AMENDED AGENDA
REGULAR MEETING
CITY COUNCIL, CITY OF ASHEBORO
WEDNESDAY, NOVEMBER 8, 2023, 7:00 PM

1. Call to Order

2. Silent Prayer and Pledge of Allegiance

OLD BUSINESS

3. Continuation of Public Hearing for Land Use Case No. RZ-23-14: Community Development Director Trevor Nuttall will present a request from the applicant to continue this case involving an application to rezone property located along the west side of Zoo Parkway and the south side of Newbern Avenue from R40, R15, and R10 zoning to R7.5 (CZ) zoning for a residential planned unit development.

The applicant has requested to continue this case to the city council's next regular meeting on December 7, 2023.

NEW BUSINESS

4. Public Comment Period

5. Mayor Smith will present the Asheboro Pride Award to Ms. Linda Brown for her distinguished service as the President of the Asheboro/Randolph Chamber of Commerce.

6. Mayor Smith will recognize Finance Officer Deborah Reaves for her vital role in the city's receipt from the Government Finance Officers Association of a Certificate of Achievement for Excellence in Financial Reporting.

7. Police Chief Mark Lineberry, on behalf of the city, will thank and honor retired Master Police Officer Lorie A. Johnson for her dedicated service.

8. Recreation Services Director Jonathan Sermon will provide a Zoo City Sportsplex update that will address recent staffing changes as well as programming initiatives.

9. Consent Agenda

   (a) Approval of the meeting minutes for the regular city council meeting held on October 5, 2023.

   (b) Acknowledgment of the receipt of the meeting minutes for the Asheboro ABC Board meeting held on August 28, 2023.

(c) Approval of a temporary street closure order for the Christmas Parade on December 1, 2023.

(d) Approval of a temporary street closure order for the Christmas Downtown event on December 8, 2023.

(e) Approval of an ordinance to amend the General Fund budget to account for the previously approved installment financing used to purchase police radios.

(f) Approval of an ordinance to amend the Water & Sewer Fund budget to account for the supply chain shortage of water meters and water meter parts and the resulting increase in price to restock and rebuild the city's meter inventory.

(g) Approval of the community development division's request to schedule for December 7, 2023, and to advertise, legislative zoning applications for the following cases:

(i) An application to rezone property at 306 Harrison Street, which is identified by Randolph County Parcel Identification Number 7761238822, from B1 zoning to RA6 (CZ) conditional zoning to allow for a single-family residential addition that provides a reasonable accommodation; and

(ii) An application to rezone property identified by Randolph County Parcel Identification Number 7754927117 that is located on United States Highway 220 Business North, north of 4986 United States Highway 220 Business, from R15 zoning to B2 (CZ) conditional zoning to allow for minor motor vehicle repair.

10. Community Development Director Trevor Nuttall will provide the initial testimony for the following legislative zoning hearings:

(a) Public Hearing (Case No. RZ-23-15) – The requested application of initial city R10 zoning to recently annexed property that is identified by Randolph County Parcel Identification Number 7763933698 and is located on W O W Road, east of 1766 W O W Road and approximately 450 feet northwest of the intersection of Old Liberty Road;

(b) Public Hearing (Case No. RZ-23-16) – The requested rezoning of property that is identified by Randolph County Parcel Identification Number 7762401107 and is located on the north side of East Allred Street, approximately 200 feet west of Ingram Drive, from R10 and R15 zoning to R10 (CZ) conditional zoning for a development consisting of single-family dwellings; and

(c) Public Hearing (Case No. RZ-23-17) – The requested rezoning of property identified by Randolph County Parcel Identification Numbers 7751868499 and 7751960550 (this property has three street addresses: 639 North Fayetteville Street, 645 North Fayetteville Street, and 114 Liberty Street) from B2 and R10 zoning to OA6 zoning.

11. Public Hearing – Community Development Block Grant (CDBG) Funding for Neighborhood Revitalization

(a) Community Development Director Trevor Nuttall will provide the initial testimony for the public hearing on the question of applying for funding in an amount up to $950,000 to help Wainman Homes, Inc. to preserve and renovate CASPN Homes.

(b) Consideration of a resolution authorizing an application for up to $950,000 in CDBG funding for Neighborhood Revitalization.

12. Community Development Director Trevor Nuttall will announce the following community development programming and participation opportunities:

(a) The acceptance of Urgent Repair Program applications to assist low-moderate income households with owner-occupied emergency housing repairs beginning November the 13th; and

(b) A public workshop will be held on Monday, November 13, 2023, from 3-6 p.m., at the Asheboro Recreation Center (Multi-Purpose Room) related to the proposed Trade Street and North Street infrastructure project.

13. City Manager John Ogburn will provide an update on recent activities to address issues that arise when people are homeless.

14. Proposed Apparatus Purchase for the Asheboro Fire and Rescue Department

(a) Fire Chief Willie Summers will present the request to purchase a quick response vehicle to reduce response costs and time associated with sending out a fully staffed vehicle when that resource is not needed.

(b) Finance Director Deborah Reaves will request council action on two items to properly account for the apparatus purchase.

(i) Consideration of an ordinance to amend the General Fund to account for the purchase, including installment financing, of fire and rescue department equipment.

(ii) Consideration of a resolution declaring the official intent of the city to purchase equipment and to reimburse the General Fund with installment financing proceeds.

15. City Engineer Michael Leonard, PE will introduce petitions that have been received from property owners for the annexation of two different areas into the satellite city limits.

(a) Crestview Church Road Tract of Land

(i) Consideration of a resolution directing the city clerk to investigate the annexation petition.

(ii) Consideration of a resolution setting the date for a public hearing on the question of annexation.

(b) McMasters Street Tracts of Land

(i) Consideration of a resolution directing the city clerk to investigate the annexation petition.

(ii) Consideration of a resolution setting the date for a public hearing on the question of annexation.

16. Asheboro Regional Airport

(a) City Engineer Michael Leonard, PE will request approval of Amendment No. 1 to Work Authorization No. 1 with WK Dickson for an extension of contract time and an increase in duties due to contractor omission of P-501 Concrete Testing Mix Requirements specified in bid documents.

(b) Finance Director Deborah Reaves will request approval of an ordinance to amend the Airport Improvements Fund to fund Work Authorization No. 1, Amendment No. 1.

17. Acquisition of Real Property for Overflow Parking at McCrary Ballpark

(a) Finance Director Deborah Reaves will request approval of an ordinance to amend the McCrary Ballpark Improvements Fund to account for expenditures made in furtherance of the McCrary Ballpark project, specifically including the purchase of three parcels of land for overflow parking.

(b) City Attorney Jeff Sugg will request authorization for the mayor to execute on behalf of the city an offer to purchase three parcels of land for overflow parking at McCrary Ballpark.

18. Acquisition of Real Property for an Emergency Operations Center/Third Fire Station

(a) Fire Chief Willie Summers will describe a parcel of land that is both available for purchase and is desirable as the location for the construction of an emergency operations center/third fire station.

(b) Finance Director Deborah Reaves will request approval of an ordinance to amend the General Fund to account for expenditures that will be needed to acquire the real property described by Chief Summers.

(c) City Attorney Jeff Sugg will request authorization for the mayor to execute on behalf of the city the legal instruments necessary for the purchase of the above-described real property.

19. Water Resources Director Michael Rhoney, PE will provide an update on the contested case pending in the Office of Administrative Hearings that pertains to the issuance of the NPDES permit to Asheboro.

20. Mayor Smith will lead a discussion of potential changes in the city council's schedule for regular meetings in 2024.

21. Mayor Smith will lead a discussion of upcoming events and items not on the agenda.

22. Adjournment

RZ-23-14: Request to rezone property located along the west side of Zoo Parkway and the south side of Newbern Avenue from R40 Low-Density Residential, R15 Low-Density Single-Family Residential, and R10 Medium-Density Residential to R7.5 (CZ) Medium-Density Residential Conditional Zoning for a Residential Planned Unit Development

Staff Report

The applicant has requested a continuance of the case to the December 4 Planning Board and December 7 City Council meeting.

FW: [External Sender] Hillcrest Farm Subdivision Continuance Request

Jerry Fitzgerald <jerry@fitzcomm.net>
Wed 11/1/2023 11:45 AM

To:Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Cc:johnhrosspe@gmail.com <johnhrosspe@gmail.com>

Trevor,

As you know, we are diligently working on getting our TIA done as soon as possible.
We feel we should have that shortly but in order to have ample time to prepare for a presentation, we would like to request a continuance for our planning board and city council meetings until December.
Please favorably consider our request and let us know if this is acceptable.
We should be ready by December.
Thanks so much.
Jfitz

From: Jerry Fitzgerald
Sent: Tuesday, September 26, 2023 5:24 PM
To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Cc: Drew Boggs <DBoggs@boggscontractinginc.com>; johnhrosspe@gmail.com; John Evans <jevans@ci.asheboro.nc.us>
Subject: Re: [External Sender] Hillcrest Farm Subdivision Continuance Request

Got it-
Thanks Trevor

Sent from my iPhone

> On Sep 26, 2023, at 5:05 PM, Trevor Nuttall <tnuttall@ci.asheboro.nc.us> wrote:
>
> No problem – just FYI we have not seen an annexation petition for the property at this point. The email below references rezoning/annexation and at this time, only the rezoning has been submitted.
>
> There is no need to take any action on your part but I did want to clarify what is currently in-process. Should the rezoning be approved, annexation would have to be separately requested and approved for the project to move forward.
>
> **From:** Jerry Fitzgerald <jerry@fitzcomm.net>
> **Sent:** Tuesday, September 26, 2023 4:13 PM
> **To:** Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
> **Cc:** Drew Boggs <DBoggs@boggscontractinginc.com>; johnhrosspe@gmail.com; John Evans <jevans@ci.asheboro.nc.us>
> **Subject:** RE: [External Sender] Hillcrest Farm Subdivision Continuance Request
>
> Thanks Trevor.
> Jfitz

From: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Sent: Tuesday, September 26, 2023 4:06 PM
To: Jerry Fitzgerald <jerry@fitzcomm.net>
Cc: Drew Boggs <DBoggs@boggscontractinginc.com>; johnhrosspe@gmail.com; John Evans <jevans@ci.asheboro.nc.us>
Subject: RE: [External Sender] Hillcrest Farm Subdivision Continuance Request

Received – thank you.

From: Jerry Fitzgerald <jerry@fitzcomm.net>
Sent: Tuesday, September 26, 2023 4:03 PM
To: Trevor Nuttall <tnuttall@ci.asheboro.nc.us>
Cc: Drew Boggs <DBoggs@boggscontractinginc.com>; johnhrosspe@gmail.com; John Evans <jevans@ci.asheboro.nc.us>
Subject: FW: [External Sender] Hillcrest Farm Subdivision Continuance Request

Trevor,

On behalf of Drew Boggs, our project applicant, we request a continuance for our regular planning board meeting.
Drew will confirm this shortly as he is unavailable today.
Thanks for your help and assistance.
If you have questions, please don't hesitate to contact me.

Thanks again.
Jfitz

From: John Ross <johnhrosspe@gmail.com>
Sent: Monday, September 25, 2023 3:45 PM
To: Drew Boggs <DBoggs@boggscontractinginc.com>; Ingram Walters (claytoningramwalters@gmail.com) <claytoningramwalters@gmail.com>; Jerry Fitzgerald <jerry@fitzcomm.net>; John Ross <johnhrosspe@gmail.com>
Subject: Hillcrest Farm Subdivision Continuance Request

Drew,

As the applicant, the following email to Trevor Nuttall should come from you and copy to the rest of the team. Feel free to cut and paste (and edit as you wish) Thank You....JHR

Email to be sent to Trevor Nuttall:
tnuttall@ci.asheboro.nc.us

Trevor,

At the Planning Board meeting earlier this month the Board voted to continue the Hillcrest Subdivision Rezoning/Annexation case until the Traffic Impact Analysis could be completed. The Analysis is in process and scoping for the study has been approved by NCDOT and background traffic counts are in process. Based on a conversation with our traffic consultant, we expect the counts will be completed within the next week. Beyond the completion of the field collected traffic counts, we

expect 3-4 weeks will be required to complete the study and submit it for approval by NCDOT. We will continue to track and monitor the progress of the Analysis and will keep you updated. With that said, we do not anticipate having the study completed and submitted to NCDOT prior to the October meeting dates.

Given the importance of understanding potential traffic impacts and potential mitigation associated with our project, it is our formal request that the zoning and annexation petition for Hillcrest Farm Subdivision be granted a continuance until the regularly scheduled Planning Board and City Council Meeting dates in November of this year.

Please let us know if there is anything more than this emailed request that you may need.

We thank you in advance for your consideration of this request. Should you have questions or require additional information, please contact me or anyone on our project team.

Thank you.

Andrew Boggs

--
John H. Ross, PE
704-301-0461
JohnHRossPE@gmail.com

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-23-14**

Date Pending - no recommendatio

Applicant Ridge Road Partners, LLC c/o Drew Boggs

Legal Description

The property of Hillcrest Farm Estates, LLC, located on the west side of Zoo Parkway, between 2358 and 2476 Zoo Parkway, and the south side of Newbern Avenue, between 294 and 360 Newbern Avenue, totaling approximately 94.27 acres +/- of 104.27 acres +/- and more specifically identified by a portion of Randolph County Parcel Identification Number 7760008593 and Parcel ID 7760013008.

Requested Action Rezone from R40 Low-Density Residential, R15 Low-Density Single-Family Residential, and R10 Medium-Density Residential to R7.5 (CZ) Medium-Density Residential Conditional Zoning for a Residential Planned Unit Development

Existing Zone RA6 and B2 (CZ)

Land Development Plan See rezoning staff report.

Planning Board Recommendation

The Planning Board continued this case at its September, October and November meetings.

Note: The applicant requested continuances from the Planning Board at its October and November meetings. The Board is scheduled to meet December 4, 2023.

Reason for Recommendation

The Planning Board has continued the case several times in order to give the applicant the opportunity to obtain and present information from a Traffic Impact Analysis related to the proposed development.

Planning Board Comments

TO: John Ogburn, *City Manager*

FROM: Jonathan Sermon, *Recreation Services Director*

DATE: November 2, 2023

SUBJECT: **Zoo City Sportsplex Updates**

The Cultural & Recreation Services Department is requesting to be placed on the agenda for the November 8th City Council meeting. The request is to provide the Council with updates on recent staffing changes as well as programming developments at the Zoo City Sportsplex.

The council will be introduced to Sportsplex Facility Manager, Ryan McCoy and Program Coordinator, Brice Dalke. Mr. McCoy will then update the Council on the Sportsplex's first large scale tournament rental the weekend of November 11-12, 2023.

Mailing Address:
PO Box 1106
Asheboro, NC 27204

Phone: 336-626-1201
Fax: 336-626-1218
www.asheboronc.gov

Physical Address:
146 North Church Street
Asheboro, NC 27203

REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, ASHEBORO CITY HALL
THURSDAY, OCTOBER 5, 2023
7:00 P.M.

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following elected officials and city management team members present:

David H. Smith) – Mayor Presiding

Clark R. Bell)
Edward J. Burks)
Kelly L. Heath)
William N. McCaskill) – Council Members Present
Walker B. Moffitt)
Jane H. Redding)
Charles A. Swiers)

Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Charles D. Garner, Code Enforcement Officer
N. Byron Hill, Police Captain
Thomas E. Howell, Master Police Lieutenant
Michael L. Leonard, PE, City Engineer
Mark T. Lineberry, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Tammy M. Williams, Engineering Assistant/Deputy City Clerk

1. Call to Order

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Moment of Silent Prayer and Pledge of Allegiance

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and recite the pledge of allegiance.

[Prior to the consideration of the following agenda items and without objection, Mayor Smith asked the council to move item 10(a) to this point in the meeting and consider continuing the matter to another meeting. Council Member Bell moved, and Council Member Heath seconded the motion, to continue agenda items 10(a)(i)(ii)(iii) to the council's regular November meeting that is scheduled for November 8, 2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.]

3. Public Comment Period

Mayor Smith opened the floor for public comments, and none were offered. Mayor Smith then closed the public comment period.

4. The Honoring of a Retired Police Officer

Due to the absence of the honoree, this agenda item will be addressed at a future regular council meeting. No formal action was taken by the council during this portion of the meeting.

5. An Update on Recent Activities to Address Issues that Arise When People are Homeless

Master Police Lieutenant Eddie Howell and Code Enforcement Officer Chuck Garner summarized the recent police and code enforcement activities that have taken place to address issues surrounding homelessness. In addition to closing multiple homeless camps within the city, the police department has increased the focus on curfew hours in the park.

No formal action was taken by the council during this portion of the meeting.

6. Consent Agenda Items

Council Member Burks moved, and Council Member Bell seconded the motion to approve/adopt the following consent agenda items. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(a) Approval of the City Council Meeting Minutes for September 7, 2023

The meeting minutes for the city council's regular meeting on September 7, 2023, were approved and have been filed in the city clerk's office. An electronic copy of the approved document has been posted on the city's website.

(b) Approval of the General Account of a Closed Session Held During the Council's Regular Meeting on September 7, 2023

The general account of the city council's closed session that was held during the council's regular meeting on September 7, 2023 were approved and have been filed in the city clerk's office.

(c) Approval of a Resolution Sealing the General Account of the Closed Session Held During the City Council's Regular Meeting on September 7, 2023

RESOLUTION NUMBER 39 RES 10-23

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

Resolution Sealing the General Account of a Closed Session Conducted during a Regular Meeting on September 7, 2023

WHEREAS, Section 143-318.10(e) of the North Carolina General Statutes provides, in pertinent part, that the "minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session;" and

WHEREAS, pursuant to Section 143-318.11(a)(5) of the North Carolina General Statutes, the city council, upon unanimous adoption of a properly made and seconded motion, went into closed session on September 7, 2023, to provide instructions to city staff concerning the position to be taken in negotiating the price and other material terms for the acquisition of real property needed for the proposed third fire station/emergency operations center; and

WHEREAS, the purpose for going into closed session on September 7, 2023, would be frustrated if the general account of the closed session were to be made available for public inspection at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the general account of the closed session conducted on September 7, 2023, is hereby sealed and will remain sealed so long as public inspection of the records would frustrate the purpose of the closed session; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro that the city manager is hereby authorized to act as the council's agent with the authority to unseal

these records when the purpose of the closed session would no longer be frustrated by making the records available for public inspection or when the unsealing of this general account is otherwise required by law.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting held on October 5, 2023.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

(d) Approval of the Community Development Division's Request to Schedule for November 8, 2023, and to Advertise, Legislative Zoning Hearings for the Following Cases:

(i) An application to apply initial city R10 zoning to recently annexed property identified by Randolph County Parcel Identification Number 7763933698 and located on WOW Road, east of 1766 WOW Road and approximately 450 feet northwest of the intersection of Old Liberty Road; and

(ii) An application to rezone property identified by Randolph County Parcel Identification Number 7762401107 and located on the north side of East Allred Street, approximately 200 feet west of Ingram Drive, from R10 and R15 Zoning to R10 (CZ) conditional zoning for a development consisting of single-family dwellings; and

(iii) An application to rezone property identified by Randolph County Parcel Identification Numbers 7751868499 and 7751960550, with the street addresses of 639 and 645 North Fayetteville Street and 114 Liberty Street, from B2 and R10 zoning to OA6 zoning.

