

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 622*

Short Title: Fuquay-Varina Deannexation.

(Local)

Sponsors: Senators Gulley; Miller and Reeves.

Referred to: State and Local Government.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE
CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is removed from the
corporate limits of the Town of Fuquay-Varina:

Being 4 tracts of land located in Middle Creek Township, Wake County, North
Carolina. The property being east of the intersection of S.R. 2751 (Hilltop Rd.) and S.R.
2752 (Airpark Rd.) and being more particularly described as follows:

TRACT 1

BEGINNING at an existing axle, said axle lying on the eastern right-of-way
of a 100' Norfolk-Southern Railroad easement and being in the southern line of the
property now or formerly owned by Wayne L. Baker; Thence from said axle along the
southern line of Wayne L. Baker south 87°50' 21" east 1253.80 feet to an existing iron
pipe, said pipe being the south east corner of the Wayne L. Baker property; thence from
said iron along the eastern line of Wayne L. Baker north 16°35' 41" east 49.09 feet to an
existing iron pipe; thence from said pipe south 73°21' 30" east 240.02 feet along the
southern line of lot 20, Dunallie Downs, phase II recorded at Book of Maps 1991, page
1280 to an existing iron pipe on the western right-of-way of Dunallie Drive; Thence
from said pipe along said right-of-way south 16°39' 17" west 7.30 feet to an existing
iron pipe; Thence from said pipe along a curve to the right, said curve having a radius of
25.00 feet, an arc length of 21.03 feet, a delta angle of 48°11' 23", a chord bearing of
south 40°44' 58" west and a chord of 20.41 feet to an existing iron pipe; Thence from
said pipe along a curve to the left, said curve having a radius of 50.00 feet. An arc
length of 119.15 feet, a delta angle of 136°32' 00", a chord bearing of south 03°25' 20"
east and a chord of 92.89 feet to an existing iron pipe; Thence from said iron pipe

1 leaving said right-of-way south 35°44' 43" west to an existing iron pipe on the edge of a
2 well lot recorded at Book of Maps 1991, page 1280; Thence from said pipe along edge
3 of said well lot along a curve to the left, said curve having a radius of 100 feet, an arc
4 length of 362.53 feet, a delta angle of 207°42' 44", a chord bearing of south 30°30' 48"
5 west and a chord of 194.18 feet to point; Thence from said point leaving said well lot
6 south 12°26' 23" west 1.38 feet to an existing iron pipe; Thence from said pipe north
7 73°21' 07" west 203.03 feet to an existing iron pipe; Thence from said iron pipe south
8 16°38' 36" west 321.50 feet to a point; Thence from said point north 87°50' 21" west
9 1423.38 feet to a point in the center of the aforementioned 100' Norfolk-Southern
10 easement; Thence from said point along the center of said easement north 26°30' 31"
11 east 88.50 feet, north 26°28' 09" east 214.54 feet, north 26°17' 54" east 217.61 feet,
12 north 26°05' 29" east 113.34 feet and north 24°56' 24" east 19.63 feet to an existing P.K.
13 nail; Thence from said nail south 87°50' 21" east 56.26 feet to the point and place of
14 beginning and containing a total of 20.05 acres and being the property standing in the
15 name of Seth S. Fish and wife Jean S. Fish and being recorded in deed book 5392, page
16 872 at the Wake County Register of Deeds.
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TRACT 2

19 Beginning at an existing iron pipe, said pipe lying on the southern right-of-
20 way of S.R. 2752 A(Airpark Rd.) and lying on the eastern line of Dunallie Downs
21 Subdivision recorded at book of maps 1986, Page 1218 at the Wake County Register of
22 Deeds; thence from said pipe along the eastern line of aforementioned subdivision south
23 16°39' 5" West 1662.73 feet to an existing iron pipe; thence from said pipe north 73°21'
24 07" West 529.93 feet to an existing iron pipe; thence from said pipe south 16°38' 36"
25 west 321.50 feet to a point; thence from point north 87°50' 21" West 1423.38 Feet to a
26 point in the center of a 100' Norfolk-Southern Railroad Easement; thence from said
27 point along center of said easement south 26°30' 31" West 179.42 Feet and south 26°29'
28 47" west 153.95 feet; thence leaving said easement north 88°15' 16" west 612.52 feet to
29 an existing iron pipe; thence from said pipe 88°13' 07" west 274.24 feet to an existing
30 iron pipe on the eastern right-of-way of S.R. 2751 (Hilltop Rd.); thence from said iron
31 north 88°13' 07" west 32.85 feet to a point in the centerline of said road; thence along
32 the centerline of said road south 26°19' 29" West 15.10 feet, south 24°59' 22" West
33 49.89 feet, south 22°51' 51" west 49.96 feet, south 20°06' 58" West 49.92 feet, south
34 17°22' 54" west 49.96 feet. South 15°12' 40" west 49.99 feet, south 13°21' 27" west
35 49.91 feet, south 12°12' 35" west 49.96 feet, south 11°14' 34" west 49.96 feet, south
36 10°13' 41" west 49.97 feet, south 09°43' 41" west 49.94 feet, south 09°10' 26" west
37 49.98 feet, south 09°35' 55" west 52.30 feet, south 08°12' 34" West 47.70 feet, south
38 08°47' 46" west 49.97 feet, south 07°26' 54" west 50.01 feet, south 05°08' 07" west
39 50.01 feet, south 03°23' 19" west 49.96 feet, south 01°27' 34" west 50.03 feet, south
40 00°07' 55" west 49.93 feet to a P.K. nail set on a bridge at the intersection of S.R. 2751
41 and Terrible Creek, thence along said creek the following courses and distances:
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43 North 67°13' 32" East 138.50 Feet

