



Memo

To: Mayor and Town Board of Commissioners
From: Meredith Gruber, Planning Director
Date: August 1, 2023
Re: ANX-23-03 Wallbrook Property (Paris Tract)
Conduct Legislative Hearing

Background

The Town of Rolesville Planning Department received a Voluntary Annexation Petition from Wallbrook Landco, LLC in May 2023 for 7.0427 acres with Wake County PIN 1758467822 (an unaddressed parcel on South Main Street). The Petition corrects an oversight that occurred during annexation case ANX-21-06 and map amendment (rezoning) MA 21-09 Wallbrook, where the approved Ordinance 2022-O-03 unintentionally omitted PIN 1758467822, while PIN 1758458905, which was already in Town Limits circa 2016, was unintentionally included in its place. Map amendment (rezoning) application MA 21-09 changed the zoning from GI-CZ to GC-CZ and thus does not need to be reviewed nor corrected, as it was approved for the correct properties.

On July 6, 2023, as provided in G.S. 160A-31, the petition was investigated by the Town Clerk as to its sufficiency of meeting G.S. 160A-31, and a legislative hearing was called for, to occur on August 1, 2023.

Staff Analysis and Recommendation Staff recommends the Town Board of Commissioners conduct a legislative hearing and approve the Voluntary Annexation Petition.

Proposed Motions

- Motion to approve Resolution 2023-R-08 directing the Clerk to investigate sufficiency of the petition received under G.S. 160A-31 for ANX 23-03.
- Motion to schedule a legislative hearing on August 1, 2023 for ANX-23-03 received under G.S. 160A-31.

Attachments

1. ANX 23-03 – Voluntary Annexation Petition
2. Deed
3. Legal Description (Metes and Bounds)
4. Survey
5. Certificate of Sufficiency, signed July 26, 2023
6. Ordinance 2023-O-05
7. Property Visual Maps

TOWN OF ROLESVILLE PETITION FOR ANNEXATION

The items below are required in order to complete your application and shall be submitted when the application is filed.

1. A complete copy of the last deed of record for proof of ownership
2. An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.
3. A complete copy of the written metes and bounds description based on the annexation boundary plat/map.

SECTION 1 - LOCATION

Is the area contiguous with the existing primary corporate limits? Satellite corporate limits is not primary. Yes or No

Note: If the land is contiguous to any existing corporate limits, the proposed annexation boundary will include all intervening right-of-ways for streets, easements, and other areas as stated in North Carolina General Statute §160-131(1).

SECTION 2 - VESTED RIGHTS

NC General Statutes require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition? Yes or No

SECTION 3 - PROPERTY DETAILS

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1758467822	0224130	DB 018104	PG 00920-00922	7.08	\$ 925,215
		DB	PG		\$
		DB	PG		\$

SECTION 4 - SIGNATURES AND VERIFICATION

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

- If property owned by INDIVIDUALS (NOTE: All legal owners must sign including both husband and wife)

Signature of Owner #1 _____

_____ Date Signed

Signature of Owner #2 _____

_____ Date Signed

- If property owned by a COMPANY OR CORPORATION (NOTE: The company or corporation must be legally registered with the State of North Carolina – Office of the Secretary of State)

Wallbrook Landco, LLC

Name of Corporation _____

J. Austin Williams

Printed Name of Registered Agent _____

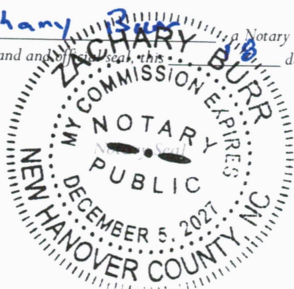

Signature of Registered Agent _____

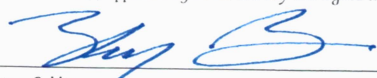
3 Keel St, Unit #2, Wrightsville Beach, NC 28480

Address, State, Zip of Registered Office: _____

North Carolina, New Hanover County

I, Zachary B. Burr, Notary Public for said County and State, do hereby certify that the above signed individual(s) appeared before me this day and signed the foregoing instrument.
Witness my hand and seal this May day of 2023.