(e) 2023-2024 Canada Geese (including White-Fronted Geese) and Duck Hunting Season at Lake Reese

Canada Geese (including White-Fronted Geese) and duck hunting has been successfully offered at Lake Reese for the past 15 years and will be offered again this season.

The council approved the following dates for the 2023-2024 hunting season at Lake Reese for Canada Geese (including White-Fronted Geese) and ducks:

November 11th, 13th, 16th
December 21st, 23rd, 28th
January 20th, 22nd, 25th

Hunting hours are ½ hour before sunrise to sunset. The lake will be closed to other activities while hunting takes place. Hunters are required to call Lake Reese at least 24 hours in advance to reserve a space. If hunting reservations are not made, the lake will operate on its regular winter schedule.

(f) Special Event Closure Order – "Trick or Treat in the Park"

The council approved a special event closure order, including a temporary street closure, for "Trick or Treat in the Park" event. The temporary closure order will take effect at 0900 hours on October 28, 2023, and will end at 2100 hours on October 28, 2023. Pursuant to the special event closure order, the

Zoo City Social District will not be impacted. A copy of the map with the special event closure order is on file in the city clerk's office.

(g) Special Event Closure Order – Event Related to Keaton's Place

The council approved a special event closure order, including a temporary street closure, for an event related to Keaton's Place. The temporary closure order will take place at 0800 hours on November 4, 2023, and will end at 1700 hours on November 4, 2023. A copy of the map with the special event closure order is on file in the city clerk's office.

7. Community Development Public Hearings

(a) Legislative Hearing (Case No. RZ-23-13): A request to rezone land (Randolph County Parcel Identification Number 7761146503) at 624 Brewer Street and 621 Franks Street from RA6 zoning and B2 (CZ) zoning to an amended B2 (CZ) zoning classification for a large childcare center and the continuation of a membership organization.

Mayor Smith opened the above-described legislative hearing for Case No. RZ-23-13. Community Development Director Trevor Nuttall was the first speaker, and he gave an overview of the zoning map amendment application submitted by Ms. Ashley Hedrick.

The land for which the above-described zoning has been requested is identified by Randolph County Parcel Identification Number 7761146503 and will be referred to as the Zoning Lot. This lot is located on at 624 Brewer Street and 621 Franks Street. The Zoning Lot is approximately 3.32 acres in size.

In addition to the written staff report, Mr. Nuttall utilized a slide show presentation in conjunction with his comments. The following points of information were noted.

1. The property is inside the city limits.

2. Brewer and Franks Streets are both local streets. A sidewalk extends along Brewer Street in front of the property.

3. In 1982, a Special Use Permit was issued for a large childcare facility (SUP-82-15) in the structure located at 624 Brewer Street. The daycare has ceased operations for an amount of time that precludes resumption of the use without city council action.

4. In 2001, the portion of the property that includes the gym at 621 Franks Street, was rezoned from RA6 High-Density Residential to CU-B2 Conditional Use General Commercial. At that time, a Conditional Use Permit (CUP-02-23) for a Membership Organization was granted. This request does not propose changes to the previously approved membership organization authorization.

5. In June 2018, the applicant at that time requested a Special Use Permit to allow a new non-conforming use for the structure located at 624 Brewer Street (from a large child care center to professional services). A subsequent request to rezone the property to an O&I Office and Institutional General District also was denied in September 2018.

6. Available records show that the property has been used for non-residential purposes since at least the 1950's.

7. The zoning ordinance describes the B2 General district as "intended to serve the convenience goods, shoppers goods retail and service needs of

the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."

8. The zoning ordinance distinguishes between childcare centers based on the size of the center. A large center is classified as serving 80 or more children. A large center is permitted by way of a Special Use Permit in the B2 district or through a conditional zoning process; the applicant seeks a conditional zoning district.

9. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. The main deviation identified with the application is related to the number of off-street parking spaces provided. The site plan delineates a total of 22 off-street parking spaces, which could accommodate 60 children, 12 employees, and 2 facility vehicles. The application seeks approval for up to 100 children, 20 employees, and 2 facility vehicles. Typically, a day care that size would require 36 off-street parking spaces. The building does provide a drop-off area that offers short-term parking for approximately 5 vehicles.

10. On-street parking is permitted by ordinance on both sides of Brewer Street generally from dawn to dusk.

Mr. Nuttall noted that, when evaluating a rezoning application, careful consideration must be given to each goal and policy as outlined in the Land Development Plan.

Proposed Land Use Map Designation:	Neighborhood Residential
Small Area Plan:	Central
Growth Strategy Map Designation:	Primary Growth

LDP Goals/Policies Which Support Request:

Checklist Item 5:	Complies with Growth Strategy Map
Checklist Items 12, 13, and 14:	12.) Property is located outside of watershed. 13.) The property is located outside of Special Hazard Flood Area. 14.) Rezoning is not located on steep slopes of greater than 20%.
LDP Design Principles:	PRINCIPLE #3 – Move from "Separation of Uses" toward "Mixed Use Development."

LDP Goals/Policies Which Do Not Support Request:

Checklist Item 1:	Does not comply with LDP proposed land use map.
Checklist Item 3:	The property on which the rezoning district is proposed does not fit the description of the Zoning Ordinance.
2.1.5:	The city will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

The City of Asheboro Planning Board considered the rezoning application and recommended placement of the Zoning Lot into the requested B2 (CZ) zoning district. In making this recommendation, the planning board concurred with the planning staff's analysis of the consistency of the proposed rezoning with the adopted comprehensive plans as well as the reasonableness of the proposal. The planning staff's analysis is summarized in the following indented paragraphs.

> Staff believes that the Land Development Plan supports investment in and use of underutilized structures, particularly for development that is compatible with surrounding land uses and provides neighborhoods with important services. This property was used for a childcare center for many years and is already developed in a manner that, by its design, separates the use of 624 Brewer Street from neighboring single-family dwellings. While the building is in close proximity to the East Side Homes apartments, it does provide needed shared access to separate parking available to those residents.
>
> The Proposed Land Use Map designates the property for future residential development, which is reflective of the current RA6 zoning; however, the rezoning application is consistent with how the property has been used in the past and approval would result in improvements to the building and property that should help to improve this community asset.
>
> While generally supportive of the application, staff is concerned about the sufficiency of parking for the size day care that is proposed. A daycare with up to 80 children should not generate problems related to parking due to the availability of short-term parking within the drop-off queue and on-street parking on Brewer Street. Should the size of the daycare exceed 80, staff does recommend a condition be included with the zoning district that would allow the property owner and proprietor to work with staff to identify a suitable location permitted by the zoning ordinance for five additional off-street parking spaces to be provided without the need to amend the conditional zoning district.
>
> Considering the aforementioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest, subject to acceptance of the staff-suggested conditions.

In the event of council approval of the application, the planning staff did offer suggested conditions to include as part of the conditional zoning ordinance. These conditions are as follows:

(A) *The use approved shall be a Large Child Care Center for up to 80 children and the site developed consistent with the site plan submitted. If the number of children served exceeds 80 children, up to a maximum of 100 children, a revised site plan showing 5 (five) additional off-street parking spaces shall be submitted to the Planning Department for review of code compliance and inclusion in the file without further review by the council. Such parking shall be located outside of any required buffer or screening yards.*

(B) *All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.*

(C) *Subject to the provisions of the Zoning Ordinance and CUP-02-23, the Membership Organization existing at 621 Franks Street may continue.*

(D) *The child care facility must meet the standards provided by the NC Department of Health and Human Services Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the Planning Department staff prior to any Certificate of Zoning Compliance being issued.*

(E) Hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.

(F) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to this conditional zoning district in the chain of title for the Zoning Lot.

Ms. Ashley Hedrick presented comments in support of the rezoning application, including her agreement with the above-stated conditions proposed by the city planning staff. Additionally, Cassie Link, Heather Semler, and Trisha Vaughn presented comments supporting the requested rezoning. When no one else asked to speak, Mayor Smith moved to the deliberative phase of the process.

After engaging in deliberations about the zoning map amendment application, Council Member Bell moved, and Council Member Swiers seconded the motion to adopt the plan consistency statement printed below and to approve the requested rezoning with the following multi-part motion.

1. The council believes that the Land Development Plan supports investment in and use of underutilized structures, particularly for development that is compatible with surrounding land uses and provides neighborhoods with important services. This property was used for a childcare center for many years and is already developed in a manner that, by its design, separates the use of 624 Brewer Street from neighboring single-family dwellings. While the building is in close proximity to the East Side Homes apartments, it does provide needed shared access to separate parking available to those residents.

   The Proposed Land Use Map designates the property for future residential development, which is reflective of the current RA6 zoning; however, the rezoning application is consistent with how the property has been used in the past and approval would result in improvements to the building and property that should help to improve this community asset.

   While generally supportive of the application, the council is concerned about the sufficiency of parking for the size day care that is proposed. A daycare with up to 80 children should not general problems related to parking due to the availability of short-term parking within the drop-off queue and on-street parking on Brewer Street. Should the size of the daycare exceed 80, a condition will be included with the zoning district to allow the property owner and proprietor to work with staff to identify a suitable location permitted by the zoning ordinance for five additional off-street parking spaces to be provided without the need to amend the conditional zoning district.

   Considering the aforementioned analysis, the council believes that the proposed zoning map amendment is reasonable and in the public interest. The staff-suggested conditions are hereby adopted as part of the conditional zoning ordinance approved for this case.

2. The zoning map amendment application seeking to place the Zoning Lot into an amended B2 (CZ) zoning district is hereby approved.

Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

(b) Legislative Hearing (Case No. RZ-23-14): A request to rezone property on the west side of Zoo Parkway , between 2358 and 2476 Zoo Parkway, and the south side of Newbern Avenue, between 294 and 800 Newbern Avenue. The property is approximately 94.27 +/- of 104.27 acres +/- in size and is more specifically identified as a portion of Randolph County Parcel Identification Number 7760008593 and Randolph County Parcel Identification Number 7760013008. The specific request is to amend the zoning from R40, R15, and R10 to R7.5 (CZ) zoning for a Residential Planned Unit Development.

Mr. Nuttall presented a written request from the applicant, to continue the above-described land use case to the council's regular meeting on November 8, 2023.

Council Member Bell moved, and Council Member Burks seconded the motion to continue the above-described land use case to the council's regular meeting on November 8, 2023. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

8. Authorization to Submit a Land Lease Application to Norfolk Southern

On behalf of city staff, Mr. Nuttall requested that the council authorize the submission of a land lease application to Norfolk Southern in connection with existing encroachments into railroad right-of-way by parts of the city-owned historic mill property located at 159 North Street.

Council Member Bell moved, and Council Member Heath seconded the motion to authorize the submission of a land lease application to Norfolk Southern. The authorization to submit the application includes authorization to execute a lease agreement if the city's application is successful Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

9. Jarrell Garden Visitors Center Study

Mr. Nuttall reported that construction on the Jarrell Center City Garden in downtown Asheboro is set to begin soon. Prior to that construction, city staff is seeking guidance from the council members on how to proceed with the visitors center on the property.

The first option is to renovate an existing two-story brick dwelling on the site for the visitors center. This option would require comprehensive renovation, but would maintain the existing neighborhood character of the site.

The second option would be to demolish the existing structure and build a new amenity building in its place. This structure could be custom-built to respond the Jarrell Garden project, better meeting the needs of the city, but it removes a long-standing home from this historic site.

Mr. Nuttall presented a study that included probable costs for each option. The renovation option is projected to cost approximately $742,153, while the new construction option is projected to cost approximately $884,023. These estimates include sitework. While the total construction cost is higher for the new construction option, it is also projected to be larger in size, providing more programmable space.

According to the existing conditions report performed by Summey Engineering Associates, PLLC that is dated April 5, 2023, the existing structure is in urgent need of masonry repair/replacement, founding waterproofing, and hazardous materials abatement. If all of these conditions are present to the extent currently believed, an additional estimate of $165,000 would need to be applied to the cost of renovation.

Applying all of the liabilities along with the general conditions and contingency multipliers would bring the total construction cost of the renovation option to $992,413 – or $108,390 more than the new construction option at $884,023.

Former Mayor David Jarrell presented comments supporting the renovation of the existing structure.

After some discussion, a consensus concerning the need for more information emerged. City staff should study the options further and report back to the council as more information is available.

10. Approval of Ordinances Pertaining to Funding for Specific Activities/Facilities

(a) City Partnership with the Randolph Asheboro YMCA at the Zoo City Sportsplex

(i) Ordinances to Amend the General Fund to Address Futbol Club Management/Salary Appropriation

(ii) Ordinance to Amend the General Fund to Address Salary/Management Appropriations Associated with Marketing Activities

(iii) Ordinance to Amend the General Fund to Address Marketing Plan Appropriations

[As noted at the beginning of these minutes, agenda items 10(a),(i),(ii), and (iii) were continued to the council's regular meeting that will be held on November 8, 2023.]

(b) A Project Ordinance to Establish a Fund for the Design and Construction of the Emergency Operations Center/Third Fire Station

Finance Director Deborah Reaves presented and recommended adoption, by reference, of the aforementioned ordinance.

Council Member Heath moved, and Council Member Burks seconded the motion to adopt/approve the following ordinance by reference. Council Members Bell, Burks, Heath, McCaskill, Moffitt, Redding, and Swiers voted aye. There were no dissenting votes.

67 ORD 10-23

PROJECT ORDINANCE
Emergency Operating Center / Fire Station 3 Fund
FY 2023-2024

WHEREAS, the City of Asheboro has received a $3 million grant from the Federal Government, administered by the Federal Emergency Management Agency (FEMA).

WHEREAS, the City is ready to hire an architect for the design phase of the process.

WHEREAS, the City of Asheboro desires to set up a Capital Project Fund to account for the funding and the expenses related to this project.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO:

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is adopted:

Section 1: The Emergency Operating Center / Fire Station 3 Fund is hereby authorized as a project with current revenues and expenditures projected as listed below.

Section 2: The officers of the City of Asheboro are hereby authorized to proceed with the project within the terms of the agreement approved by the City Council and the budget contained herein.

Section 3: The following revenues are anticipated to be available at this time for this project:

Line Item	Description	Amount
71-000-380.0053	Federal Grant	$3,000,000

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

Line Item	Description	Amount
71-000-400.0000	Engineering / Design	500,000
71-000-425.0000	Construction	1,500,000
71-000-450.0000	Administration	250,000
71-000-475.0000	Contingency	750,000
	Total	$3,000,000

Adopted this the 5th day of October 2023.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

11. Upcoming Events and Items Not on the Agenda

Mayor Smith led a discussion of upcoming events within the city government and the community in general. No formal action was taken during this discussion.

There being no further business, the meeting was adjourned at 9:03 p.m.

Holly H. Doerr, CMC, NCCMC, City Clerk **David H. Smith, Mayor**

Minutes of the meeting of the Asheboro Alcoholic Beverage Control Board held on August 28, 2023 (Regular Sept. Meeting)

The Asheboro ABC Board met on Monday, August 28, 2023, at 5:30 PM, in the Board office, 700 South Fayetteville Street, Asheboro, NC. Present at the meeting were Chairman Steve Knight, Board Member Bob Morrison, Board Member Curtis Shipley, and General Manager Rodney Johnson (GM). A quorum being present, the Chair called the meeting to order for the transaction of business and business transacted as follows:

The Chair inquired as to any known conflict of interest, appearance of a conflict of interest, or objections concerning agenda items before the Board; after Board member(s) voiced having no conflict, and there being no objection, the agenda was adopted.

Board Minutes from the August 7, 2023, meeting were reviewed and approved by the Board.

Steve Knight and the GM reviewed Board finances and reported all finances remain consistent (sales and expenses).

The Board reviewed 2023 3rd and 4th Quarter Grant Applications from Keaton's Place requesting $1,475.00 from 3rd Quarter Funds and Community Hope Alliance requesting $10,000 from 3rd Quarter Funds and $15,000 from 4th Quarter Funds. Upon motion by Curtis Shipley, the Board agreed to fund $1,475.00 to Keaton's Place with any 3rd and 4th Quarter residual funds being awarded to Community Hope Alliance.

Bob Morrison is going to speak with some people with building, code and zoning knowledge and report back to the Board at its next meeting.

The Board heard reports from the General Manager concerning the following issues:

1. Asheboro ABC sales statistics comparing:

    - August 2023 sales with the previous month indicate:
        - An overall +1.8% change (all sales and tax collections)

    - August 2023 sales with sales from the same month last year indicate:
        - Retail Sales +6.4%
        - Mixed Beverage Sales: +35.3%
        - Sales Tax Collections: +6.3%
        - Overall Collections: +9.72%

    - August 2023 bottle sales with bottle sales from the same month last year indicate:
        - Retail Bottle Sales: +1.5%
        - Mixed Beverage Bottle Sales: +28.3%
        - Overall Bottle Sales: +3.2%

    - September 2023 sales with the previous month indicate:
        - An overall +3.5% change (all sales and tax collections)

- September 2023 sales with sales from the same month last year indicate:
  - Retail Sales +3.7%
  - Mixed Beverage Sales: +15.0%
  - Sales Tax Collections: +3.7%
  - Overall Collections: +5.17%

- September 2023 bottle sales with bottle sales from the same month last year indicate:
  - Retail Bottle Sales: -1.6%
  - Mixed Beverage Bottle Sales: +7.8%
  - Overall Bottle Sales: -0.9%

The next regular Asheboro ABC Board meeting will be held Monday, November 6, 2023, at 5:30 p.m.

There being no further business, the meeting was adjourned.

Prepared by Rodney Johnson, GM, and Approved by the Board 10-2-23 GM

Stephen R Knight

Robert G Monroe

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2023-2024

WHEREAS, The City Council approved a financing agreement with Truist Bank for $803,922.66 at the September 2023 Council meeting to finance radios for the police department.

WHEREAS, the change from leasing the radios from Motorola to financing the purchase of the radios with Truist will save the City of Asheboro an estimated $70,000 over the lifetime of the financing due to the reduction in the financing rate with commercial bank financing.

WHEREAS, the City of Asheboro adopted the budget with funding in place for monthly lease payments and now the budget needs to be amended to account for the financing loan proceeds and the expense to purchase of the radios as well as properly account for the debt service to Truist Bank.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles.

