

**A G E N D A**  
**HICKORY CITY COUNCIL**

**April 16, 2024**



**6:00 p.m.**



**AGENDA**  
[www.hickorync.gov](http://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](http://www.hickorync.gov).**

Hickory City Council  
76 North Center Street

April 16, 2024  
6:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Presentation of a Proclamation for National Public Safety Telecommunications Week to Hickory Police Department Telecommunicators. **(Exhibit IV.A.)**
  - B. Recognition of Hickory Fire Department Awarded International Accredited Agency Status
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
  - A. Regular Meeting of April 2, 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. 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 Ordinance. **(First Reading Vote: Unanimous)**
  - B. Budget Revision Number 18. **(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. Call for a Public Hearing to Consider the Voluntary Contiguous Annexation of 31.388-Acres Located at 2063 Startown Road, PIN 3721-13-04-3211, Owned by Bowman Rentals, LLC. **(Authorize Public Hearing for May 7, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.A.)**
  - B. Call for a Public Hearing to Consider the Voluntary Non-Contiguous Annexation of 49.21-Acres Located at 3940 River Road, PIN 3710-09-17-5434, Owned by Boueanu and Creech Properties, LLC. **(Authorize Public Hearing for May 7, 2024, at 6:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**

- C. Approval of the Issuance of Pyrotechnic Display Permits to PyroStar Entertainment for Fireworks Displays at the Hickory Motor Speedway. **(Exhibit VIII.C.)**
- Staff requests approval of the issuance of pyrotechnic display permits to PyroStar Entertainment for fireworks displays at Hickory Motor Speedway. Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted requests to obtain permission to conduct public fireworks displays on the following dates: May 17, 2024 (rain date September 14, 2024) and May 18, 2024 (rain date October 14, 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.*
- D. Approval of a Cemetery Deed Transfer from J. Patrick Pearce and wife, Lessie S. Pearce to William Brockman Long, and wife, Amanda Grimes Long, Oakwood Cemetery, Section 54, Lot 17, Spaces 001 and 002, and Lot 18, Spaces 001, and 002, Plot D. (Prepared by Attorney Julia J. Eurey. **(Exhibit VIII.D.)**)
- E. Budget Revision Number 19. **(Exhibit VIII.E.)**
1. *To appropriate \$10,000 in grant revenues awarded to the Public Arts Commission to commission a mural at the Miracle of Hickory Park.*
  2. *To appropriate a total of \$10,143 in sponsorship revenues for programming and event costs within the Parks, Recreation, and Sports Tourism Department.*
  3. *To appropriate \$1,730 in refund revenues towards operational costs at Hickory Regional Airport.*
  4. *To appropriate \$566 in donation revenues to go towards summer event programming at the Ridgeview Branch Library.*
  5. *To appropriate \$17,500 in sponsorship revenues to cover summer event programming for the Office of Communications.*
  6. *To transfer \$127,000 from Water & Sewer Contingency to cover additional material and construction costs within the McLin & Lyle Creek Wastewater Outfall Project.*
  7. *To appropriate \$24,677 in revenues from the sale of a vehicle within the Solid Waste Fund towards building equipment costs.*
  8. *To appropriate a payment of \$3,898 from Hickory City Schools to cover training costs for School Resource Officers.*
  9. *To appropriate a total of \$41,500 in concessions revenue to cover capital improvement costs at Hickory City Park and Brown Penn Recreation Center.*
- IX. Items Removed from Consent Agenda
- X. Informational Item
- XI. New Business
- A. Public Hearings
  - B. Departmental Reports
    1. Presentation of the North Carolina Division of Parks & Recreation Accessible Parks Grant for an Inclusive Playground at Miracle of Hickory Park – Presented by Special Projects Manager for the City Manager Natalie Jackson. **(Exhibit XI.B.1.)**

*The City of Hickory is eligible to apply for a reimbursable grant known as the Accessible Parks (AP) Grant in order to transform Miracle of Hickory Park into a highly accessible park that meets the needs of individuals with disabilities. The AP Grant package is based upon public input, support, and the main site plan components of a previous submission for the NC Division of Parks & Recreation's Accessibility for Parks (AFP) Grant. The grant submission seeks funding for the creation of accessible routes, accessible restrooms, a shaded pavilion for photo-sensitivities, an accessible stage with ramp, accessible park furnishings and accessible parking improvements. Staff recommend approval of the request to apply for the Accessible Parks Grant.*

2. Presentation of the Sandy Pines Master Plan Update and the 2023-2024 PARTF Grant Submission – Presented by Special Projects Manager for the City Manager Natalie Jackson. **(Exhibit XI.B.2.)**

*The City of Hickory is eligible to apply for a reimbursable grant, known as the North Carolina Parks and Recreation Trust Fund (PARTF) Grant, to launch an initial phase of Sandy Pines Park in the northeast quadrant of the City. A master plan for Sandy Pines Park was accepted by City Council in 2018 and included ample citizen engagement. The Sandy Pines Park Project is supported via an existing park master plan informed by citizen input. Through extensive analysis performed via the City's recent Parks Recreation and Sports Tourism Comprehensive Plan, development of the park is seen as a strategic goal backed by a statistically valid survey that calls for key amenities that it provides. There is citizen excitement, support, and constructive feedback to guide development. Staff have identified efficiencies for the site that necessitate a small master plan update to reflect them along with current project costs, citizen input and minor adjustments to street names. Staff recommend approval of the Sandy Pines Master Plan Update, grant submission and associated Resolution.*

3. Quarterly Financial Report – Presented by Deputy City Manager Rodney Miller
4. 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)

Ward 6 (Patton Appoints)

At-Large (Council Appoints)

At-Large (Council Appoints)

VACANT

VACANT

VACANT

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**



## PROCLAMATION

### National Public Safety Telecommunications Week

Whereas: emergencies requiring police, fire or emergency medical services can occur at any time;

Whereas: during emergency situations prompt response from first responders is critical to the protection of life and preservation of property;

Whereas: the information obtained and disseminated by the Hickory Police Department Communications Center directly affects the safety of our police officers responding to emergency situations;

Whereas: Public Safety Telecommunicators are the first and most crucial contact our citizens have with emergency services;

Whereas: Public Safety Telecommunicators are the direct lifeline for our first responders by monitoring their activities by radio, providing them information, and insuring their safety;

Whereas: Public Safety Telecommunicators of the Hickory Police Department have contributed substantially to the apprehension of criminals and assistance to the citizens of Hickory;

Whereas: each telecommunicator, while faced with the extreme stressors of the job, continued to exhibit professionalism, accountability, compassion, and teamwork during the performance of their job in the past year.

NOW, THEREFORE, I Hank Guess, Mayor of the City of Hickory, on behalf of Hickory City Council, do hereby proclaim the week of April 14<sup>th</sup>-20<sup>th</sup>, 2024 to be National Public Safety Telecommunications Week in the City of Hickory, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Proclaimed this, the 16<sup>th</sup> 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, April 2, 2024, at 6:00 p.m., with the following members present:

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

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, 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 with the arrival of Alderman Seaver at 6:03 p.m.
- 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.

Mayor Guess asked Karleta Smith from Catawba Valley Association of Realtors to the podium. Mayor Guess commented that they all realize how important housing was, not only to our community but to all communities, particularly affordable housing, and fair housing for everyone. He wanted to recognize this month particularly at the National Association of Realtors celebrates equal choice in housing. He read and presented the Proclamation for Fair Housing Month to Ms. Smith. Photos were taken.

- V. Persons Requesting to Be Heard
  - A. Mr. Clifton Bennett to Discuss the Salvation Army Boys & Girls Club.

Mayor Guess asked Mr. Clifton Bennett to the podium.

Mr. Clifton Bennett, Director of Salvation Army Boys & Girls Club, located at 750 3<sup>rd</sup> Avenue Place SE, Hickory, North Carolina. He asked them to first of all, forgive the heavy accent, as he was from Taylorsville, North Carolina, originally. He spoke briefly on behalf of the Salvation Army Boys & Girls Club and about some of the great things that were going on over there. It had grown exponentially in the past three years that he had been Director there. They were doing some great things as far as providing some very healthy resources for the young men and women in the community. Over the past three years, their after-school program had grown from serving 28 club members to 55. Their year-end reporting for 2023 showed 187 club members, 132 summer day camp applicants and after school program applicants, 54 served through their athletic programs, which included high school football, basketball, and they also had a high school baseball program in 2023. They currently partner with local organizations such as Hickory Music Factory, Shooting Stars Gymnastics, Hickory Museum of Art, and Council of Adolescence to provide enrichment and educational resources. The vast majority of their demographic served was represented by low-to-middle income families. They currently receive some Federal funding through the Office of Juvenile Justice and Delinquency Prevention and Health and Human Services Alliances. However, with surveys continuing to show the worsening of mental health among youth, it was critically important that they seek as much support throughout the community and the State as possible to keep their organization going. Their ultimate goal as a community resource was to enrich and empower the lives of the youth in the community, provide underserved children and youth with opportunities otherwise they would not be able to afford, as well as raising awareness and the need to be intentional in their strategies to prevent their youth from facing possible addiction, incarceration, or homelessness. They strive to partner with other organizations in the community to produce productive citizens within the community. He thanked Council.

Alderman Freeman commented he was extremely proud of the work that Mr. Clifford Bennett was doing. He had the chance to take a tour on Monday of the Boys and Girls Club at the Salvation Army. He was not even aware of all that he was doing and how it was growing. He was certainly excited about the work he was doing in the City.

Mayor Guess asked if anyone else wished to address the Council. No one else appeared.

- VI. Approval of Minute
  - A. Regular Meeting of March 19, 2024.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of March 19, 2024, be approved. The motion carried unanimously.

April 2, 2024

- 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.

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

- A. Budget Revision Number 17. (First Reading Vote: Unanimous)
- B. Rezoning Petition 24-03 for Property Located at the Southeast Corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to NC Neighborhood Commercial. (First Reading Vote: Unanimous)
- C. Rezoning Petition 24-04 for Property Located at 2536 Startow 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.

Alderwoman Patton moved, seconded by Alderwoman Williams approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Community Relations Council's Spring 2024 Grant Recommendations.

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. Approved the Issuance of a Pyrotechnic Display Permit with Pyrotechnics for a Fireworks Display at Lenoir-Rhyne University on April 29, 2024.

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. Approved the Donation of the 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 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.

RESOLUTION NO. 24-15

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.
- D. Approved on First Reading an Ordinance Amending Section 1-2 and Adopting Sections 3-30, 3-31, and 3-32 of the City of Hickory Code of Ordinances.

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.

ORDINANCE NO. 24-13

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, 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.
- E. Approved 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).
- F. Approved the Acceptance of the Offer of Public Dedication of Street Right of Way for 14<sup>th</sup> Avenue Drive NE.

Consideration of the acceptance of the offer of public dedication of street right-of-way, being 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> Avenue Drive NE.

RESOLUTION NO. 24-16

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.

G. Approved on First Reading Budget Revision Number 18.

**ORDINANCE NO. 24-14  
BUDGET REVISION NUMBER 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 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	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 2023-2024 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	-
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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-SCIT 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.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business

A. Public Hearings

1. Approved the Voluntary Non-Contiguous Annexation of 304.39-Acres Located at 2319 6<sup>th</sup> Street SE, PIN 3711-13-03-6026, Owned by the State of North Carolina – Presented by Planning Director Brian Frazier.

Consideration of the voluntary contiguous annexation of 304.39 acres of property located at 2319 6<sup>th</sup> 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.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with a voluntary non-contiguous annexation of 304.39-acres, located at 2319 6<sup>th</sup> Street SE, owned by the State of North Carolina.

Planning Director Brian Frazier gave a PowerPoint presentation. He reiterated what City Manager Warren Wood had said, the State of North Carolina had petitioned for annexation so that the property could be located within the City of Hickory's corporate limits. The property was slated to be a new State Park, but no definitive park plans, or date had been developed at this time. What he was bringing before Council was the annexation with the City of Hickory as the applicant, basically the agent for the State of North Carolina, voluntary non-contiguous, about 304-acres, Alderman Seaver's Ward. The area is currently vacant, and the future development was for a State Park. He referred to the PowerPoint and displayed a map. He pointed out the annexation area, the Hickory ETJ (extra-territorial jurisdiction) and the Hickory City limits. This would be contiguous. He displayed a map of the current zoning. He pointed out the City of Hickory boundaries, the property located in the R-1 zoning district, which was the City's less dense district under the Land Development Code, and the property in question. He pointed out the back of the shopping center, Target, Dick's and Kohl's, and Grandview Middle School, Fire Station number seven, and some new proposed residential development in the area south of Catawba Valley Boulevard. Mr. Frazier discussed the staff's findings and recommendations. The annexation petition complied with all applicable State statutes. Adequate public services were available to serve the eventual State Park, and the annexation of this park property will not cause public services to fall below acceptable levels. Based on these findings, planning staff recommended approval of the requested annexation. He asked for questions from Council.

Mayor Guess asked for any questions.

Alderman Wood asked what the benefit of annexing the property was. What was the benefit to the State? Because there was no tax event, correct, associated with this. Was it public utility access?

Mr. Frazier advised there would be the need for water and sewer. It was a State administration, but the City would be the local agent, and would have full planning, zoning, and land use enforcement, as well as the utilities, police, and fire.

Alderwoman Williams asked if they had any idea what the timeframe was. She knew it was up in the air.

Mr. Frazier did not know. There were others that had been involved in this project more than he had. He was not aware of any time. They had heard lots of numbers and if he had listened, it would have been built already.

City Manager Warren Wood commented there had been some preliminary design work on what could be. The City owns about 150-acres that was undeveloped, that was contiguous to this, that if a State Park would come to pass, would go with it. It would be dependent upon funding from the State. They were looking at canoe/kayak launch, walking trails, maybe bike trails, parking lot, picnic shelter, that sort of thing, just kind of a low intensity sort of use. Henry Fork River runs right through it.

Mr. Frazier commented as City Manager Warren Wood indicated this would be more of a passive recreational use than active.

Mayor Guess commented regardless of when it happens it was exciting news.

Mr. Frazier agreed. He thought it was wonderful for the City, a great opportunity.

City Manager Warren Wood commented with all the development they had, preserving an open space was important.

Mayor Guess commented it was in a great location.

City Manager Warren Wood advised the main access would be off US 321 at the River Road exit.

Mayor Guess asked for any other questions or comments. He thanked Mr. Frazier. He declared the public hearing open. He explained the rules for conducting the public hearing. He 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. No one appeared. Mayor Guess declared the public hearing closed. He asked for a motion or other discussion.

Alderman Seaver moved, seconded by Alderwoman Patton approval of the voluntary non-contiguous annexation of 304.39-acres located at 2319 6<sup>th</sup> Street SE.

Alderwoman Patton thought it would be a great thing for Hickory.

Mayor Guess agreed that it would be. And not just for Hickory but the whole community, the entire unifour area. He asked for any other comments or discussion. The motion carried unanimously.

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 N01°20'32"E, a scale factor of grid to ground=1.0000973194669, 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  $105^{\circ}34'31''$  to a bearing of  $S\ 31^{\circ}12'14''\ E$  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  $100^{\circ}18'55''$  to a bearing of  $S\ 48^{\circ}28'50''\ W$  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  $151^{\circ}37'29''$  to a bearing of  $S\ 76^{\circ}51'22''\ W$  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  $105^{\circ}41'32''$  to a bearing of  $S\ 02^{\circ}32'54''\ W$  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 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 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 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 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 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  $176^{\circ}52'18''$  to a bearing of  $S 89^{\circ}36'55'' W$  a distance of 216.64' to an existing  $3/4''$  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  $166^{\circ}59'10''$  to a bearing of  $S 76^{\circ}36'05'' W$  a distance of 599.93' to an existing  $1/2''$  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  $178^{\circ}53'07''$  to a bearing of  $S 77^{\circ}42'58'' W$  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  $160^{\circ}23'56''$  to a bearing of  $S 58^{\circ}06'53'' W$  a distance of 396.76' to an existing  $3/4''$  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  $116^{\circ}56'29''$  to a bearing of  $S 04^{\circ}56'37'' E$  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  $180^{\circ}00'00''$  to a bearing of  $S 04^{\circ}56'37'' E$  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  $110^{\circ}24'44''$  to a bearing of  $S 74^{\circ}31'53'' E$  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  $180^{\circ}00'00''$  to a bearing of  $S 74^{\circ}31'53'' E$  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  $180^{\circ}00'00''$  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  $74^{\circ}34'40''\ W$  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°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 30<sup>th</sup> 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 2<sup>ND</sup> DAY OF APRIL 2024.

B. Departmental Reports

1. Appointments to Boards and Commissions

<b><u>COMMUNITY APPEARANCE COMMISSION</u></b>	
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)	
At-Large (Outside City but within HRP) (Council Appoints)	VACANT
<b><u>COMMUNITY RELATIONS COUNCIL</u></b>	
(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
<b><u>HICKORY REGIONAL PLANNING COMMISSION</u></b>	
(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
<b><u>HISTORIC PRESERVATION COMMISSION</u></b>	
(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)  
Ward 6 (Patton Appoints)  
At-Large (Council Appoints)  
At-Large (Council Appoints)

VACANT  
VACANT  
VACANT  
VACANT

Mayor Guess advised they have a few vacancies. As always, if anyone was interested in serving on any of these volunteer boards or commissions, please let someone on staff or Council know, and they would be happy to answer any questions they might have and to put them in the right direction to be able to serve on these boards and commissions.

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 commented that they were all excited about Thursday. They had announced it and it had been out in the media. Thursday would be the groundbreaking for the OLLE Art Walk, at 9:00 a.m., and then shortly after that, at 10:30 a.m., the much-anticipated opening of the Riverwalk ribbon cutting would resume at 10:30 a.m. immediately after the groundbreaking at OLLE Art Walk. They were extremely excited to be able to do both of those and they hoped that everyone would join them and tell their friends and they would have a big crowd out there.

Mayor Guess mentioned that today was the opening ceremonies for the 2024 Unifour Senior Games. He was out there, and Mr. Mark Seaman was out there, of course, and a lot of the other staff from Parks and Recreation. There was a huge turnout. He did not know how many folks were there, but the place was packed. He thought it was about a two-month event and it was always well attended. And once again, the City was hosting that and was representing four counties. It was a great event today to kick everything off.

Alderman Freeman commented he wanted to say once again, thank you to T-Mobile for the check presentation of the Hometown Grant for the upgrade of the Samuel William Davis Senior Multipurpose Field.

Alderman Seaver advised there would be a kit reveal party for our Hickory Football Club at 11:00 Saturday at Innovative Inc., semi pro soccer coming to Hickory.

XIV. There being no further business, the meeting adjourned at 6:18 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Mike Kirby, Senior Planner

**Date:** April 4, 2024

**Re:** Voluntary contiguous annexation of property owned by Bowman Rentals, LLC

**REQUEST**

Call for public hearing to be held May 7, 2024 for the consideration of the voluntary contiguous annexation of 31.388 acres property located at 2063 Startown Road. This property is identified as PIN 3721-13-04-3211.

**BACKGROUND**

The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of 2 dwelling units per acre.

