92, turning an interior angle of 180°00'00" to a bearing of N 55°27'15" E a distance of 803.58' to an existing 1" iron pipe (disturbed), said iron pipe being a common corner between the City of Hickory and the State of North Carolina tract; thence continuing to traverse the common boundary line of the City of Hickory and the State of North Carolina tracts, Course #93, turning an interior angle of 128°16'16" to a bearing of N 03°43'32" E a distance of 589.02' to an existing 3/4" iron pipe in the common boundary line and being a corner of the State of North Carolina; thence with the City of Hickory boundary and the State of North Carolina boundary, Course #94, turning an interior angle of 177°13'59" to a bearing of N 06°29'32" E a distance of 35.72' to an existing 3/4" iron pipe, the southeast corner of the Ronald Scot Shuford property recorded in Deed Book 1945, Page 1293, Tract Two, the northeast corner of the City of Hickory property and in the State of North Carolina line; thence with the Shuford and State of North Carolina lines, Course #95, turning an interior angle of 179°54'31" to a bearing of N 06°35'02" E a distance of 305.40' to an existing angle iron, the northeast corner of Tract One of the aforementioned Shuford deed, said angle iron is in the State of North Carolina line and is also the southeast corner of the Dennis Stewart Cloer and Darren Andrew Cloer property recorded in Deed Book 3719, Page 715 and illustrated as Lots 21-28, Block "B" of Plat Book 9, Page 24; thence with the State of North Carolina boundary and crossing the Cloer property, the Robert E. Kaylor and wife, Karen H. Kaylor property recorded in Deed Book 1968, Page 27 and illustrated as Lots 13-20 of Block "B" in Plat Book 9, Page 24, the Janet Reinhardt Burleson property recorded in Deed Book 1605, Page 164 and illustrated as Lots 5-12 of Block "B" recorded in Plat Book 9, Page 24, and the Jonathan Andrew Harrington and Devin Alexis Willams property recorded in Deed Book 3588, Page 844 as Lots 1-4 of Block "B" and illustrated in Plat Book 9, Page 24, Course #96, turning an interior angle of 179°31'43" to a bearing of N 07°03'19" E a distance of 728.21' to a 5/8" rebar set with an aluminum cap at the northeast corner of the Harrington-Willams parcel and the south side of a 60' right-of-way dedicated in Plat Book 9, Page 24 and being in the State of North Carolina tract Line; thence continuing the same course and crossing the 60' right-of-way, along the State of North Carolina tract boundary line, Course #97, turning an interior angle of 180°00'00" to a bearing of N 07°03'19" E a distance of 60.00' to a 5/8" rebar set with an aluminum cap on the north edge of the aforementioned 60' right-of-way and at the southeast corner of the Steven Clay Shuford property recorded in Deed Book

2928, Page 1209 and being illustrated as Lots 18-23 of Block "A" of the aforementioned Plat Book 9, Page 24; thence with the State of North Carolina tract, crossing the Shuford lots, the Scottish Brothers Investments, LLC property recorded in Deed Book 3803, Page 612 and illustrated as Lots 14-17 of Block "A" on the aforementioned recorded plat, the Dietz & Dietz Realty, LLC property recorded in Deed Book 3575, Page 1231 being illustrated as Lots 9- 13 of Block "A" as illustrated on the aforementioned plat, the Jeffrey S. Stoker and wife, Tinita C. Stoker property recorded in Deed Book 2007, Page 1509 and illustrated as Lots 5-8 of Block "A" on the aforementioned plat, the Jeffrey Scott Stoker property as recorded in Deed Book 1999, Page 1148 and illustrated as Lots 3 and 4 of Block "A" of said plat, and the Jeffrey Scott Stoker property recorded in Deed Book 1769, Page 689 and illustrated as lots 1 and 2 of Block "A" of said plat, Course #98, turning an interior angle of 180°00'00" to a bearing of N 07°03'19" E a distance of 593.78' to a ¾" iron pipe the northeast corner of Lot 1 as owned by Jeffrey Stoker; which is the point of BEGINNING having an area of 13,259,413 square feet or 304.39 acres and being shown on a plat by Suttles Surveying, P.A. dated, February 26th, 2024 and having map file number 14314B.

Section 2. Upon and after the 30th day of April 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly-annexed territory described herein shall become part of Ward No. 4 of the City of Hickory.

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

ADOPTED THIS 2nd DAY OF APRIL 2024.

Hank Guess, Mayor

Warren Wood, City Manager

Approved As To Form:

Arnita M. Dula, Deputy City Attorney

CERTIFICATION OF ANNEXATION ORDINANCE

NORTH CAROLINA
CATAWBA COUNTY
CITY OF HICKORY

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the Annexation Ordinance of the State of North Carolina was adopted at a regular meeting of the Hickory City Council held on April 2, 2024, and that said Ordinance is in full force and effective on April 30, 2024.

City Clerk

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that Debbie D. Miller, City Clerk for the City of Hickory, personally appeared before me this date and acknowledged the due execution of the foregoing certificate for the purposes therein expressed.

Witness my hand and notarial seal, this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____