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

Section 1: The following revenue line item be increased:

Line Item	Description	Increase
10-000-360.0000	Proceeds from Lease Purchase	803,923

Section 2: The following expense line item be increased:

Line Item	Description	Increase
10-510-545.0004	Contracted Services Radio Maintenance	(210,000)
10-510-534.0000	Other Supplies and Materials	(5,000)
10-510-581.0000	Principal on Debt	170,000
10-510-582.0000	Interest on Debt	45,000
10-510-574.0000	Capital Outlay- Radios	722,034
10-510-534.0000	Other supplies & materials	29,309
10-510-557.0000	Misc- Sales Tax Expense- Radios	52,580
		$803,923

Adopted the 8th day of November 2023.

David H. Smith, Mayor

ATTEST:

Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE WATER & SEWER FUND
FY 2023-2024

WHEREAS, in the 2023-2024 adopted budget was funding for supplies and materials for new meters for $12,000 in the Water Meter Operations Department.

WHEREAS, The City of Asheboro has continued to have difficulty finding meter parts due to production / inventory / supply chain issues and has used up its entire inventory of parts to rebuild existing meters.

WHEREAS, the entire inventory for meter parts for regular meter replacement and repairs has been depleted.

WHEREAS, the City of Asheboro has also continued to have difficulty finding meters for the same reasons and therefore has not spent any of its allocation for 2023-2024.

WHEREAS, the City of Asheboro was able to find a large lot of meters to purchase at a cost of $56,304 and wishes to purchase this lot to replenish its inventory.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 budget as required by law to adjust for changes in revenues and expenditures.

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles.

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

Line Item	Description	Increase
30-810-534.0000	Other Supplies & Materials	$44,304
30-810-534.0001	Meter Replacement	(44,304)
		$0

Adopted this the 8th day of November 2023.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

RZ-23-15: Request to establish initial City of Asheboro (R10 Medium-Density Residential) zoning to property on WOW Road (Randolph County Parcel Identification Number 7763933698)

Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-23-15**

Date October 2, 2023 Planning Board

Applicant Darren Lucas

Legal Description

The property of Alexander Lucas, located east of 1766 WOW Road, approximately 450 feet northwest of the intersection of WOW Road and Old Liberty Roads, totaling approximately 1.17 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7763933698.

Requested Action Apply initial city zoning, following the recent annexation of the property, of City of Asheboro R10 Medium-Density Residential District

Existing Zone Randolph County (RR)

Land Development Plan See rezoning staff report

Planning Board Recommendation

The Planning Board recommended approval of the request.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-23-15** **Date** November 8, 2023 City Council

General Information

Applicant Darren Lucas

Address 6391 Pisgah Road

City Asheboro NC 27205

Phone

Location WOW Road

Requested Action Rezone from Randolph County zoning (RR) to City of Asheboro R10 Medium-Density Residential District

Existing Zone Randolph County (RR) **Existing Land Use** Undeveloped

Size 1.17 acres +/-

Pin # 7763933698

Applicant's Reasons as stated on application

Surrounding Land Use

North Undeveloped **East** Single-family

South Single-family **West** Manufactured home/Single-family

Zoning History This property was released from the City's Extraterritorial zoning jurisdiction in 2013. At that time, the property was zoned R40 Low-Density Residential.

Legal Description

The property of Alexander Lucas, located east of 1766 WOW Road, approximately 450 feet northwest of the intersection of WOW Road and Old Liberty Roads, totaling approximately 1.17 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7763933698.

Analysis

1. The property is inside the city limits. The property owner requested annexation of the property, which was approved on September 5, 2023. A zoning classification must be applied due to the annexation. Otherwise, the property may be deemed as unzoned.
2. WOW Road is a state-maintained collector road.
3. Prior to 2013, the property was located within the City's extraterritorial zoning jurisdiction. The previous zoning was R40 Low-Density Residential.
4. The zoning ordinance describes the intent of the requested R10 district is *to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living.*
5. The majority of residential properties within the area and located within the city limits that adjoin the subject property have R10 zoning, including a parcel directly across from the subject property on WOW Road.
6. The property is in close proximity to the intersection of WOW Road and Old Liberty Road, which is designated as a Neighborhood Activity Center.

Rezoning Staff Report

RZ Case # **RZ-23-15**

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Does not designate beyond current land use jurisdiction
Small Area Plan	Does not designate beyond current land use jurisdiction
Growth Strategy Map Designation	Does not designate beyond current land use jurisdiction

LDP Goals/Policies Which Support Request

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Items 12-14: 12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes

2.1.5 The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Rezoning Staff Report

RZ Case # **RZ-23-15**

LDP Goals/Policies Which Do Not Support Request

Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

While the property is outside of the city's current zoning jurisdiction and the Land Development Plan doesn't assign a specific proposed land use map designation to the property, a review of the LDP shows several goals and policies that are supportive of the request.

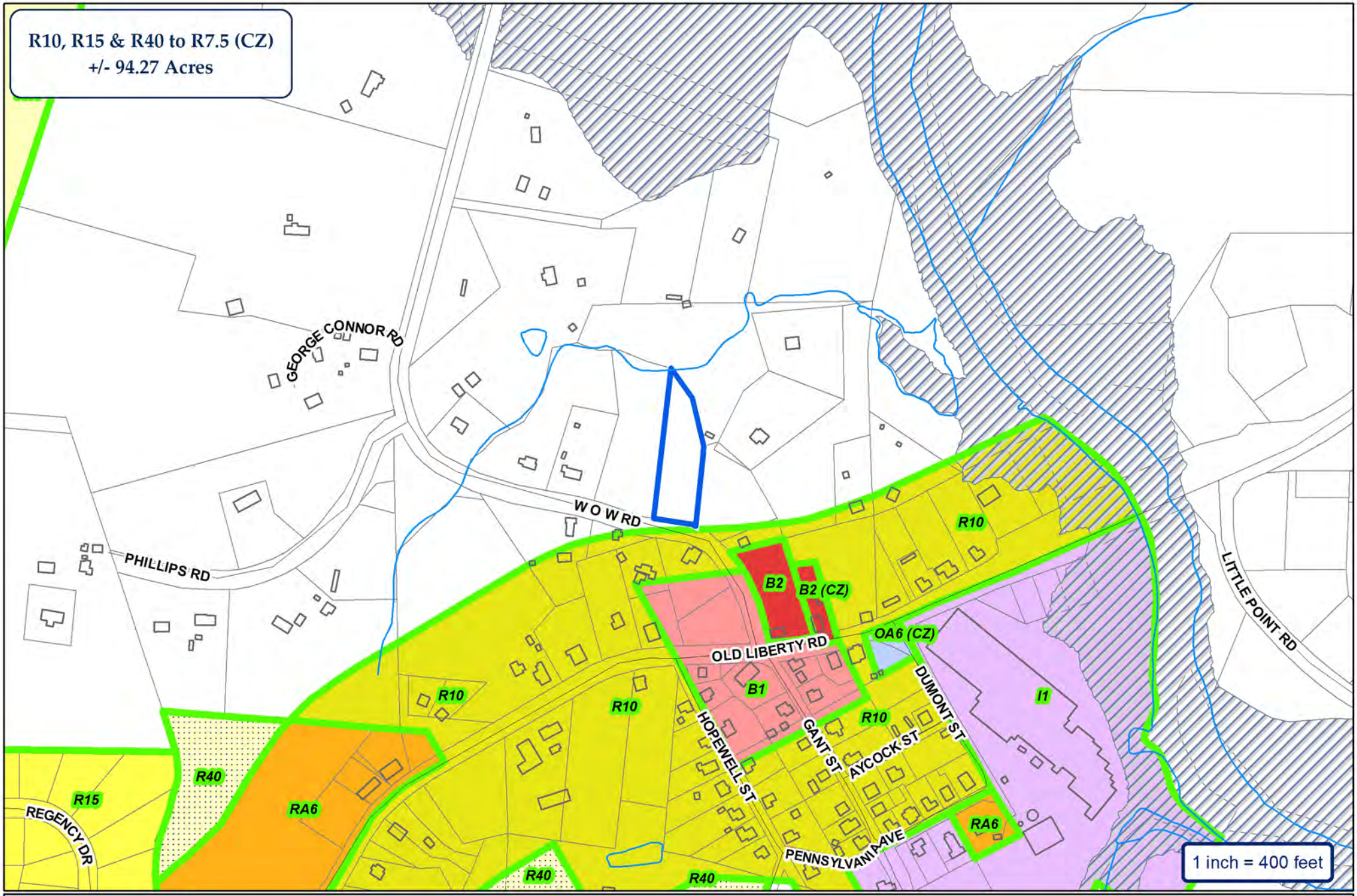
Residential properties in the immediate vicinity, including directly across WOW Road and along Old Liberty Road, have R10 zoning. The LDP designates the intersection of Old Liberty and WOW Roads as a Neighborhood Activity Center, and the history of those properties is residential. A Medium-Density Residential designation provides a sensible transition between these non-residential properties and lower density properties that are in the area located further outside the city jurisdiction along WOW Road.

The recent annexation into the city makes the application of a medium-density residential zoning designation, consistent with other residential properties inside the city limits, a sensible designation.

Recommendation Considering the aformentioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-15

Parcels: 7763933698

Subject Property
Zoning

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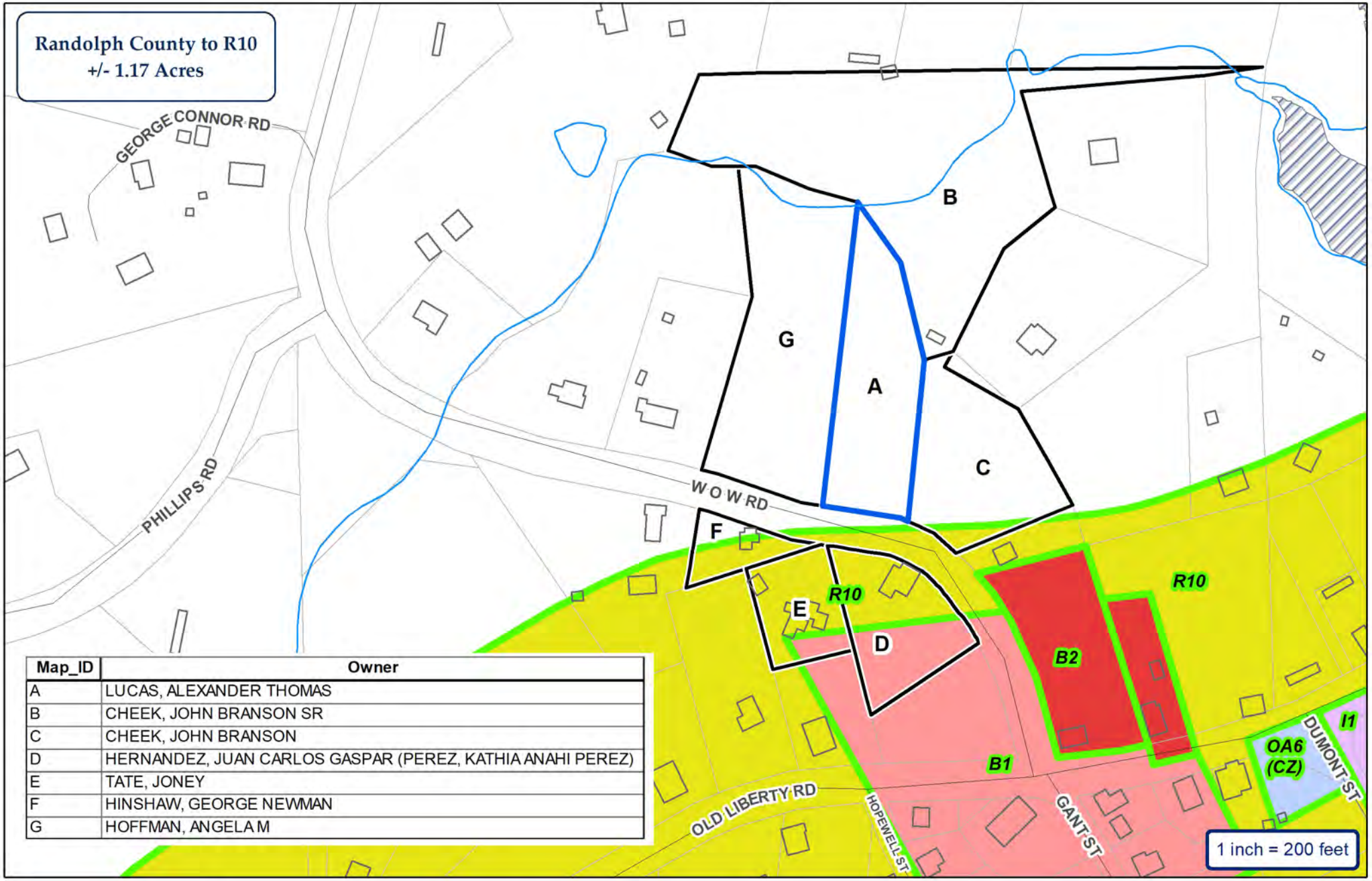

Map_ID	Owner
A	LUCAS, ALEXANDER THOMAS
B	CHEEK, JOHN BRANSON SR
C	CHEEK, JOHN BRANSON
D	HERNANDEZ, JUAN CARLOS GASPAR (PEREZ, KATHIA ANAHI PEREZ)
E	TATE, JONEY
F	HINSHAW, GEORGE NEWMAN
G	HOFFMAN, ANGELA M

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NORTH CAROLINA
Exactly where you want to be.

ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-15

Parcels: 7763933698

Subject Property
Adjoining Properties
City Zoning

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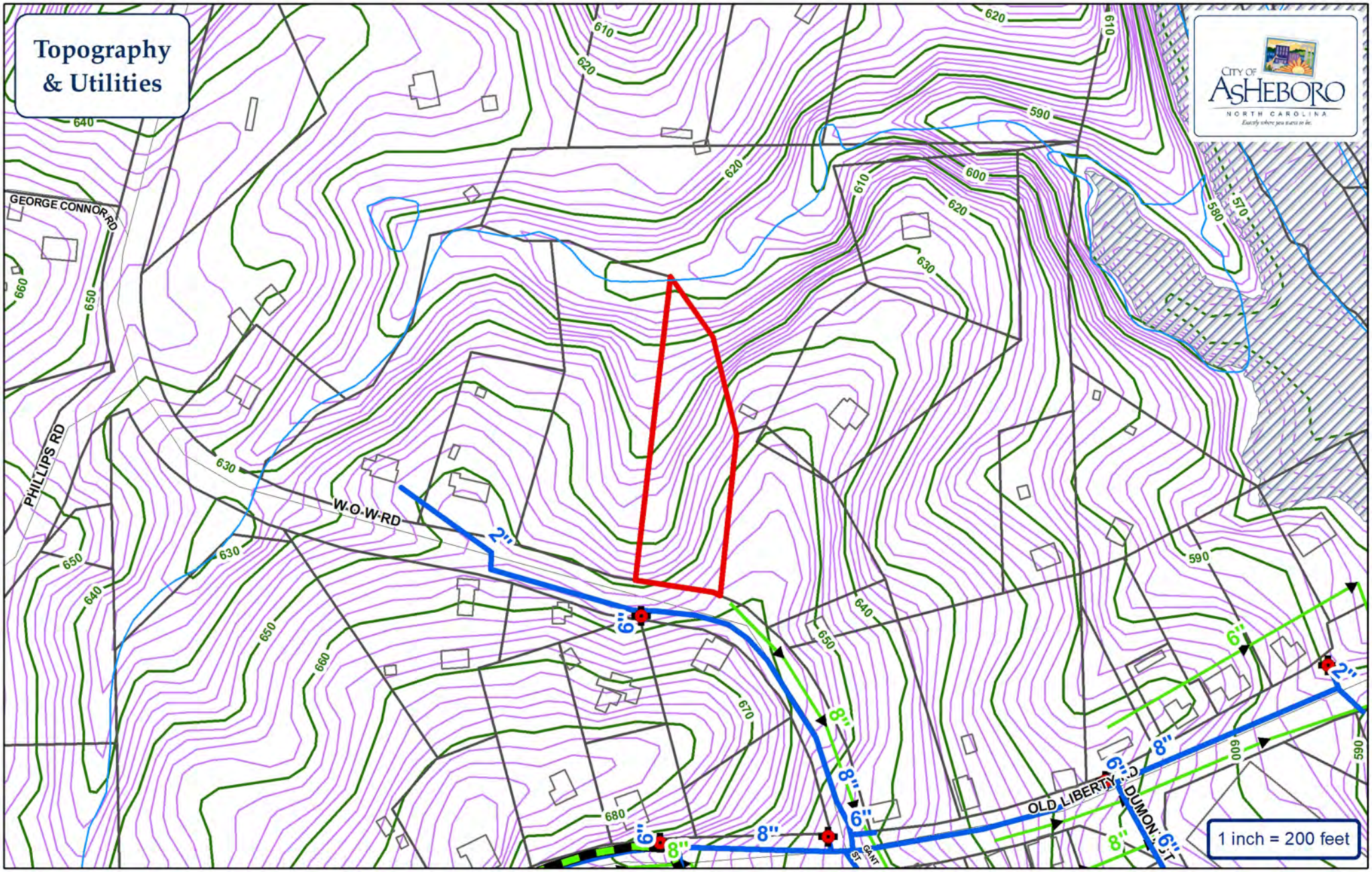

Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-15

Parcels: 7763933698

Subject Property

CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-15

Parcels: 7763933698

Subject Property

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E
S

APPLICANT INFORMATION

Applicant Darren Lucas

Applicant's Phone # _____

Applicant's Address 6391 Pisgah Rd

_____

Applicant Email Address _____

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Alexander Lucas

Location of Property Wow Rd

Property Size (ac. or s.f.) 1.17 acres

Randolph County Property Identification Number (PIN#) 7763933698

Current Zoning District County Zoning

Requested Zoning District RID City Zoning

Date Property Title Acquired 3/9/23

Deed Book 2848 Page 918

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

1. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

N/A

_____

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

_____

N/A

Does not apply ☐

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

Does not apply ☐

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Neel Alexander

Applicant Signature

Owner Signature (if different than Applicant)

Alexander Lucas

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: _____ ***Date:*** _____ ***Case Number:*** _____

RZ-23-16: Request to rezone property on the north side of East Allred Street, approximately 200 feet west of Ingram Drive (Randolph County Parcel Identification Number 7762401107) from R10 Medium-Density Residential and R15 Low-Density Single-Family Conditional Zoning to R10 Medium-Density Residential Conditional Zoning

Staff Report

Trevor Nuttall

From: Christian Vestal <christian@summeyengineering.com>
Sent: Wednesday, November 8, 2023 11:16 AM
To: John Evans; Trevor Nuttall
Cc: Chris Reid; lanny@lthedrick.com
Subject: [External Sender] Timber Ridge CZ Withdrawal

All,

We would like to formally request the withdrawal of the CZ application regarding the timber ridge subdivision.
We will have a representative at the meeting tonight if needed, and would like to apologize for the inconvenience.