**ANALYSIS**

If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of 75 single-family townhomes and 12 apartment buildings consisting of 300 units. This would equate to a density of approximately 11.9 dwelling units per acre.

Surrounding properties are zoned R-20 Residential, R-2 Residential, and Planned Development and are occupied by detached single-family residences, and apartments.

The current tax value of the property is \$263,400. If annexed, the vacant property would generate \$1198.47 in additional tax revenues.

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**

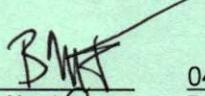
Is a Budget Amendment required?

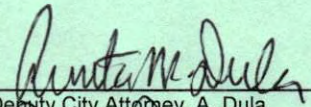
Yes

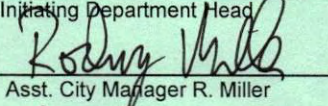
No

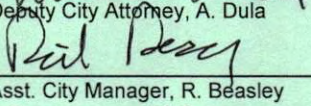
**LIST THE EXPENDITURE CODE:**

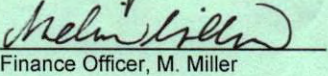
**Reviewed by:**


Brian Frazier  04/04/2024  
 Initiating Department Head Date

Auntie M. Dula  4-8-24  
 Deputy City Attorney, A. Dula Date

Rodney Miller  4/9/24  
 Asst. City Manager R. Miller Date

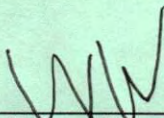
Rail Beasley  4/9/24  
 Asst. City Manager, R. Beasley Date

Melvin Miller  4/9/24  
 Finance Officer, M. Miller Date

Cameron McHargue  4-11-24  
 Deputy Finance Officer,  
 Cameron McHargue Date

Asst City Manager Yaidee Fox \_\_\_\_\_  
 Date

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

WW  \_\_\_\_\_  
 City Manager, Warren Wood  
4-11-24 \_\_\_\_\_  
 Date



**VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS**

**APPLICANT:** Bowman Rentals, LLC

**AGENT:** Bradley Ceraolo

**PROPERTY LOCATION:** 2063 Startown Road

**PIN:** 3721-13-04-3211

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

**WARD:** If annexed, this property will be located in Ward 3 (Councilman Seaver).

**ACREAGE:** 31.38 acres

**DEVELOPMENT POTENTIAL:** The property is currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes at a density of 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Planned Development, with their further intentions being the construction of 375 residential units consisting of 75 townhomes and 300 apartments. This would equate to a density of 11.9 dwelling units per acre.

**TAX VALUE:** The current tax value of the property is \$263,400. If annexed, the vacant property would generate \$1,98.47 in additional tax revenues.

**POPULATION INCREASES:** The property is currently vacant. The owners / developers have expressed their intentions to construct 375 residential units consisting of 75 townhomes and 300 apartments. If this development were to be fully constructed, 881 additional residents could potentially be added to the City's current population. This estimate is based upon the U.S. Census Bureau's current residential household size estimate for single-family dwellings in the city, which is 2.35 persons per household.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Catawba County Public 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	Blackburn	0.47/0.17	375	86
Middle	Jacobs Fork	0.08/0.06	375	24
High	Fred T. Foard	0.13/0.05	375	25

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

**SURROUNDING ZONING AND LAND USE (See Maps 2 & 3):**

- **North:** The properties to the north are occupied by a medical office, community college (CVCC), single-family residences and open space.
- **South:** The properties to the south are single family residences.
- **East:** The properties to the east are occupied by single-family residences.
- **West:** The properties to the west are occupied by multi-family residences (Preston Ridge).

**UTILITY SERVICE:** Water and sewer are available to serve the property.

**ACCESS:** Access to the subject property is from Startown Road, which is maintained by the North Carolina Department of Transportation (SR 1005).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is approximately 4,700 linear feet southwest of the closest contiguous portion of the 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 5's response area.
- **Police Department:** Annexation would not adversely affect the police department. The property, upon annexation, would be in Charles PACT.
- **Engineering:** No objections.
- **Planning:** No objections.
- **Public Services:** No objections.
- **Public Utilities:** Water and sewer are currently available to serve the property.
- **Legal:** No objections.
- **City Manager's Office:** No objections.



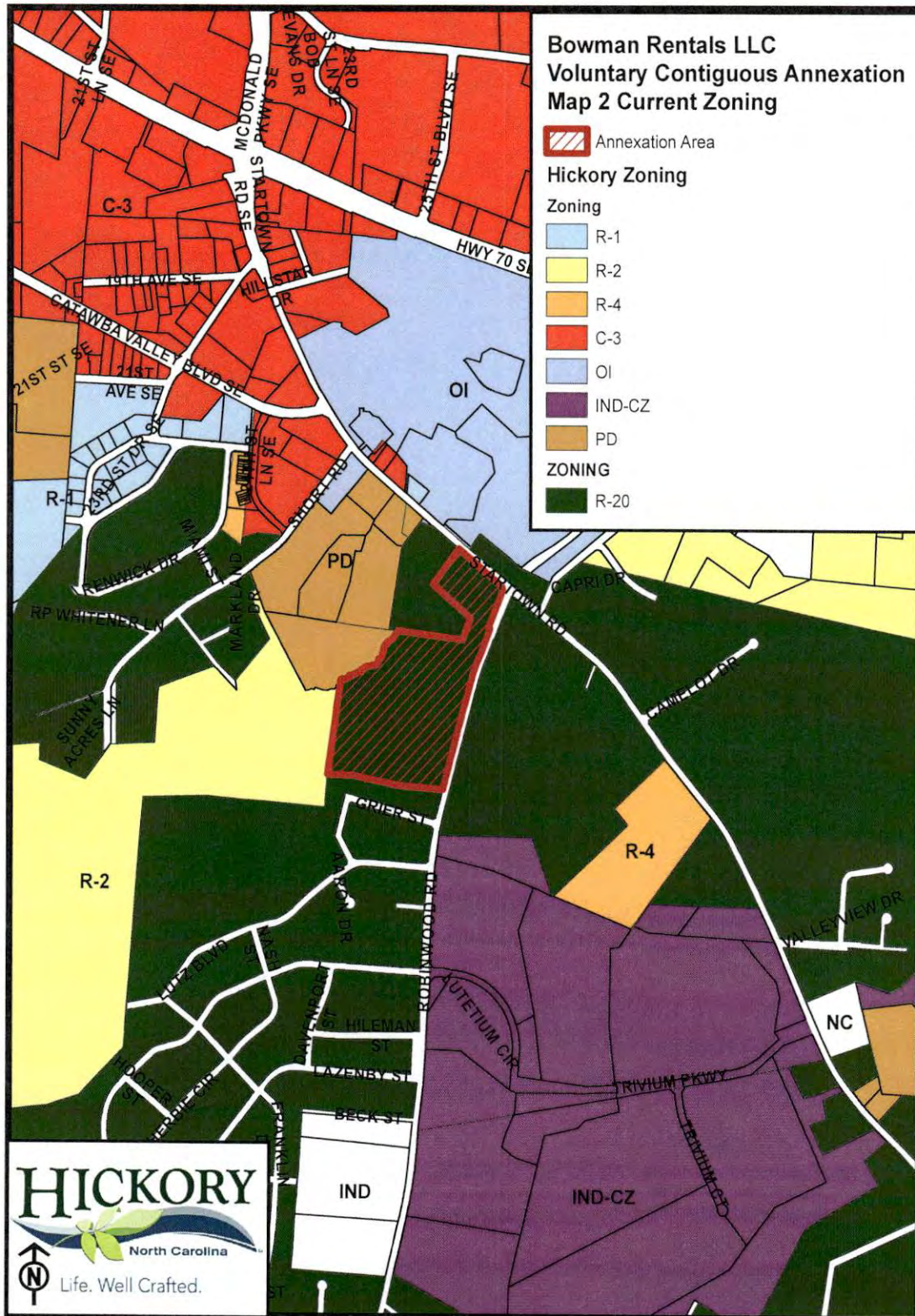
**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

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.















**RESOLUTION NO. 24- 17**  
**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 Bowman Rentals, LLC requesting annexation of an area described in a petition was received on March 28, 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.

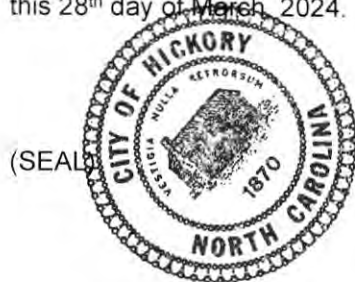
**CERTIFICATE OF SUFFICIENCY**

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 Bowman Rentals, LLC, containing 31.388-acres more or less, located at 2063 Startown Road, Newton, NC, and identified as PIN 3721-13-04-3211.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 28<sup>th</sup> day of ~~March~~ 2024.



*Debbie D. Miller*  
\_\_\_\_\_  
Debbie D. Miller, City Clerk



**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: 3/1/24

**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, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on 2063 STARTOWN ROAD  
between STARTOWN and ROBINWOOD  
and is shown in more detail on the attached survey.
2. PIN NO. (S) : 372113043211
3. Physical (Street) Address: 2063 STARTOWN ROAD
2. The property is owned by: (please print) BOWMAN RENTALS, LLC  
(Attach a copy of the most recent deed.)

Owner Information:

Name: BOWMAN RENTALS LLC  
Address: 1090 FAIRWAY DR, NEWTON, NC 28658  
Phone Number: ~~NEWTON~~ 706-830-2429

3. The petition is submitted by: SMOKE SHOW DEVELOPMENT

Agent Information:

Name: BRADLEY CERADLO  
Address: 182 N. MAIN, Mooresville, NC 28115  
Phone Number: 704-506-2946

4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a PD zoning district.

5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

Bowman Rentals, LLC.  
Printed Name of Property Owner(s)

Betty Moose Echard (member)  
Signature of Property Owner(s)

425 28TH Ave NE Hickory NC 28601  
Address of Property Owner(s)

828) 612-5054  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

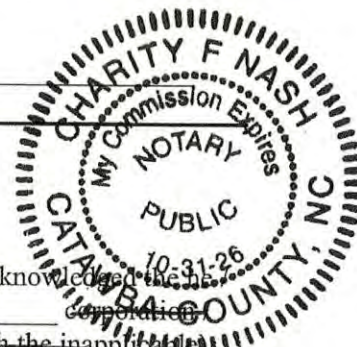
Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Betty Moose Echard personally came before me this day an acknowledged she is the member of Bowman Rentals LLC limited liability corporation / ~~general partnership / limited partnership (strike through the inapplicable)~~ and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 4th day of March, 2024.

My Commission Expires: 10-31-2026

Notary Public





2568  
0001

BOOK 2568 PAGE 1

FILED  
CATAWBA COUNTY  
RUTH MACKIE  
REGISTER OF DEEDS

The foregoing certificate(s) of

FILED Apr 14, 2004  
AT 01:29:43 pm  
BOOK 02568  
PAGE 0001

DORENE MILLER

notary/notaries public  
is/are certified to be correct.

*Ruth Mackie*  
RUTH MACKIE Register of Deeds

No Revenue

\$ 0

011296

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_  
by \_\_\_\_\_

Mail after recording to Attorney \_\_\_\_\_  
This instrument was prepared by: William R. Sigmon, SIGMON CLARK MACKIE HUTTON HANVEY & FERRELL, P.A.,  
P.O. Drawer 1470, Hickory, NC 28603

Brief Description for the index

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made April 8, 2004, by and between

GRANTOR

GRANTEE

DOROTHY BOWMAN ABERNETHY (Widow), FRANCES BOWMAN BOLLINGER (Widow) acting by and through Larry Michael Bollinger her attorney-in-fact pursuant to authority set forth in a durable power of attorney recorded in Book 2040, Page 653, Catawba County Registry; LOIS BOWMAN MOOSE (Widow), MARTHA BOWMAN CAUDILL (Widow), and ALINE D. BOWMAN (Widow)

BOWMAN RENTALS, LLC, a North Carolina limited liability company  
c/o Dorothy B. Abernethy  
Post Office Box 161  
Hickory, NC 28603

Post Office Box 161  
Hickory, NC 28603

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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 the City of \_\_\_\_\_, \_\_\_\_\_ Township, Catawba County, North Carolina and more particularly described as follows:

**PARCEL 1:**

PIN 3721 13 04 3211

Tract 1:

**BEGINNING** at a stake the southwestern corner of Lot No. 78 and runs North 27° East 1247.2 feet to a stake, the southwest corner of Lot No. 82; thence with the south line of Lot No. 82 North 83°40' West 977.2 feet to an iron stake, the old corner; thence with the Whitener line South 8°55' West 1123 feet to a stake; thence with the north line of Lot No. 79 North 88°45' East 235 feet to a pine; thence South 75° East 362.3 feet to the point of **BEGINNING**, containing 20.4 acres, more or less. Being all of tracts Nos. 80 and 81 of Block B, map one of the N.W. Propes Estate as surveyed by G. S. Rowe, C.E., which map is duly recorded in Plat Book No. 5, Page 109 in the office of the Register of Deeds for Catawba County.

2568  
0002

For partial chain of title see Deeds recorded in Book 402, Page 571 and Book 390, Page 165, Catawba County Registry.

BOOK 2568 PAGE 2

Tract 2:

**BEGINNING** at an iron on the west edge of a county road and the southeast corner of Lot #61 and runs with the west edge of said county road South 25°09' West 300 feet to a stake on the west edge of said road; thence continuing along the west edge of said road South 19°51' West 233 feet to the Northeast of Lot #69, a stake; thence continuing along the west edge of said road South 13°55' West 300 feet to a stake on the West edge of said road; thence South 17°37' West 450 feet to a stake, the Northeast corner of Lot #79; thence leaving said road with the North line of Lot #79 North 86°17' West 417 feet to a stake, the southeast corner of Lot 80; thence with the line of Lots 80 and 81 North 27° East 1425 feet to a stake, the southwest corner of Lot #61; thence with the South line of Lot #61, South 66°30' East 210.5 feet to the point of **BEGINNING**.

Being all of Lots 62 through 78 inclusive of Block B of Map One of the N. W. Propes estate, all references and calls from Map of said estate recorded in Book of Plats #5, Page 109 in the office of the Register of Deeds for Catawba County.

For partial chain of title see Deed recorded in Book 382, Page 173, Catawba County Registry.

Tract 3:

**BEGINNING** at an iron on the west edge of a county road and on the South side of the Hickory-Startown highway and runs with the south side of said highway North 53°05' West 400 feet to a stake; thence continuing along the south side of said highway, North 52° West 150 feet to a stake, the Northeast corner of Lot #23; thence with the East line of said Lot and Lot #43, South 41° West 348.9 feet to a stake in the line of Lot #82; thence with the line of said Lot #82, South 50°40' East 425 feet to a stake, the Southwest corner of Lot #61; thence with the line of Lot #61, South 66°30' East 210.5 feet to a stake on the west side of said county sandclay; thence with said road North 24°08' East 327 feet to the point of **BEGINNING**.

Being all of Lots #1 through 22 inclusive and Lots 43 through 61 inclusive of Block B of Map One of the N. W. Propes estate Map recorded in Book of Plats 5, Page 109 in the office of the Register of Deeds for Catawba County.

For partial chain of title see Deed recorded in Book 382, Page 173, Catawba County Registry.

PARCEL 2:

PIN 3741 17 11 1814

**BEGINNING** at a point in North Main Avenue (Highway #10), and runs South 84° West (passing an iron 24 ft. from the beginning) 160 feet to an iron stake on H. E. Herman's line; thence a new line North 2°40' West 150.1 feet to an iron stake on James A. Deal's line; thence with his line North 84°10' East 161.3 feet to a point in North Main Avenue (passing an iron stake 21 feet West of corner); thence with said North Main Avenue South 2°30' East 149.2 feet to the **BEGINNING**.

For partial chain of title see Deed recorded in Book 574, Page 13, Catawba County Registry.

PARCEL 3:

PIN 3741 17 01 9860

Lying and being in Town of Newton, North Carolina, Lots 1-4, inclusive, of Block 11 of the Stewart and Thornton property, as shown on plat of G. Sam Rowe, C.E., dated August, 1948, and duly recorded in Book of Plats No. 6, Page 2 in the office of the Register of Deeds of Catawba County.

For partial chain of title see Deed recorded in Book 574, Page 13, Catawba County Registry.

THE DRAFTSMAN OF THIS INSTRUMENT DID NOT SEARCH TITLE NOR ABSTRACT TITLE TO THIS PROPERTY; THEREFORE, HE MAKES NO CERTIFICATION NOR ACCEPTS ANY LIABILITY FOR THE CONDITION OF THE TITLE THERETO.

The property hereinabove described was acquired by Grantor by instrument recorded in Book , Page .

A map showing the above described property is recorded in Book \_\_\_\_\_, Page \_\_\_\_\_.

2568  
0003

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

BOOK 2568 PAGE 3

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to restrictive covenants and encumbrances of record, and to any and all easements and rights-of-way on location on the above-described property heretofore granted or existing in favor of any individuals, corporations, public or private associations of individuals, public utilities, and governmental agents, commissions or departments for the purpose of constructing, erecting, laying, building or maintaining any streets, roads, highways, signs, service alleys, power lines or poles, gas lines, water lines, lines for pipes or sewer lines and any and all other similar or related public or private utility service facilities or otherwise.

Subject to ad valorem taxes for 2004.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_  
(Corporate Name)  
By: \_\_\_\_\_  
President  
ATTEST:  
\_\_\_\_\_  
Secretary  
(Corporate Seal)

USE BLACK INK ONLY

Dorothy Bowman Abernethy (SEAL)  
Dorothy Bowman Abernethy

Frances Bowman Bollinger by Larry Michael Bollinger (SEAL)  
Frances Bowman Bollinger by and through Larry Michael Bollinger, her attorney in fact

Lois Bowman Moose (SEAL)  
Lois Bowman Moose

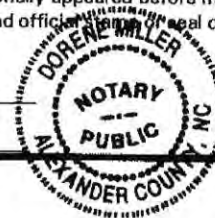
Martha Bowman Caudill (SEAL)  
Martha Bowman Caudill

Aline D. Bowman (SEAL)  
Aline D. Bowman

NORTH CAROLINA, Catawba County.

I, the undersigned, a Notary Public of the Alexander County and State aforesaid, certify that Dorothy Bowman Abernethy, Lois Bowman Moose, Martha Bowman Caudill & Aline D. Bowman Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal on this the 12 day of April, 2004.

Dorene Miller  
Notary Public  
My commission expires: 9-5-2006



STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Dorene Miller, Notary Public of Alexander County, State of North Carolina, do hereby certify that Larry Michael Bollinger, Attorney-in-Fact for Frances Bowman Bollinger, personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of Frances Bowman Bollinger, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds for Catawba County on the 23 day of July, 1997, in Book 2040, Page 653 and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said Larry Michael Bollinger acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Frances Bowman Bollinger.

WITNESS my official seal, this 8<sup>th</sup> day of April, 2004.

