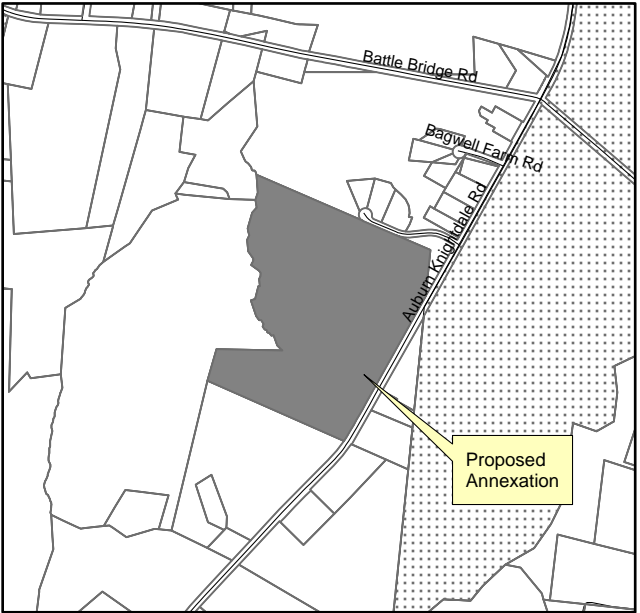







1:5,183

**3540 AUBURN KNIGHTDALE RD
CONTIGUOUS PETITION ANNEXATION
PROPOSED EFFECTIVE X/XX/XX**



1:17,476

-  Proposed City Limits
-  Existing City Limits
-  ETJ



ANNEXATION ORDINANCE# _____

ORDINANCE ADOPTION DATE _____

APPROVED EFFECTIVE DATE _____

Subdivision or Building Permit Transaction Reference Number _____ Council District C Annexation Case File# AX-22-2022

THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE ON IT AS TO METES AND BOUNDS OF INDIVIDUAL PROPERTIES MAY BE MADE.

This exhibit meets all statutory requirements for recording. _____
 Planning Director / Wake County Review Officer Date



Petition for Annexation into Raleigh City Limits

Planning and Development Department • One Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

| Section A Submittal Deadlines | | | |
|--|---|--|--|
| Petitions for annexation are accepted by Planning and Development at any time. Fees are required at the time of submittal. The annexation will be scheduled for public hearing and becomes effective immediately upon adoption at the scheduled public hearing unless notified otherwise by the City Clerk. | | | |
| Section B Summary Information / Metes and Bounds Descriptions | | | |
| Development Project Name: 3540 Auburn Knightdale Rd | | | |
| Street Address: 3540 Auburn Knightdale Rd, Raleigh NC 27610 | | | |
| City of Raleigh Subdivision approval #: S- _____ - _____ or N/A | Building Permit #: _____ or N/A | Group Housing #: GH- _____ - _____ - _____ N/A | |
| Wake County (PINs) Property Identification Number(s): 1741150442 | | | |
| Acreage of Annexation Site: 43.95 | | Linear Feet of New Public Streets within Annexation Boundaries: 7,500 | |
| Annexation site is requesting connection to City of Raleigh Water <input checked="" type="checkbox"/> and/or Sewer <input checked="" type="checkbox"/> | | | |
| Number of proposed dwelling units: 200 | | | |
| Unit Type/Unit Count: | Total Breakdown of Dwelling Units | | |
| | Single-Family Home Unit Count <u>30</u> | Multi-Family - Condo/Apartment Unit Count <u>0</u> | Multi-Family – Townhouse Unit Count <u>170</u> |
| | Complete only for Townhome Units: | | |
| | Are there more than 6 units in one group of townhomes? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | |
| | Complete only for Condo/Apartment units: | | |
| | Are buildings multi-story with stacked units? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Will there be a community trash compactor? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Unit Count +/- Description: <i>Example</i> 30 Studio + 1 Bath 50 1 BR + 1.5 Bath Count Bedroom + Bath _____ + _____ _____ + _____ _____ + _____ |