Let me know if you need anything from the applicant to complete this process.
Thanks

Christian Vestal
Summey Engineering Associates, PLLC
P.O. Box 968 | Asheboro, NC 27204
Office: 336.328.0902 | Fax: 336.328.0922
Email: christian@summeyengineering.com

RZ-23-17: Request to rezone property located at 639 and 645 North Fayetteville Street and 114 Liberty Street (Randolph County Parcel Identification Numbers 7751868499 and 7751960550) from B2 (General Commercial) and R10 (Medium-Density Residential) to OA6 (Office-Apartment)

Staff Report

Planning Board Recommendation & Comments to City Council

NOTE: Have applicant Certify to Council mailings to all adjoining property owners.

Case # **RZ-23-17**

Date October 2, 2023 Planning Board

Applicant Christopher Justin Hancock

Legal Description

The properties of Christopher Justin Hancock, located at 639 and 645 North Fayetteville Street and 114 Liberty Street, totaling approximately 0.9 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7751868499 and 7751960550.

Requested Action Rezone from R10 Medium-Density Residential and B2 General Commercial to OA6 Office-Apartment

Existing Zone Randolph County (RR)

Land Development Plan See rezoning staff report

Planning Board Recommendation

The Planning Board recommended approval of the request.

Reason for Recommendation

The Planning Board concurred with staff reasoning.

Planning Board Comments

Rezoning Staff Report

RZ Case # **RZ-23-17** **Date** November 8, 2023 City Council

General Information

Applicant Christopher Justin Hancock

Address 212 Worth Street

City Asheboro NC 27203

Phone 336-706-9742

Location 639 and 645 North Fayetteville Street and 114 Liberty Street

Requested Action Rezone from R10 Medium-Density Residential and B2 General Commercial to OA6 Office-Apartment

Existing Zone R10/B2 **Existing Land Use**

Size 0.9 acres

Pin # 7751868499 and 7751960550

Applicant's Reasons as stated on application

Allows continued commercial use while harmoniously existing - residential. Offers diversity in both commercial and residential. Gives a better transition to adjoining neighborhood. Consistent with other properties in the area.

Surrounding Land Use

North Commercial **East** Commercial

South Commercial/Single-family residential **West** Single-family residential

Zoning History N/A

Legal Description

The properties of Christopher Justin Hancock, located at 639 and 645 North Fayetteville Street and 114 Liberty Street, totaling approximately 0.9 acres +/- and more specifically identified by Randolph County Parcel Identification Numbers 7751868499 and 7751960550.

Analysis

1. The property is located inside the city limits.
2. North Fayetteville Street is a state-maintained major thoroughfare. Liberty Street is a local city-maintained street.
3.The existing R10 Residential District is intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living. The existing B2 zoning district is described by the zoning ordinance as "intended to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets."
4. The requested zoning district allows residential (single-family, two-family, multiple-family), office & institutional uses, and limited commercial uses. The OA6 zoning district is described by the zoning ordinance as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
5. The ordinance limits multi-family uses to no more than four units on parcels of less than 45,000 square feet (approximately 1.03 acres +/-) in the OA6 district. Heavier commercial uses (such as retail, eating establishments, motor vehicle sales and major/minor repair, etc.) are prohibited in the OA6 district.

Rezoning Staff Report

RZ Case # **RZ-23-17**

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Commercial
Small Area Plan	Central
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item 3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance.

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12-14: 12.) Property is located outside of the watershed area, Special Hazard Flood Area, and area with steep slopes

Rezoning Staff Report

RZ Case # **RZ-23-17**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map

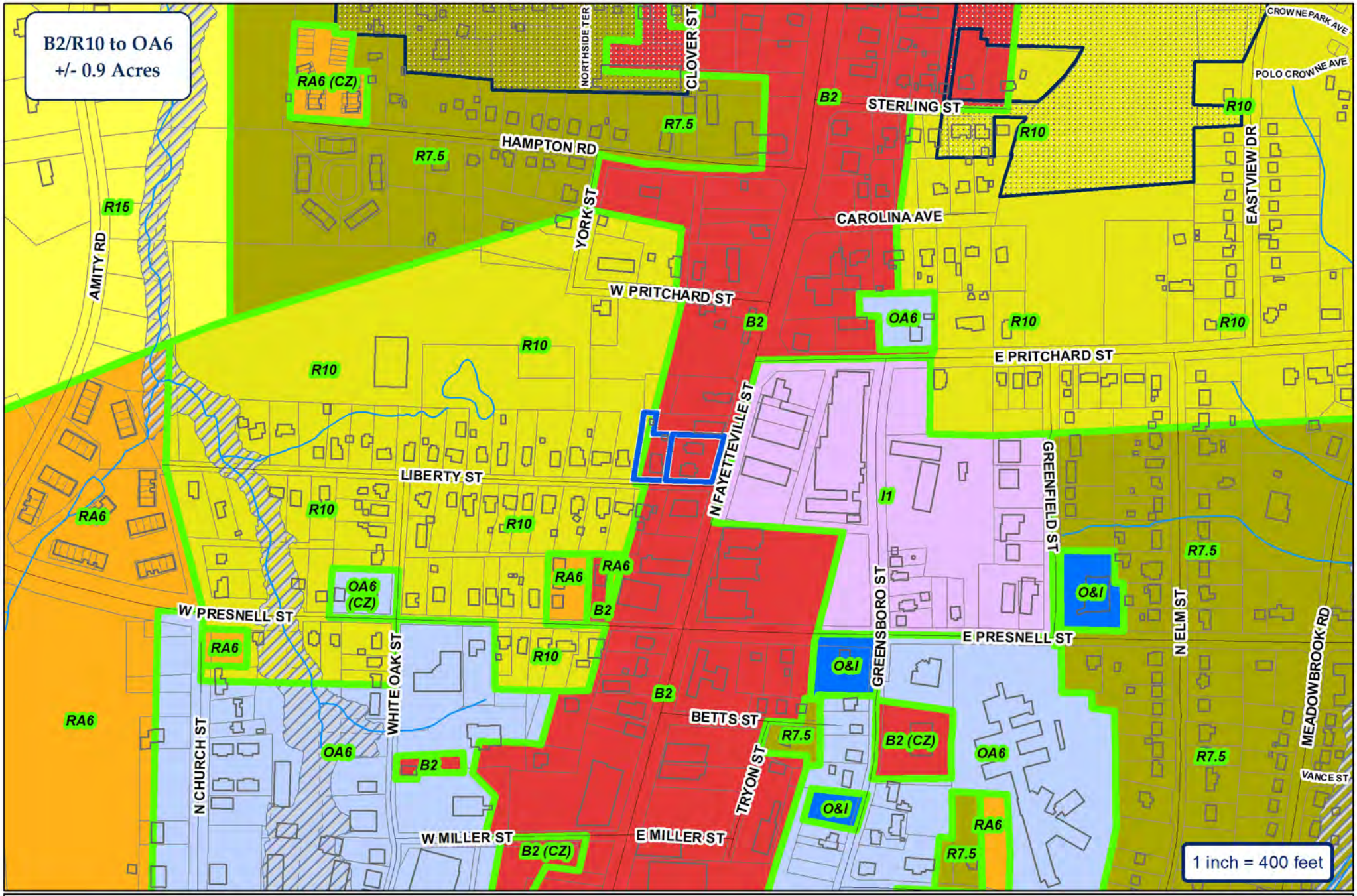
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

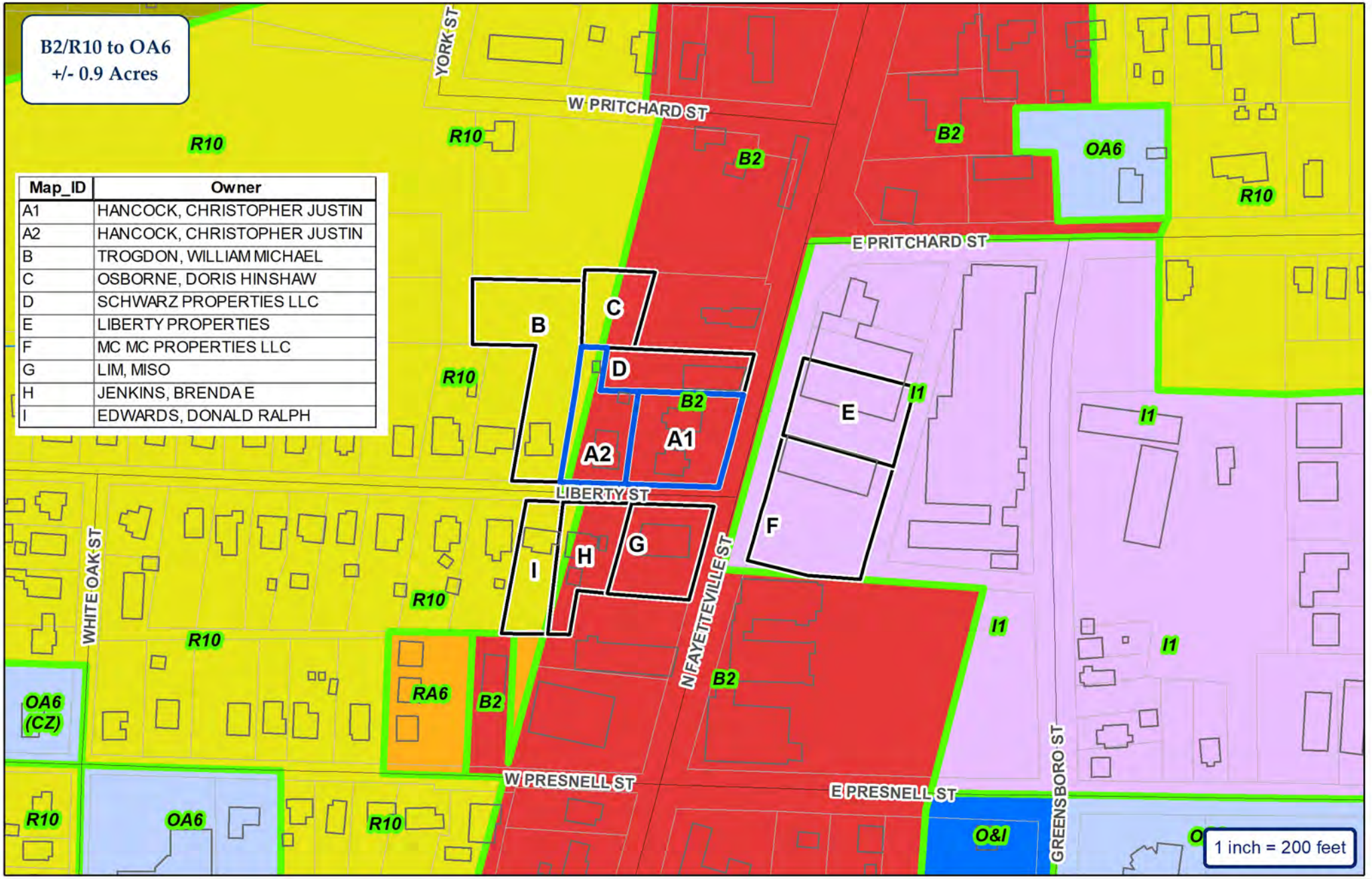
Although the map does not comply with the Land Development Plan Proposed Land Use Map designation of the property as exclusively commercial, the proposed OA6 district does incorporate a number of LDP goals and policies. The district also allows for both residential use, which the properties appear to originally be designed for, and having limiting the commercial component of the designation to a more limited set of potential uses provides additional protection to the residential properties to the west from more intensive commercial uses, and serves as an appropriate transition between heavier uses along North Fayetteville Street and adjoining residential uses.

Recommendation Considering the aformentioned analysis, staff believes that the proposed zoning map amendment is reasonable and in the public interest.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)


B2/R10 to OA6
+/- 0.9 Acres
RA6 (CZ)
NORTHSIDE TER
CLOVER ST
B2
STERLING ST
CROWNE PARK AVE
POLO CROWNE AVE
R10
R7.5
HAMPTON RD
EASTVIEW DR
R15
AMITY RD
YORK ST
CAROLINA AVE
W PRITCHARD ST
OA6
E PRITCHARD ST
LIBERTY ST
N FAYETTEVILLE ST
I1
GREENFIELD ST
RA6
OA6 (CZ)
W PRESNELL ST
GREENSBORO ST
O&I
E PRESNELL ST
N ELM ST
MEADOWBROOK RD
WHITE OAK ST
BETTS ST
B2 (CZ)
N CHURCH ST
TRYON ST
VANCE ST
W MILLER ST
E MILLER ST
1 inch = 400 feet
City of Asheboro Planning & Zoning Department
Rezoning Case: RZ-23-17
Parcels: 7751960550 & 7751868499
ETJ
Subject Property
Zoning



CITY OF ASHEBORO
NORTH CAROLINA
Exactly where you want to be.

ETJ

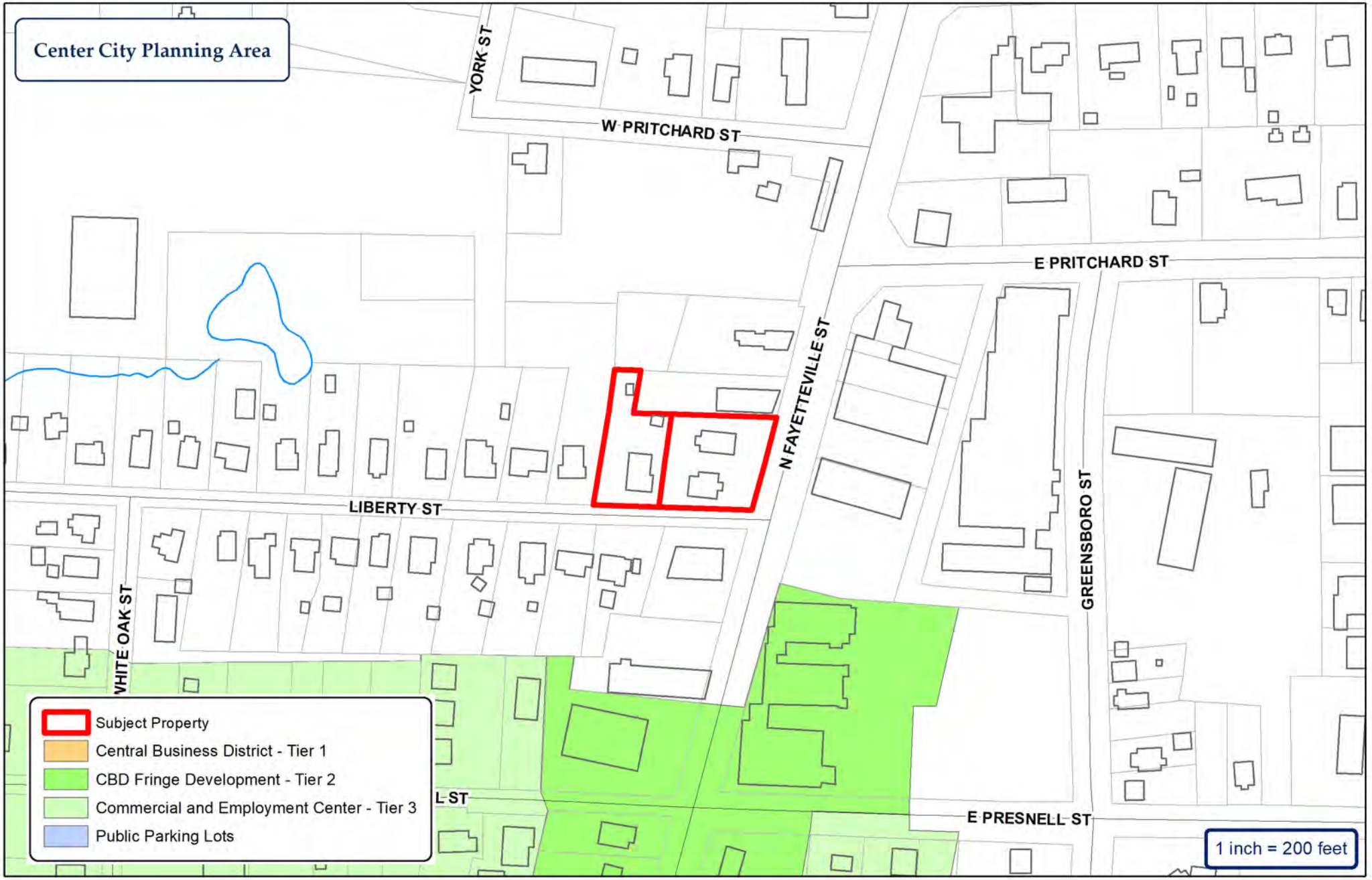
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-17

Parcels: 7751960550 & 7751868499

Subject Property
Adjoining Properties
City Zoning

N W E S



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NORTH CAROLINA
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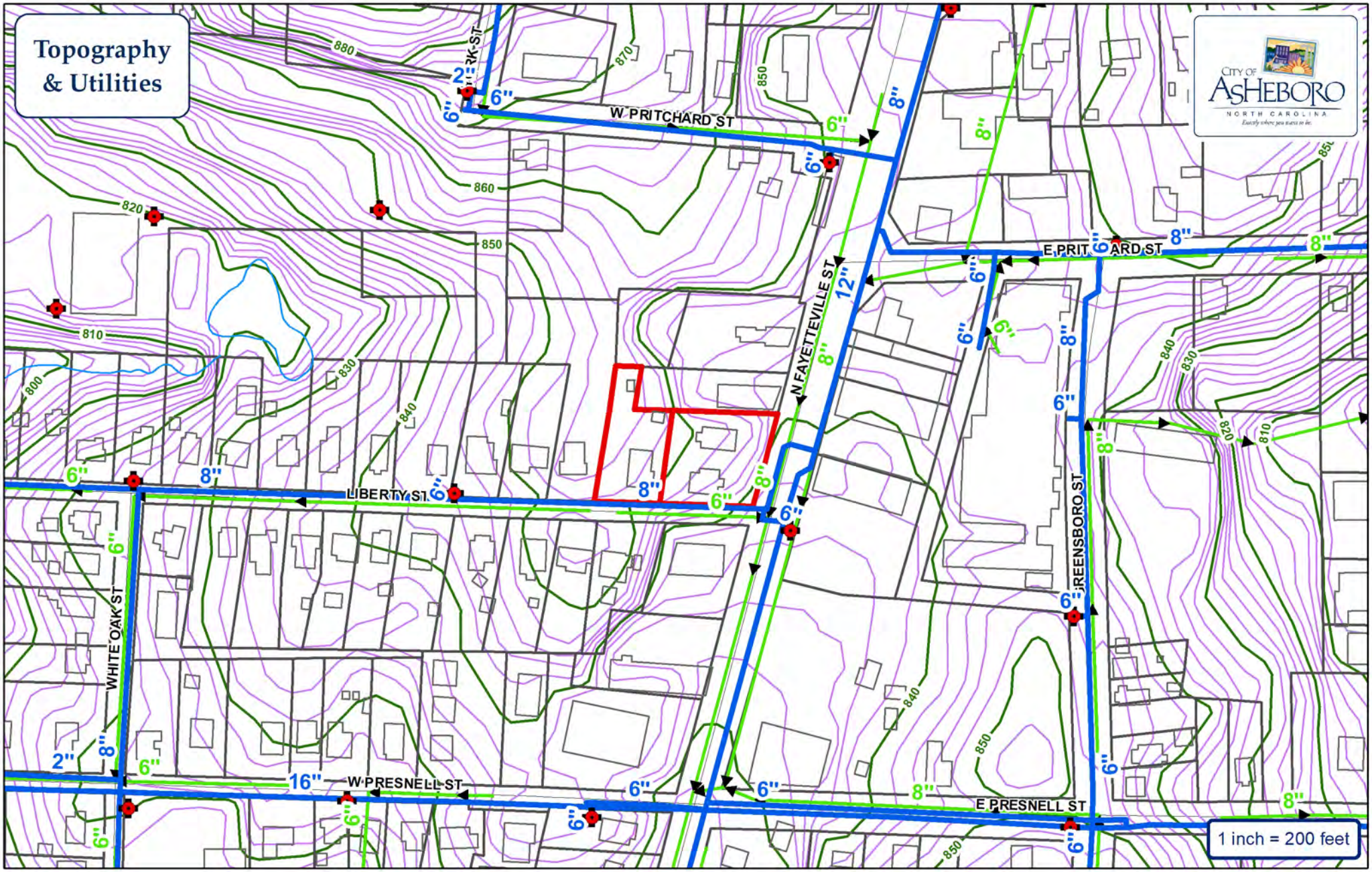
ETJ

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-17

Parcels: 7751960550 & 7751868499

N
W
E
S



Water Main
Sewer Main
Force Main
Fire Hydrant
PS Pump Station
Watershed

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-17

Parcels: 7751960550 & 7751868499

Subject Property

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City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-23-17

Parcels: 7751960550 & 7751868499

Subject Property

N
W
E
S

OCT. 2ND
NOV. 8TH

APPLICANT INFORMATION

Applicant Christopher Justin Hancock

Applicant's Phone # 336-706-9742

Applicant's Address 212 Worth Street
Asheboro 27203

Applicant Email Address JUDASSchwarz@GMail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Christopher Justin Hancock

Location of Property 639 + 645 N. Fayetteville St & 114 Liberty St.