(SEAL) Dorene Miller  
Notary Public  
My Commission Expires: 9-5-2006





**SECTION E: ADDITIONAL COMPANY OFFICIALS**

NAME: Betty M Echred

TITLE: Member

ADDRESS: \_\_\_\_\_

425 28th Ave NE

Hickory, NC 28601

NAME: Peggy Murdock

TITLE: Member

ADDRESS: \_\_\_\_\_

1371 Abingdon Way

Winston-Salem, NC 27106

NAME: JAMES A CAUDILL

TITLE: Member

ADDRESS: \_\_\_\_\_

7689 WINFIELD RD

APPLING, GA 30802

NAME: STEVEN W CAUDILL

TITLE: Member

ADDRESS: \_\_\_\_\_

5022 DOCKSIDE DR

WILMINGTON, NC 28409

NAME: JACKIE C BAKER

TITLE: Member

ADDRESS: \_\_\_\_\_

201 BRANTWOOD DRIVE

GOLDSBORO, NC 27534

NAME: Yvonne M (Trustee) Abernethy

TITLE: Member

ADDRESS: \_\_\_\_\_

16715 Spinnaker Lane

Cornelius, NC 28031

NAME: CATHY C ROMAN

TITLE: Member

ADDRESS: 1007 Porters Neck Road

Apt 132

Wilmington, NC 28411

NAME: Larry M Bollinger

TITLE: Member

ADDRESS: \_\_\_\_\_

2312 Villa Oaks Court

Gastonia, NC 28054

NAME: Ronald E Punch

TITLE: Member

ADDRESS: \_\_\_\_\_

131 Pine Hollow Drive

Dallas, NC 28034

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

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ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



**BUNTON SURVEYING and MAPPING, PA**

231 13TH AVE PL. N.W.  
HICKORY N.C., 28601  
SUITE 5  
828-855-3313  
828-635-0333  
DEREK R. BUNTON, PLS-4808  
BUSINESS LICENSE: C-2069

Curve	Radius	Tangent	Length	Chord	Chord Bear.
C1	1440.00	26.88	8.70	3.25	30.48 00
C2	1500.00	10.80	18.85	17.81	32.17 00
C3	1500.00	10.80	18.85	17.81	112.24 00
C4	1500.00	10.80	18.85	17.81	192.24 00
C5	1500.00	10.80	18.85	17.81	272.24 00
C6	1500.00	10.80	18.85	17.81	352.24 00
C7	1500.00	10.80	18.85	17.81	432.24 00
C8	1500.00	10.80	18.85	17.81	512.24 00
C9	1500.00	10.80	18.85	17.81	592.24 00
C10	1500.00	10.80	18.85	17.81	672.24 00
C11	1500.00	10.80	18.85	17.81	752.24 00
C12	1500.00	10.80	18.85	17.81	832.24 00
C13	1500.00	10.80	18.85	17.81	912.24 00
C14	1500.00	10.80	18.85	17.81	992.24 00
C15	1500.00	10.80	18.85	17.81	1072.24 00
C16	1500.00	10.80	18.85	17.81	1152.24 00
C17	1500.00	10.80	18.85	17.81	1232.24 00
C18	1500.00	10.80	18.85	17.81	1312.24 00
C19	1500.00	10.80	18.85	17.81	1392.24 00
C20	1500.00	10.80	18.85	17.81	1472.24 00

Course	Bearing	Distance
L1	S 81°20'00" W	13.85
L2	S 81°20'00" W	13.85
L3	S 81°20'00" W	13.85
L4	S 81°20'00" W	13.85
L5	S 81°20'00" W	13.85
L6	S 81°20'00" W	13.85
L7	S 81°20'00" W	13.85
L8	S 81°20'00" W	13.85
L9	S 81°20'00" W	13.85
L10	S 81°20'00" W	13.85
L11	S 81°20'00" W	13.85
L12	S 81°20'00" W	13.85
L13	S 81°20'00" W	13.85
L14	S 81°20'00" W	13.85
L15	S 81°20'00" W	13.85
L16	S 81°20'00" W	13.85
L17	S 81°20'00" W	13.85
L18	S 81°20'00" W	13.85
L19	S 81°20'00" W	13.85
L20	S 81°20'00" W	13.85
L21	S 81°20'00" W	13.85
L22	S 81°20'00" W	13.85
L23	S 81°20'00" W	13.85
L24	S 81°20'00" W	13.85
L25	S 81°20'00" W	13.85
L26	S 81°20'00" W	13.85
L27	S 81°20'00" W	13.85
L28	S 81°20'00" W	13.85
L29	S 81°20'00" W	13.85
L30	S 81°20'00" W	13.85

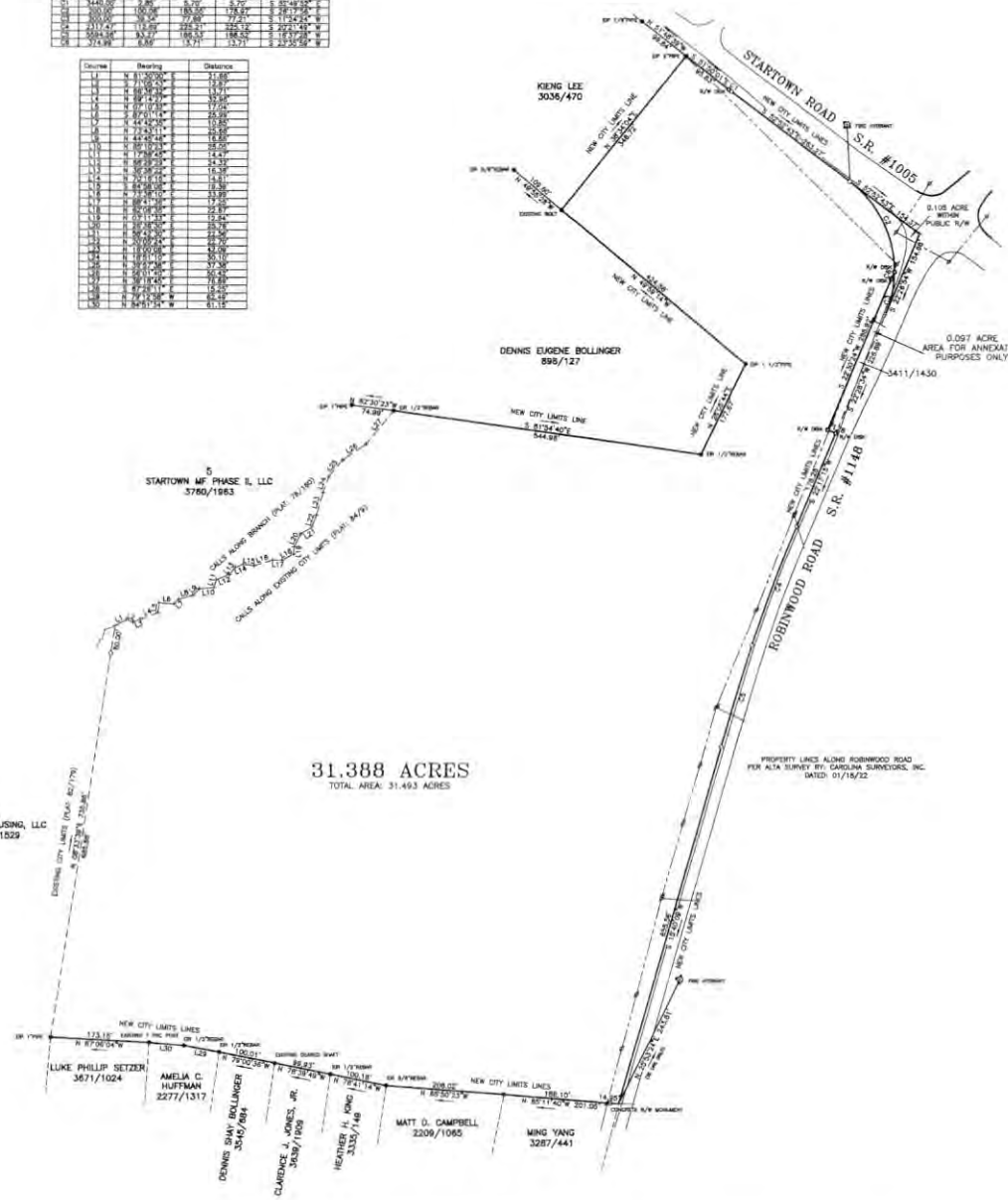


- LEGEND**
- EXISTING IRON NAIL - IR
  - EXISTING IRON PIPE - IR
  - NEW 1/2" IRON SET - IR
  - N.A. IRON - IR
  - EXISTING STONE CORNER - SC
  - CONCRETE MONUMENT - CM
  - ALUM. CORNER MONUMENT - AL
  - P.V. NAIL - PV
  - CALCULATED POINT - CP
  - MANHOLE - MH
  - STAKE MARKER - SM
  - PIPE STAKE - PS
  - WOOD STAKE - WS
  - WOOD NAIL - WN
  - CHAIN SET - CS
  - UTILITY POLE - UP
  - UTILITY POLE - UP
  - SEWER LINE - SL
  - DOWNHILL FLOW LINE - DFL
  - FINISH LINE - FL



I, DEREK R. BUNTON, certify that this plan was drawn under my supervision from an actual survey made under my supervision, that the measurements and computations are correctly indicated on drawings and that the scale of precision as indicated is 1" = 30.0000' that this plan was prepared in accordance with G.S. 47-20 as amended. Witness my original signature, registration number and seal this 28th day of February, 2024.

PLS-4808  
REGISTRATION NUMBER



**31.388 ACRES**  
TOTAL AREA: 31.493 ACRES

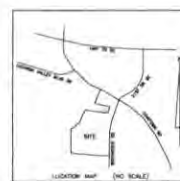
CONTIGUOUS ANNEXATION  
BY THE  
CITY OF HICKORY  
KNOWN AS  
**BOWMAN RENTALS, LLC**  
HICKORY TOWNSHIP  
CATAWBA COUNTY, N.C.

DATE: 02/20/24 F.B. H-14, Pg.33 SCALE: 1" = 100'  
PIN #3721-1304-3211  
REFERENCE DEED: BOOK 2088 PAGE 001  
REFERENCE PLAT: BOOK 5 PAGE 109  
DRAWN BY: DEREK R. BUNTON, PLS-4808  
JOB #24010030  
FILE NAME: 24010030-ANNEXATION

Annexation Certificate for Plan  
NORTH CAROLINA, CATAWBA COUNTY  
The property on this plan was duly approved for annexation by the city council of the City of Hickory on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and an ordinance duly adopted and certified and the map is hereby intended to be recorded in accordance with G.S. 166B-25.

Mayor, City of Hickory \_\_\_\_\_  
City Clerk \_\_\_\_\_  
Date \_\_\_\_\_

N.C.S.S. 47-30 (c)  
THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLANS OF AREAS ANNEXED BY MUNICIPALITIES NOT TO PLANS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.



State of North Carolina  
City of Hickory

\_\_\_\_\_, Revenue Officer of City of Hickory  
certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date \_\_\_\_\_  
Revenue Officer \_\_\_\_\_

NORTH CAROLINA, CATAWBA COUNTY  
I, a Notary Public of the County and State aforesaid, certify that, upon my examination before the City of Hickory and acknowledgment of this ordinance in the foregoing instrument, I believe the formal and official return or seal, the day of \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**SPECIAL NOTES**

NOTE: ALL MEASUREMENTS WERE OBTAINED BY JOINTLY MADE COMPARISON.  
NOTE: PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORDS ATTACHED AND REFERENCED.  
NOTE: THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE BY ME AND A SURVEYOR.  
NOTE: THIS PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PROPERTY OWNERS.  
NOTE: THESE COORDINATES DO NOT DEFINE OR SET BOUNDARIES BETWEEN OR AMONG NEIGHBORS.  
NOTE: SUBJECT PROPERTY IS NOT LOCATED IN A WATERED AREA OF CATAWBA COUNTY.  
NOTE: SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLUORIDE VULNERABLE AREA OF CATAWBA COUNTY (SEE P.L.A.S. 1998-177 (S.S. 166C-10)).

**Contiguous Annexation  
by the City of Hickory  
of the property known as  
Bowman Rentals, LLC**

That certain parcel or tract of land lying and being about 4.09 miles south southeast of the center of the City of Hickory. Bounded on the north by the right-of-way of Startown Rd. (S.R. 1005); on the east by the right-of-way of Robinwood Rd. (S.R. 1148); on the south by the lands of Ming Yang as described in Deed Book 3287 at Page 441, Matt D. Campbell as described in Deed Book 2209 at Page 1065, Heather H. King as described in Deed Book 3335 at Page 149, Clarence J. Jones, Jr. as described in Deed Book 3639 at Page 1909, Dennis Shay Bollinger as described in Deed Book 3545 at Page 684, Amelia C. Huffman as described in Deed Book 2277 at Page 1317 and Luke Phillip Setzer as described in Deed Book 3671 at Page 1024; on the west by the existing City of Hickory city limits as shown in Plat Book 82 at Page 179 and Plat Book 84 at Page 9, the lands of Hickory Housing, LLC as described in Deed Book 3848 at Page 1529, Startown MF Phase II, LLC as described in Deed Book 3760 at Page 1963, Dennis Eugene Bollinger as described in Deed Book 898 at Page 127 and Kieng Lee as described in Deed Book 3036 at Page 470 and more particularly described as follows, to wit.

Beginning at a 2" pipe, the northeast corner of the lands of Kieng Lee as described in Deed Book 3036 at Page 470 on the south side of Startown Rd., said pipe being located South 51 degrees 48 minutes 39 seconds East 99.84 feet from a 7/8" pipe, the northwest corner of Lee and running thence, on the south side of Startown Rd. as new City of Hickory city limits the following calls: South 51 degrees 50 minutes 01 seconds East 95.83 feet to a right-of-way disk; thence, as curve to the right, said curve having a radius of 3440.00', a length of 5.70', a chord bearing and distance of South 52 degrees 49 minutes 52 seconds East 5.70 feet to a 1/2" rebar; thence South 52 degrees 52 minutes 43 seconds East 263.27 feet to a 1/2" rebar; thence, continuing the same bearing, a distance of 154.37 to a point; thence, leaving Startown Rd. and running with the west side of Robinwood Rd. as new City of Hickory city limits, the following calls: South 22 degrees 26 minutes 54 seconds West 154.68 feet to a point; thence South 22 degrees 28 minutes 34 seconds West 226.89 feet to a right-of-way disk; thence South 22 degrees 17 minutes 15 seconds West 178.28 feet to a 1/2" rebar; thence, as curve to the left, said curve having a radius of 2,317.47 feet, a length of 225.21' and a chord bearing and distance of South 20 degrees 21 minutes 49 seconds West 225.12 feet to a 1/2" rebar; thence, with a curve to the left, said curve having a radius of 5,594.56, a length of 186.53' and a chord bearing and distance of South 16 degrees 37 minutes 28 seconds West 186.52 feet to a 1/2" rebar; thence South 15 degrees 40 minutes 09 seconds West 655.56 feet to a point, the northeast corner of the Ming Yang lands as described in Deed Book 3287 at Page 441 said point being located South 25 degrees

53 minutes 24 seconds West 243.81 feet from a fire hydrant on the east side of Robinwood Rd.; thence, leaving Robinwood Rd. and running with the north line of Yang, North 85 degrees 11 minutes 40 seconds West, passing a right-of-way monument at 14.95 feet, a total distance of 201.05 feet to a PK nail, the northeast corner of the Matt D. Campbell lands as described in Deed Book 2209 at Page 1065; thence, with the north line of Campbell, North 85 degrees 50 minutes 23 seconds West 208.02 feet to a 5/8" rebar, the northeast corner of the Heather H. King lands as described in Deed Book 3335 at Page 149; thence, with the north line of King North 78 degrees 41 minutes 14 seconds West 100.18 feet to a 1/2" rebar, the northeast corner of the Clarence J. Jones, Jr. lands as described in Deed Book 3639 at Page 1909; thence, with the north line of Jones, North 78 degrees 39 minutes 49 seconds West 99.93 feet to a geared shaft, the northeast corner of Dennis Shay Bollinger lands as described in Deed Book 3545 at Page 684; thence, with the north line of Bollinger, North 79 degrees 00 minutes 36 seconds West 100.01 feet to a 1/2" rebar, the northeast corner of the Amelia C. Huffman lands as described in Deed Book 2277 at Page 1317; thence, with the north line of Huffman, North 79 degrees 12 minutes 58 seconds West 62.49 feet to a 1/2" rebar; thence, continuing with the north line of Huffman, North 84 degrees 51 minutes 34 seconds West 61.15 feet to a "T" fence post, the northeast corner of the Luke Phillip Setzer as described in Deed Book 3671 at Page 1024; thence, with the north line of Setzer, North 87 degrees 06 minutes 04 seconds West 173.16 feet to a 1" pipe, the northwest corner of Setzer in the east line of the Hickory Housing, LLC lands as described in Deed Book 3848 at Page 1529 and in the existing City of Hickory city limits line as shown in Plat Book 82 at Page 179; thence with the east line of Hickory Housing, LLC and the existing city limits, North 08 degrees 33 minutes 39 seconds East, passing a 1/2" rebar at 685.86 feet, a total distance of 735.86 feet to a point in a branch in the east line of the Startown MF Phase II, LLC lands as described in Deed Book 3760 at Page 1963 and the existing City of Hickory city limits line as shown in Plat Book 84 at Page 9; thence, with the east line of Startown MF Phase II, the existing city limits and the center of the branch, the following calls: North 61 degrees 30 minutes 00 seconds East 21.66 feet to a point; thence South 71 degrees 05 minutes 43 seconds East 12.87 feet to a point; thence North 66 degrees 36 minutes 32 seconds East 13.71 feet to a point; thence North 69 degrees 14 minutes 27 seconds East 32.98 feet to a point; North 07 degrees 10 minutes 32 seconds East 17.04 feet to a point; thence South 87 degrees 01 minutes 14 seconds East 25.99 feet to a point; thence North 44 degrees 42 minutes 35 seconds East 10.85 feet to a point; thence North 73 degrees 43 minutes 11 seconds East 25.68 feet to a point; thence North 44 degrees 45 minutes 46 seconds East 16.68 feet to a point; thence North 85 degrees 10 minutes 23 seconds East 25.05 feet to a point; thence North 17 degrees 58 minutes 45 seconds East 14.47 feet to a point; thence North 68 degrees 29 minutes 29 seconds East 24.32 feet to a point; thence North 38 degrees 38 minutes 22 seconds East 16.36 feet to a point; thence North 70 degrees 16 minutes 16 seconds East 14.81 feet to a point; thence South 84 degrees 58 minutes 08 seconds East 19.39 feet to a point; thence North 73 degrees 36 minutes 10 seconds East 33.99 feet to a point; thence North 88 degrees 41 minutes 36 seconds



East 17.25 feet to a point; thence North 62 degrees 06 minutes 35 seconds East 22.67 feet to a point; thence North 03 degrees 11 minutes 33 seconds East 12.64 feet to a point; thence North 26 degrees 36 minutes 30 seconds East 25.76 feet to a point; thence North 58 degrees 42 minutes 30 seconds East 22.56 feet to a point; thence North 20 degrees 05 minutes 24 seconds East 22.70 feet to a point; thence North 16 degrees 00 minutes 08 seconds East 42.09 feet to a point; thence North 18 degrees 51 minutes 10 seconds East 30.10 feet to a point; thence North 39 degrees 57 minutes 38 seconds East 37.38 feet to a point; thence North 56 degrees 01 minutes 40 seconds East 50.42 feet to a point; thence North 39 degrees 18 minutes 45 seconds East 76.69 feet to a ½" rebar in the south line of the Dennis Eugene Bollinger lands as described in Deed Book 898 at Page 127, said rebar being located South 82 degrees 30 minutes 23 seconds East 74.99 feet from a 1" pipe in the south line of Bollinger; thence, with the south line of Bollinger and as new City of Hickory city limits, South 81 degrees 54 minutes 40 seconds East 544.98 feet to a ½" rebar, the southeast corner of Bollinger; thence, with the east line of Bollinger, North 26 degrees 05 minutes 44 seconds East 177.67 feet to a ½" pipe, the northeast corner of Bollinger; thence, with the north line of Bollinger, North 49 degrees 59 minutes 14 seconds West 424.56 feet to a bolt, the southeast corner of the Kieng Lee lands as described in Deed Book 3036 at Page 470, said bolt being located South 49 degrees 55 minutes 28 seconds East 109.60 feet from a 5/8" rebar, the southwest corner of Lee; thence, with the east line of Lee North 38 degrees 34 minutes 04 seconds East 348.72 feet to the point of beginning. Containing 31.388 acres more or less.