Notary Public
My commission expires: December 5, 2027

**NORTH CAROLINA
 SPECIAL WARRANTY DEED**

Excise Tax: \$ 4,089.00

Recording Time, Book and Page

Tax Map No.

Parcel Identifier No. 0224130

Mail after recording to: Grantee

This instrument was prepared by: Horsley Law Firm, PA, without title examination and no advice given.

THIS DEED made this 29th day of September, 2020 by and between

GRANTOR

Gary R. Paris, Trustee of the Gary R. Paris Revocable Trust dated the 31st day of May, 2001, as amended
 Anne T. Paris, Trustee of the Anne T. Paris Revocable Trust dated the 21st day of May, 2001, as amended
 10101 Whitestone Road, Raleigh, NC 27615

GRANTEE

WALLBROOK LANDCO LLC

Mailing Address:

121 WEST TRADE STREET, Ste. 2550
 CHARLOTTE NC 28202

Property Address: 0 S. Main Street, Rolesville, NC 27541

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

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

BEING all of Lot 2-1 of that plat entitled "Preliminary Subdivision Plan and Recombination Survey for Tommy Twitty", a copy of which is recorded in Book of Maps 1996, Page 187, Wake County Registry.

Submitted electronically by "The Pryzwansky Law Firm"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the Wake County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 12634, Page 2473.

A map showing the above described property is recorded in Book of Maps 1996, Page 187.

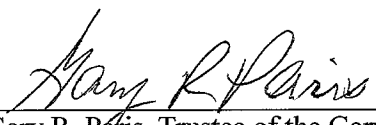
The above described property does NOT include the primary residence of the Grantor.

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

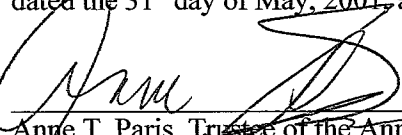
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all exceptions listed on Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.



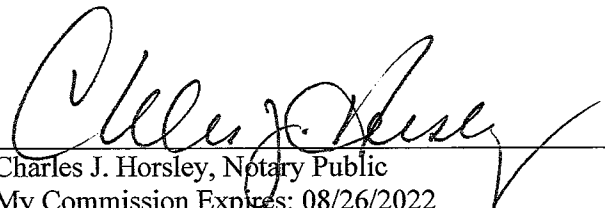
(SEAL)
Gary R. Paris, Trustee of the Gary R. Paris Revocable Trust
dated the 31st day of May, 2001, as amended



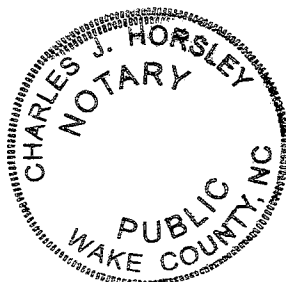
(SEAL)
Anne T. Paris, Trustee of the Anne T. Paris Revocable Trust
dated the 21st day of May, 2001, as amended

State of North Carolina - County of Wake

I, the undersigned Notary Public of the County of Wake and State aforesaid, certify that Gary R. Paris, Trustee of the Gary R. Paris Revocable Trust dated the 31st day of May, 2001, as amended personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of September, 2020.

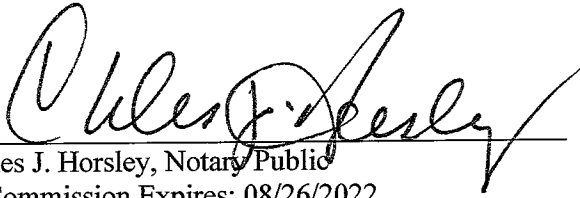


Charles J. Horsley, Notary Public
My Commission Expires: 08/26/2022

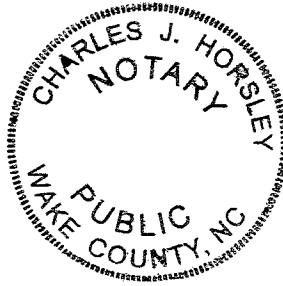


State of North Carolina - County of Wake

I, the undersigned Notary Public of the County of Wake and State aforesaid, certify that Anne T. Paris, Trustee of the Anne T. Paris Revocable Trust dated the 21st day of May, 2001, as amended personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of September, 2020.