Property Size (ac. or s.f.) 0.9 acre (total of 2 tracts)

Randolph County Property Identification Number (PIN#) 7751868499 and 7751960550

Current Zoning District B-2 - R-10

Requested Zoning District OA-6

Date Property Title Acquired 5-12-2023

Deed Book 2857 Page 1492

Subdivision _____ Section _____ Lot # _____

Plat Book 93 Page 71

ORDINANCE AMENDMENT INFORMATION

1. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

Allows Commercial uses while honoring existing Residential uses.

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

NO

Does not apply ☐

3. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

OFFERS diversity in used both Commercial & Residential.
gives a better transition to adjoining neighborhood.

Does not apply ☐

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

Consistent with other properties in the AREA.

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APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature

H.R.

Printed Name of Authorized Signatory (if different from Applicant)

H.R. Gallimore

Position/Relationship of Authorized Signatory to Applicant

Agent

Owner Signature (if different than Applicant)

DocuSigned by:
Christ Howard
FE7246A1156E438...

Owner Address

1669 Moore Rd.
Asheboro, NC 27205

Telephone Number

336-706-9742

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: John Evans **Date:** 4-12-23 **Case Number:** BD

CITY OF ASHEBORO
NOTICE OF PUBLIC HEARING

The City of Asheboro is considering applying to the North Carolina Department of Commerce Rural Economic Development for a Community Development Block Grant - Neighborhood Revitalization (CDBG-NR). The primary objectives of the CDBG-NR program are to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities. These grants primarily serve persons of low- and moderate-income**.**

The application is expected to request $950,000.00 in CDBG-NR funds to preserve and renovate CASPN Homes (Charlie Miller Complex), a 50-unit independent living development located at 945 S. Church Street in Asheboro, NC and serving families 55 years and older and earning 60% or less of the area medium income. CASPN Homes was built in September 1998 as part of a Low-Income Housing Tax Credit project with the North Carolina Housing Finance Agency, is owned by Wainman Homes, Inc. a 501C-3 non-profit operated, managed and maintained by the Asheboro Housing Authority to a high standard.

The proposed preservation and renovation improvements include some or all of the following: new exterior siding and insulation, new windows, porch/deck rehabilitation and repair/staining, new carpet in hallways and tile in common areas, replacement of heating, ventilation, air conditioning units and water heaters, new security features including cameras and electric entry on all floors and entrances, as well as erosion control measures and project landscaping.

Financial assistance for rehabilitation activities must be in the form of a loan and not a grant. CDBG loans may be deferred, deferred forgivable, or amortized with low interest. The CDBG-NR project is expected to request a deferred forgivable loan.

The City of Asheboro will conduct a public hearing on Wednesday, November 8, 2023 after 7:00 PM, in the Council Chamber of Asheboro City Hall, 146 N. Church Street, Asheboro, North Carolina. The purpose of the hearing is to obtain citizen input on the project prior to application submission. Written comments received prior to the opening of the public hearing will be considered. Comments may be sent to Trevor L. Nuttall, Community Development Director, PO Box 1106, Asheboro, North Carolina 27204. Questions related to this notice or hearing should be directed to the City of Asheboro at the address above or by calling 336-626-1201 ext. 2323.

RESOLUTION AUTHORIZING THE CITY OF ASHEBORO TO SUBMIT AN APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT - NEIGHBORHOOD REVITALIZATION PROGRAM FOR THE PRESERVATION AND RENOVATION OF CASPN HOMES (CHARLIE MILLER COMPLEX)

WHEREAS, the Asheboro City Council has indicated its desire to assist with neighborhood revitalization efforts within the City of Asheboro; and

WHEREAS, the Asheboro City Council has held two public hearings concerning the proposed application for Community Development Block Grant - Neighborhood Revitalization Program funding; and

WHEREAS, CASPN Homes (Charlie Miller Complex) is a 50-unit independent living development located at 945 S. Church Street in Asheboro, North Carolina and serving families 55 years and older and earning 60% or less of the area medium income; and

WHEREAS, the Asheboro City Council wishes to pursue a formal application for Community Development Block Grant - Neighborhood Revitalization funding to benefit low to moderate income households of Asheboro by financing the preservation and renovation of CASPN Homes (Charlie Miller Complex) to be directed by Wainman Homes, Inc., the owner of the property and a 501C-3 non-profit operated, managed and maintained by the Asheboro Housing Authority; and

WHEREAS, an application has been prepared for a $950,000 grant for the preservation and renovation of CASPN Homes (Charlie Miller Complex), including general allowable administrative expenses;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asheboro, North Carolina that the city's officers and employees are authorized to submit, on behalf of the City of Asheboro, a formal application to the North Carolina Department of Commerce for a Community Development Block Grant - Neighborhood Revitalization; and

BE IT FURTHER RESOLVED that the Asheboro City Council certifies the City of Asheboro will meet all federal regulatory and statutory requirements of the Community Development Block Grant – Neighborhood Revitalization program; and

[REMAINDER OF PAGE PURPOSELY LEFT BLANK]

BE IT FURTHER RESOLVED that the City of Asheboro will administer this grant funding in accordance with the rules and regulations of the North Carolina Department of Commerce.

This resolution was duly adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of November, 2023.

_____
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

CITY OF ASHEBORO
NORTH CAROLINA
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2023 URGENT REPAIR PROGRAM (URP23)

Owner-Occupied Housing Rehabilitation

About the Program

The 2023 Urgent Repair Program provides funds to assist very low and low-income households with special needs address housing conditions that pose imminent threats to life or safety. Funds also can cover accessibility modifications and other repairs necessary to prevent displacement of very low and low-income homeowners with special needs, such as the elderly and persons with disabilities. Program funding totals $132,000 with the majority provided by the North Carolina Housing Finance Agency.

Eligibility

Residents must:

1) Reside within the Asheboro corporate limits and own and occupy the home in need of repair.
2) Have a household income which does not exceed 50% of North Carolina's statewide non-metro median income for the household size.
3) Have a special need (i.e. be elderly, ≥ 62 years old, handicapped or disabled, a single parent with a dependent living at home, military veteran, a large family with ≥5 household members or a household with a child below the age of six with an elevated blood lead level (between 10µg/dl and 20µg/dl)).
4) Have urgent repair needs, which cannot be met through other state or federally-funded housing assistance programs.

Type of Assistance

The City will provide assistance to homeowners whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of $3,000 per year, until the principal balance is reduced to zero. The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety. There is no minimum to the amount of the loan; the maximum limit is $12,000.

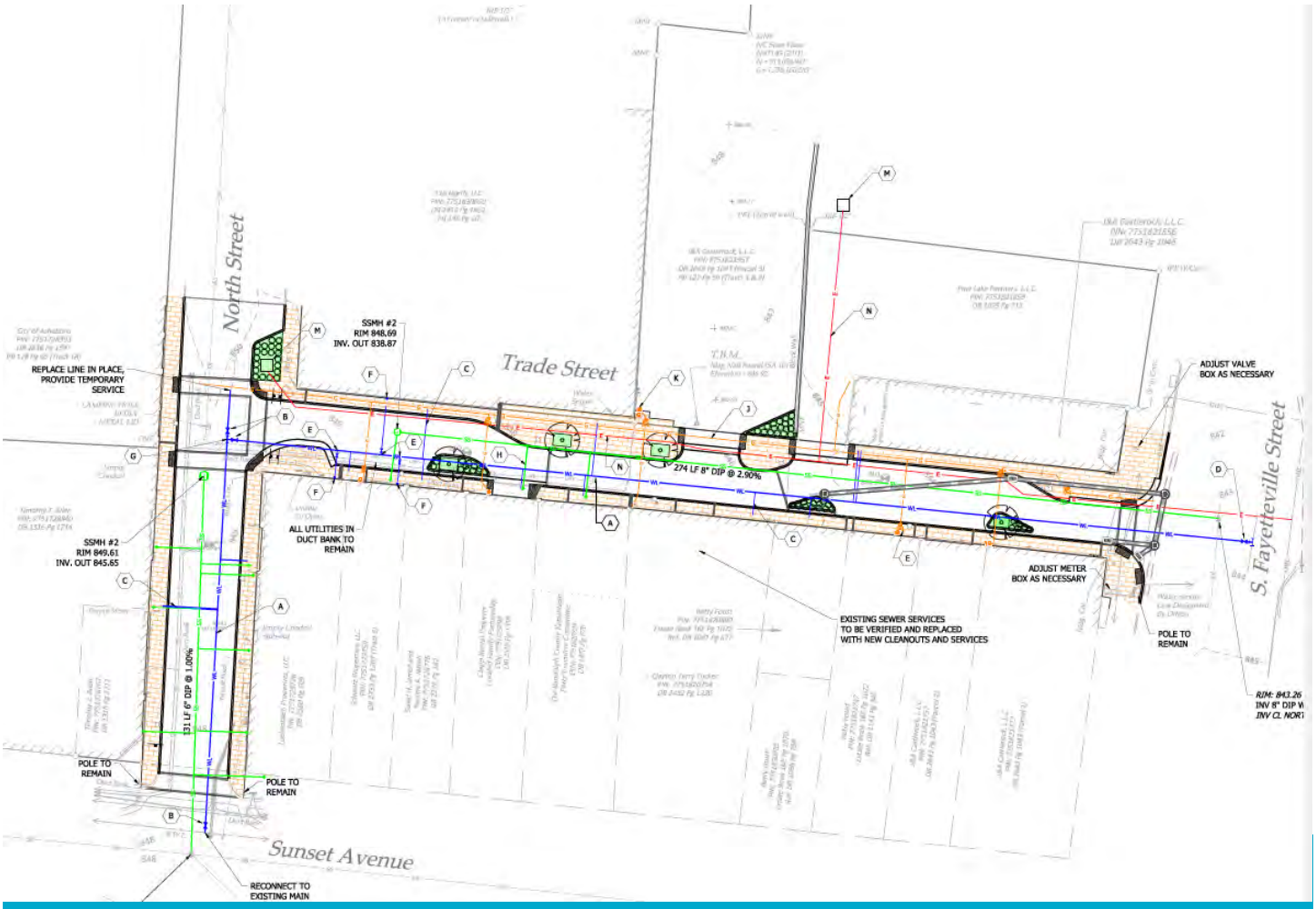
How to Apply

Obtain the application packet online at asheboronc.gov or at Asheboro City Hall, located at 146 N. Church Street, beginning November 13, 2023 and submit it along with all required documents. Eligible applicants will be selected on a first received, first served basis until funds are exhausted. In order to be determined eligible, all required information must be received and verified.

City of Asheboro - Planning and Zoning Department
146 N. Church St.
Asheboro, NC 27203

(336) 626-1201 ext. 2312
asheboronc.gov

This program is sponsored by the City of Asheboro, with funds awarded from the N.C. Housing Trust Fund and support provided by the Piedmont Triad Regional Council



TRADE AND NORTH STREET INFRASTRUCTURE PROJECT

The public is invited to an informal workshop to learn about planned infrastructure improvements to Trade Street and North Street. City and project staff will be available to provide information and receive input.

Monday, November 13
3:00 – 6:00pm (drop by anytime)
Asheboro Recreation Center | 148 North Street
Multi-Purpose Room (please enter from Fayetteville Street)
For more information, call (336) 626- 1201 ext. 2323

ORDINANCE TO AMEND
THE GENERAL FUND
FY 2023-2024

WHEREAS, in July 2023, the City Council approved a resolution declaring the official intent of the City of Asheboro to purchase municipal vehicles and equipment and to reimburse the General fund with installment financing proceeds (22 RES 7-23) in the amount of $557,846.

WHEREAS, The City of Asheboro Fire and Rescue Department has identified a need for a vehicle for a two person quick response team to save cost and time associated with sending out a fully staffed fire truck on calls when full resources are not needed.

WHEREAS, the estimated cost of the vehicle is $290,000.

WHEREAS, the City of Asheboro would like to amend the General Fund Budget to add this expenditure to the Fire Department budget and reimburse the General Fund with installment financing proceeds.

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles.

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

Section 1: The following revenue line item be increased:

Line Item	Description	Increase
10-000-360.0000	Proceeds from Lease Purchase	290,000

Section 2: The following expense line item be increased:

Line Item	Description	Increase
10-530-574.0000	Capital Outlay	290,000

Adopted the 8th day of November 2023.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ANNEXATION PETITION
CITY OF ASHEBORO
RANDOLPH COUNTY
NORTH CAROLINA

Petition received at City Hall
by _____
date _____

WE, THE UNDERSIGNED OWNERS of the real property as contained in the METES AND BOUNDS DESCRIPTION with PLAT ATTACHED hereto, respectfully request that the area described below be annexed and made part of the City of Asheboro, North Carolina.

ATTACHMENTS - Please supply the following:

a complete copy of the last deed of record (a written metes and bounds description is required if the description contained in the deed is different from the boundary survey of the property to be annexed), and

one of the following: a copy of the plat outlining in red the property to be annexed (if property is split according to Randolph County Tax Map/Parcels), or a copy of the Randolph County Tax Map 1" = 200' scale or 1" = 100' inserts (if the property is entire Tax Map Parcels).

PROPERTY INFORMATION - Please complete (print or type) all of the following:

RANDOLPH COUNTY MAP & PARCEL	DEED BOOK & PAGE NUMBER	ACREAGE ANNEXED	EXISTING POPULATION	CURRENT ASSESSED VALUE
7059842547	3828/1051 105-84	29.998		

FIRE DISTRICT _____

NAME OF PROPERTY OWNERS	CURRENT ADDRESS	TELEPHONE NUMBER
J-Mac Properties LLC	PO Box 4367 Asheboro NC 27204	336-328-7195

Has any vested right under NC General Statute 160A 385.1 been established for the property subject to this annexation petition by any county or municipality? _____

SIGNATURES - Please complete one of the following sections:

PROPERTY OWNED BY INDIVIDUALS (Both husband and wife must sign)

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

PROPERTY OWNED BY CORPORATION

The area to be annexed is owned by a corporation property registered with the State of North Carolina. THE PRESIDENT IS _____ AND THE SECRETARY IS _____.

_____
Signature of President/date

_____
Signature of Secretary/date

_____
Notary

_____
Commission Expires

(Notary Seal) (Corporate Seal)

PROPERTY OWNED BY PARTNERSHIP

The area to be annexed is owned by a partnership of which both partners agree to this petition. The partners are _____ and _____.

_____
Signature of Partner/date

_____
Signature of Partner/date

_____
Notary

_____
Commission Expires

(Notary Seal) (Corporate Seal)

PROPERTY OWNED BY LIMITED LIABILITY COMPANY

Jeremy E McNeill
Member-Manager (Print Name)

Member-Manager (Signature)

_____
Member-Manager (Print Name)

_____
Member-Manager (Signature)

Notes:
1. This property is not located within a special flood hazard area per NCFIRS.
   Map #: 3710169800J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7639738846, 7639843947

Date Annexation Ordinance

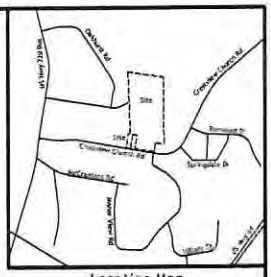
Adopted by the Asheboro City Council:_____

Annexation Ordinance Effective Date:_____

STATE OF NORTH CAROLINA

I,_____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____
Date Review Officer



Location Map
(Not to Scale)

Owners:
J-Mac Properties, LLC
PO Box 4367
Asheboro, NC 27204

Total Area To Be Annexed: 29.998 Acres
Annexation Survey For:

Taylor Callicut

On The Property of:

J-Mac Properties, LLC

Cedar Grove Township Randolph County
North Carolina July 11, 2023
Deed Book: 2828 Pg: 1651
Plat Book: 165 Pg: 84
Scale: 1" = 150 US Survey Feet

Bar Scale:

0 150 300 450

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787

© 2023 Survey Carolina, Pllc

Job #: 15356

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2828, page 1651;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See, page Notes; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 11th day of July, A.D., 2023.