This description was drawn from a plat by Derek R. Bunton, PLS L-4808, entitled "Contiguous Annexation by the City of Hickory known as Bowman Rentals, LLC" dated February 20, 2024.

**RESOLUTION 24-18**  
**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 May 7, 2024, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

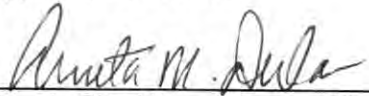
Section 2: The area proposed for annexation is described as follows:  
  
Property of Bowman Rentals, LLC, containing 31.388-acres more or less, located at 2063 Startown Road, Newton, and identified as PIN 3721-13-04-3211.

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.

\_\_\_\_\_  
Hank Guess  
Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

  
\_\_\_\_\_  
Deputy City Attorney for the City of Hickory

**RESOLUTION NO. 24- 19**

**A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY BOWMAN RENTALS, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME**

WHEREAS, Bowman Rentals, LLC is the owner of certain real property as described herein, which property is located at 2063 Startown Road, Newton, NC and identified as PIN 3721-13-04-3211, containing 31.388-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 16<sup>th</sup> day of April, 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 May 7, 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 Bowman Rentals, LLC, Voluntary Contiguous Annexation Map 1 Current City Boundary, subject property outlined in red; Bowman Rentals, LLC Voluntary Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Bowman Rentals, LLC Voluntary Contiguous Annexation, Map 3, Aerial Map subject property outlined in red.

**Resolution No. 24- 19  
Resolution Determining Need For Annexation Of Property Owned by  
Bowman Rentals, LLC and Directing Call For Public Hearing  
April 2024**

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.

Done this 16<sup>th</sup> day of April, 2024.

(SEAL)

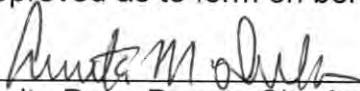
**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

**Attest:**

By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

Approved as to form on behalf of the City of Hickory:

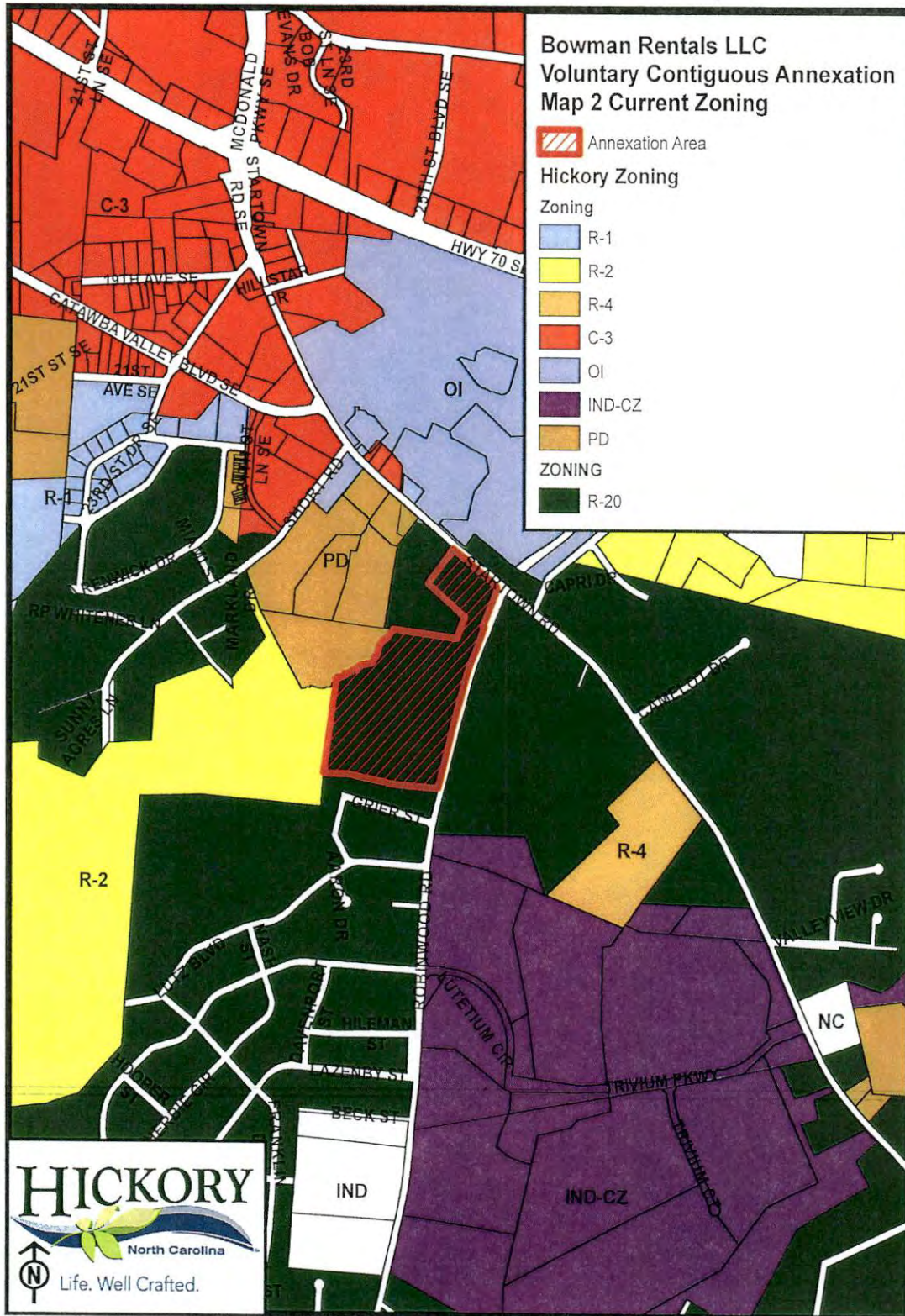
  
\_\_\_\_\_  
Arnita Dula, Deputy City Attorney

**Resolution No. 24-19**  
**Resolution Determining Need For Annexation Of Property Owned by**  
**Bowman Rentals, LLC and Directing Call For Public Hearing**  
**April 2024**















2

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office

**From:** Office of Business Development, Planning Division

**Contact Person:** Mike Kirby, Senior Planner

**Date:** April 4, 2023

**Re:** Voluntary non-contiguous annexation of property owned by Boureau and Creech Properties, LLC

**REQUEST**

Call for public hearing to be held on May 7, 2024 for the consideration of the voluntary non-contiguous annexation of 49.21 acres property located at the 3940 River Road. This property is identified as PIN 3710-09-17-5434.

**BACKGROUND**

The property is currently vacant and located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes, at a maximum density of 2 dwelling units per acre.

**ANALYSIS**

If annexed, the property owners have requested the property be zoned Medium Density Residential (R-2), with their further intentions being the construction of a 99-lot single-family residential subdivision. This would equate to a density of 2.07 dwelling units per acre.

Surrounding properties are zoned R-20 Residential and R-1 Residential and are occupied by detached single-family residences, and a wastewater treatment plant.

The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1502.86 in additional tax revenues.

Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-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?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

Brian Frazier *BMF* 04/04/2023  
Initiating Department Head Date

Ronny Miller 4/9/24  
Asst. City Manager R. Miller Date

M. Miller 4/9/24  
Finance Officer, M. Miller Date

Asst City Manager Yaidee Fox \_\_\_\_\_  
Date

A. Dula 4-8-24  
Deputy City Attorney, A. Dula Date

R. Beasley 4/9/24  
Asst. City Manager, R. Beasley Date

Cameron McHargue 4-11-24  
Deputy Finance Officer,  
Cameron McHargue Date

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

W. Wood  
City Manager, Warren Wood  
4-11-24  
Date



**VOLUNTARY NON-CONTIGUOUS ANNEXATION ANALYSIS**

**APPLICANT:** Boureau and Creech Properties, LLC

**AGENT:** Dan Shabeldeen, Shabeldeen Engineering

**PROPERTY LOCATION:** 3940 River Road

**PIN:** 3710-09-17-5434

**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:** 49.21 acres

**DEVELOPMENT POTENTIAL:** The property is currently located within the planning jurisdiction of Catawba County and zoned R-20 Residential. Properties zoned R-20 can be utilized primarily for residential purposes at a density of 2 dwelling units per acre. If annexed, the property owners have requested the property be zoned Medium Density Residential R-2, with their further intentions being the construction of a 99-lot single-family residential subdivision. This would equate to a density of 2.07 dwelling units per acre.

**TAX VALUE:** The current tax value of the property is \$330,300. If annexed, the vacant property would generate \$1502.86 in additional tax revenues.

**POPULATION INCREASES:** The property is currently vacant. The owners / developers have expressed their intentions to construct a 99-lot residential community. If this development were to be fully constructed, 233 additional residents could potentially be added to the City's current population. This estimate is based upon the U.S. Census Bureau's current residential household size estimate for single-family dwellings in the city, which is 2.35 persons per household.

**SCHOOL DISTRICTS:** The property is located within the jurisdictional area of the Catawba County Public 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	Blackburn	0.27	99	27
Middle	Jacobs Fork	0.06	99	6
High	Fred T. Foard	0.11	99	11

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

**SURROUNDING ZONING AND LAND USE (See Maps 2 & 3):**

- **North**: The property is zoned Low Density Residential (R-1) and occupied by a wastewater treatment plant.
- **South**: The properties are zoned R-20 Residential and occupied by single-family residences or used as farmland.
- **East**: The properties are zoned R-20 Residential and are vacant.
- **West**: The property is zoned R-20 Residential and occupied by single-family residences or vacant.

**UTILITY SERVICE:** Water and sewer are available to serve the property.

**ACCESS:** Access to the subject property is from River Road, which is maintained by the North Carolina Department of Transportation (SR 1144).

**DISTANCE FROM CITY LIMITS (See Map 1):** The property is approximately 4,700 linear feet southwest of the closest contiguous portion of the proper city boundary.

**STAFF COMMENTS:**

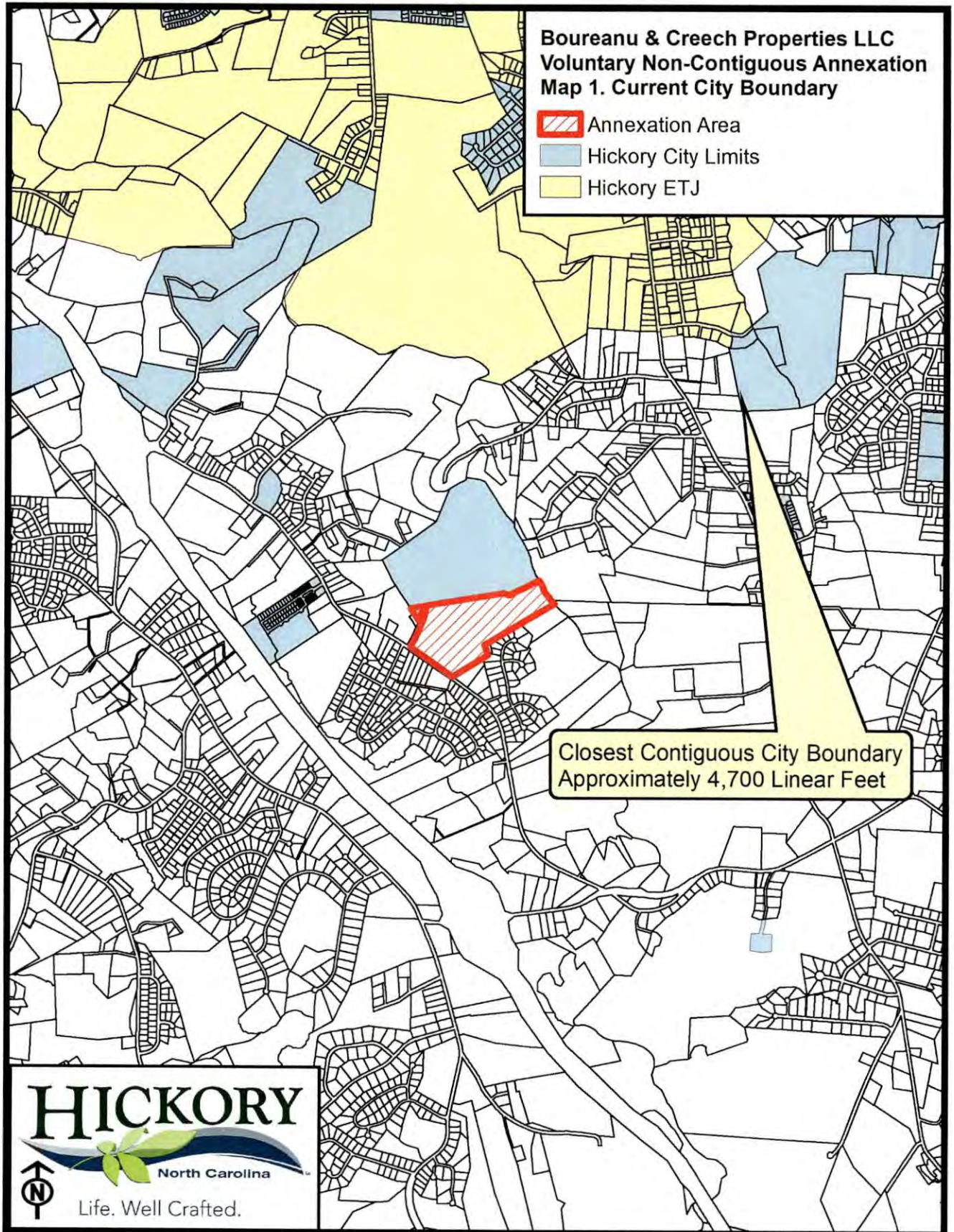
- **Fire**: Annexation of this property would not adversely affect the fire department's operations at this time. The property is currently adjacent to HFD Station 7's response area.
- **Police Department**: Annexation would not adversely affect the police department. The property, upon annexation, would be in Edward PACT.
- **Engineering**: No objections.
- **Planning**: No objections.
- **Public Services**: No objections.
- **Public Utilities**: Water and sewer are currently available to serve the property.
- **Legal**: No objections.
- **City Manager's Office**: No objections.



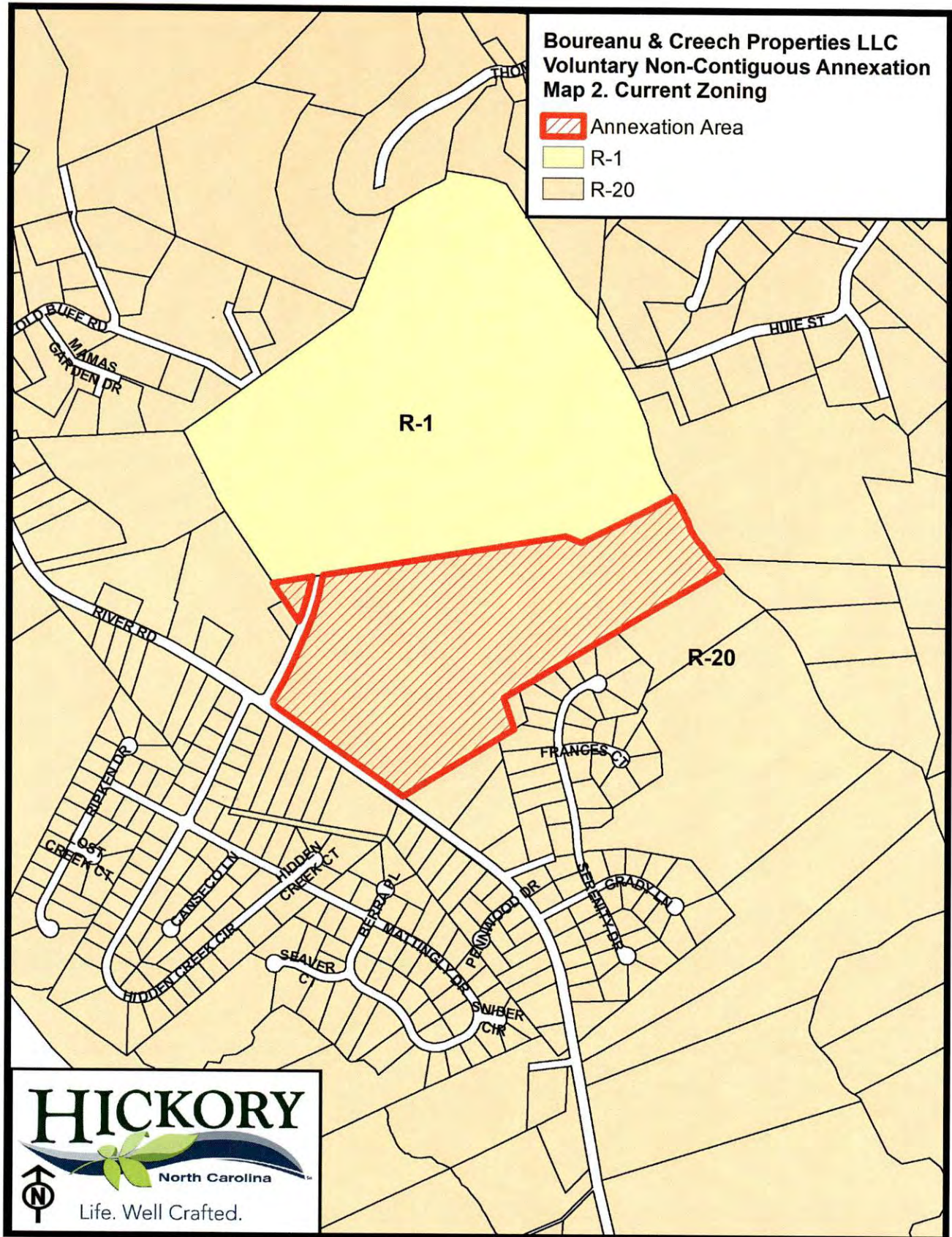
**STAFF RECOMMENDATION:** Upon evaluation staff has found the following:

1. The voluntary non-contiguous annexation petition complies with all applicable statutes regarding the voluntary annexation of non-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 non-contiguous annexation petition.