Charles J. Horsley, Notary Public
My Commission Expires: 08/26/2022

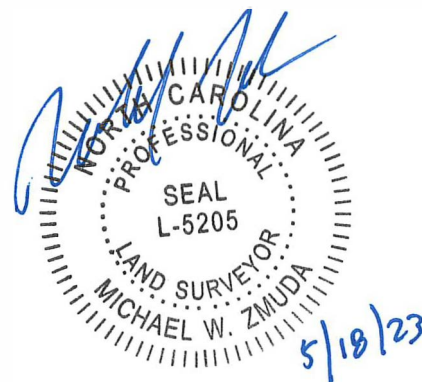


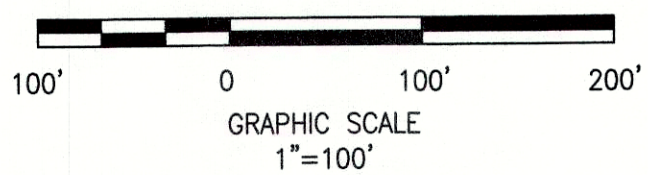
Paris Tract

All that certain real property situated in the Town of Rolesville, County of Wake, State of North Carolina, described as follows:

A portion of Lot 2-1 as said lot is shown and so designated on that certain plat entitled "Preliminary Subdivision Plan and Recombination Survey for Tommy Twitty, Tracts 2 & 3A, Twitty Prop." recorded in Book of Maps 1996, Page 187, Wake County Registry, more particularly described as follows:

Beginning at a found iron pipe marking the most southern corner of Lot 166 as shown on the plat entitled "Subdivision Plat, Hampton Pointe - Phase Three for Hampton Pointe Associates, LLC" recorded in Book of Maps 2006, Page 811, Wake County Registry; thence along the eastern boundary of said Hampton Pointe Subdivision and continuing along the eastern boundary of that certain parcel conveyed to the City of Raleigh in Deed Book 10133, Page 750, Wake County Registry, North 32° 01'38" East 677.31 feet to the most western corner of Lot 2 as shown on a plat entitled "Survey for Grand Park Properties" recorded in Book of Maps 2000, Page 1239, Wake County Registry; thence along the southwestern boundary of said Lot 2 South 53° 28'07" East 493.53 feet to the new northwestern right of way line of U.S. Highway 401 (Business) as described in Deed Book 18992, Page 406, Wake County Registry; thence along said new right of way line the following eleven courses: (1) South 42° 44'43" West 23.02 feet (record 23.07 feet); (2) South 75° 45'31" West 28.94 feet; (3) South 37° 49'21" West 63.91 feet; (4) South 27° 10'50" East 36.31 feet; (5) South 36° 06'10" West 75.75 feet; (6) South 74° 59'26" West 96.87 feet; (7) South 36° 20'17" West 90.00 feet; (8) South 03° 55'42" East 111.40 feet; (9) South 36° 20'17" West 80.00 feet; (10) South 36° 41'55" West 59.58 feet; and (11) South 42° 28'55" West 60.49 feet (record 60.43 feet) to the northeastern boundary of Lot 1 as shown on the subdivision plat entitled "Hampton Pointe, Lots 1 and 2" recorded in Book of Maps 2009, Page 1043, Wake County Registry; thence along the northeastern boundary of Lots 1 and 2 of said subdivision North 56° 27'11" West 458.02 feet to the point of beginning, containing 7.0427 acres, more or less.