| | |
|--|---------------------------------|
| Building Square Footage of Non-Residential Space: N/A | |
| Specific proposed use (office, retail, warehouse, school, etc.): <u>Residential</u> | |
| Projected market value at build-out (land and improvements): \$ <u>65,750,000</u> | |
| Applicant Contact Information | |
| Property Owner(s): 3540 AUBURN LLC, a North Carolina limited liability company | |
| Primary Mailing Address: 2310 S MIAMI BVLD STE 238,DURHAM NC 27703 | |
| Phone: (919) 308-2123 | Email: robert@ganderdev.com |
| Project Contact information (if different that property owner) | |
| Contact(s): Laura Goode - Parker Poe Adams & Bernstein LLP | |
| Primary Mailing Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601 | |
| Phone: (919) 835-4648 | Email: lauragoode@parkerpoe.com |
| Written metes and bounds description of property to be annexed: Attach additional sheets if necessary. An electronic copy in word format must be e-mailed to: Sarah.Shaughnessy@raleighnc.gov . | |

Section C Annexation Petition

State of North Carolina, County of Wake, Petition of Annexation of Property to the City of Raleigh, North Carolina

Part 1 The undersigned, being all the owners of the real property described in this application (Section B) respectfully request the annexation of said property to the City of Raleigh, North Carolina. **The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

☐

Contiguous to the present corporate limits of the City of Raleigh, North Carolina, or

☒

Not Contiguous to the municipal limits of the City of Raleigh, North Carolina and is located within three miles of the municipal limits of the City of Raleigh, North Carolina (pursuant to Chapter 989 of the Sessions Law of North Carolina, 1967).

Part 2 The undersigned certify that they have researched the assessment lien rolls of the City (located at <https://raleighnc.gov/services/doing-business/assessment-liens>), and that the property described in this application, including any portion thereof, ☐ is / ☒ is not (mark one) listed on any of the City's assessment lien rolls. If the property, or any portion thereof, is listed on the City's assessment lien rolls, the account number[s] for such assessment is _____.

Part 3 NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. §160D-108 and G.S. §160D-108.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? ☐ Yes ☒ No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this 9th day of August, 2022 by the owners of the property described in Section B.

Owner's Signature(s):

DocuSigned by:

Signature Robert Shunk Date 8/9/2022
3540 Auburn LLC, a North Carolina limited liability company,
By: Robert Shunk, Its Secretary

Corporate Seal**Print Owner Name(s) and Information:**

Name: 3540 AUBURN LLC Phone: (919) 308-2123
Address: 2310 S MIAMI BVLD STE 238, DURHAM NC 27703

Name: _____ Phone: _____
Address: _____

Above signature(s) attested by

DocuSigned by:

8/10/2022

David Clark

Received by the City Council of Raleigh, North Carolina, this _____ day of _____, 20____, at a Council meeting duly held.

Signature of the City Clerk and Treasurer: _____

RECEIVED

By Sarah Shaughnessy at 5:07 pm, Aug 11, 2022

Section D Standard Payment Contract

If petitioner desires to be considered for waiver of outside sewer connection fees required by Raleigh City Code Section 8-2004 (a) and (b), which is generally a \$200 fee per dwelling, business, or industrial unit charged at the time sewer connection permit is issued if a property is outside the city limits, petitioner should submit the standard payment contract (see **Agreement**, pages 4-5). The project will be eligible for waiver of this sewer connection fee: (1) if corresponding petition is administratively recommended to be approved by City Council and (2) if the following payment contract has been submitted to the City with appropriate signatures.

State of North Carolina

County of Wake

Agreement

This Agreement ("the Agreement") is made this the _____ day of _____, year of _____ by and between the City of Raleigh, North Carolina, (the "City") and _____, (the "Owner");

W I T N E S S E T H

WHEREAS, The Owner has petitioned the City to be annexed into the corporate City limits, City File No. _____;

WHEREAS, The Owner has initiated a development project at _____, City file _____, and said development contains sewer connections with the utility system of the City; and

WHEREAS, The parties hereto intend that during the pendency of the annexation petition, and after the petition has been recommended by staff to be approved by the City Council, the Owner should pay the City the same utility connection charges paid for developments located inside the corporate limits of the City, and further, if the City Council rejects the petition, then within thirty days following said rejection, the Owner shall pay additional moneys so that the total payment by Owner to the City is the same utility connection charges paid for developments located outside the City limits as set forth in Raleigh City Code Section 8-2004 (a) and (b).