**RESOLUTION NO. 24-\_\_\_\_**  
**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 Boureau and Creech Properties, LLC requesting annexation of an area described in a petition was received on April 2, 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 Boureau and Creech Properties, LLC, located at 3940 River Road, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 2<sup>nd</sup> day of April 2024.



*Debbie D. Miller*

Debbie D. Miller, City Clerk

**CITY OF HICKORY  
APPLICATION FOR VOLUNTARY ANNEXATION**

DATE SUBMITTED: \_\_\_\_\_

**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, and have provided an annexation plat meeting the requirements of the City of Hickory

1. The property be voluntarily annexed is located on \_\_\_\_\_ River Rd  
\_\_\_\_\_ between \_\_\_\_\_ Hidden Creek Circle \_\_\_\_\_ and \_\_\_\_\_ Grady Lane \_\_\_\_\_  
\_\_\_\_\_ and is shown in more detail on the attached survey.

PIN NO. (S) : \_\_\_\_\_ 3710-09-17-5434 \_\_\_\_\_

Physical (Street) Address: \_\_\_\_\_ 3940 River Rd \_\_\_\_\_

2. The property is owned by: (please print) \_\_\_\_\_ Boureanu and Creech Properties LLC \_\_\_\_\_  
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: \_\_\_\_\_ Boureanu and Creech Properties LLC \_\_\_\_\_

Address: \_\_\_\_\_ 5164 Meadow Park Lane Hickory, NC 28602-6018 \_\_\_\_\_

Phone Number: \_\_\_\_\_ 828-320-4225 \_\_\_\_\_

3. The petition is submitted by: \_\_\_\_\_ Shabeldeen Engineering, PA \_\_\_\_\_  
(If the Petition is submitted by someone other than the owner, the attached agent authorization must be signed, notarized and submitted from the owner(s) authorizing the agent to act on his behalf.)

Agent Information:

Name: \_\_\_\_\_ Daniel Shabeldeen \_\_\_\_\_

Address: \_\_\_\_\_ 3145 Tate Blvd SE Hickory, NC 28602 \_\_\_\_\_

Phone Number: \_\_\_\_\_ 828-320-7252 \_\_\_\_\_

4. If annexation is approved by the Hickory City Council, and if the property(s) is not currently zoned by the City of Hickory, the applicant would request that the property be placed into a \_\_\_\_\_ R2 \_\_\_\_\_ zoning district.



5. WATER AND SEWER AVAILABILTY AND CONNECTIONS

We, the undersigned property owner(s), herby understand and agree we shall be responsible for all costs associated with providing for extensions and/or connections to the City of Hickory public utility system (water and sewer). This includes all design, permitting, construction, legal and applicable City of Hickory Tap Fees. Furthermore, we shall be responsible for obtaining any and all necessary easements and encroachment agreements needed to provide for such extensions or connections and provide those to the City of Hickory as appropriate.

The undersigned owner further acknowledges, they shall be responsible for any future utility extensions required to serve the property due to subdivision of the property.

6. APPLICANT'S AFFIDAVIT

We, the undersigned property owners(s), hereby certify that the information contained herein and submitted in support of this application is true and correct and the property owner's list and associated envelopes were obtained using the most recent Tax Office property information and are true, correct and complete.

Daniela Boureanu  
Member/Manager Boureanu Creech Properties, LLC  
Printed Name of Property Owner(s)

*Daniela S. Boureanu*  
Signature of Property Owner(s)

5164 Meadow Park LN Hickory, NC 28602  
Address of Property Owner(s)

828.781.5750  
Telephone Number of Property Owner(s)

(Please choose the appropriate notary block)

State of North Carolina – County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
Notary Public

State of North Carolina – County of Catawba

I, the undersigned Notary Public of the County and State aforesaid, certify that Daniela S. Boureanu personally came before me this day an acknowledged the he / she is the member/manager of Boureanu And Creech Properties ~~corporation/~~ ~~limited liability corporation / general partnership / limited partnership~~ (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 26<sup>th</sup> day of March, 2024.

My Commission Expires: 12-28-2028  
Carla Rojas-Alfaro  
Notary Public





LIMITED LIABILITY COMPANY ANNUAL REPORT

SOSID: 0915276
Date Filed: 4/21/2023
Elaine F. Marshall
North Carolina Secretary of State
CA2023 111 02037

NAME OF LIMITED LIABILITY COMPANY: Boureau and Creech Properties, LLC

SECRETARY OF STATE ID NUMBER: 0915276 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023



Filing Office Use Only
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Daniela S Boureau

2. SIGNATURE OF THE NEW REGISTERED AGENT:

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

5164 Meadow Park Lane
Hickory, NC 28602 Catawba

5164 Meadow Park Lane
Hickory, NC 28602 Catawba

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (828) 327-4077

3. PRINCIPAL OFFICE EMAIL

Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

5164 Meadow Park Lane

5164 Meadow Park Lane

Hickory, NC 28602 Catawba

Hickory, NC 28602 Catawba

6. Select one of the following if applicable. (Optional see instructions)

The company is a veteran-owned small business

The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Daniela S Boureau

NAME:

NAME:

TITLE: Manager/Member

TITLE:

TITLE:

ADDRESS:

ADDRESS:

ADDRESS:

5164 Meadow Park Lane

Hickory, NC 28602 Catawba

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Daniela S Boureau
SIGNATURE

04/12/2023
DATE

Form must be signed by a Company Official listed under Section C of This form.

DANIELA S. BOUREANU
Print or Type Name of Company Official

MANAGER / MEMBER
Print or Type Title of Company Official

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF \$200

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

3747-0530

FILED ELECTRONICALLY  
CATAWBA COUNTY NC  
DONNA HICKS SPENCER

FILED May 26, 2022  
AT 10:24:00 AM  
BOOK 03747  
START PAGE 0530  
END PAGE 0533  
INSTRUMENT # 12029  
EXCISE TAX \$700.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$700.00

Parcel Identifier No. 371009175434 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

This instrument was prepared by: Law Offices of Amos & Kapral, LLP, 1331 N. Center Street, Hickory, NC 28601

Brief description for the Index: V/L River Rd, Hickory, NC 28602

THIS DEED made this 26<sup>th</sup> day of May, 2022, by and between

GRANTOR

GRANTEE

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003; and Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009  
453 Beaverdam Rd  
Asheville, NC 28804

Boureanu and Creech Properties, LLC, a North Carolina limited liability company  
5164 Meadow Park Lane  
Hickory, NC 28602

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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, parcel of land or condominium unit situated in the City of \_\_\_\_\_, Hickory Township, Catawba County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2522 page 463.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or X does not include the primary residence of a Grantor.



3747-0531

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.  
2022 Ad Valorem Taxes.

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

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003

(Entity Name)

Print/Type Name: \_\_\_\_\_ (SEAL)

By: Catherine M. Colvard  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

Print/Type Name: \_\_\_\_\_ (SEAL)

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009

(Entity Name)

Print/Type Name: \_\_\_\_\_ (SEAL)

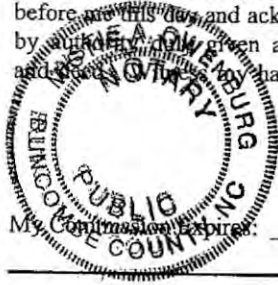
By: \_\_\_\_\_  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

Print/Type Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

State of North Carolina - County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Catherine M. Colvard, personally appeared before me on this 12th day, and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 12th day of May, 2022.



Mistie A. Owenburg  
Notary Public

State of \_\_\_\_\_ - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this 12th day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of May, 2022.

My Commission Expires: \_\_\_\_\_

Notary Public

3747-0532

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Any restrictions, easements and/or right-of-way affecting the subject realty.  
2022 Ad Valorem Taxes.

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

Catherine M. Colvard, as Successor Trustee of the Colvard Family Trust dated March 18, 2003  
(Entity Name)

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
Print/Type Name & Title: Catherine M. Colvard, Successor Trustee

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

Eric M. Yoder, as Successor Trustee of the Harold M. Yoder Revocable Trust dated May 12, 2009  
(Entity Name)

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

By: [Signature]  
Print/Type Name & Title: Eric M. Yoder, Successor Trustee

\_\_\_\_\_  
Print/Type Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that Catherine M. Colvard, personally appeared before me this day and acknowledged that she is the Successor Trustee of The Colvard Family Trust dated March 18, 2003, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of May, 2022.

My Commission Expires: 04/30/2026

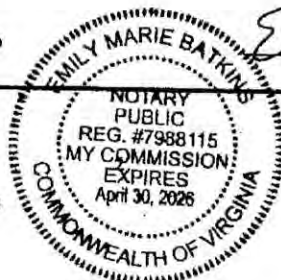
\_\_\_\_\_  
Notary Public

State of Virginia - County of Virginia Beach

I, the undersigned Notary Public of the County and State aforesaid, certify that Eric M. Yoder, personally appeared before me this day and acknowledged that he is the Successor Trustee of The Harold M. Yoder Revocable Trust dated May 12, 2009, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 26 day of May, 2022.

My Commission Expires: 04/30/2026

Emily Marie Bathian  
Notary Public



3747-0533

**Exhibit A****Tract One:**

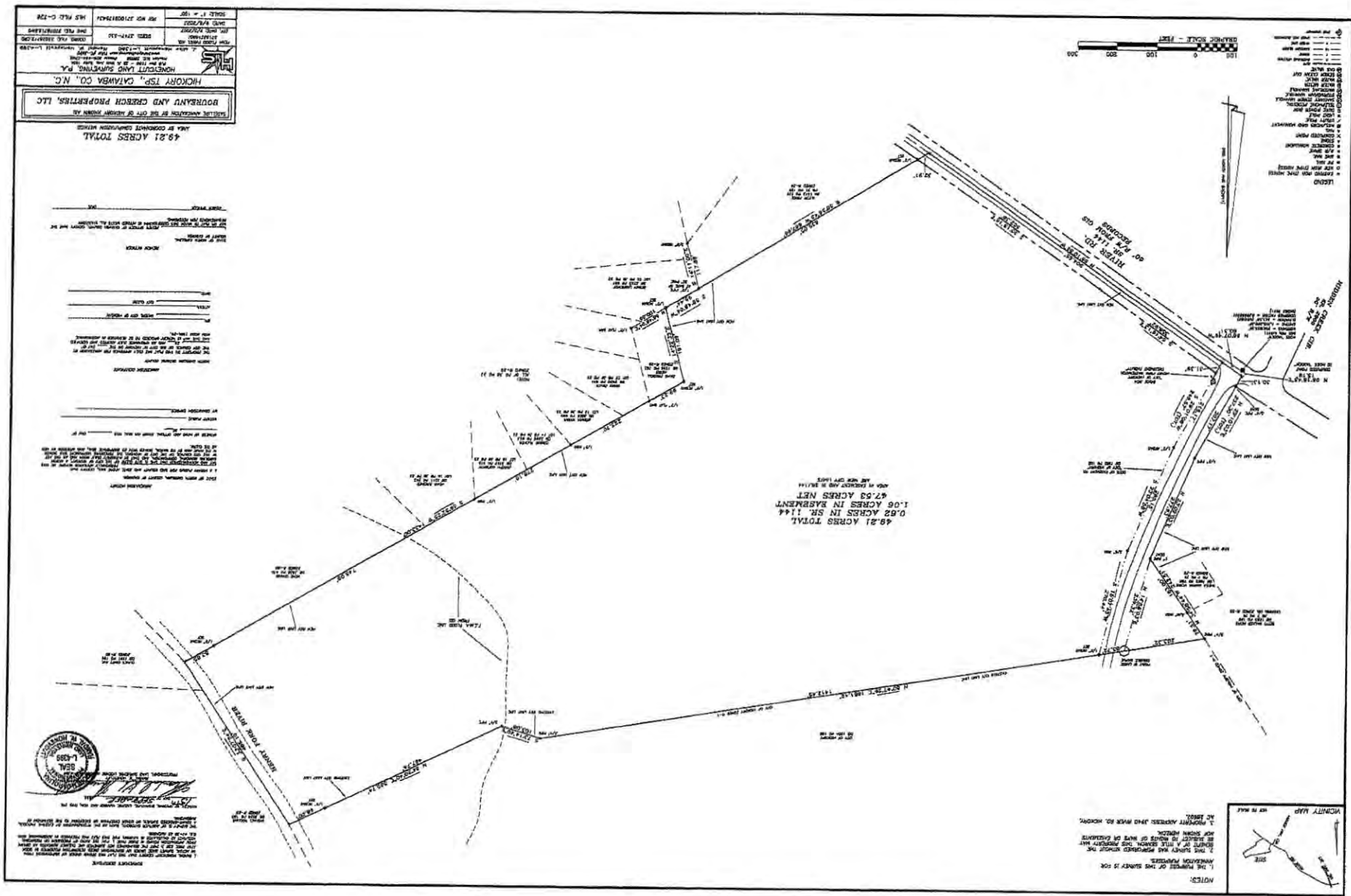
BEGINNING at a large Spanish oak on the Robinson line, and runs North 77' East, 102 poles to a Hickory; thence South 77' East, 6 ¼ poles to a Sassafras; thence North 56' East, 33 poles to a Willow on the bank of the river; thence down the river as it meanders South 41' East 29½ poles to a stone where a Birch formerly stood; thence with the Robinson line South 54¼' West 130 poles to a Post-oak, the corner of the Robinson lands; thence with another of the Robinson lines North 39' West 72 poles to the beginning, containing 38¾ acres more or less.

**Tract Two:**

BEGINNING in the center of Sandy Ford Road, a corner of Fred Queen, and runs thence with Queen's line N 30 E 250 feet to a stake in said Queen's line; thence, continuing with Queen's line N 35 E 946 feet to a stake at another of Queen's corners; thence, S 35 E 946 feet to a stake at a corner of Craig Yoder; thence, with the Yoder's line N 59 E 712 feet to a stake in Yoder's line at a corner of Grady Bolick; thence, with Bolick's line S 15½ E 190 feet to an iron at another of Bolick's corners; thence, with another of Bolick's lines s 58½ W 773 feet to the center of Sandy Ford Road the following courses and distances; N 54 W 200 feet, N 55-15 W 400 feet, and N 56-20 W 375 feet to the point of the BEGINNING. Containing 11 acres, more or less.

The above described lands are conveyed subject to a cart-way or road-way along the Western boundary thereof, adjoining the lands of Fred Queen, as a such cart-way or road-way has been designated upon a certain map of plat of the Aileen Bolick Property, Jacobs Forks Township, made by G. Sam Rowe, C.E., and duly recorded in the Office of the Register of Deeds for Catawba County, in Map Book 7 at page 79.





**Satellite Annexation  
by the City of Hickory  
known as  
Boureau and Creech Properties, LLC.**

That certain Parcel or tract of land lying and being about 4.35 miles south southeast of the center of the City of Hickory. Bounded on the west by the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189 and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760; on the north by the lands of the City of Hickory as described in Deed Book 1004 at Page 165; on the east by the Henry Fork River and by the lands of Michael Rollins as described in Deed Book 3526 at Page 180 and Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164; on the south by the lands of the following: Veng Chang as described in Deed Book 3538 at Page 475, Kevin Breiner as described in Deed Book 3511 at Page 243, Joseph Goforth as described in 3367 at Page 515, Connie Tucker as described in Deed Book 2296 at Page 813, Monika Nyyar as described in Deed Book 3085 at Page 680, David Eblin as described in Deed Book 2820 at Page 644, David Fredell Heirs as described in Deed Book 1596 at Page 703, Benny Lawrence as described in Deed Book 2265 at Page 851, Alton Price as described in Deed Book 1473 at Page 675 and the 60' right-of-way of River Rd. (S.R. 1144) and more particularly described as follows to wit.

Beginning at a point in the 60' right-of-way of River Rd. (S.R. 1144), said point being located North 06 degrees 18 minutes 45 seconds East 15.19 feet from NCGS Monument "Hidden", said monument having N.C. grid coordinates (NAD 83/2011) of N 706,835.36, E 1,310,300.36 and running thence, as new City of Hickory city limits lines the following calls: North 29 degrees 10 minutes 03 seconds East 30.13 feet to a ¾" pipe on the north right-of-way of River Rd. (S.R. 1144), the southeast corner of the lands of the Betty Walker Heirs as described in Deed Book 1865 at Page 189; thence, with the east line of the Walker Heirs, North 29 degrees 10 minutes 03 seconds East 207.17 feet to a ½" pipe in the east line the Walker Heirs; thence, continuing with the Walker Heirs and the Sheila Martin Heirs as described in Deed Book 1895 at Page 760, North 23 degrees 09 minutes 03 seconds East 277.93 feet to a 1" pipe, the easternmost corner of the Martin Heirs; thence, with the northeast line of the Martin Heirs and Walker Heirs, North 34 degrees 58 minutes 44 seconds West 163.00 feet to a 3/8" rod, the northernmost corner of the Martin Heirs; thence, continuing with the line of the Walker Heirs, the same bearing, a distance of 79.51 feet to a ¾" pipe, the southwest corner of the City of Hickory as described in Deed Book 1004 at Page 165; thence, with the south line of the City of Hickory and as existing City of Hickory city limit line the following calls: North 80 degrees 47 minutes 29 seconds East 203.32 feet to a point in a double Maple on the west side of the road to the City of Hickory Henry Fork Wastewater Treatment Plant; thence, the same bearing, 65.72 feet to a ½" rebar on the east side of said road;

thence, the same bearing, 1,412.45 feet to a  $\frac{3}{4}$ " pipe; thence South 73 degrees 14 minutes 40 seconds East 103.06 feet to a  $\frac{3}{4}$ " pipe; thence North 64 degrees 20 minutes 40 seconds East 487.74 feet to a  $\frac{1}{2}$ " rebar; thence, the same bearing, 98.00 feet to a point in the Henry Fork River and in the west line of the lands of Michael Rollins as described in Deed Book 3526 at Page 180; thence, leaving the existing City of Hickory city limits lines as new City of Hickory city limits lines the following calls: with the Henry Fork River, the west line of Rollins and the west line of Cline's Dairy, Inc. as described in Deed Book 1281 at Page 164, South 33 degrees 07 minutes 24 seconds East 486.10 feet to a point, the northeast corner of Veng Chang as described in Deed Book 3538 at Page 475 in the Henry Fork River and in the west line of Cline's Dairy, Inc.; thence, leaving the river, the west line of Cline's Dairy, Inc. and with the north line of Chang, South 59 degrees 52 minutes 25 seconds West 83.85 feet to  $\frac{1}{2}$ " rebar in the north line of Chang; thence, continuing with the north line of Chang and with the north line of Kevin Breiner as described in Deed Book 3511 at Page 243, the same bearing, a distance of 748.06 feet to a  $\frac{1}{2}$ " rod, the northwest corner of Breiner; thence, with the north line of Joseph Goforth as described in 3367 at Page 515 and Connie Tucker as described in Deed Book 2296 at Page 813, the same bearing, a distance of 278.16 feet to a  $\frac{1}{2}$ " rod, the northwest corner of Tucker; thence, with the north line of Monika Nyar as described in Deed Book 3085 at Page 680 and David Eblin as described in Deed Book 2820 at Page 644, the same bearing, a distance of 223.70 feet to a  $\frac{1}{2}$ " flat bar, the northwest corner of Eblin and the northeast corner of David Fredell Heirs as described in Deed Book 1596 at Page 703; thence, with the north line of the Fredell Heirs, the same bearing, a distance of 99.23 feet to a  $\frac{1}{2}$ " rebar, the northwest corner of the Fredell Heirs; thence, with the west line of the Fredell Heirs, South 14 degrees 22 minutes 35 seconds East 191.09 feet to a  $\frac{1}{2}$ " rebar, the southwest corner of the Fredell Heirs in the north line of Benny Lawrence as described in Deed Book 2265 at Page 85; thence, with the north line of Lawrence, South 58 degrees 48 minutes 04 seconds West 95.44 feet to a  $\frac{1}{2}$ " pipe at the base of a 30" pine the northwest corner of Lawrence and the northeast corner of Alton Price as described in Deed Book 1473 at Page 675; thence, with the north line of Price, South 58 degrees 56 minutes 45 seconds West 635.05 feet to a  $\frac{1}{2}$ " rebar on the east right-of-way of River Rd. (S.R. 1144); thence, the same bearing, 32.91 feet to a point in the right-of-way of River Rd. (S.R. 1144); thence, with River Rd. (S.R. 1144), North 55 degrees 10 minutes 52 seconds West 904.65 feet to point of beginning. Containing 49.21 acres total.