CITY OF RALEIGH
DB 10133 PG 750
BM 2003 PG 614
PIN# 1758-47-5494

GRAND PARK PROPERTIES, LLC
DB 8438 PG 1116
LOT 2
BM 2000 PG 1239
PIN# 1758-47-9244

WALLBROOK LANDCO, LLC
DB 18104 PG 920
BM 1996 PG 187
PIN# 1758-46-7822
7.0427 ACRES

CHARTER DEVELOPMENT
COMPANY, LLC
DB 16960 PG 2285
LOT 2
BM 2017 PG 2265-2267
PIN# 1758-36-9359

TRI-ARC FOOD SYSTEMS, INC.
DB 13702 PG 1125
LOT 1
BM 2009 PG 1043
PIN# 1758-46-5402

WALLBROOK LANDCO, LLC
DB 18103 PG 1563
PIN# 1758-45-8905

WALLBROOK LANDCO, LLC
DB 18103 PG 1563
PIN# 1758-56-8976

LEGEND
● = FOUND IRON PIPE
○ = DIMENSION POINT (NOTHING SET)
R = PROPERTY LINE
R/W = RIGHT OF WAY

————— = ANNEXATION BOUNDARY
- - - - - = RIGHT OF WAY LINE
- . - . - = ADJOINING PROPERTY LINE
- - - - - = EASEMENT LINE

ADJOINING PROPERTY OWNERS

①
HAMPTON POINTE ASSOCIATES, LLC
DB 10051 PG 530
LOT 3B
BM 2022 PG 1722
PIN# 1758-46-1044

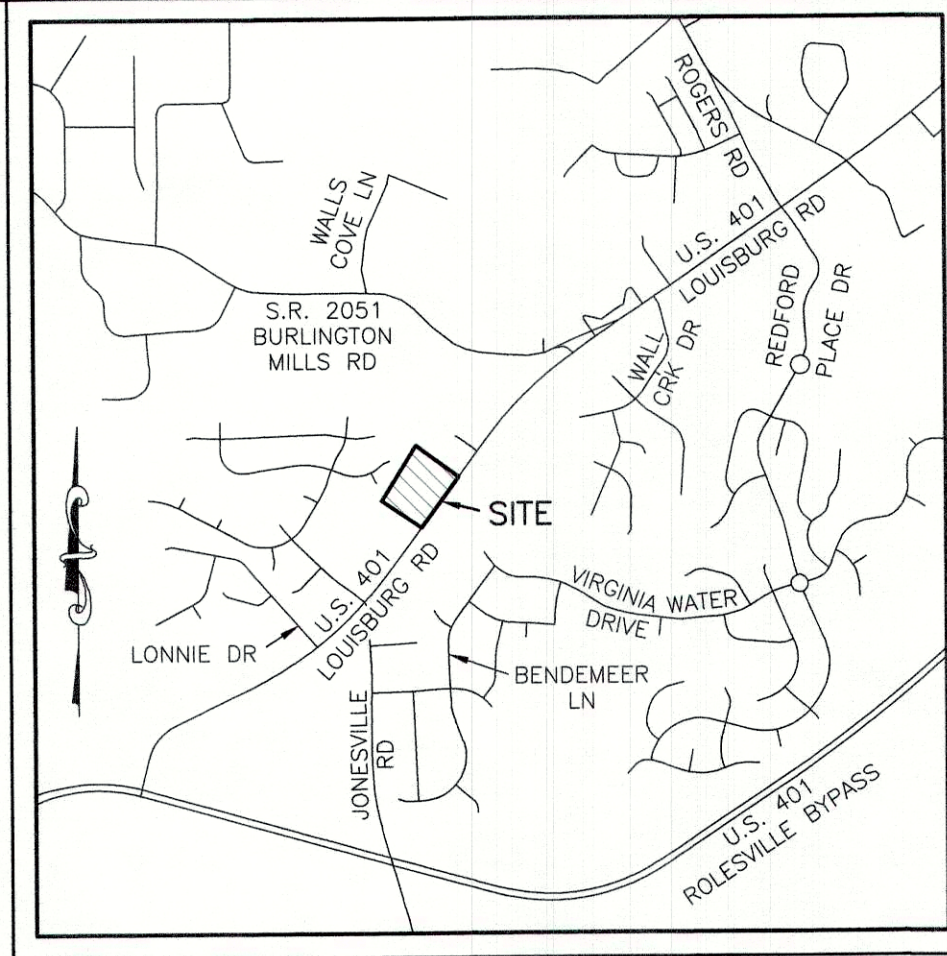
②
TIMOTHY KING
DB 18540 PG 1304
LOT 166
BM 2006 PG 811
PIN# 1758-46-2777