NOW THEREFORE, in consideration for the mutual promises contained herein and other valuable consideration, the receipt of which is acknowledged by the parties, the parties hereto agree as follows:

1. Owner will be allowed to commence development without paying the City outside sewer connection charges.
2. That in the event that the annexation petition made by Owner is rejected by the City, Owner shall pay to the City all sewer connection fees required of developments located outside the City limits, as set forth in Raleigh City Code Section 8-2004 (a) and (b). Full payment shall be made within thirty days following the action of the City to deny the annexation petition.
3. That in the event Owner shall fail to make full payment to the City as required in paragraph two, the City in any cause of action for collection shall be entitled to interest at ten percent per annum plus reimbursement for all collection costs, including reasonable attorney fees.
4. That in the event Owner shall fail to make full payment to the City as required in paragraph two, the Owner agrees to allow the City to retain, as liquidated damages, any and all reimbursements owed to Owner by the City.
5. All rights granted herein in favor of the City are cumulative and supplemental to any other powers the City may have, and the rights established herein in favor of the City shall not in any way diminish or restrict the

City from exercising its police powers.

6. This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successors and assigns.
7. This Agreement may only be amended in writing signed by the parties hereto or their respective successors.
8. This Agreement and the legal relations of the parties hereto shall be governed by the laws of the State of North Carolina.
9. The parties hereto for themselves, their agents, officials, employees and servants agree not to discriminate in any manner on the basis of actual or perceived age, mental or physical disability, sex, religion, race, color, sexual orientation, gender identity or expression, familial or marital status, economic status, veteran status or national origin with reference to the subject matter of this Agreement, no matter how remote. The parties further agree in all respects to conform to the provisions and intent of Raleigh City Code, Section 4-1004, as amended. This provision is hereby incorporated into this Agreement for the benefit of the City of Raleigh and its residents, and may be enforced by action for specific performance, injunctive relief, or other remedy as by law provided.

In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first above written.

| | |
|---|---|
| Owner By <u>Robert Shunk</u> <u>8/9/2022</u> <small>DocuSigned by:</small> | Attest <u>David Clark</u> <u>8/10/2022</u> <small>DocuSigned by:</small> |
|---|---|

3540 Auburn LLC, a North Carolina limited liability company, By: Robert Shunk, Its Secretary

| | |
|---|--|
| The City By _____ Marchell Adams-David, City Manager | Attest _____ Gail G. Smith, City Clerk |
|---|--|

North Carolina

Wake

This is to certify that on the _____ day of _____ in the year _____, before me personally came Gail G. Smith, with whom I am personally acquainted, who, being by me duly sworn, says that she is the City Clerk and Treasurer and Marchell Adams-David is the City Manager of the City of Raleigh, the municipal corporation described in and which executed the foregoing; that she knows the corporate seal of said municipal corporation, that the seal affixed to the foregoing instrument is said corporate seal, and the name of the municipal corporation was subscribed thereto by the said City Clerk and Treasurer and that the said corporate seal was affixed, all by order of the governing body of said municipal corporation, and that the said instrument is the act and deed of said municipal corporation.

Notary Public

Seal

Witness my hand and official seal this the _____ day of _____ in the year of _____.

Notary Public: _____

My commission expires _____

Add appropriate notarized acknowledgement for owner such as individual owners, corporation owners, partnership owners, or limited liability corporation (LLC) owners.