The above description was drawn from a plat by Randal W. Honeycutt PLS L-4399 entitled "Satellite Annexation by the City of Hickory known as Boureau and Creech Properties, LLC." dated September 6, 2023.



**RESOLUTION 24-\_\_\_\_**  
**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 May 7, 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 Boureau and Creech Properties LLC, located at 3940 River Road, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

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.

\_\_\_\_\_  
Hank Guess  
Mayor

\_\_\_\_\_  
Warren Wood, City Manager

Approved As To Form:

\_\_\_\_\_  
Deputy City Attorney for the City of Hickory

**RESOLUTION NO. 24-\_\_\_**

**A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OF BOUREANU AND CREECH PROPERTIES, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME**

WHEREAS, Boureau and Creech Properties, LLC is the owner of certain real property as described herein, which property is located at 3940 River Road, Hickory, containing 49.21 acres more or less, and identified as PIN 3710-09-17-5434.

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 16<sup>th</sup> day of April 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 May 7, 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 maps entitled Boureau & Creech Properties LLC, Voluntary Non-Contiguous Annexation Map 1, Current City Boundary, subject property outlined in red; Boureau & Creech Properties, LLC Voluntary Non-Contiguous Annexation Map 2, Current Zoning, subject property outlined in red; Boureau & Creech LLC, Voluntary Non-Contiguous Annexation 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.

Done this 16<sup>th</sup> day of April 2024.

**(SEAL)**

**THE CITY OF HICKORY, A**  
North Carolina Municipal Corporation

**Attest:**

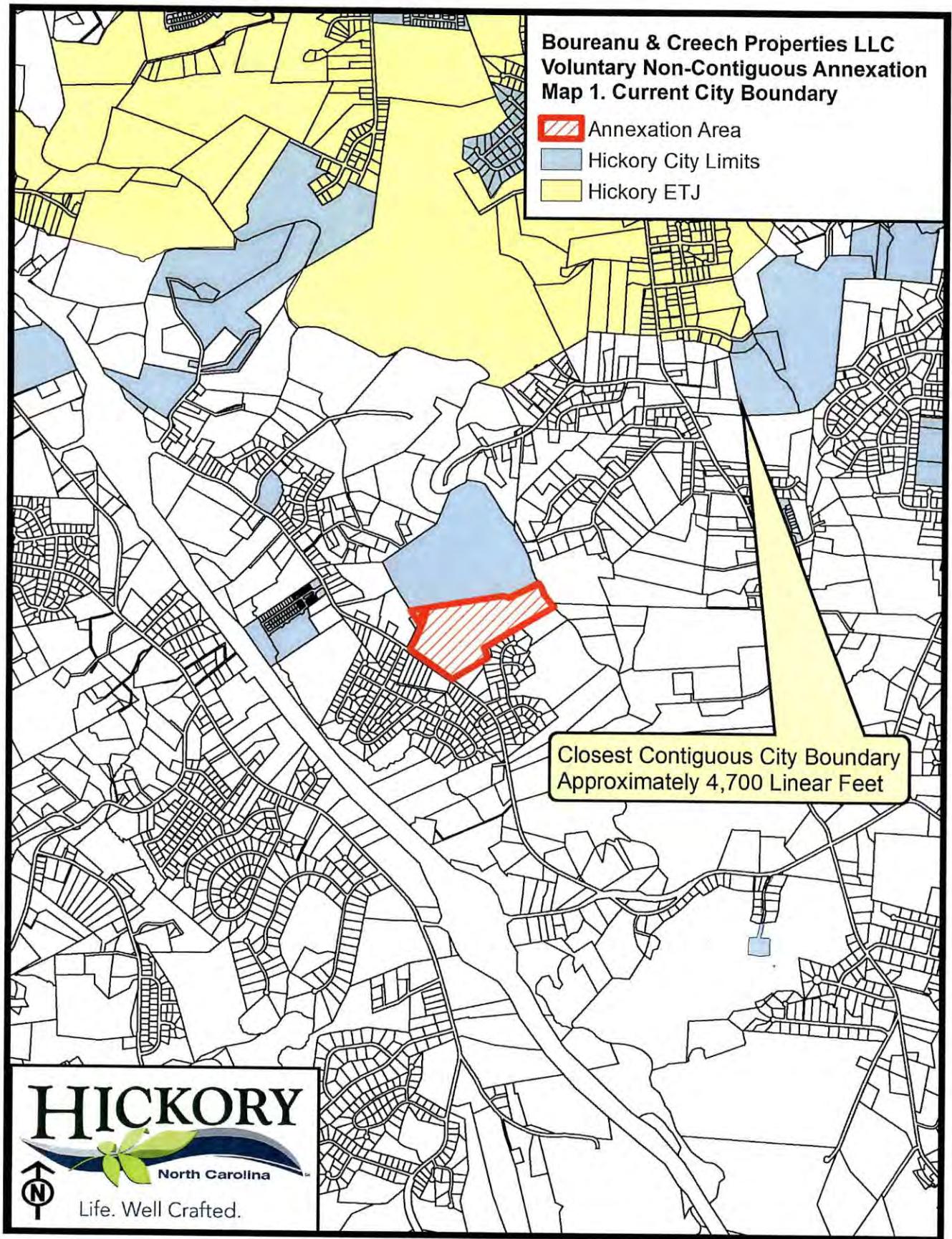
By: \_\_\_\_\_  
Hank Guess, Mayor

\_\_\_\_\_  
Debbie D. Miller, City Clerk

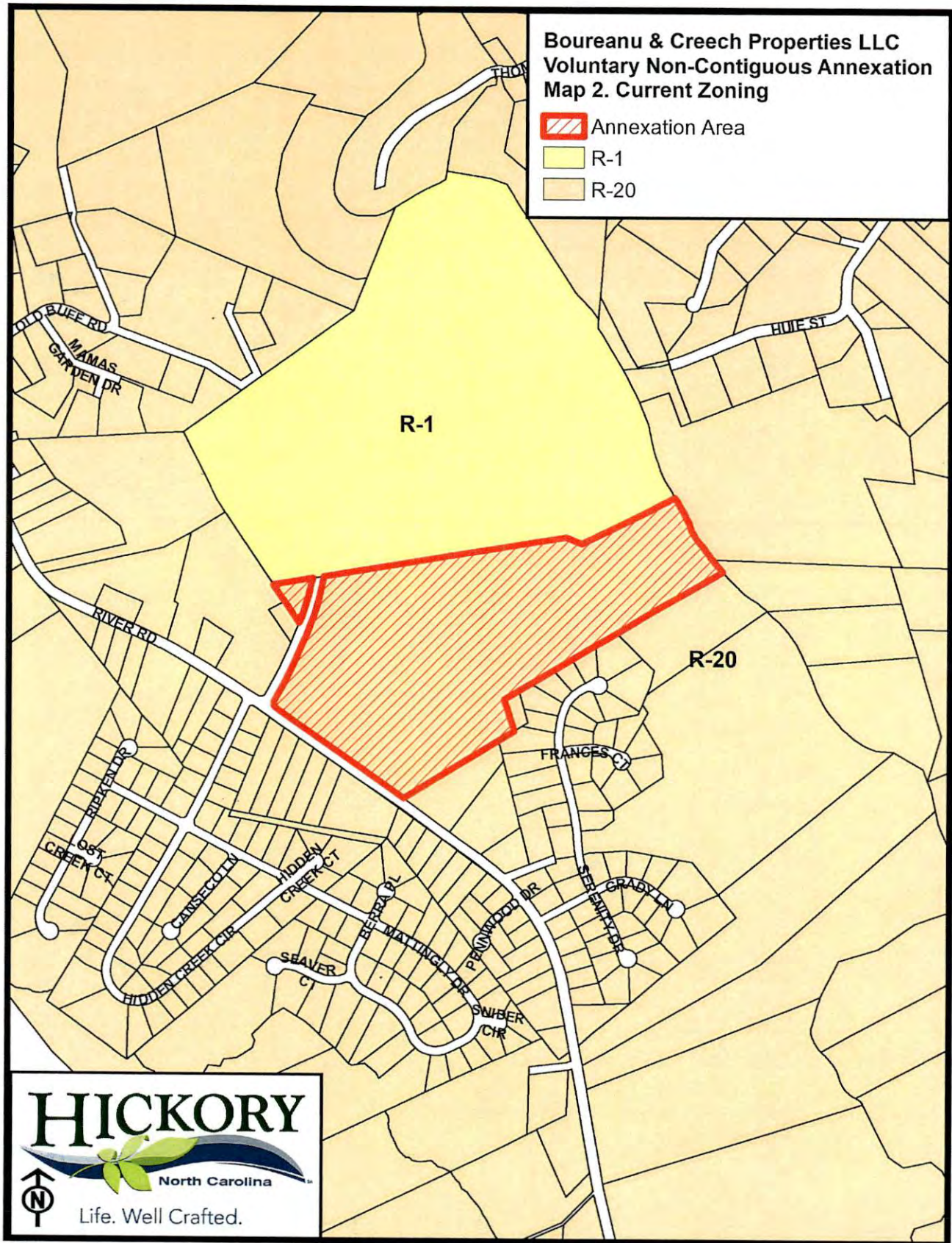
Approved as to form on behalf of the City of Hickory:

\_\_\_\_\_  
Arnita Dula, Deputy City Attorney















**To:** City Manager's Office  
**From:** Stephen Craig, Fire Marshal  
**Contact Person:** Stephen Craig  
**Date:** April 4, 2024  
**Re:** Public Fireworks Display

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to PyroStar Entertainment for a fireworks display at the Hickory Motor Speedway for the below listed dates.

**BACKGROUND**

Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on the following dates:

Friday, May 17, 2024

**The following would be a rain date:**

Saturday, September 14, 2024

**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]  
Initiating Department Head

4-4-24  
Date

[Signature]  
Deputy City Attorney, A. Dula

4-8-24  
Date

[Signature]  
Asst. City Manager Rodney Miller

4/9/24  
Date

[Signature]  
Asst. City Manager, R. Beasley

4/9/24  
Date

[Signature]  
Finance Officer, Melissa Miller

4/9/24  
Date

[Signature]  
Asst. Finance Officer, C. McHargue

4-11-24  
Date

\_\_\_\_\_  
Date

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

[Signature]  
City Manager, W. Wood

4-11-24  
Date



Hickory Motor Speedway  
3130 Hwy 70 SE  
Newton, NC 28658

(828)-464-3655

To Whom it may concern,

I would like to put in a request to the Hickory City Council to conduct a Fireworks display at Hickory Motor Speedway on May 17<sup>th</sup> 2024 with a rain date of September 14<sup>th</sup> 2024

I appreciate your help in submitting this request and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Kevin Piercy".

Kevin Piercy  
Hickory Motor Speedway  
General Manager



7

**COUNCIL AGENDA MEMOS**

**To:** City Manager's Office  
**From:** Stephen Craig, Fire Marshal  
**Contact Person:** Stephen Craig  
**Date:** April 4, 2024  
**Re:** Public Fireworks Display

**REQUEST**

To obtain approval to issue a pyrotechnic display permit to PyroStar Entertainment for a fireworks display at the Hickory Motor Speedway for the below listed dates.

**BACKGROUND**

Kevin Piercy, General Manager of Hickory Motor Speedway, has submitted a request to obtain permission to conduct public fireworks displays on the following dates:

Saturday, May 18, 2024

**The following would be a rain date:**

Monday, October 14, 2024

**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]  
Initiating Department Head

4-4-24

Date

[Signature]  
Deputy City Attorney, A. Dula

4-8-24

Date

[Signature]  
Asst. City Manager Rodney Miller

4/9/24

Date

[Signature]  
Asst. City Manager, R. Beasley

4/9/24

Date

[Signature]  
Finance Officer, Melissa Miller

4/9/24

Date

[Signature]  
Asst. Finance Officer, C. McHargue

4-11-24

Date

\_\_\_\_\_

Date

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

[Signature]  
City Manager, W. Wood

\_\_\_\_\_

4-11-24

Date





Hickory Motor Speedway  
3130 Hwy 70 SE  
Newton, NC 28658

(828)-464-3655

To Whom it may concern,

I would like to put in a request to the Hickory City Council to conduct a Fireworks display at Hickory Motor Speedway on May 18<sup>th</sup> 2024 with a rain date of October 14<sup>th</sup> 2024

I appreciate your help in submitting this request and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Piercy".

Kevin Piercy  
Hickory Motor Speedway  
General Manager



Revenue Stamps: \$15.00

Prepared by and Return to: Julia J. Eurey, P.O. Drawer 2428, Hickory, NC 28603

**STATE OF NORTH CAROLINA**

**CEMETERY DEED**

**CATAWBA COUNTY**

**THIS CEMETERY DEED**, made this the 5<sup>th</sup> day of April, 2024, by and among **J. PATRICK PEARCE and wife, LESSIE S. PEARCE**, citizens and residents of Wake Forest, State of North Carolina (hereinafter referred to collectively as "Grantor") and **WILLIAM BROCKMAN LONG and wife, AMANDA GRIMES LONG** (hereinafter referred to "Grantee");

**WITNESSETH**

**THAT Grantor**, in consideration of money paid to them by Grantee, receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto Grantee of the below stated cemetery plot, a certain lot or lots of land situated in **Oakwood Cemetery**, Hickory, North Carolina, and designated on the plot of said cemetery as:

**Section 54 – Lots 17 (spaces 001 and 002) and Lot 18 (spaces 001 and 002) – Plot D**

**TO HAVE AND TO HOLD** said cemetery lot or lots to said Grantee, his/her heirs and assigns forever, for burial of bodies of persons and for no other purpose.

(Note: For back reference, see copy of Oakwood Cemetery Deed to J. Patrick Pearce and wife, Lessie S. Pearce attached hereto, Deed Book 2224, Page 1261, Catawba County Registry.)

This Deed is executed, delivered and accepted upon condition that in case of the actual or attempted use of said lot by Grantees(s), his/her heirs or assigns, for any other purpose than that designated herein, said conveyance shall become inoperative, and the City of Hickory shall have the right immediately to take

possession and control of said tract of land; and upon the further condition that said tract of land shall not be transferred without the consent in writing by the City of Hickory; and upon the further condition that no curbing shall be placed upon, around or partially around said lot.

This conveyance is made subject to those certain conditions and rights retained by the City of Hickory, North Carolina.

The City of Hickory shall have the right to trim or require to be trimmed any trees, shrubbery or other plants, on said lot in such manner as shall prevent the same from extending over adjoining lots, walkways or driveways or interfering in any manner with the development of the cemetery.

This conveyance is made subject to the approval and consent of the City of Hickory.

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

[Signatures and notary acknowledgments appear on following pages.]

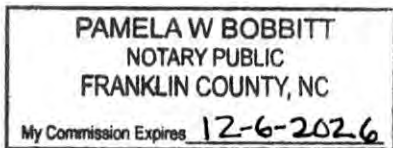
J. Patrick Pearce (SEAL)  
J. PATRICK PEARCE

Lessie S. Pearce (SEAL)  
LESSIE S. PEARCE

STATE OF NORTH CAROLINA  
COUNTY OF Franklin

I, Pamela W. Bobbitt, a Notary Public of Franklin County, North Carolina, do hereby certify that J. Patrick Pearce personally came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal, this 5<sup>th</sup> day of April, 2024.

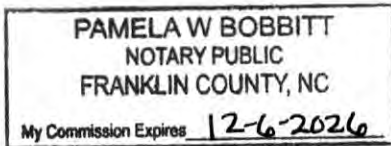


Pamela W. Bobbitt  
Notary Public  
My Commission Expires: 12-6-2026  
Notary Seal

STATE OF NORTH CAROLINA  
COUNTY OF Franklin

I, Pamela W. Bobbitt, a Notary Public of Franklin County, North Carolina, do hereby certify that Lessie S. Pearce personally came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal, this 5<sup>th</sup> day of April, 2024.



Pamela W. Bobbitt  
Notary Public  
My Commission Expires: 12-6-2026  
Notary Seal



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

\_\_\_\_\_  
City Clerk

**BUDGET REVISION # 19**

**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.

<b>SECTION 1.</b> To amend the		General Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	General Government	10,000		
	Culture & Recreation	52,789		
	Public Safety	3,898		
	<b>TOTAL</b>	<b>66,687</b>		<b>-</b>
To provide funding for the above, the				
	General Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Miscellaneous	14,464		
	Sales and Services	52,223		
	<b>TOTAL</b>	<b>66,687</b>		<b>-</b>

<b>SECTION 2.</b> To amend the		Airport Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Transportation	1,730		
	<b>TOTAL</b>	<b>1,730</b>		<b>-</b>
To provide funding for the above, the				
	Airport Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Miscellaneous	1,730		
	<b>TOTAL</b>	<b>1,730</b>		<b>-</b>

<b>SECTION 3.</b> To amend the		Water/Sewer Fund	within the FY 2023-24 Budget Ordinance, the	
expenditures shall be amended as follows:				
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Environmental Protection	17,500		
	Contingency			127,000
	Other Financing Uses	127,000		
	<b>TOTAL</b>	<b>144,500</b>		<b>127,000</b>
To provide funding for the above, the				
	Water/Sewer Fund	revenues will be amended as follows:		
	<b>FUNCTIONAL AREA</b>	<b>INCREASE</b>	<b>DECREASE</b>	
	Miscellaneous	17,500		
	<b>TOTAL</b>	<b>17,500</b>		<b>-</b>

<b>SECTION 4.</b> To amend the Solid Waste Fund within the FY 2023-24 Budget Ordinance, the expenditures shall be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Environmental Protection		24,677	
<b>TOTAL</b>		24,677	-
To provide funding for the above, the Solid Waste Fund revenues will be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Miscellaneous		24,677	
<b>TOTAL</b>		24,677	-

<b>SECTION 5.</b> To amend the McLin and Lyle Creek Wastewater Outfall (#803305) Capital Project Ordinance, the expenditures shall be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Water & Sewer Capital Projects		127,000	
<b>TOTAL</b>		127,000	-
To provide funding for the above, the McLin and Lyle Creek Wastewater Outfall (#803305) revenues will be amended as follows:			
<b>FUNCTIONAL AREA</b>		<b>INCREASE</b>	<b>DECREASE</b>
Other Financing Sources		127,000	
<b>TOTAL</b>		127,000	-

**SECTION 6.** 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



**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Natalie Jackson****Contact Person: Natalie Jackson****Date: April 4, 2024****Re: 2024 Accessible Parks Grant: Miracle of Hickory Park Improvement Project****REQUEST**

Staff requests the Council's approval to pursue the reimbursable NC Division of Parks and Recreation Accessible Parks Grant. The required local match of funds is covered by a recent Rotary Club of Hickory Grant and City match used to create an inclusive playground at Miracle of Hickory Park.