③
GLENN E. CRUICKSHANK &
KRISTEN L. CRUICKSHANK
DB 12952 PG 1672
LOT 165
BM 2006 PG 811
PIN# 1758-46-3846

④
AMBOKA BUMBA &
ANNIE MANTINGU BUMBA
DB 12725 PG 1212
LOT 163
BM 2006 PG 811
PIN# 1758-46-3999

⑤
SHAWN K. KLINE &
MICHELLE STEWART
DB 16766 PG 1232
LOT 162
BM 2006 PG 811
PIN# 1758-47-4075

⑥
ERIC G. CRAWFORD &
ANNE M. CRAWFORD
DB 15427 PG 1754
LOT 161
BM 2006 PG 811
PIN# 1758-47-5117



VICINITY MAP
SCALE: 1" = ±2000'

LINE	BEARING	DISTANCE
L1	S42°44'43"W	23.02'
L2	S75°45'31"W	28.94'
L3	S37°49'21"W	63.91'
L4	S27°10'50"E	36.31'
L5	S36°06'10"W	75.75'
L6	S74°59'26"W	96.87'
L7	S36°20'17"W	90.00'
L8	S03°55'42"E	111.40'
L9	S36°20'17"W	80.00'
L10	S36°41'55"W	59.58'
L11	S42°28'55"W	60.49'

REFERENCES

D.B. 18104 PG. 920
D.B. 18992 PG. 406
B.M. 1996 PG. 187

GENERAL NOTES

1. THE SURVEY IS REFERENCED TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, 2001 ADJUSTMENT, NAD83(2001).
2. ALL DISTANCES ARE HORIZONTAL GROUND.
3. THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X, AREA OF MINIMAL FLOODING, AS SHOWN ON NATIONAL FLOOD INSURANCE RATE MAP (FIRM), WAKE COUNTY, NORTH CAROLINA, PANEL 1758, MAP NO. 3720175800K, EFFECTIVE DATE: JULY 19, 2022.

ANNEXATION EXEMPT CERTIFICATION

I HEREBY CERTIFY THAT THIS ANNEXATION PLAT IS APPROVED FOR RECORDING, AND IS EXEMPT FROM THE ROLESVILLE UNIFIED DEVELOPMENT ORDINANCE.

SUBDIVISION ADMINISTRATOR DATE

REVIEW OFFICE CERTIFICATION

I, _____, REVIEW OFFICER OF THE TOWN OF ROLESVILLE, WAKE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER DATE

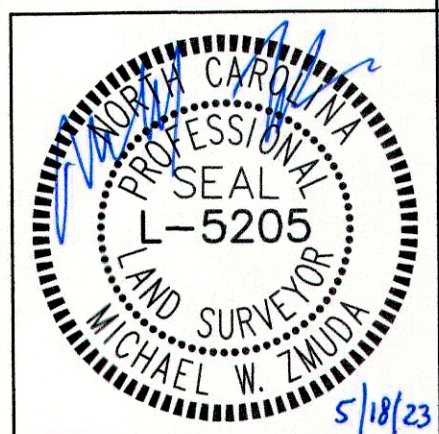
SURVEYOR'S CERTIFICATE

I, MICHAEL W. ZMUDA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION BASED ON THE DEED DESCRIPTION RECORDED IN BOOK 18104, PAGE 920; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES LISTED ON THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS GREATER THAN 1:20,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18TH DAY OF MAY, 2023.

I, MICHAEL W. ZMUDA, FURTHER CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

Michael W. Zmuda

MICHAEL W. ZMUDA DATE 5/18/23
PLS #L-5205



9201 ARBORETUM PARKWAY, SUITE 310 | RICHMOND, VA 23236
P: (804) 323-9900 | F: (804) 323-0596 | www.jmt.com

REVISION #	DATE	REASON FOR REVISION

**ANNEXATION PLAT FOR
THE TOWN OF ROLESVILLE**

PROPERTY OF WALLBROOK LANDCO, LLC
PIN# 1758-46-7822

WAKE FOREST TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

DRAWN BY: JSZ	PROJECT#:	JMT#: 20-00915-001
CHECKED BY: MWZ	CONTRACT#:	SHEET 1 OF 1
DATE: 05/18/2023	SCALE: 1"=100'	

CERTIFICATE OF SUFFICIENCY

ANX23-03: Wallbrook Landco, S. Main Street

To the Board of Commissioners of the Town of Rolesville, North Carolina:

I, Robin E. Peyton, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area(s) proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Rolesville primary corporate limits as required by G.S. 160A-31.
- c. The petition is signed by all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Rolesville, this 26th day of July 2023.