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

_____
Professional Land Surveyor L-4787

NO FIELD WORK PERFORMED AT THIS TIME.
DRAWN FROM DEEDS AND PLATS OF RECORD

Notes:
1. This project is not located within a special flood hazard area per NCFRIS.
   Map #: 3710775100J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7751888453, 7751889447, 7751889497, 7751980457, 7751889365
6. Existing dwellings will be removed in order to follow R7.5 zoning district requirements.

STATE OF NORTH CAROLINA

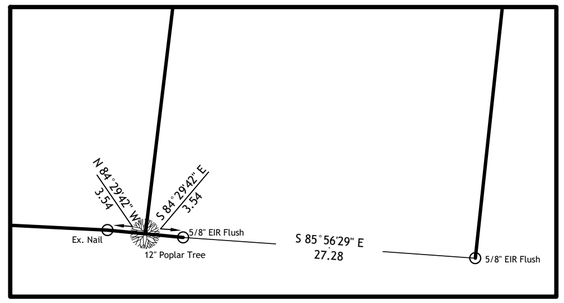
I, John Evans Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

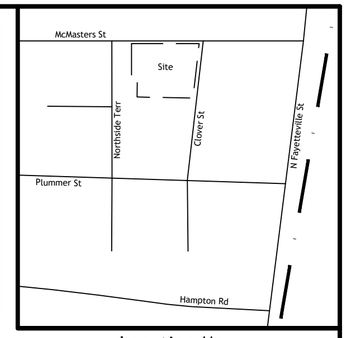
_____ _____
Date Review Officer

Date Annexation Ordinance

Adopted by the Asheboro City Council:_____

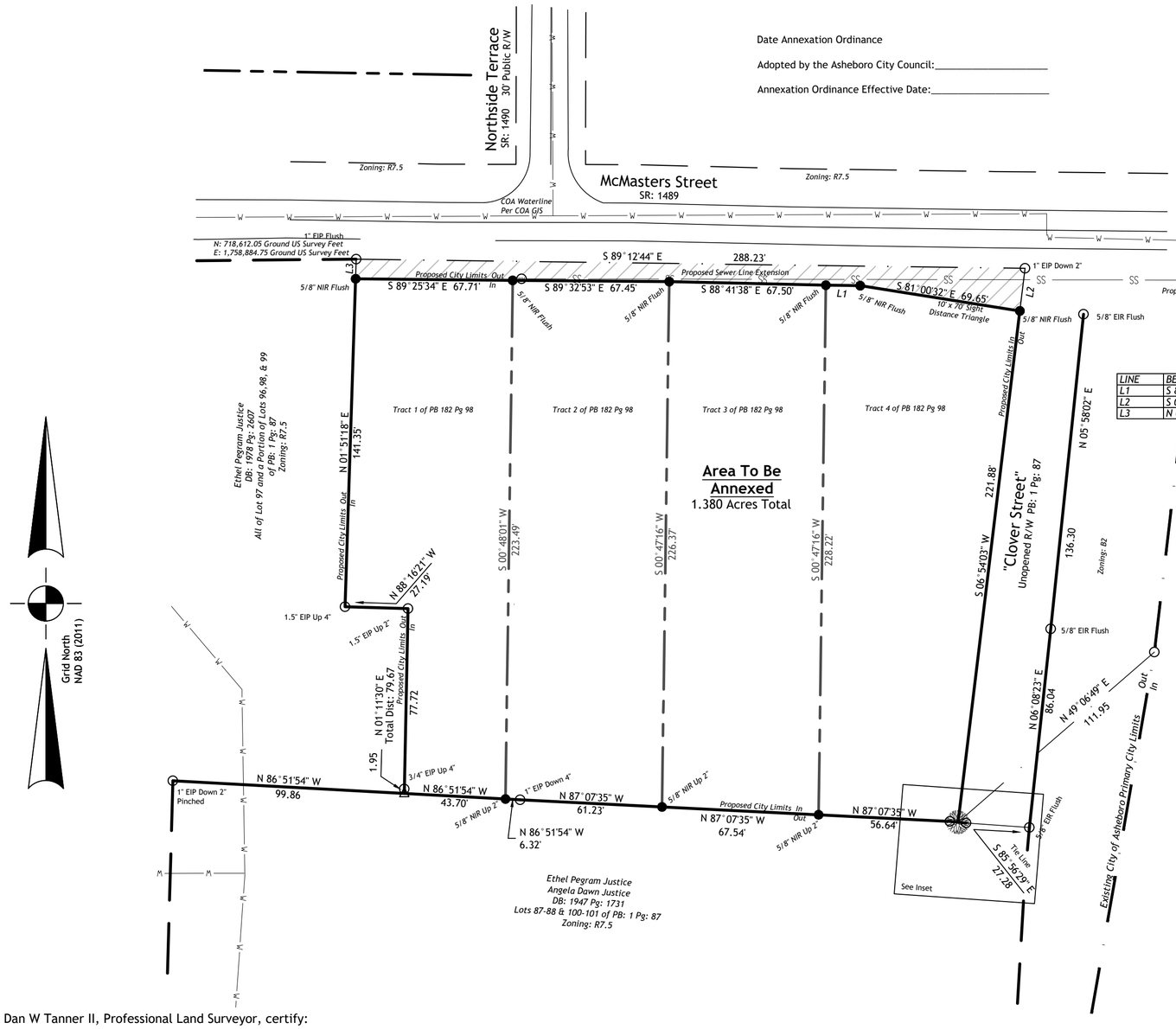
Annexation Ordinance Effective Date:_____





Location Map
(Not to Scale)

0 10 20 30



LINE	BEARING	DISTANCE
L1	S 89°10'52" E	14.83'
L2	S 06°54'03" W	18.49'
L3	N 01°51'18" E	8.48'

- Hardwood Tree
- Evergreen Tree
- Stone
- R/W - Right of Way Monument
- RRS - Railroad Spike
- NIR - New Iron Rod
- NIP - New Iron Pipe
- NCGS Monument
- EN - Existing Nail
- EIR - Existing Iron Rod
- EIP - Existing Iron Pipe
- Existing Concrete Monument
- Bench Mark
- Computed Point / Point Not Set
- Well
- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setback Lines
- Gas Line
- Sanitary Sewer Line
- Storm Sewer Line
- Water Line
- Fence
- Overhead Utility Line
- Overhead Power Line
- Underground Electric Line
- Underground Comm. Line
- 100-Year Flood Hazard Line
- Floodway
- C/L Railroad
- Catch Basin
- Yard Inlet
- Storm Sewer Manhole
- Junction Box
- Drop Inlet
- Irrigation Control Valve
- Back Flow Preventer
- Water Valve
- Water Manhole
- Water Meter
- Fire Dept. Connection
- Fire Hydrant
- Utility Pole
- Telephone Pedestal
- Telephone Pole
- Transformer
- Communications Manhole
- SS - Sanitary Sewer
- SS Manhole
- SS Cleanout
- U/G Power Box
- Power Pole
- Light Pole
- Guy Pole
- Gas Valve
- Guy Wire
- Gas Manhole
- Gas Meter
- Electric Meter
- Electric Manhole
- Z:0.00 Spot Elevation

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2828 , page 206 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 3rd day of November, A.D., 2023.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

_____ _____
Professional Land Surveyor L-4787

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: December 02, 2022
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99987265
(9) GPS/GNSS Scale Point:
N:718,608.99 E:1,758,960.57 Z:893.06
(10) Units: US Survey Feet

Owners:
Habitat for Humanity of
Randolph County, N.C, Inc.
PO Box 669
Asheboro, NC 27204

Area To Be Annexed: 1.380 Acres

Annexation Survey For:

Habitat For Humanity of Randolph County

Asheboro Township Randolph County
North Carolina November 3, 2023
Deed Book:2828 Pg:206
Plat Book:182 Pg:98
Scale: 1" = 40 US Survey Feet

Bar Scale:

0' 40' 80' 120'

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787

© 2022 Survey Carolina, Pllc

Job #: 14702

ASHEBORO REGIONAL AIRPORT
WORK AUTHORIZATION NO. 1
AMENDMENT NO. 1

Corporate Hangar (Construction Phase Services)
August 28, 2023
Revised October 5, 2023
Construction Grant #36237.23.19.1
Construction Phase Services Grant #TBD

Contract for Professional Services
Dated December 6, 2021

I. PROJECT DESCRIPTION

Work authorization No. 1 includes the construction phase services for a new corporate hangar which was designed and bid under Work Authorization #6 (under Contract for Professional Services date November 10, 2016, WKD#20210508.00.CL). The construction scope includes site preparation, a concrete apron in front of the hangar, power supply to the hangar, and construction of an 80'x80' pre-engineered metal building.

The construction time for this project as set forth in the bid documents is 120-calendar days. The construction contracts were executed on June 15, 2022. A notice to proceed for the building procurement was issued on July 11, 2022. Following the procurement period for the pre-engineered building, a NTP for construction was issued on April 27, 2023 with a contract time expiration date of August 25, 2023.

Change order #1 to the construction contract was executed on August 17, 2023 which added two days to the contract time for a revised contract time expiration date of August 27, 2023.

The contractor has submitted multiple P-501 job mix formulas (JMF) for the concrete apron in front of the new hangar that were incomplete and could not be approved. The contractor is having a revised P-501 JMF prepared and has submitted a revised schedule noting final project completion on September 20, 2023.

This Amendment is for Construction Phase services from the original contract expiration date of August 25, 2023, thru the current anticipated completion date of September 20, 2023, as noted by the contractors schedule.

II. SCOPE OF SERVICES

Basic Services

The ENGINEER will provide the General Basic Services listed below and in accordance with Section I of the General Provision of the General Services Agreement for Professional Services, dated December 6, 2021.

1. Project Development: The ENGINEER will provide the following Services:

    a. Preparation and coordination of work authorization agreement between the OWNER and the ENGINEER to include NCDOA review and concurrence.

2. Construction Administration: The ENGINEER will conduct the following Construction Administration Services:

    a. Review and take appropriate action with respect to shop drawings and samples, the results of tests and inspections and other data which each Contractor is required to submit.

    b. Review and validate Contractor's applications for payment and recommend in writing payments to Contractor in such amounts.

    c. Make weekly site visits to observe the progress of the work and conduct bi-weekly progress meetings with the Contractor and stake-holders.

    d. Recommend to OWNER change orders and/or supplemental agreements to the construction contract incidental to existing field conditions or improvements in the project design. Prepare estimates of cost or savings form proposed order(s), prepare change order(s) along with basis for recommendation and negotiation on behalf of OWNER with the Contractor to arrive, if possible, at an appropriate compensation resulting from the proposed revisions. Coordinate review of change orders and supplemental agreements with the DOA Airport Project Manager (APM) for acceptance and concurrence regarding grant assurances and eligibility prior to execution.

III. DELIVERABLES

In general, deliverables will be provided in accordance with NCDOT Checklists for grant deliverables (as may be applicable) AV100 (10/2020 revision). The ENGINEER will provide the following project deliverables to the OWNER:

1. Construction Contract Documents
2. Close out documents shall be provided in accordance with NCDOA AV-100 and AV-103.

Fee Schedule

The OWNER will pay, and the ENGINEER agrees to accept as full compensation for services under this Work Authorization a fee of Eight Thousand Seven Hundred Twenty-Three Dollars ($8,723) as indicated.

Basic Services

1.	Project Development (Additional)	Lump Sum	$ 1,458
2.	Construction Administration (Additional)	Lump Sum	$ 7,265

Any Additional Services requested shall be approved by the Owner in writing and will be completed in accordance with the Rate Schedule in effect at the time of services.

Requested By:		**Accepted By:**	
City of Asheboro		**W.K. DICKSON & CO., INC.**	
By:		By:	
Typed Name:	John Ogburn	Typed Name:	Brian Tripp
Title:	City Manager	Title:	Vice President
Date:		Date:	10/5/23

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By:	
Typed Name:	
Title:	

ATTACHMENTS:

PROJECT TITLE: Asheboro, Corporte Hangar (Construction Phase Services)					DATE PREPARED: 08/28/2023					AVIATION NUMBER:				
PREPARED BY: GMK					TIP NUMBER:					WBS NUMBER:				
		Employee Classifications												
TASK NUMBER	PHASE AND TASK DESCRIPTION	Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer				Admin. Manager	SUB-TOTAL
	Special Services													
	Project Development													
1	Project Scoping, Contract Development	0.50		2.00									2.00	4.50
1	Sponsor and Review Agency Coordination - NCDOT-DOA, FAA / Initial Grant Application			2.00									2.00	4.00
														0.00
														0.00
														0.00
														0.00
	TOTAL HOURS/CATEGORY:	0.50	0.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	8.50
	RATES PER HOUR:	$97.05	$74.75	$69.71	$65.20	$57.99	$48.76	$43.51	$42.98				$34.12	
	PAYROLL BURDEN:	$48.53	$0.00	$278.84	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$136.48	

TOTAL WORK HOURS:	8.50	
TOTAL PAYROLL BURDEN:	$463.85	
GENERAL OVERHEAD @ 182.83 %:	$848.05	
SUBTOTAL:	$1,311.89	
COMPARATIVE FEE @ 11%:	$144.31	
Cost of Capital @ 0.44 %	$2.04	
TOTAL:	$1,458.24	
DIRECT EXPENSES:	$0.00	From Expenses Tab
PRIME GRAND TOTAL:	$1,458.24	
Sub Consultant TOTAL:	$0.00	
GRAND TOTAL:	**$1,458.24**	

PROJECT TITLE: Asheboro, Corporte Hangar (Construction Phase Services)					DATE PREPARED: 08/28/2023					AVIATION NUMBER:				
PREPARED BY: GMK					TIP NUMBER:					WBS NUMBER:				
		Employee Classifications												
TASK NUMBER	PHASE AND TASK DESCRIPTION	Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer				Admin. Manager	SUB-TOTAL
	Basic Services													
	Construction Administration (Contract Time Overrun)													
														0.00
2	Project Documentation-Submittal Review, Pay Applications			4.00										4.00
														0.00
3	Bi-weekly Progress Meetings/Weekly Site Visits/Project Coordination		2.00	24.00									4.00	30.00
														0.00
														0.00
	TOTAL HOURS/CATEGORY:	0.00	2.00	28.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	34.00
	RATES PER HOUR:	$97.05	$74.75	$69.71	$65.20	$57.99	$48.76	$43.51	$42.98				$34.12	
	PAYROLL BURDEN:	$0.00	$149.50	$1,951.88	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$136.48	

TOTAL WORK HOURS:	34.00	
TOTAL PAYROLL BURDEN:	$2,237.86	
GENERAL OVERHEAD @ 182.83 %:	$4,091.48	
SUBTOTAL:	$6,329.34	
COMPARATIVE FEE @ 11%:	$696.23	
Cost of Capital @ 0.44 %	$9.85	
TOTAL:	$7,035.41	
DIRECT EXPENSES:	$229.25	From Expenses Tab
PRIME GRAND TOTAL:	$7,264.66	
Sub Consultant TOTAL:	$0.00	
GRAND TOTAL:	**$7,264.66**	

DIRECT EXPENSES, Construction Administration

PROJECT TITLE: Asheboro, Corporte Hangar (Construction Phase Services)

PREPARED BY: GMK | AVIATION NUMBER:

TIP NUMBER: | WBS NUMBER:

DATE PREPARED: 08/28/2023 | REVIEWED BY UNIT HEAD ON:

GENERAL PROJECT WORK:	ITEM	QTY	DESCRIPTION			UNIT COST	
	Travel:						
	Sedan (Engineer)	2	Trip(s) @	175	miles @	$0.655	$229.25
	Sedan (Construction Observer)		Trip(s) @		miles @	$0.655	$0.00
	Carry All		Trip(s) @		miles @	$0.675	$0.00
	Carry All		Trip(s) @		miles @	$0.675	$0.00
	Car Rental				days @	$50.00	$0.00
	Gas for Rental				miles @	$0.20	$0.00
	Per Diem:		Breakfast			$10.10	$0.00
			Lunch			$13.30	$0.00
			Dinner			$23.10	$0.00
			Lodging (on lump sum Incl. taxes)			$89.10	$0.00
	Reproduction:		8 1/2 x 11 Xerox Copies @			$0.09	$0.00
			11 x 17 Xerox Copies @			$0.15	$0.00
			Blueprints - 8 1/2 x 11 @			$0.35	$0.00
			Blueprints - 42 x 72 @			$1.30	$0.00
			Bond - 8 1/2 x 11 @			$0.42	$0.00
			Bond - 34" x 68" @			$3.50	$0.00
			Vellum			$3.00	$0.00
			Stick-Ons			$1.00	$0.00
			Cover(s) @			$0.50	$0.00
			Binder(s) @			$0.50	$0.00
			Mylar - 8 1/2 x 11 @			$5.90	$0.00
			Mylar - 3' x 4' @			$21.00	$0.00
	Film and Developing:		Roll(s) @			$20.00	$0.00
					Subtotal		$229.25

MAPS AND DOCUMENTS:	ITEM	QTY	DESCRIPTION			UNIT COST	
	County Tax Maps:	0	Map(s) @			$7.00	$0.00
	USGS Maps:	0	Map(s) @			$7.00	$0.00
					Subtotal		$0.00

Miscellaneous Other	Item	Amount	Description			Cost Per	
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
							$0.00
					Subtotal		$0.00
					TOTAL		**$229.25**

*** Sum of all plots**

ORDINANCE TO AMEND
AIRPORT IMPROVEMENTS FUND II (#76)
FY 2023-2024

WHEREAS, The City of Asheboro entered into a contract for professional services with W.K.Dickson & CO., Inc. on December 6, 2021 for engineering services relating to Corporate Hangar Construction associated with Federal Grant 36237.23.19.1.

WHEREAS, W.K.Dickson & CO., Inc has submitted Work Authorization No. 1 Amendment No. 1 to address additional engineering services needed as a result of Change order #1 of the Construction contract.

WHEREAS, the additional cost for Amendment 1 is $8,723 and will covered by funding from Grant 36237.23.19.1.

WHEREAS, the City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina

Section 1: The following revenue line item be increased:

Line Item	Description	Amount
76-000-301.0000-76	Federal Grant	8,723

Section 4: The following amounts are appropriated as expenditures for this project:

That the following Expense line items be increased:

Line Item	Description	Amount
76-000-400.0000-76	Engineering	1,458
76-000-410.0000-76	Construction Admin (WA#1)	7,265
		8,723

Adopted this the 8th day of November 2023.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

ORDINANCE TO AMEND
THE MCCRARY BALLPARK IMPROVEMENTS FUND
FY 2023-2024

WHEREAS, the City of Asheboro has an opportunity to purchase three parcels of land located at 411, 441 and 0 North McCrary Street for the purpose of overflow parking at McCrary Ballpark.

WHEREAS, the cost to purchase this land is $186,271 and the estimated closing costs are estimated not to exceed $3,729.

WHEREAS, the City of Asheboro has received a contribution of $500,000 from Randolph County Government for the McCrary Ballpark project.