**BACKGROUND**

The City of Hickory is eligible to apply for a reimbursable grant known as the Accessible Parks (AP) Grant in order to transform Miracle of Hickory Park into a highly accessible park that meets the needs of individuals with disabilities. The AP Grant package is based upon public input, support, and the main site plan components of a previous submission for the NC Division of Parks & Recreation's Accessibility for Parks (AFP) Grant. The new submission reflects minor adjustments to reflect the placement of the new park play system, enhance already planned accessibility features, and update budget numbers.

This year's AP grant submission seeks funding for the creation of accessible routes, accessible restrooms, a shaded pavilion for photo-sensitivities, an accessible stage with ramp, accessible park furnishings, and accessible parking improvements. Proposed improvements are supported by findings from the Community Enhancement Project for Individuals with Disabilities as well as public input garnered during the previous AFP Grant submission process and recent input from the 2022 Recreation & Parks Needs Survey. Improvement of Miracle of Hickory Park is also supported by the newly accepted Recreation: Well-Crafted 2023-2033 Comprehensive Parks, Recreation & Sports Tourism Master Plan.

**ANALYSIS**

During a previous public input process that meets the guidelines for the AP Grant, the overall Miracle of Hickory Park Improvement Project received tremendous support from community groups/representatives such as the Hickory Disabled Veterans Chapter 34, Parent's Encouraging & Empowering Parents group, Special Olympics, Foothills Veterans Helping Veterans group and more. A public input meeting saw the same amazing support and excitement for the overall project, which reflects the elements being submitted this year.

**RECOMMENDATION**

Staff recommends approval to apply for the reimbursable NC Division of Parks & Recreation Accessible Parks Grant.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

\_\_\_\_\_  
Initiating Department Head

\_\_\_\_\_  
Date

Rodney Miller  
Asst. City Manager Rodney Miller

4/9/24  
Date

Melissa Miller  
Finance Officer, Melissa Miller

4/9/24  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

A. Dula  
Deputy City Attorney, A. Dula

4-8-24  
Date

R. Beasley  
Asst. City Manager, R. Beasley

4/9/24  
Date

Cameron Mchargue  
Deputy Finance Officer,  
Cameron Mchargue

4-11-24  
Date

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

W. Wood  
City Manager, W. Wood

4-11-24  
Date



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*[Faint, illegible handwriting]*



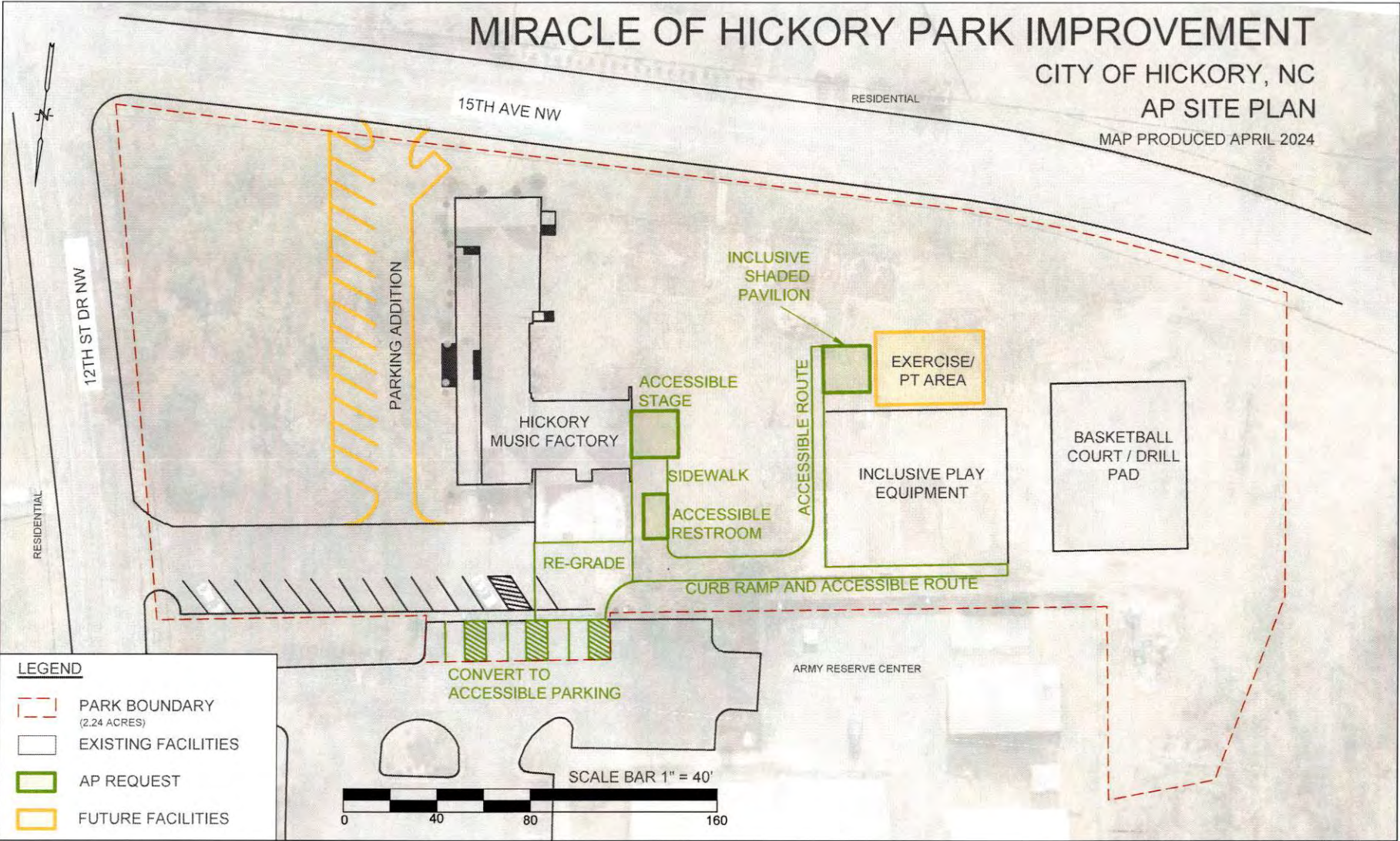
## **Description and Justification for the Miracle of Hickory Park Improvement Project City of Hickory**

### **Description**

Miracle of Hickory Park is located on the site where, back in 1944, citizens worked together to beat one of the nation's worst polio outbreaks in American history. Drawing from this community spirit and care for vulnerable individuals, the City of Hickory desires to transform the park into a destination that creates an inclusive synergy for veteran parents, adults, senior citizens and children with disabilities by breaking down accessibility barriers. Project plans include building upon the recent installation of inclusive play equipment and unitary surfacing by installing accessible walkways, an inclusive shaded pavilion for photosensitivities, an on-site bathroom facility, accessible staging, accessible parking improvements with related grading and opportunities to relax via accessible site furnishings. The Miracle of Hickory Park Improvement Project would serve individuals with disabilities and their families within Hickory and its metro-statistical area.

### **Justification**

Veterans with disabilities deserve a chance to recreate with their families! Kids with disabilities want to play at places whose biggest feature is not a transfer station. Seniors, who are often veterans, need a combination of both and make up over 60% of individuals found to have a disability in the City of Hickory. Findings from the 2022 City of Hickory Community Enhancement Project for Individuals with Disabilities (CEPID), a year-long study with significant public input from citizens and neighbors in the metro-statistical area, revealed the aforementioned statistic. Miracle of Hickory Park is located next to US Census population centers that contain the greatest concentrations of individuals with vision, cognitive, independent living and ambulatory difficulties as informed by 2019 American Community Survey: 5 year estimates published by the U.S. Census. 44% of adults surveyed for CEPID believed that there are not enough recreation opportunities for individuals with disabilities while 32% of parents believed that their child with a disability has few options for recreation outside of school. Stakeholders pointed out that there is often an environmental disconnect for adults with a lower cognitive age, whether developmental or acquired through injury. Seven focus groups expressed a desire to increase recreation for individuals with disabilities for all ages. The Miracle of Hickory Park Improvement Project will make that desire a reality through a steady march toward universal design. The City completed and adopted the Recreation: Well-Crafted 2023-2033 Parks, Recreation and Sports Tourism Comprehensive Master Plan in November of 2023. The representative survey, associated with the master plan, revealed support for the recreational and support amenities reflected in the Miracle of Hickory Park Improvement Project which was met with great community excitement and support when presented to the public prior to its submission for the Accessibility for Parks Grant last season. Such support, so far, has culminated in the receipt of a grant for inclusive play equipment from the Rotary Club of Hickory which was met with matching funds from the City and whose installation is scheduled for April 2024. Planned partnerships with the adjacent U.S. Army Reserve Center, on-site Hickory Music Factory and community groups contained within this package further attest to the reason that the Miracle of Hickory Park Improvement Project should be heavily considered for funding. When complete, the project will take essentially a no to low access park to a maximum access recreation experience.





## Project Costs

Applicant: City of Hickory

Project Name: Miracle of Hickory Park

Date Prepared: 04/02/2024

Project Elements (Include specific units - sizes, numbers, lengths, etc. - for each item.)	Unit	Unit Cost	Total Item Cost
<b>Building and/or Renovating Costs</b>			
Parking Improvements - <i>demo, grading, and resurfacing 1,300 ft<sup>2</sup> and converting spaces to accessible</i>	Lump Sum	\$ 30,000	\$ 30,000
Concrete Accessible Routes - <i>Width varies from 10' to 5'</i>	Lump Sum	\$ 30,000	\$ 30,000
Utilities - <i>water, sewer, &amp; power</i>	Lump Sum	\$ 70,000	\$ 70,000
Park Structures - <i>Accessible Restrooms</i>	Lump Sum	\$ 175,000	\$ 175,000
Park Furnishings and Amenities - <i>4 benches, 2 picnic tables, 5 trash cans, &amp; 1 grill</i>	Lump Sum	\$ 15,000	\$ 15,000
Landscape	Lump Sum	\$ 10,000	\$ 10,000
Shaded Pavilion - <i>20' x 20' concrete pad with shade sails</i>	Lump Sum	\$ 20,000	\$ 20,000
Accessible Stage - <i>20' x 20' 18-inch tall stage with ramp and electric</i>	Lump Sum	\$ 45,000	\$ 45,000
<b>Cost to Build or Renovate</b>			<b>\$ 395,000</b>
<b>Contingency for the Cost of Building / Renovating</b>			
Contingency (not to exceed 5% of the cost to build or renovate or \$30,000 - whichever is <i>less</i> )	5%		\$ 19,000
<b>Land Value — (Indicate Purchase or Donation)</b>			
Land Acquisition - <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Donation	2.24 acres	\$ -	\$ -
<b>Planning and Incidental Land Acquisition Costs</b>			
Construction management, site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% of the cost of the project or \$120,000 - whichever is less)	20%		\$ 82,000
<b>Total Project Cost</b>			<b>\$ 496,000</b>



**Sources of Matching Funds**

*2024 Accessible Parks Grant*

*Project: Miracle of Hickory Park Improvement Project*

The following will be designated as the sources of matching funds for the Accessible Parks Grant.

**1/ Rotary Club of Hickory Grant (Recent Playground): \$150,000**

**2/ City of Hickory Match to Rotary Club Grant (Recent Playground): \$124,234**

**Total Match: \$274,234 (Taxes Not Included)**





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

**Certification & Approval by Local Governing Board**

*2024 Accessible Parks Grant  
Project: Miracle of Hickory Park Improvement Project*

I hereby certify the information contained in the attached application is true and correct and the required one dollar of matching funds for five dollars of grant funds will be available within three years of submitting the application. This application has been approved by the local governing board.

Signed,

Hank Guess  
Mayor  
City of Hickory



**COUNCIL AGENDA MEMOS****To: City Manager's Office****From: Natalie Jackson****Contact Person: Natalie Jackson****Date: April 4, 2024****Re: Sandy Pines Master Plan Update & 2023-2024 PARTF Grant Submission for Sandy Pines Park Project****REQUEST**

Staff requests Council's consideration of the updates to the 2018 Sandy Pines Park Master Plan. Staff also request the Council's approval to apply for a reimbursable NC Division of Parks & Recreation PARTF Grant and the required local match of funds and associated Resolution.

**BACKGROUND**

The City of Hickory is eligible to apply for a reimbursable grant, known as the North Carolina Parks and Recreation Trust Fund (PARTF) Grant, to launch an initial phase of Sandy Pines Park in the northeast quadrant of the City. A master plan for Sandy Pines Park was accepted by City Council in 2018 and included ample citizen engagement. The recently accepted *2023-2033 Recreation: Well Crafted Comprehensive Parks, Recreation & Sports Tourism Master Plan (PR&ST Comp Plan)* calls for harnessing Hickory's recreation potential by focusing on existing assets such as the Sandy Pines Property. Ensuring that parks and recreation opportunities match the needs of a growing population, this property is uniquely suited for development due to its location in the northeast quadrant which has the largest current and projected population of all quadrants. The PR&ST Comp Plan specifically calls for the development of Sandy Pines Park. Public input opportunities were offered regarding the Sandy Pines Park Project and PARTF Grant submission. Civic group support was received from the Hickory Sunrise Rotary Club and Kiwanis Club of Hickory. At public meetings and through remaining channels, citizens shared excitement, amenity suggestions, support, and constructive concerns that can improve the property as it is today.

**ANALYSIS**

The Sandy Pines Park Project is supported in the existing park master plan. Through extensive analysis performed through the City's recent PR&ST Comp Plan, development of the park is seen as a strategic goal backed by a statistically valid survey that calls for key amenities that it provides. There is citizen excitement, support, and constructive feedback to guide development. Staff have identified efficiencies for the site that necessitate a small master plan update to reflect them along with current project costs, citizen input and minor adjustments to street names.

**RECOMMENDATION**

Staff recommends approval of the updates to the 2018 Sandy Pines Park Master Plan, and approval to apply for a reimbursable NC Division of Parks Recreation PARTF Grant, and the required local match of funds and associated Resolution.



**BUDGET ANALYSIS:**

**Budgetary Action**

Is a Budget Amendment required?

Yes

No

**LIST THE EXPENDITURE CODE:**

**Reviewed by:**

\_\_\_\_\_  
Initiating Department Head

Rodney Miller  
Asst. City Manager Rodney Miller

Melissa Miller  
Finance Officer, Melissa Miller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

4/8/24

\_\_\_\_\_  
Date

4/9/24

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Auntie M. Dula  
Deputy City Attorney, A. Dula

R. Beasley  
Asst. City Manager, R. Beasley

Cameron McHargue  
Deputy Finance Officer,  
Cameron McHargue

4-8-24  
Date

4/9/27  
Date

4-11-24  
Date

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

W. Wood  
City Manager, W. Wood

4-11-24  
Date



**Description and Justification for the Sandy Pines Park Project (Phase 1)**  
**Local Government: City of Hickory**

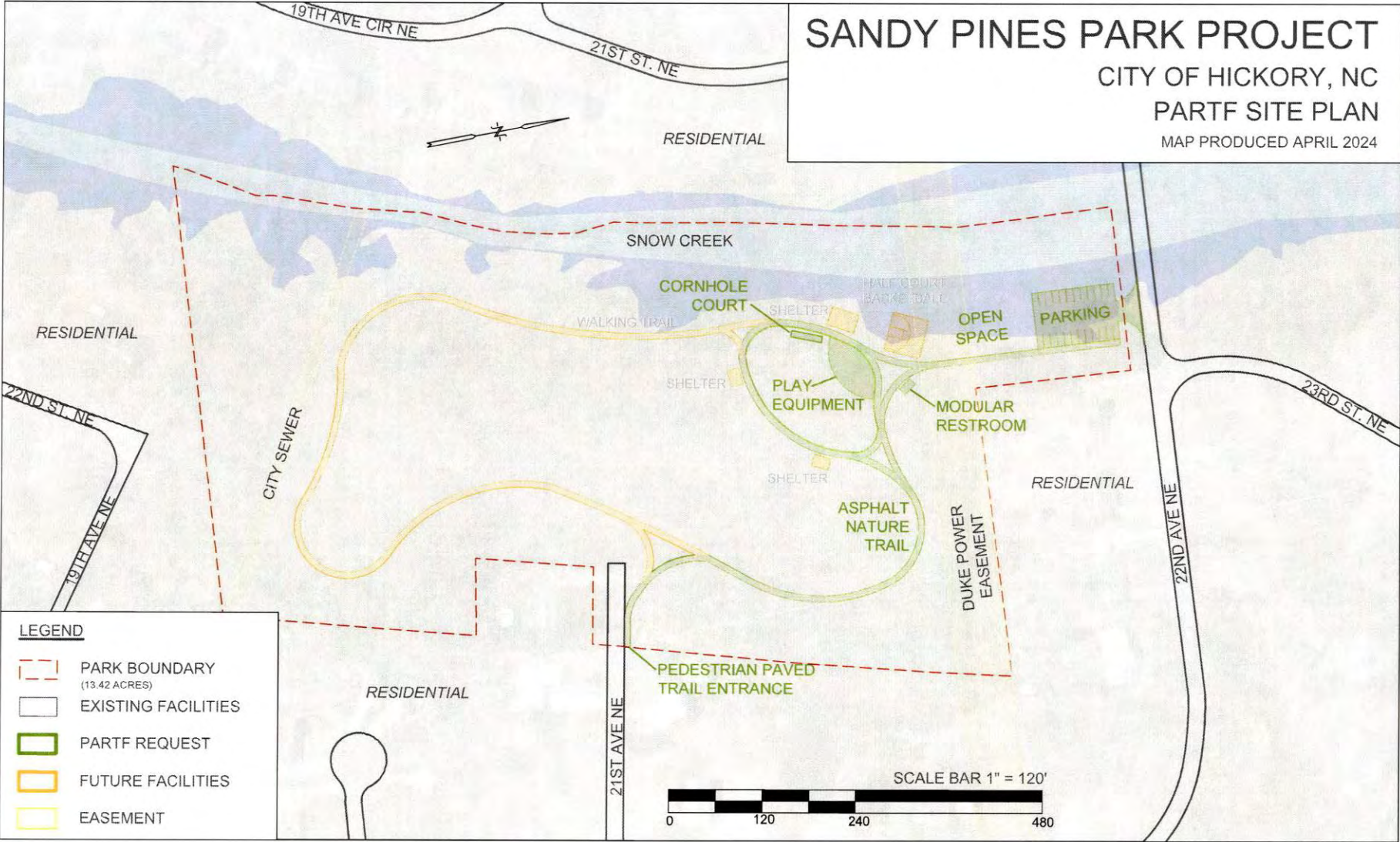
**Description**

The Sandy Pines Park Project (Phase 1) aims to launch a key neighborhood park in the northeast quadrant of the City of Hickory. This initial phase of the 2018 park master plan enables the Sandy Pines, Havenwood and Park View neighborhoods to access low-impact recreation via foot, bike or car. The project gives citizens an opportunity to experience the park through features that include an asphalt nature trail and loop, pedestrian paved trail entrance, nature-themed play equipment, cornhole court, open space, parking and an on-site restroom. This 2-acre phase will be the gateway to a 13+ acre park upon the full realization of the master plan.