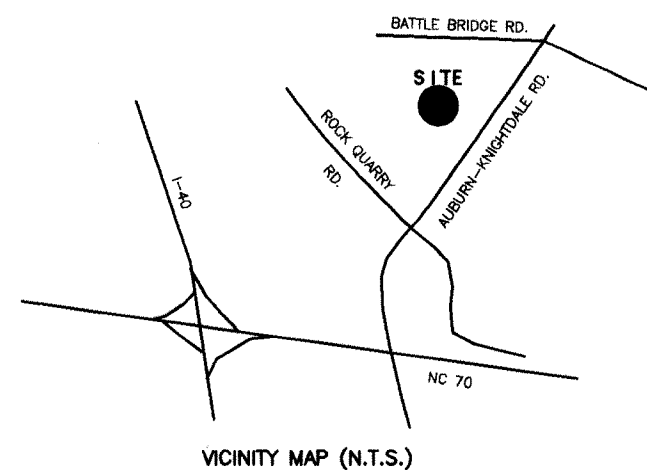
RECEIVED

By Sarah Shaughnessy at 5:07 pm, Aug 11, 2022

Section E Submittal Checklist

Please include all of the following (check off). If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> | Annexation Petition Fee (see the Development Fee Guide webpage for current fee) | |
| <input checked="" type="checkbox"/> | Written metes and bounds description of the property to be annexed must be attached to this application. See page 1 | |
| <input checked="" type="checkbox"/> | Electronic Word document of the written metes and bounds must be e-mailed to: Sarah.Shaughnessy@raleighnc.gov . | |
| <input checked="" type="checkbox"/> | Survey or Plat showing above written metes and bounds description of the property to be annexed must be submitted electronically in .pdf format, if possible. The survey or plat, if not already recorded, must be signed by a land surveyor licensed in the State of NC. The survey must be valid for the purposes of recording as set forth in NC General Statute § 47-30. | |
| <input checked="" type="checkbox"/> | City or County Property Map with parcels included in the annexation request clearly marked. An excerpt of a property map is acceptable, but the map number must appear on the excerpt. This map must show the existing and proposed city limits . | |
| N/A | <input type="checkbox"/> Copy of Approved Preliminary Site Plan or Final Site Plan showing City Building Permit Transaction Number or Group Housing Number (GH-_____-13, etc.) or | Copy of Subdivision Plat submitted for lot recording approval with City file number (S-_____-13, etc.) |
| <input checked="" type="checkbox"/> | Projected Market Value of Development at build-out (land and improvements). | |
| <input checked="" type="checkbox"/> | General Annexation Area Data: Linear feet of public streets, total annexation area acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed. | |
| <input checked="" type="checkbox"/> | This application form completed, <u>dated and signed</u> by the property owner(s) and attested submitted by the deadlines noted in section B of this application , pages 1 and 2. | |
| Required, but often missing information. Please make sure to include the following: | | |
| <input checked="" type="checkbox"/> | Correct Parcel Identification Number(s) (PIN). Call Wake County Geographic Information Services at 919-856-6360, if there is any question about the parcel identifier. This is very important. Please indicate if the property being requested for annexation is only a portion of an existing parcel. | |
| <input checked="" type="checkbox"/> | Owner's Signatures and Date of Signatures. See page 3 of this application. All real property owners must sign the application, and the <u>date of signature MUST be filled in!</u> | |
| N/A | <input type="checkbox"/> Corporate Seal for property owned by a corporation. | |
| <input checked="" type="checkbox"/> | Rezoning Application , if the property is currently outside Raleigh's Extraterritorial Jurisdiction . | |
| Optional, but necessary if petitioner desires to have development project waived from paying outside sewer connection charges prior to annexation effective date. | | |
| <input checked="" type="checkbox"/> | Standard Payment Contract should be <u>dated, signed and notarized</u> and submitted with this application (see Section D). | |



State of North Carolina, Wake County

I, James W. Mauldin, certify that this map was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated by latitudes and departures is 1:10,000, that the boundaries not surveyed are shown as broken lines plotted from information in book SEE page 355, that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this 14 day of April, 2004.
 SIGNATURE *James W. Mauldin*
 License Number L-3247

FILED FOR
REGISTRATION

DATE
LAURA M. RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

BY *Ast./Deputy*

TIME

- I, James W. Mauldin, Professional Land Surveyor No. L-3247, Certify to one or more of the following as indicated thus:
- That this plot is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - That this plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 - ☒ That this plot is of a survey of an existing parcel or parcels of land.
 - That this plot is of a survey of another category, such as the recombination of existing parcels, a court-order survey or other exception to the definition of subdivision.
 - That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (a) through (d) above.

James W. Mauldin
 James W. Mauldin, Professional Land Surveyor No. L-3247

REFERENCES:
 D.B.1888 PG.359
 D.B.10763 PG.308
 ALL OTHER REFERENCES SHOWN.