WHEREAS, the budget for the “Lighting” needs at the McCrary Ballpark needs to be moved to the miscellaneous budget to match up with where cost was recorded in the project.

WHEREAS, the City of Asheboro desires amend the 2023-2024 McCrary Ballpark Improvements Fund budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

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

Section 1: The following revenue line items be increased:

Line Item	Description	Increase
65-000-300.0000	Donations	$500,000

Section 2: The following expense line item be increased:

Line Item	Description	Increase
65-000-408.0000	Land Purchase	$195,000
65-000-410.0000	Lighting	(100,000)
65-000-405.0000	Miscellaneous (for lighting)	100,000
65-000-405.0000	Miscellaneous	305,000
		$500,000

Adopted this the 8th day of November 2023.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H Doerr, CMC, NCCMC, City Clerk

Submitted electronically by Survey Carolina, PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Randolph County Register of Deeds.

Notes:
1. This project is not located within a special flood hazard area per NCFRIS.
   Map #: 3710775100J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7751359364, 7751359605, 7751359775

LINE	BEARING	DISTANCE
L1	N 01°47'38" E	50.59
L2	N 10°02'38" W	49.85

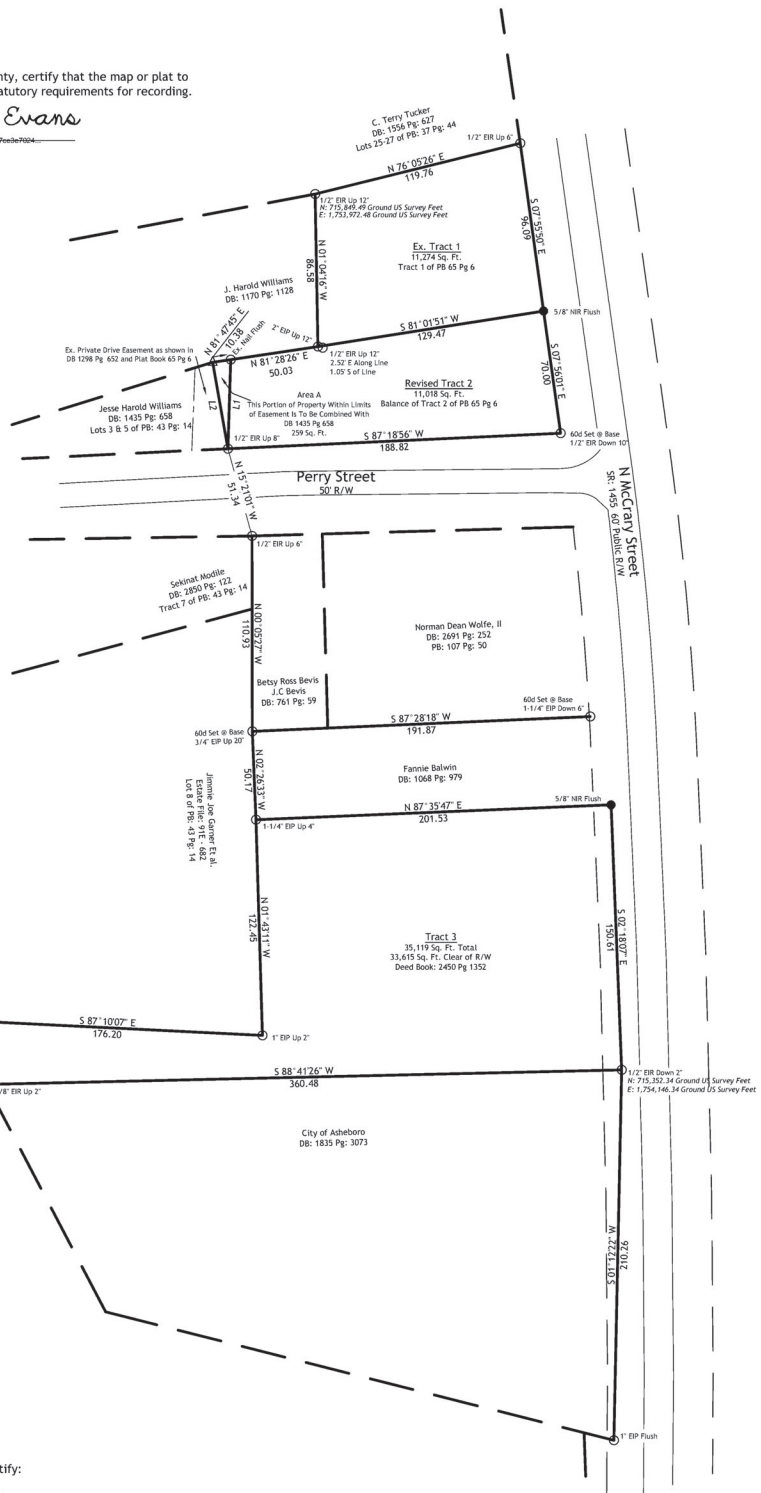
STATE OF NORTH CAROLINA

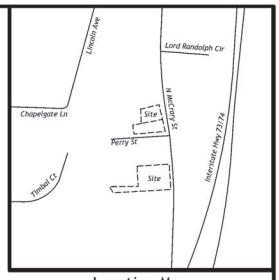
I, John Evans Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

05/15/2023 John L. Evans

Date Review Officer

SignNow e-signature ID: b7ce3e7024...
05/15/2023 19:36:17 UTC
John Evans (Signer)





Location Map
(Not to scale)

Hardwood Tree
Evergreen Tree
Stone
R/W - Right of Way Monument
RRS - Railroad Spike
NIR - New Iron Rod
NIP - New Iron Pipe
NCGS Monument
EN - Existing Nail
EIR - Existing Iron Rod
EIP - Existing Iron Pipe
Existing Concrete Monument
Bench Mark
Computed Point / Point Not Set
Well
Property Line
Computed Property Line
Right of Way Line
Easement Line
Tie Lines
Setback Lines
Gas Line
Sanitary Sewer Line
Storm Sewer Line
Water Line
Fence
Overhead Utility Line
Overhead Power Line
Underground Electric Line
Underground Comm. Line
100-Year Flood Hazard Line
Floodway
C/L Railroad
Catch Basin
Yard Inlet
Storm Sewer Manhole
Junction Box
Drop Inlet
Irrigation Control Valve
Back Flow Preventer
Water Valve
Water Manhole
Water Meter
Fire Dept. Connection
Fire Hydrant
Utility Pole
Telephone Pedestal
Telephone Pole
Transformer
Communications Manhole
SS - Sanitary Sewer
SS Manhole
SS Cleanout
U/G Power Box
Power Pole
Light Pole
Guy Pole
Gas Valve
Guy Wire
Gas Manhole
Gas Meter
Electric Meter
Electric Manhole
Z:0.00 Spot Elevation

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11d
That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2450 , page 1352 ; Book 1658 , page 1398 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 27th day of April, A.D., 2023.

Dan W Tanner II

Professional Land Surveyor SignNow e-signature ID: edbc239207... 05/15/2023 17:32:15 UTC Survey Carolina PLLC (Signer) L-4787

BK 180 PG 55 - 55 (1) DOC# 20164739
This Document eRecorded: 05/16/2023 02:07:41 PM
Fee: $21.00 DocType: PLAT Tax: $0.00
Randolph County, North Carolina
Krista M. Lowe, Register of Deeds

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: April 17, 2023
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99987607
(9) GPS/GNSS Scale Point:
N:715,726.88 E:1,754,124.84 Z:796.85
(10) Units: US Survey Feet

Owners:
Mark Braswell
616 Cypruss Drive
Asheboro, NC 27205

Survey For:
Terry Tucker
City of Asheboro
Asheboro Township
North Carolina
Randolph County
April 27, 2023
Deed Book:2450 Pg:1352
Deed Book:1658 Pg:1398
Plat Book:65 Pg:6
Scale: 1" = 50 US Survey Feet

Bar Scale:
0 50 100 150

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787

© 2023 Survey Carolina, Pllc

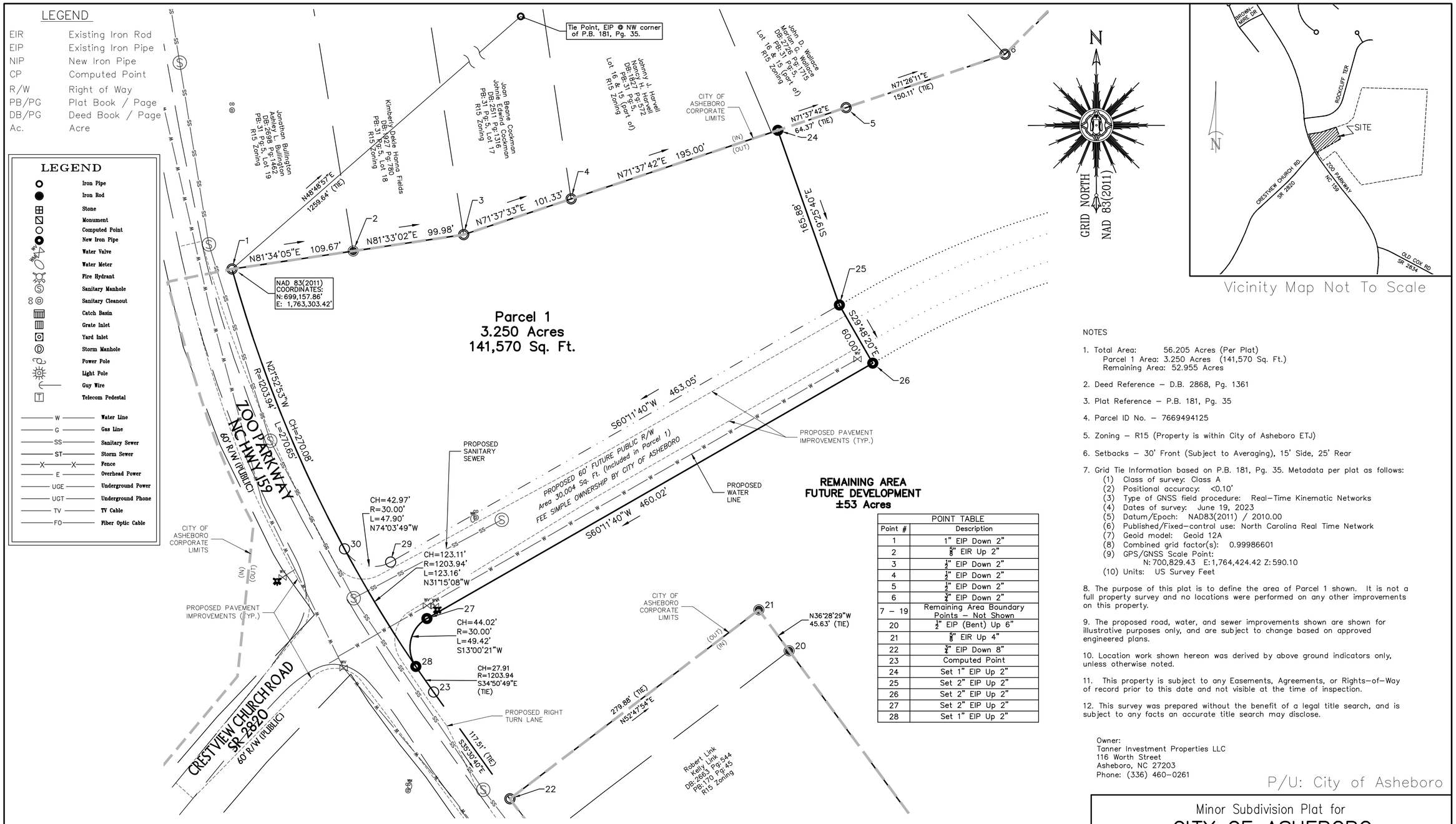
Job #: 15066

LEGEND

EIR	Existing Iron Rod
EIP	Existing Iron Pipe
NIP	New Iron Pipe
CP	Computed Point
R/W	Right of Way
PB/PG	Plat Book / Page
DB/PG	Deed Book / Page
Ac.	Acre

LEGEND

- Iron Pipe
- Iron Rod
- Stone
- Monument
- Computed Point
- New Iron Pipe
- Water Valve
- Water Meter
- Fire Hydrant
- Sanitary Manhole
- Sanitary Cleanout
- Catch Basin
- Grate Inlet
- Yard Inlet
- Storm Manhole
- Power Pole
- Light Pole
- Guy Wire
- Telecom Pedestal
- W — Water Line
- G — Gas Line
- SS — Sanitary Sewer
- ST — Storm Sewer
- X — X — Fence
- E — Overhead Power
- UGE — Underground Power
- UGT — Underground Phone
- TV — TV Cable
- FO — Fiber Optic Cable



Vicinity Map Not To Scale

POINT TABLE	
Point #	Description
1	1" EIP Down 2"
2	⅝" EIR Up 2"
3	½" EIP Down 2"
4	½" EIP Down 2"
5	½" EIP Down 2"
6	¾" EIP Down 2"
7 – 19	Remaining Area Boundary Points – Not Shown
20	½" EIP (Bent) Up 6"
21	⅝" EIR Up 4"
22	¾" EIP Down 8"
23	Computed Point
24	Set 1" EIP Up 2"
25	Set 2" EIP Up 2"
26	Set 2" EIP Up 2"
27	Set 2" EIP Up 2"
28	Set 1" EIP Up 2"

NOTES

1. Total Area: 56.205 Acres (Per Plat)
   Parcel 1 Area: 3.250 Acres (141,570 Sq. Ft.)
   Remaining Area: 52.955 Acres
2. Deed Reference – D.B. 2868, Pg. 1361
3. Plat Reference – P.B. 181, Pg. 35
4. Parcel ID No. – 7669494125
5. Zoning – R15 (Property is within City of Asheboro ETJ)
6. Setbacks – 30' Front (Subject to Averaging), 15' Side, 25' Rear
7. Grid Tie Information based on P.B. 181, Pg. 35. Metadata per plat as follows:
   (1) Class of survey: Class A
   (2) Positional accuracy: <0.10'
   (3) Type of GNSS field procedure: Real–Time Kinematic Networks
   (4) Dates of survey: June 19, 2023
   (5) Datum/Epoch: NAD83(2011) / 2010.00
   (6) Published/Fixed–control use: North Carolina Real Time Network
   (7) Geoid model: Geoid 12A
   (8) Combined grid factor(s): 0.99986601
   (9) GPS/GNSS Scale Point:
   N: 700,829.43 E: 1,764,424.42 Z: 590.10
   (10) Units: US Survey Feet
8. The purpose of this plat is to define the area of Parcel 1 shown. It is not a full property survey and no locations were performed on any other improvements on this property.
9. The proposed road, water, and sewer improvements shown are shown for illustrative purposes only, and are subject to change based on approved engineered plans.
10. Location work shown hereon was derived by above ground indicators only, unless otherwise noted.
11. This property is subject to any Easements, Agreements, or Rights–of–Way of record prior to this date and not visible at the time of inspection.
12. This survey was prepared without the benefit of a legal title search, and is subject to any facts an accurate title search may disclose.

Owner:
Tanner Investment Properties LLC
116 Worth Street
Asheboro, NC 27203
Phone: (336) 460–0261

P/U: City of Asheboro

I, Thomas Scaramastra, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Deed Book & Page as shown hereon); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 2868, Page 1361; that the Ratio of Precision as calculated is 1:10,000+; that this plat was prepared in accordance with G. S. 47–30 as amended; that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my original signature, License Number and Seal this

_____day of_____A.D. 2023.

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCE OR SALES

_____
Professional Surveyor
License Number L–4421

Certification of Ownership
I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.
_____Date
_____Owner

Certificate of Approval of the Design of Public Utilities
I hereby certify that the water and sewer facilities are available as shown on the plat. _____(date)
_____ City Engineer

State of North Carolina
County of Randolph

I, _____, Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ Review Officer

_____ Date

Certificate of Approval of Subdivision Ordinance Requirements
This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____ (Date)

_____ Community Development Director

Minor Subdivision Plat for

CITY OF ASHEBORO PROPERTY ACQUISITION

Grant Township, City of Asheboro
Randolph County, North Carolina
Scale : 1"=60' October 31, 2023

60 0 30 60 120 240

Surveyed and Mapped By
Thomas Scaramastra, PLS
City of Asheboro Engineering Dept.
146 N. Church St.
Asheboro, North Carolina 27203
Ph : (336) 626–1200

Job # 23–002

ORDINANCE TO AMEND THE GENERAL FUND
FY 2023-2024

WHEREAS, the City of Asheboro has an opportunity to purchase land for the Future Fire Station III / Emergency Operations Center.

WHEREAS, the cost to the City of Asheboro for the land is $113,750 and the estimated closing costs are estimated not to exceed $6,250.

WHEREAS, the City of Asheboro desires to appropriate $120,000 from the General Fund Balance for this purpose.

WHEREAS, the City of Asheboro desires to amend the 2023-2024 General Fund operating budget to as required by law to adjust for changes in revenues and expenditures in comparison to the current adopted budget.

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

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

That the following revenue line items be increased:

Line Item	Description	Increase
10-000-399.0000	Fund Balance Allocation	120,000

That the following expense line items be increased:

Line Item	Description	Increase
10-530-571.0000	Land Purchase	120,000

Adopted this the 8th day of November 2023.

_____
David H. Smith, Mayor

ATTEST:

_____
Holly H Doerr, CMC, NCCMC, City Clerk

STATE OF NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

COUNTY OF RANDOLPH

The **CITY OF ASHEBORO**, a North Carolina municipal corporation, (the **"Buyer"**) and **TANNER INVESTMENT PROPERTIES, LLC**, a North Carolina limited liability company, (the **"Seller"**) mutually agree to this Offer to Purchase and Contract (the **"Agreement"**) as of the date of the last signature affixed hereto.

The Buyer hereby contracts and agrees to buy the real property described herein for the purchase price stated below, and the Seller hereby contracts and agrees to sell and convey to the Buyer for the purchase price stated below all of that certain lot, tract, or parcel of real estate (hereinafter referred to as "**Parcel 1**") that is described in the following italicized paragraphs.