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| 1 | North 72°36' 15" East 68.66 Feet |
| 2 | North 34°08' 20" East 59.51 Feet |
| 3 | North 68°56' 27" East 56.33 Feet |
| 4 | South 70°52' 00" East 40.54 Feet |
| 5 | North 63°24' 42" East 31.18 Feet |
| 6 | North 38°34' 04" East 58.58 Feet |
| 7 | North 24°51' 00" East 36.78 Feet |
| 8 | North 74°47' 54" East 66.78 Feet |
| 9 | South 82°10' 03" East 158.19 Feet |
| 10 | South 78°45' 23" East 60.41 Feet |
| 11 | South 59°38' 40" East 72.48 Feet |
| 12 | South 44°56' 33" East 74.33 Feet |
| 13 | North 86°43' 13" East 59.06 Feet |
| 14 | South 87°18' 21" East 61.21 Feet |
| 15 | South 60°26' 09" East 222.81 Feet |
| 16 | North 73°31' 33" East 114.78 Feet |
| 17 | North 51°33' 24" East 107.96 Feet |
| 18 | South 58°04' 38" East 55.55 Feet |
| 19 | North 51°18' 12" East 187.19 Feet |
| 20 | North 73°11' 15" East 140.67 Feet |
| 21 | South 72°52' 12" East 79.53 Feet |
| 22 | North 88°05' 15" East 126.07 Feet |
| 23 | South 77°50' 13" East 150.65 Feet |
| 24 | North 54°28' 57" East 49.07 Feet |
| 25 | North 88°23' 52" East 163.93 Feet |
| 26 | South 61°53' 52" East 156.10 Feet |
| 27 | North 56°32' 30" East 84.19 Feet |
| 28 | South 53°49' 17" East 141.26 Feet |
| 29 | North 28°00' 32" East 64.91 Feet |
| 30 | South 76°04' 06" East 183.80 Feet |
| 31 | South 27°25' 28" East 87.43 Feet |
| 32 | North 62°29' 38" East 150.76 Feet |
| 33 | South 43°55' 12" East 50.72 Feet |
| 34 | North 67°13' 12" East 130.21 Feet |
| 35 | South 39°09' 11" East 164.16 Feet |
| 36 | North 73°40' 19" East 51.53 Feet |
| 37 | South 46°52' 08" East 110.83 Feet |
| 38 | South 08°56' 16" West 81.99 Feet |
| 39 | South 34°40' 54" East 81.11 Feet |
| 40 | South 58°57' 37" East 188.37 Feet |
| 41 | South 53°40' 01" East 219.77 Feet |
| 42 | South 88°27' 10" East 207.84 Feet |
| 43 | North 28°45' 43" East 59.57 Feet |
| 44 | North 81°17' 36" East 80.84 Feet |

1
 2 To an existing iron pipe on the north bank of Terrible Creek, thence from said iron pipe
 3 north 03°46' 00" East 3244.02 feet to an existing iron pipe near the southern right-of-
 4 way of S.R. 2752 (Airpark Rd.); thence from said iron pipe north 03°15' 46" east 38.18
 5 feet to an existing cotton spike in the center of S.R. 2752; thence from said spike along
 6 the center of S.R. 2752 north 77°32' 13" west 53.23 feet; north 78°56' 59" west 39.29
 7 feet; north 80°57' 14" west 50.06 feet north 83°54' 23" west 50.00 feet; north 86°30' 20"
 8 west 50.00 feet; north 88°28' 35" west 50.01 feet; north 89°23' 04" west 49.98 feet;
 9 south 89°58' 36" west 50.00 feet and south 89°40' 59" west 26.97 feet; thence leaving
 10 said centerline south 16°39' 05" west 31.55 feet to an existing iron on the southern right-
 11 of-way of S.R. 2752 and being the point and place of beginning containing 124.29 acres
 12 and being the property standing in the name of Seth S. Fish, J. W. Fish and wife Thelma
 13 R. Fish and being recorded at Deed Book 4600, Page 607 at the Wake County Register
 14 of Deeds.