LEGEND

- Existing Iron Pipe (Control Point)
- Iron Pipe Set (unless otherwise noted)
- Existing Concrete Monument (Control Point)
- Concrete Monument Set
- X Computed Point Only

All measurements shown are horizontal ground measurements unless otherwise noted.
 Area computed by coordinates

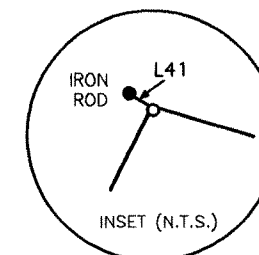
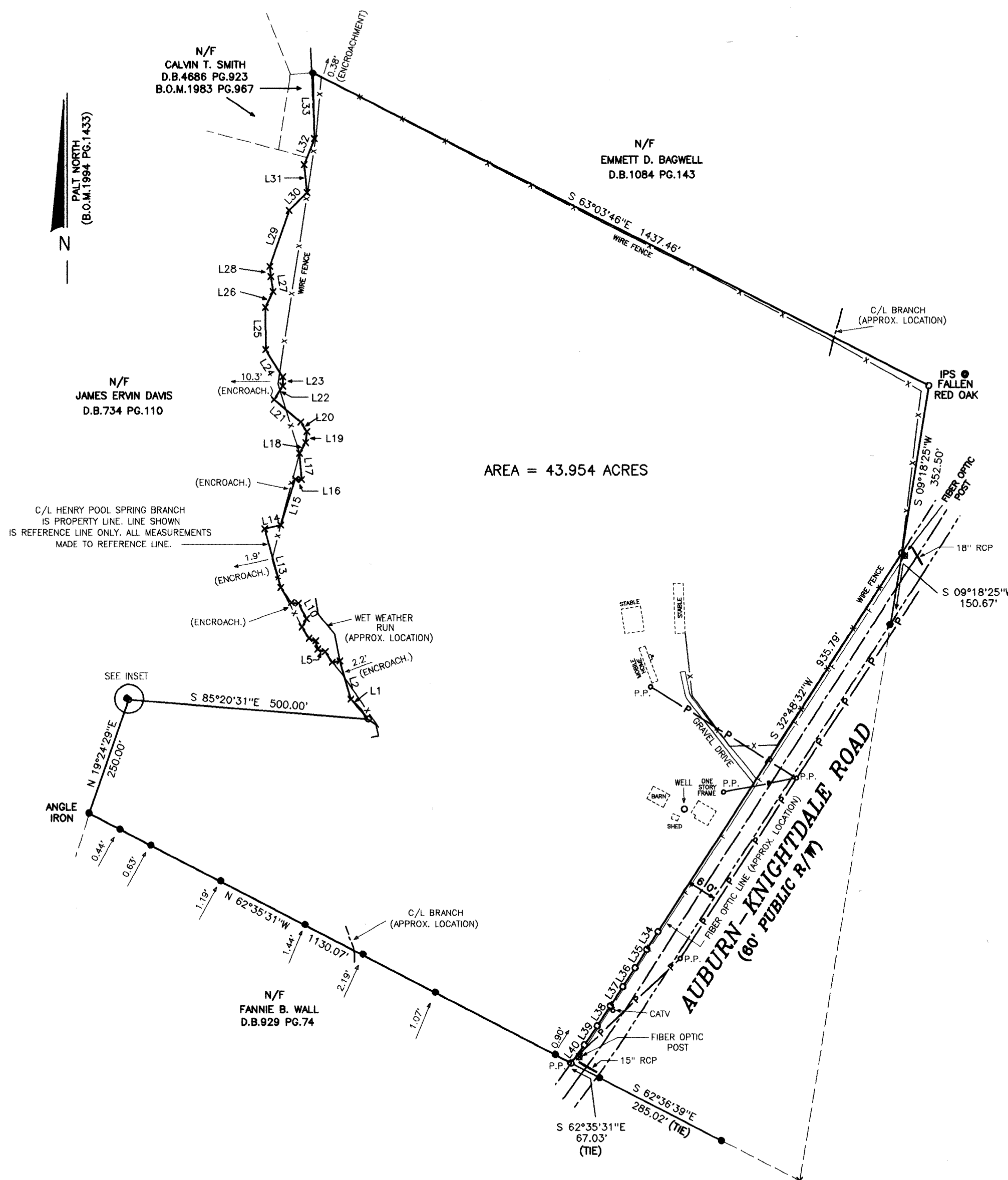
Zone: R-30 Pin#: 1741.01-15-1538