Grant Township, Randolph County, North Carolina:

BEGINNING in the eastern margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159) at a 1-inch existing iron pipe down two inches and located by means of the North Carolina Coordinate System at the coordinates of North 699,157.86 feet and East 1,763,303.42 feet (NAD 83 (2011)), this point is at the northwest corner of Parcel 1, which is to be acquired by the City of Asheboro (Parcel 1 consists of 3.250 acres (141,570 square feet), more or less, out of a total of 56.205 acres of land previously acquired by Tanner Investment Properties, LLC by means of a deed recorded in the Office of the Randolph County, North Carolina Register of Deeds (the "Randolph County Registry") in Book of Record 2868 at Page 1361 and with a Plat Reference of Plat Book 181, Page 35, Randolph County Registry); thence, from the described BEGINNING point, departing from the eastern margin of the public right-of-way for Zoo Parkway and following the northern boundary of Parcel 1 the next four bearings and distances: North 81 degrees 34 minutes 05 seconds East 109.67 feet along the Jonathan Bullington and Ashley L. Bullington property described in Deed Book 2698, Page 1462, Randolph County Registry (Lot 19 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 5/8-inch existing iron rod up two inches; thence North 81 degrees 33 minutes 02 seconds East 99.98 feet along the Kimberly Dekle Hanna Fields property described in Deed Book 1927, Page 780, Randolph County Registry (Lot 18 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 1/2-inch existing iron pipe down two inches; thence North 71 degrees 37 minutes 33 seconds East 101.33 feet along the Joan Beane Cockman and Johnie Edwind Cockman property described in Deed Book 2511, Page 1316, Randolph County Registry (Lot 17 as shown in Plat Book 31, Page 5, Randolph County Registry) to a 1/2-inch existing

iron pipe down two inches; thence North 71 degrees 37 minutes 42 seconds East 195.00 feet along the Johnny J. Harvell and Nancy H. Harvell property described in Deed Book 1827, Page 572, Randolph County Registry (Lot 16 and part of Lot 15 as shown in Plat Book 31, Page 5, Randolph County Registry) to a set 1-inch new iron pipe up two inches; thence departing from the northern boundary of Parcel 1 and proceeding along the eastern boundary of Parcel 1 the next two bearings and distances: South 19 degrees 25 minutes 40 seconds East 165.88 feet to a set 2-inch new iron pipe up two inches; thence South 29 degrees 48 minutes 20 seconds East 60.00 feet to a set 2-inch new iron pipe up two inches; thence departing from the eastern boundary of Parcel 1 and following the southern boundary of Parcel 1 the next two bearings and distances: South 60 degrees 11 minutes 40 seconds West 460.02 feet to a set 2-inch new iron pipe up two inches; thence in a southwesterly direction along the arc of a curve with a radius of 30.00 feet and an arc length of 49.42 feet a chord bearing and distance of South 13 degrees 00 minutes 21 seconds West 44.02 feet to a set 1-inch iron pipe up two inches in the eastern margin of the public right-of-way for Zoo Parkway; thence departing from the southern boundary of Parcel 1 and following the western boundary of Parcel 1 along the eastern margin of the public right-of-way for Zoo Parkway the next two bearings and distances: Northwestward along the arc of a curve with a radius of 1,203.94 feet and an arc length of 123.16 feet a chord bearing and distance of North 31 degrees 15 minutes 08 seconds West 123.11 feet to a computed point; thence continuing northwestward along the arc of a curve with a radius of 1,203.94 feet and an arc length of 270.65 feet a chord bearing and distance of North 21 degrees 52 minutes 53 seconds West 270.08 feet to the point and place of BEGINNING, and containing a total of 3.250 acres (141,570 square feet), more or less, in Parcel 1 as shown on that certain plat of survey drawn under the supervision of Thomas Scaramastra, Professional Surveyor with License Number L-4421. The referenced plat of survey, which is identified as Job # 23-002 and is titled "Minor Subdivision Plat for CITY OF ASHEBORO PROPERTY ACQUISITION," is recorded in Plat Book _____, Page _____, Randolph County Registry.

The purchase price for Parcel 1 is One Hundred Thirteen Thousand Seven Hundred Fifty and No Hundredths Dollars ($113,750.00) to be paid in good funds by the Buyer on the date of closing.

The following terms and conditions have been agreed upon by the Buyer and Seller as the terms and conditions of sale.

1. The Buyer shall be responsible for obtaining a title examination and any other studies deemed appropriate in the sole discretion of the Buyer. If the results or findings of any such studies or examinations are not acceptable to the Buyer, written notice shall be provided to the Seller. The parties shall make a reasonable effort to resolve any unsatisfactory matters disclosed by the studies or examinations. If such unsatisfactory matters cannot be resolved prior to the closing date referenced below, the Buyer may, by means of written notice,

terminate this Agreement without any penalty or cost to itself, and the parties will have no further rights or obligations regarding the sale of Parcel 1.

2. The Seller shall be responsible for the cost of preparing a North Carolina General Warranty Deed and all other instruments/documents necessary to perform the Seller's obligations under this Agreement, specifically including without limitation any release deed(s) needed from a lender in order to comply with the Seller's obligations under this Agreement.

3. The Seller shall be responsible for the payment of any excise tax (revenue stamps) associated with the conveyance of Parcel 1 from the Seller to the Buyer.

4. The Seller shall be responsible for ad valorem taxes prorated on a calendar year basis to the date of closing; Provided, however, the Seller shall be responsible for any and all deferred or rollback taxes.

5. All deeds of trust, liens, and other charges against Parcel 1 must be paid and cancellation obtained by the Seller prior to or at closing.

6. Title must be delivered at closing by means of a North Carolina General Warranty Deed and must be fee simple marketable title, free of all encumbrances and exceptions other than those specifically approved by the Buyer.

7. The Buyer shall be responsible for the cost of recording the North Carolina General Warranty Deed and for the payment of closing costs not otherwise assigned to the Seller by this Agreement. The closing costs to be paid by the Buyer specifically include the cost of any title search, title insurance, survey, and any other inspections/examinations undertaken by the Buyer.

8. Closing shall be completed on or before **December 29, 2023, TIME BEING OF THE ESSENCE WITH REGARD TO THE CLOSING DATE**. The closing shall be conducted by an attorney mutually agreeable to the parties to this Agreement.

9. This contract contains the entire agreement between the parties. There are no representations, inducements, or additional provisions other than those expressed herein. All changes, additions, or deletions hereto must be in writing and signed by both parties.

10. **Transfer of a Lot, Tract, or Parcel in an Unapproved Subdivision – N.C. Gen. Stat. § 160D-807**

This Agreement, at the time of its initial approval by the parties, utilized a description of Parcel 1 found on a preliminary plat that had not been recorded with the register of deeds. In compliance with the above-cited section of the North Carolina General Statutes, this Agreement includes the following provisions.

(a) A copy of the unrecorded plat referenced in the Agreement is attached hereto as Exhibit 1 and is hereby incorporated into this Agreement by reference as if copied fully herein. The Seller agrees to deliver to the Buyer a copy of the recorded plat prior to closing and conveyance.

(b) The **Buyer is hereby notified** that a final subdivision plat has not been approved or recorded at the time of the contract, no governmental body will incur any obligation to the Buyer with respect to the approval of the final subdivision plat, changes between the preliminary and final plats are possible, and the Agreement may be terminated without breach by the Buyer if the final recorded plat differs in any material respect from the preliminary plat.

(c) If the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the Buyer may not be required by the Seller to close any earlier than five days after the delivery of a copy of the final recorded plat.

(d) If the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the Agreement, the Buyer may not be required by the Seller to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the Buyer may terminate the Agreement without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price, if any.

[The remainder of this page has been intentionally left blank.
The signature blocks are on the next page.]

DATE OF OFFER: _____

CITY OF ASHEBORO
("BUYER"):

By: _____ **(SEAL)**
David H. Smith, Mayor

ATTEST: _____
Holly H. Doerr, CMC, NCCMC, City Clerk

This instrument has been preaudited in the manner prescribed by the Local Government Budget and Fiscal Control Act.

_____
Deborah P. Reaves, Finance Officer

DATE OF ACCEPTANCE: _____

TANNER INVESTMENT PROPERTIES, LLC
("SELLER"):

By: _____ **(SEAL)**
Dan W. Tanner, II, Member/Manager

TEMPORARY ACCESS EASEMENT AGREEMENT

This instrument was prepared by Asheboro City Attorney Jeffrey C. Sugg, Post Office Box 1106, Asheboro, North Carolina 27204-1106.

Please place the recorded instrument in the box assigned to the City of Asheboro.

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

This **TEMPORARY ACCESS EASEMENT AGREEMENT** (this "**Agreement**") is made and entered into, effective as of the date of the last signature affixed hereto, by and between the **CITY OF ASHEBORO**, a North Carolina municipal corporation, (the "**Grantor**") and **TANNER INVESTMENT PROPERTIES, LLC**, a North Carolina limited liability company (the "**Grantee**")**.** Grantor and Grantee are collectively referred to as the "**Parties**" and individually, a "**Party**." The designation Grantor and Grantee as used herein shall include the above-listed Parties and their heirs, successors, and assigns. The designation shall signify singular, plural, masculine, feminine, or neuter as required by context.

RECITALS:

WHEREAS, Grantor is the owner of a parcel or tract of land (the "**Grantor Property**") that is described in a North Carolina General Warranty Deed recorded in the Office of the Register of Deeds for Randolph County, North Carolina (the "**Randolph County Registry**") in Book of Record _____ at Page _____; and

WHEREAS, the Asheboro City Council has expressed its intent for the City of Asheboro to open, within one calendar year of the date of the acquisition of the Grantor Property in fee simple, a section of public street within the proposed 60-foot public right-of-way shown on the Grantor Property by a plat of survey recorded in Plat Book _____, Page _____, Randolph County Registry; and

WHEREAS, Grantee is the owner of real property planned for future development to the east and south of the Grantor Property; and

WHEREAS, Grantee has requested of the Asheboro City Council a temporary non-exclusive access easement across the Grantor Property for use in advance of the opening of the planned section of public street on the Grantor Property; and

WHEREAS, in consideration of the assistance provided to the City of Asheboro by Tanner Investment Properties, LLC during the acquisition of the Grantor Property, the Asheboro City Council has agreed, as described herein, to approve for the benefit of the Grantee a temporary non-exclusive access easement over, under, and across a certain portion of the Grantor Property.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by the Parties, the Grantor hereby gives, grants, and conveys to the Grantee the temporary non-exclusive access easement described in Section 1 of this Agreement.

Section 1. Temporary Non-Exclusive Access Easement. For the benefit of the Grantee's real property (53 acres, more or less, shown as "REMAINING AREA FUTURE DEVELOPMENT" on the plat of survey recorded in Plat Book _____, Page _____, Randolph County Registry), the Grantor hereby grants and conveys to Grantee a temporary non-exclusive access easement (hereinafter the "**Access Easement**") for the purpose of providing ingress, egress, and regress for pedestrian and vehicular traffic to the Grantee's property, on a temporary basis, over and across that certain area on the Grantor Property that is described in the following italicized paragraphs.

Grant Township, Randolph County, North Carolina:

BEGINNING at a computed point in the eastern margin of the 60-foot public right-of-way for Zoo Parkway (North Carolina Highway 159), this computed point is located with the aid of the North Carolina Coordinate System by following, from the BEGINNING point, the eastern margin of the public right-of-way for Zoo Parkway in a northwesterly direction along the arc of a curve with a radius of 1,203.94 feet and an arc length of 270.65 feet a chord bearing and distance of North 21 degrees 52 minutes 53 seconds West 270.08 feet to a 1-inch existing iron pipe down two inches and located at the coordinates of North 699,157.86 feet and East 1,763,303.42 feet

(NAD 83 (2011)); thence, from the described BEGINNING point, running with the western margin of the Access Easement granted herein by following the eastern margin of the public right-of-way for Zoo Parkway in a southeasterly direction along the arc of a curve with a radius of 1,203.94 feet and an arc length of 123.16 feet a chord bearing and distance of South 31 degrees 15 minutes 08 seconds East 123.11 feet to a set 1-inch new iron pipe up two inches in the eastern margin of the public right-of-way for Zoo Parkway; thence departing from the eastern margin of the public right-of-way for Zoo Parkway and following the southern margin of the Access Easement in a northeasterly direction along the arc of a curve with a radius of 30.00 feet and an arc length of 49.42 feet a chord bearing and distance of North 13 degrees 00 minutes 21 seconds East 44.02 feet to a set 2-inch new iron pipe up two inches; thence continuing to follow the southern margin of the Access Easement North 60 degrees 11 minutes 40 seconds East 460.02 feet to a set 2-inch new iron pipe up two inches; thence departing from the southern margin of the Access Easement and running North 29 degrees 48 minutes 20 seconds West 60.00 feet along the eastern margin of the Access Easement to a set 2-inch new iron pipe up two inches; thence departing from the eastern margin of the Access Easement and running with the northern margin of the Access Easement the next two bearings and distances: South 60 degrees 11 minutes 40 seconds West 463.05 feet to a computed point; thence in a northwesterly direction along the arc of a curve with a radius of 30.00 feet and an arc length of 47.90 feet a chord bearing and distance of North 74 degrees 03 minutes 49 seconds West 42.97 feet to the point and place of BEGINNING, and containing a total of 30,004 square feet, more or less, in the Access Easement as shown on that certain plat of survey drawn under the supervision of Thomas Scaramastra, Professional Surveyor with License Number L-4421. The listed plat of survey is titled "Minor Subdivision Plat for CITY OF ASHEBORO PROPERTY ACQUISITION" and is further identified as Job # 23-002.

The above-described Access Easement area encompasses the same 30,004-square foot area that is labeled on the "Minor Subdivision Plat for CITY OF ASHEBORO PROPERTY ACQUISITION" as "PROPOSED 60' FUTURE PUBLIC R/W Area 30,004 Sq. Ft. (included in Parcel 1) FEE SIMPLE OWNERSHIP BY CITY OF ASHEBORO." The listed minor subdivision plat has been recorded in Plat Book _____, Page _____, Randolph County Registry.

Section 2. Duration and Maintenance of the Access Easement. The Access Easement conveyed herein shall expire under the terms of this Agreement, and without any further action by either Party, at the earlier of either the opening of the labeled section of publicly maintained street on the Grantor Property or at 11:59 p.m. on December 31, 2025. The Parties mutually agree that no easement granted pursuant to this Agreement will continue beyond December 31, 2025.

The Grantor, and its successors and assigns, shall be responsible for the maintenance of the area within the Access Easement; Provided, however, the Grantor shall not be responsible for repairing any damage that is caused by the willful

misconduct or negligent actions of Grantee or its agents, lessees, sublessees, employees, contractors, subcontractors, licensees, invitees, successors, and/or assigns. The Grantee shall be solely responsible for any repair work attributable to the willful misconduct or negligent actions of the Grantee or its agents, lessees, sublessees, employees, contractors, subcontractors, licensees, invitees, successors, and/or assigns.

Section 3. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their legal representatives, successors, and assigns. The Grantor covenants with the Grantee that it is seized of the Grantor Property in fee simple and has the right to convey the Access Easement contained herein.

Section 4. Indemnification. The Grantee hereby agrees to indemnify, defend, and hold harmless the Grantor, and its city council members, employees, successors, and assigns, from and against all liabilities, judgments, demands, causes of action, claims, losses, damages, costs, and expenses of whatever nature (i) arising from any negligent act or omission of the Grantee or its contractors, tenants, licensees, invitees, agents, servants, or employees related to their use of the easement granted herein, or (ii) arising from any accident, injury, or damage whatsoever caused to any person, or to the property of any person, or from any violation of applicable law resulting from any act or neglect of the Grantee or its contractors, tenants, licensees, invitees, agents, servants, or employees related to their use of the easement granted herein. This indemnity and hold harmless provision shall include indemnity against all costs, expenses, and liabilities, including reasonable attorneys' fees, incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof, and this indemnity shall survive the expiration or earlier termination of this Agreement. Notwithstanding the foregoing, the aforementioned indemnity shall not apply to the extent that any liabilities, judgments, demands, causes of action, claims, losses, damages, costs, and expenses arise from or are caused by the negligence or willful misconduct of any party who is seeking indemnification.

Section 5. Notice. All notices, demands, and requests which may or are required to be given shall be in writing and shall be sent by United States certified mail or registered mail, return receipt requested, postage prepaid or by overnight courier, receipt confirmed by recipient, as provided in this Section 5. Such notice shall be deemed given on the date such notice is received or refused. The notice address may only be changed upon the recordation of a separately filed document with the changed notice address. The notice addresses for the parties are printed on the next page. The remainder of this page has been intentionally left blank.

Addressed to Grantor:

City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Attn: John N. Ogburn, III, City Manager

Addressed to Grantee:

Tanner Investment Properties, LLC
1016 Worth Street
Asheboro, North Carolina 27203-5016
Attn: Dan W. Tanner, II, Member/Manager

Section 6. Headings. The headings of the sections contained herein are intended for reference purposes only and shall not be used to interpret the provisions contained herein or the rights granted hereby.

Section 7. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Section 8. Amendments. This Agreement may be modified, amended, or it may be abrogated or rescinded, in whole or in part, from time to time only when evidenced by a written document executed by Grantor and Grantee, or their successors and assigns.

Section 9. Governing Law. This Agreement shall be construed under and governed by the laws of the State of North Carolina.

Section 10. Entire Agreement. This Agreement together contains the entire agreement between the parties, and there are no other terms, conditions, promises, undertakings, statements, or representations, either written or oral or express or implied, concerning the matters addressed in this Agreement.

[The remainder of this page has been intentionally left blank.
Signatures and notarial certificates are located on the next two pages.]

IN WITNESS WHEREOF, the Parties have each executed this Agreement in duplicate originals.

GRANTOR:

CITY OF ASHEBORO,
a North Carolina municipal corporation

By: _____
David H. Smith, Mayor

ATTEST:

_____
Holly H. Doerr, CMC, NCCMC, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, the undersigned Notary Public of _____ County, North Carolina, do hereby certify that Holly H. Doerr, who is personally known by me, appeared in person before me this day and acknowledged that she is the City Clerk for the City of Asheboro, a North Carolina municipal corporation, and that, by authority duly given and as the act of the municipal corporation, the foregoing Agreement was voluntarily signed by Mayor David H. Smith for the purpose stated therein with Ms. Doerr affixing the municipal corporation's seal and attesting the Agreement in her capacity as City Clerk for the City of Asheboro.

WITNESS my hand and official seal or notarial stamp, this the _____ day of _____, 2023.

_____
Notary Public's Signature

NOTARIAL SEAL

_____
Notary Public's Printed or Typed Name

My commission expires:

_____

IN WITNESS WHEREOF, the Parties have each executed this Agreement in duplicate originals.

GRANTEE:

TANNER INVESTMENT PROPERTIES, LLC,
a North Carolina limited liability company

By: _____
Dan W. Tanner, II, Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

I, the undersigned Notary Public of _____County, North Carolina, do hereby certify that Dan W. Tanner, II personally appeared before me this day and acknowledged that he is the Member/Manager of Tanner Investment Properties, LLC, a North Carolina limited liability company, and that, by authority duly given and as the act of the limited liability company, he signed the foregoing Agreement in the limited liability company's name and on its behalf as its act and deed.

WITNESS my hand and official stamp or notarial seal, this the _____ day of _____, 2023.

_____
Notary Public's Signature

NOTARIAL SEAL

_____
Notary Public's Printed or Typed Name

My commission expires:

_____