Robin E. Peyton

Robin E. Peyton
Town Clerk

ANX 23-03 Wallbrook Paris Tract



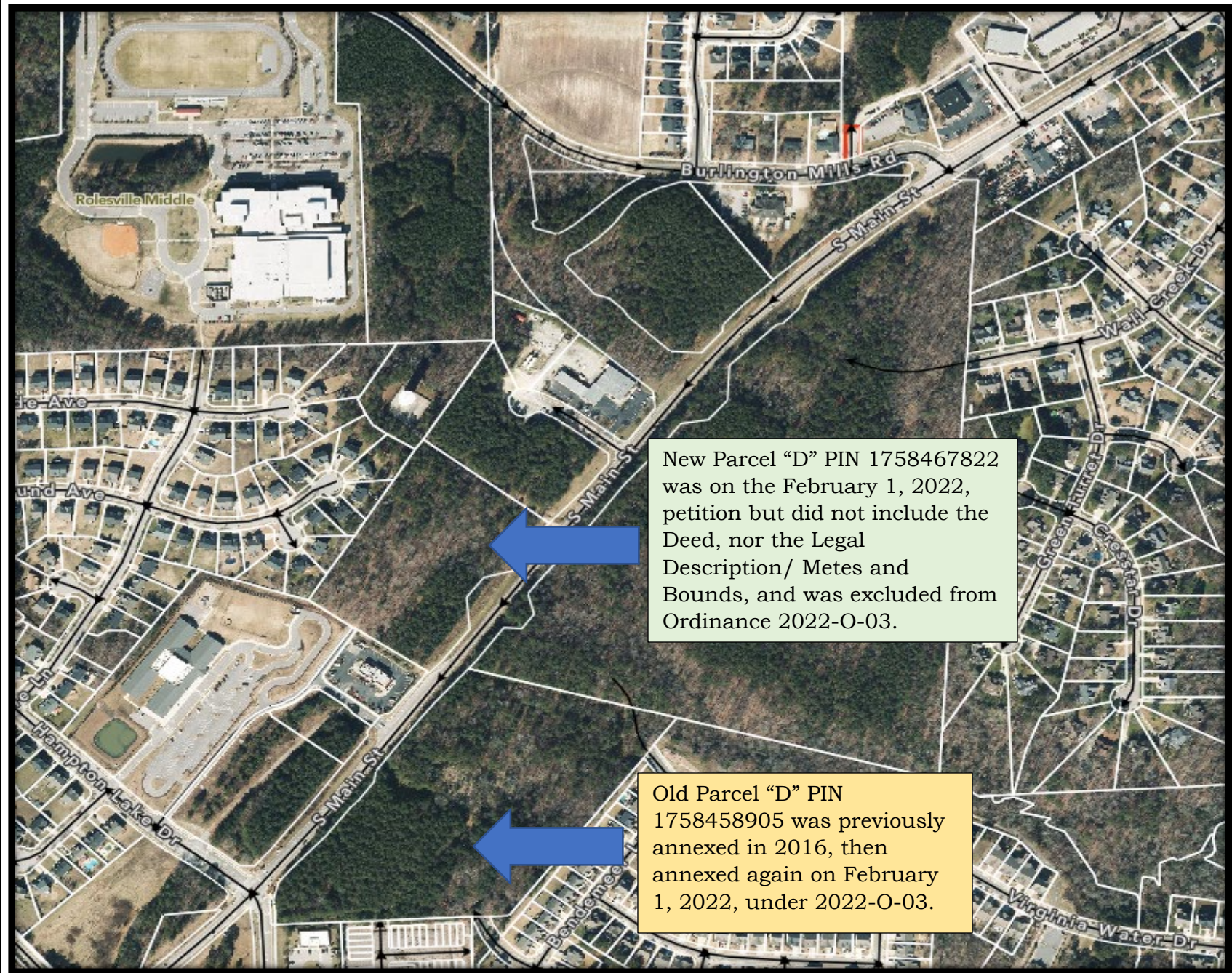
(A) 1758489229
Annexed

(B) 1758582090
GI Annexed

(D) 1758467822
GI
To be Annexed

(C) 1758568976
Annexed

ANX 23-03 Wallbrook Correction



New Parcel "D" PIN 1758467822 was on the February 1, 2022, petition but did not include the Deed, nor the Legal Description/ Metes and Bounds, and was excluded from Ordinance 2022-O-03.