— F — F — F — FIBER OPTIC LINE (APPROX. LOCATION)
 — P — P — P — OVERHEAD POWERLINE (R/W UNKNOWN)

RECORDED WAKE COUNTY BOOK 2004 PAGE 00665

WAKE COUNTY, NC 337
 LAURA M RIDDICK
 REGISTER OF DEEDS
 PRESENTED & RECORDED ON
 04/19/2004 AT 11:52:37

BOOK:BM2004 PAGE:00665



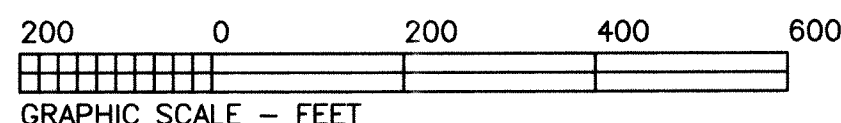
| COURSE | BEARING | DISTANCE |
|--------|--------------|----------|
| L1 | N 41°40'03"W | 55.66' |
| L2 | N 15°48'05"W | 82.52' |
| L3 | S 81°24'11"W | 16.54' |
| L4 | N 33°34'03"W | 26.52' |
| L5 | N 72°43'25"W | 15.67' |
| L6 | N 13°51'27"W | 17.98' |
| L7 | N 68°35'48"W | 15.18' |
| L8 | N 31°14'17"W | 27.29' |
| L9 | N 28°04'46"E | 19.80' |
| L10 | N 27°42'31"W | 35.68' |
| L11 | N 84°37'37"W | 15.29' |
| L12 | N 34°43'00"W | 38.31' |
| L13 | N 15°19'16"W | 126.65' |
| L14 | N 76°57'30"E | 34.07' |
| L15 | N 17°53'25"E | 100.74' |
| L16 | S 84°05'49"E | 12.94' |
| L17 | N 04°28'08"W | 55.36' |
| L18 | N 30°49'14"E | 25.15' |
| L19 | N 06°06'29"E | 23.09' |
| L20 | N 32°49'18"W | 23.36' |
| L21 | N 49°46'20"W | 72.20' |
| L22 | N 32°46'55"E | 33.59' |
| L23 | N 00°50'56"W | 19.51' |
| L24 | N 32°32'18"W | 66.01' |
| L25 | N 00°25'46"W | 88.27' |
| L26 | N 26°23'17"E | 36.82' |
| L27 | N 08°52'57"W | 31.88' |
| L28 | N 05°27'57"W | 21.21' |
| L29 | N 19°01'11"E | 124.12' |
| L30 | N 45°11'03"E | 52.12' |
| L31 | N 05°34'10"W | 58.36' |
| L32 | N 21°43'22"E | 57.67' |
| L33 | N 01°10'57"W | 136.21' |
| L34 | S 32°18'59"W | 43.78' |
| L35 | S 32°34'37"W | 45.52' |
| L36 | S 33°01'40"W | 46.52' |
| L37 | S 33°09'11"W | 47.77' |
| L38 | S 33°30'08"W | 49.57' |
| L39 | S 34°26'23"W | 47.97' |
| L40 | S 36°20'29"W | 46.59' |
| L41 | N 59°14'17"W | 4.67' |

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

NOTES:

- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
- THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.

THE SURVEYOR RELIED UPON THE CITY OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCE AND HAS MADE NO INTERPRETATIONS OF THE ORDINANCES.



OWNER:
 LOVICK BUILDERS, INC.
 4948 WENDY HILL DRIVE
 RALEIGH, N.C. 27609

BOUNDARY SURVEY FOR:
LOVICK BUILDERS, INC.

ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA
 SCALE 1" = 200' MARCH 26, 2004

MAULDIN - WATKINS SURVEYING, P.A.
 P.O. BOX 444 / 1301 W. BROAD ST.
 FUQUAY VARINA, NORTH CAROLINA 27526
 (919) 552-9326

JOB #2716
 CF:2716TRAV PF:2716RM