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 16 **TRACT 3**

17 Beginning at an existing concrete monument, said monument being the
 18 southwest corner of Lot 71 Wind Haven South subdivision recorded at Book of Maps
 19 1986, page 947 at the Wake County Register of Deeds; thence from said monument
 20 along the western line of said subdivision north 12°39' 21" west 749.54 feet to a point;
 21 thence from said point north 85°57' 04" west 1037.62 feet to a point; thence from said
 22 point south 03°46' 00" west 1996.02 feet to an existing iron pipe on the northern bank of
 23 Terrible Creek; thence from said iron pipe along said creek the following courses and
 24 distances:

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| 26 | South 66°45' 14" East | 85.62 Feet |
| 27 | North 52°19' 10" East | 61.80 Feet |
| 28 | South 14°57' 02" East | 95.68 Feet |
| 29 | South 60°01' 32" East | 58.00 Feet |
| 30 | South 54°48' 41" East | 201.87 Feet |
| 31 | South 74°05' 48" East | 112.31 Feet |
| 32 | South 42°43' 41" East | 172.95 Feet |
| 33 | South 35°08' 50" East | 205.84 Feet |
| 34 | South 15°53' 01" East | 153.09 Feet |
| 35 | South 47°12' 06" East | 181.25 Feet |
| 36 | South 78°02' 23" East | 114.34 Feet |
| 37 | North 32°08' 28" East | 62.03 Feet |
| 38 | South 75°16' 55" East | 179.65 Feet |
| 39 | South 35°42' 52" East | 126.94 Feet |
| 40 | North 81°48' 44" East | 63.22 Feet |
| 41 | South 28°56' 41" East | 60.38 Feet |
| 42 | South 63°03' 43" East | 35.97 Feet |
| 43 | North 67°20' 23" East | 276.77 Feet |

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| 1 | North 64°30' 03" East | 165.12 Feet |
| 2 | North 75°48' 02" East | 126.52 Feet |
| 3 | North 61°53' 02" East | 282.00 Feet |

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5 Thence leaving said creek north 79°06' 58" west 449.00 feet to an existing concrete
6 monument; thence from said monument along the western line of aforementioned
7 subdivision north 01°53' 02" east 1672.23 feet to an existing concrete monument; thence
8 from said monument north 75°14' 57" west 391.42 feet to the point and place of
9 beginning containing 89.35 acres and being the property standing in the name of Seth S.
10 Fish and wife Jean S. Fish and recorded in Deed Book 1758, page 18 at the Wake
11 County Register of Deeds.

12 TRACT 4

13 Beginning at an existing pipe, said pipe being in the southern line of lot 34
14 Wind Haven Subdivision recorded at book of maps 1986, page 974 at the Wake County
15 Register of Deeds; thence from said iron pipe along the southern line of lots 30, 31, 32,
16 33, and 34 of said subdivision north 56°12' 04' West 930.43 feet to an existing iron pipe
17 near the southern right-of-way of S.R. 2752 (Airpark Rd.) and being the southwest
18 corner of lot 30 of said subdivision; thence from said iron pipe south 03° 46' 00" west
19 1248.00 feet to a point; thence from said point south 85°57' 04" east 1037.62 feet to a
20 point in the western line of lot 74 Wind Haven South Subdivision recorded at book of
21 maps 1986, page 947 at the Wake County Register of Deeds; thence from said point
22 along the western line of said subdivision north 12°39' 21" west 820.93 feet to the point
23 and place of beginning containing 20.90 acres and being the property standing in the
24 name of Seth S. Fish and wife Jean S. Fish and recorded at deed book 1751, page 678 at
25 the Wake County Register of Deeds.

26 **SECTION 2.** This act shall have no effect upon the validity of any liens of
27 the Town of Fuquay-Varina for ad valorem taxes or special assessments outstanding
28 before this act becomes law. The liens may be collected or foreclosed upon after the
29 effective date of this act as though the property was still within the corporate limits of
30 the Town of Fuquay-Varina.

31 **SECTION 3.** The Wake County zoning district classification of R-30 shall
32 apply to the property described in Section 1 of this act until the classification is changed
33 by the county in accordance with county ordinances and general law.

34 **SECTION 4.** This becomes effective June 30, 2001.