**Justification**

The Sandy Pines Project (Phase 1) advances key strategic goals of the *2023-2033 Recreation: Well-Crafted Comprehensive Parks, Recreation & Sports Tourism Master Plan (PRST comp plan)*. The plan calls for harnessing Hickory's recreation potential by focusing on its existing strengths and assets, such as undeveloped open space in its inventory. The Sandy Pines property is such an asset and can meet key citizen needs and desires if developed. Ensuring that parks and recreation opportunities match the needs of a growing population, Sandy Pines is uniquely suited for development due to its location in the northeast quadrant which has the largest current and projected population reported in the PRST comp plan. Development of the property would also assist with balancing the use of parks in the eastern quadrants as was revealed during a park usage analysis in the master planning process. In order to ensure equitable and inclusive access to recreation, the Sandy Pines Project provides a neighborhood park to a quadrant that has significantly less neighborhood parks than western quadrants yet the largest percentage of residential zoning and quadrant population. The timing of this project is strategic in that the North Carolina Department of Transportation has identified a widening project on 29<sup>th</sup> Avenue Drive NE, to take place in close proximity to the property and project period should a grant be awarded. Project-specific public engagement revealed excitement and civic group support combined with constructive feedback/concerns related to safety, natural features and neighborhood impacts that have been or can be successfully addressed by the master plan's design as well as current staff and resources. With regard to amenities, the park project offers access to trails which are in low supply in the northeast quadrant. Citizens in the statistically valid/representative 2022 City of Hickory Recreation and Parks Survey identified trails as a partially met need that is actually the most important amenity to households and #1 needed facility per households (59%). Trails received the largest priority investment rating for an amenity. 75% of respondents strongly agreed/agreed with the development of new paved trails and 52% also indicated that they did not believe that they could safely walk/bike to a nearby park, trail or recreation center. The project would be in close proximity to three developments and afford a pedestrian/bicycle entrance off of 21<sup>st</sup> Ave NE. 71% agreed with the development of playgrounds. The community recreation needs survey revealed that 82% strongly agreed/agreed that property values are increased, in the surrounding area, by parks, nature preserves and trails. Overall, 93% strongly agreed/agreed that parks, nature preserves and trails improve quality of life in Hickory. The development of Sandy Pines Park would undoubtedly bring citizen needs and desires to life!





## Project Costs

Applicant: City of Hickory

Project Name: Sandy Pines Park

Date Prepared: 04/02/2024

Project Elements (Include specific units - sizes, numbers, lengths, etc. - for each item.)	Unit	Unit Cost	Total Item Cost
<b>Building and/or Renovating Costs</b>			
Clearing / Demolition - <i>approx. 1.6 acres</i>	Lump Sum	\$ 55,000	\$ 55,000
Grading / Erosion Control - <i>approx. 1.6 acres</i>	Lump Sum	\$ 202,000	\$ 202,000
Storm Drainage	Lump Sum	\$ 50,000	\$ 50,000
Parking Lot - <i>paved for 18 cars</i>	Lump Sum	\$ 159,000	\$ 159,000
Sidewalks / Trails - <i>8 foot wide</i>	1550 linear ft.	\$65 / linear ft.	\$ 101,000
Utilities - <i>water, sewer, &amp; power</i>	Lump Sum	\$ 143,000	\$ 143,000
Park Structures - <i>Restrooms</i>	Lump Sum	\$ 175,000	\$ 175,000
Park Furnishings and Amenities - <i>8 benches, 4 tables, 10 trash, &amp; 2 grills</i>	Lump Sum	\$ 30,000	\$ 30,000
Landscape	Lump Sum	\$ 10,000	\$ 10,000
Play Structure ( <i>39' x 35' structure and IPEMA Mulch</i> ) & Cornhole Boards	Lump Sum	\$ 97,000	\$ 97,000
<b>Cost to Build or Renovate</b>			<b>\$ 1,022,000</b>
<b>Contingency for the Cost of Building / Renovating</b>			
Contingency (not to exceed 5% of the cost to build or renovate or \$50,000 - whichever is less)			\$ 50,000
<b>Land Value — (Indicate Purchase or Donation)</b>			
Land Acquisition - <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Donation	13.42 acres	\$ -	\$ -
<b>Planning and Incidental Land Acquisition Costs</b>			
Construction management, site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% of the cost of the project or \$200,000 - whichever is less)	5%		\$ 53,000
<b>Total Project Cost</b>			<b>\$ 1,125,000</b>
<b>Total PARTF Grant Request</b>			<b>\$ 500,000</b>
<b>Total Local Match</b>			<b>\$ 625,000</b>



### Sources of the Applicant's Matching Funds

**Applicant:** City of Hickory **Project Name:** Sandy Pines Park Project

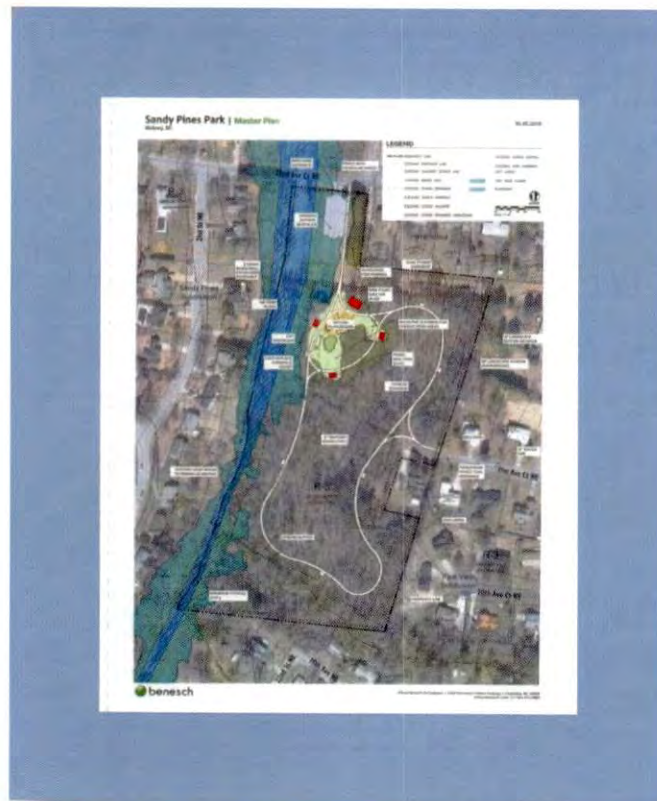
Type of Matching Funds	Amount of Funds	Funding Source	Availability
Cash	\$625,000	City Budget	In Hand Resolution
<b>Total Matching Funds</b>	\$625,000		

<b>N.C. Parks and Recreation Trust Fund (PARTF): 2023-2024 Basic Facts and Assurances</b>	
<b>Local Government Name:</b> City of Hickory	<b>County:</b> Catawba
<b>Federal Employer I.D. Number:</b> 56-6001244	
<b>Local Government Contact Person for the Grant:</b> Name: <input type="checkbox"/> Mr. <input checked="" type="checkbox"/> Ms. Title: Special Projects Manager for the City Manager Organization: City of Hickory Mailing Address: 76 N. Center Street City/State/Zip: Hickory/NC/28601 Telephone: 828-323-7400 E-mail: njackson@hickorync.gov (must be an employee of the sponsoring local government)	<b>Local Government Manager:</b> Name: <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. Warren Wood Title: City Manager Mailing Address: 76 N. Center Street City/State/Zip: Hickory/NC/28601 Telephone: 828-323-7400 E-mail: wwood@hickorync.gov
<b>Chief Elected Official:</b> Hank Guess Name: <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. Title: Mayor Mailing Address: 76 N. Center Street City/State/Zip: Hickory/NC/28601	<b>Type of Project:</b> <input type="checkbox"/> Land Acquisition Only <input checked="" type="checkbox"/> Development Only (construction or renovation) <input type="checkbox"/> Land Acquisition and Development
<b>Site Control (check all that apply):</b> <input checked="" type="checkbox"/> Owned by local government <input type="checkbox"/> To be obtained with this land acquisition project <input type="checkbox"/> Has been obtained for this land acquisition project using an approved waiver that expires on this date: _____ <input type="checkbox"/> Leased by applicant for 25 years or more <input type="checkbox"/> Easement <input type="checkbox"/> Owned by school board	<b>Costs rounded to nearest dollar:</b> PARTF funds requested: \$ <u>500,000</u> .00 Local government's matching funds: \$ <u>625,000</u> .00 Total cost of project \$ <u>1,125,000</u> .00
<b>Recreation Resources Service (RRS) regional consultant:</b> Alex Godette	
<b>Project Name:</b> Sandy Pines Park Project (Phase 1)	
<b>Is this an LWCF-funded park on these <a href="#">lists of NC projects</a>?</b> <input type="checkbox"/> yes <input checked="" type="checkbox"/> No <b>If yes, list the grant number(s):</b>	
<b>Certification and Approval by Local Governing Board</b>	
I hereby certify the information contained in the attached application is true and correct and the required dollar-for-dollar matching funds will be available during the project period. This application has been approved by the local governing board.	
<b>Chief Elected Official</b>	
<b>(Print or Type Name and Title)</b>	<b>(Signature)</b>
Hank Guess/Mayor	
If two local governments are applying together, this form must be completed and signed by each local government. One applicant must be identified by adding "primary sponsor" in the "Local Government Name" section.	
<b>This form must be complete in its entirety for your application to be considered</b>	





## Sandy Pines Park Master Plan Update 2024



**Prepared By:**

**Natalie Jackson, Special Projects Manager for the City Manager  
Special Thanks to Samuel Abernethy, PE, Civil Engineer**

**April 16, 2024**

**Background**

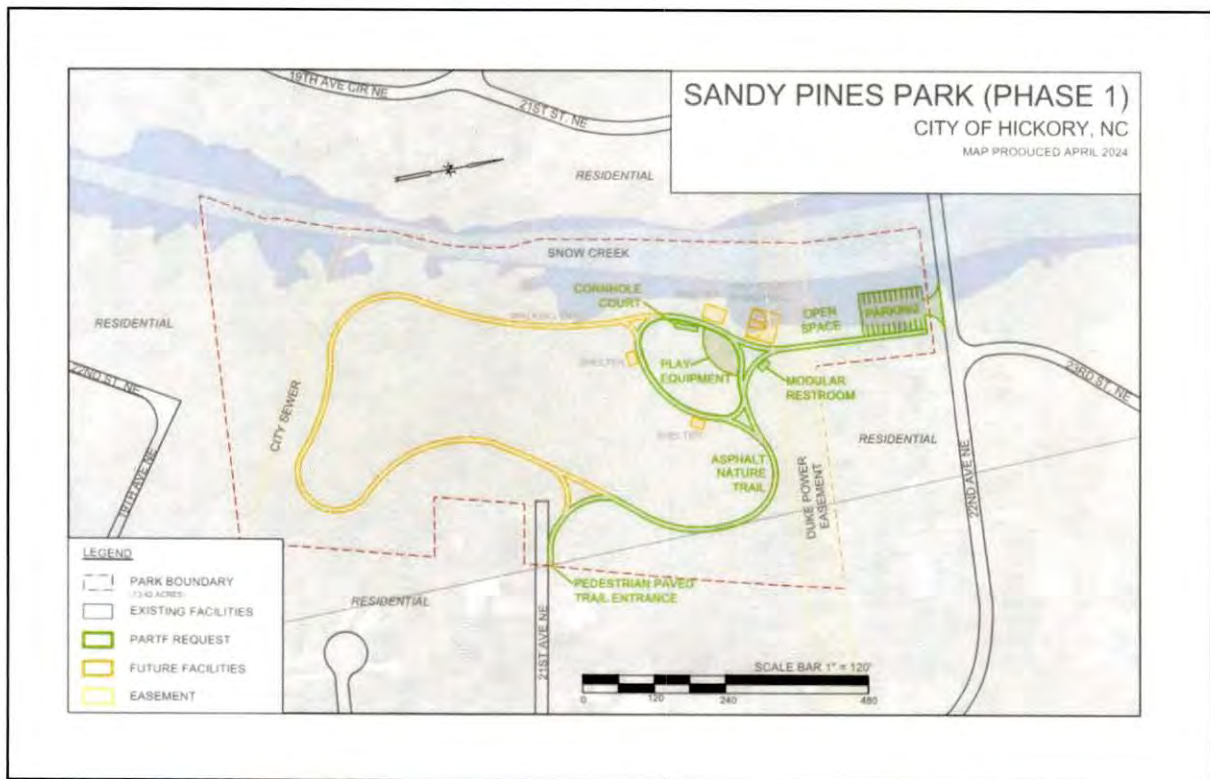
To facilitate the implementation of the Sandy Pines Park Master Plan, adopted by the Hickory City Council on April 3, 2018, a brief master plan update was constructed, with permission from Benesch who crafted the original master plan. The master plan update includes the following:

- Amendment of Bathroom Location
- Update of 2018 Order of Magnitude Budget Estimates (For Initial Phase of Development)
- Annotation of Street Name Corrections
- Public Feedback Received in 2024

The Parks, Recreation & Sports Tourism Commission was made aware of these updates on April 9, 2024.

**Amendment of Bathroom Location**

To facilitate additional connection efficiencies to proposed utilities, the 2018 master plan’s proposed bathroom unit will be moved to the location depicted below. This amendment will also place greater distance between the bathroom unit and the 100- year floodplain.



*(Proposed Initial Phase of Development Highlighted Via Green Sections Designated as "PARTF Request")*



**Update of Order of Magnitude Budget Estimates (For Initial Phase of Development)**

The following budget represents an update to order of magnitude estimates presented in the 2018 Sandy Pines Park Master Plan, for an initial phase of development. Numbers depicted are 2024 estimates.

Building Costs	Unit	Unit Cost	Total Item Cost
Clearing/Demolition	Lump Sum	\$55,000	\$55,000
Grading/Erosion Control	Lump Sum	\$202,000	\$202,000
Storm Drainage	Lump Sum	\$50,000	\$50,000
Parking Lot	Lump Sum	\$159,000	\$159,000
Sidewalks/Trail	1550 linear ft.	\$65/linear ft.	\$101,000
Utilities	Lump Sum	\$143,000	\$143,000
Park Structures/Restrooms	Lump Sum	\$175,000	\$175,000
Park Furnishings & Amenities	Lump Sum	\$30,000	\$30,000
Landscape	Lump Sum	\$10,000	\$10,000
Play Structure & Cornhole Boards	\$97,000	\$97,000	\$97,000
Contingency			\$50,000
Planning & Incidental Costs			\$53,000
<b>Total Cost Estimate</b>			<b>\$1,125,000</b>

**Annotation of Street Name Corrections**

*2018 Final Master Plan Illustration: Change 22<sup>nd</sup> Ave Ct NE ... to ... 22<sup>nd</sup> Ave NE*

*Change 21<sup>st</sup> Ave Ct NE ... to ... 21 Ave NE*

**Public Feedback Received in 2024**

The City initiated several opportunities to receive updated citizen and civic group input, in relation to an initial development phase for the Sandy Pines Park known as the “Sandy Pines Park Project” in early 2024. These efforts were part of a NC Trust Fund Grant submission process. Public meetings saw a total attendance of 24 citizens. Additional citizens were able to share their feedback via e-mail, phone and social media. The Kiwanis Club of Hickory, Hickory Sunrise Rotary Club and City of Hickory Parks, Recreation & Sports Tourism Commission supported an initial phase of park development congruent with the site plan depicted on page 2.

The following is a summary of feedback received.

- Excitement and support were communicated by citizens who were looking forward to having a neighborhood park available in this location
  - One citizen was strongly opposed to park development and a few others suggested that the City pursue different projects

- Citizen concerns included ensuring that there is adequate buffering between the park and nearby homes; traffic safety due to increased traffic flow; park proximity to a 100 - year floodplain and related complications with flooding/erosion; safety affected by park proximity to homes and its attraction of individuals who are homeless or have ill intent; existing site challenges that could be mitigated by current City services and staffing
  - Concerns in 2024 were similar to those received during the initial master planning process
- There was some interest in making the proposed trails natural surface versus paved
- There was some interest in the installation of pickleball courts

Development of the Sandy Pines Park, with regard to quadrant location and key amenities, was further supported by public feedback received during the development of the 2022-2033 Recreation: Well Crafted Parks, Recreation and Sports Tourism Comprehensive Master Plan. The development of this park is a strategic goal and priority within the plan's timeframe.

### **Conclusion**

This master plan update is intended to assist with the launching of Sandy Pines Park. An analysis of future phasing is anticipated and further master plan updates will be coordinated if needed. The City is excited to bring a beautiful neighborhood park to the northeast quadrant in the future.



RESOLUTION NO. \_\_\_\_\_  
RESOLUTION AUTHORIZING THE CITY OF HICKORY TO SUBMIT APPLICATION TO THE  
NORTH CAROLINA DIVISION OF PARKS & RECREATION IN THE AMOUNT OF \$ 500,000  
AND PROVIDE A MATCH OF \$625,000 FOR PARTF GRANT – DIRECTLY ATTRIBUTABLE  
FUNDS FOR *Sandy Pines Park Project*

WHEREAS, On November 1, 2023 the N.C. Division of Parks and Recreation (DPR) announced the availability of Parks and Recreation Trust Fund (PARTF) grants for local park and recreation projects planned by NC counties, incorporated municipalities or public authorities as defined by N.C. General Statute 159-7. Funds are available to award for building or renovating facilities for a public park or land acquisition. Each agency may submit for such projects, requesting up to a maximum of \$500,000 with a dollar for dollar match required.

The City of Hickory is applying for funding to launch an initial phase of Sandy Pines Park, known as the “Sandy Pines Park Project,” putting City-owned land into service in the northeast quadrant. The following features are being pursued.

- Initial Phase of Sandy Pines Park – Funding will create access to the property and would include a paved walking loop and pedestrian entrance, open space, bathrooms, a parking lot, playground, cornhole boards, site furnishings and shelter located at City owned Parcel IDs 371308986633, 371308987632, and 371308977949. The City will pursue additional master planned amenities in future phases.

- Estimated Total Project Cost \$1,125,000
- PARTF Grant Funding Request - \$500,000
  - Local Match - \$625,000

NOW, THEREFORE BE IT RESOLVED, that the City of Hickory is hereby authorized to submit a grant application in the amount of \$500,000 and will commit \$625,000 as a match for the project.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Attorney for the City of Hickory