Old Parcel "D" PIN 1758458905 was previously annexed in 2016, then annexed again on February 1, 2022, under 2022-O-03.

After Recording Mail to: Town of Rolesville
 P. O. Box 250
 Rolesville, NC 27571

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF ROLESVILLE UNDER THE
AUTHORITY GRANTED BY PART 1, ARTICLE 4A
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

ORDINANCE 2023-O-05
CASE ANX-23-03

WHEREAS, the Mayor and Board of Commissioners for the Town of Rolesville, North Carolina has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, the petition has been certified by the Town Clerk as to its sufficiency of meeting G.S. 160A-31; and

WHEREAS, a public hearing on the question of this annexation was held in the Town Board Room at Rolesville Town Hall located at 502 Southtown Circle, Rolesville, NC 27571 at 7:00 pm or thereafter on August 1, 2023, after due notice; and

WHEREAS, the Mayor and Board of Commissioners finds that the proposed annexation meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of Rolesville, North Carolina that:

Section 1. By the authority granted by G.S. 160A-31, the following described contiguous properties owned by Wallbrook Landco, LLC, is hereby annexed and made part of the Town of Rolesville effective as of August 1, 2023:

All that certain real property situated in the Town of Rolesville, Wake Forest Township, Wake County, North Carolina, described as follows:

A portion of Lot 2-1 as said lot is shown and so designated on that certain plat entitled "Preliminary Subdivision Plan and Recombination Survey for Tommy Twitty, Tracts 2 & 3A, Twitty Prop." recorded in Book of Maps 1996, Page 187, Wake County Registry, more particularly described as follows:

Beginning at a found iron pipe marking the most southern corner of Lot 166 as shown on the plat entitled "Subdivision Plat, Hampton Pointe - Phase Three for Hampton Pointe Associates, LLC" recorded in Book of

Maps 2006, Page 811, Wake County Registry; thence along the eastern boundary of said Hampton Pointe Subdivision and continuing along the eastern boundary of that certain parcel conveyed to the City of Raleigh in Deed Book 10133, Page 750, Wake County Registry, North 32° 01'38" East 677.31 feet to the most western corner of Lot 2 as shown on a plat entitled "Survey for Grand Park Properties" recorded in Book of Maps 2000, Page 1239, Wake County Registry; thence along the southwestern boundary of said Lot 2 South 53° 28'07" East 493.53 feet to the new northwestern right of way line of U.S. Highway 401 (Business) as described in Deed Book 18992, Page 406, Wake County Registry; thence along said new right of way line the following eleven courses: (1) South 42° 44'43" West 23.02 feet (record 23.07 feet); (2) South 75° 45'31" West 28.94 feet; (3) South 37° 49'21" West 63.91 feet; (4) South 27° 10'50" East 36.31 feet; (5) South 36° 06'10" West 75.75 feet; (6) South 74° 59'26" West 96.87 feet; (7) South 36° 20'17" West 90.00 feet; (8) South 03° 55'42" East 111.40 feet; (9) South 36° 20'17" West 80.00 feet; (10) South 36° 41'55" West 59.58 feet; and (11) South 42° 28'55" West 60.49 feet (record 60.43 feet) to the northeastern boundary of Lot 1 as shown on the subdivision plat entitled "Hampton Pointe, Lots 1 and 2" recorded in Book of Maps 2009, Page 1043, Wake County Registry; thence along the northeastern boundary of Lots 1 and 2 of said subdivision North 56° 27'11" West 458.02 feet to the point of beginning, containing 7.0427 acres, more or less.

Section 2. That the Mayor and Board of Commissioners directs a duly certified copy of this ordinance and annexation boundary map be submitted for filing to the Office of the Register of Deeds of Wake County and the Office of the Secretary of the State of North Carolina.

Adopted this 1st day of August, 2023.

Ronnie I. Currin
Town of Rolesville Mayor

CERTIFICATION

I, Robin E. Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this 1st day of August 2023.

Robin E. Peyton
Town Clerk