

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-250
HOUSE BILL 549

AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE
LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE
FOREST.

The General Assembly of North Carolina enacts:

Section 1. All of the area included in the following property description is hereby removed from the corporate limits of the Town of Biltmore Forest and added to the corporate limits of the City of Asheville:

That certain tract of land located in Biltmore Forest Township, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING at an iron pipe set in the Southern margin of the right-of-way of I-40, said iron pipe being located North 77 degrees 31 minutes 5 seconds East 349.07 feet from a right-of-way monument with Grid Coordinates of N=676831.46, E=945825.03 (N.A.D. 1927); thence from said established BEGINNING point along the new municipal line between the City of Asheville and the Town of Biltmore Forest, the following eighteen calls: South 25 degrees 32 minutes 3 seconds East 17 feet to an iron pipe set; South 28 degrees 7 minutes 1 second East 65.72 feet to an iron pipe set; South 28 degrees 27 minutes 55 seconds East 89.48 feet to an iron pipe set; South 21 degrees 54 minutes 35 seconds East 43.19 feet to an iron pipe set; South 18 degrees 56 minutes 21 seconds East 43.05 feet to an iron pipe set; South 21 degrees 33 minutes 58 seconds East 97.71 feet to an iron pipe set; South 25 degrees 19 minutes 59 seconds East 90.57 feet to an iron pipe set; South 23 degrees 41 minutes 33 seconds East 60.32 feet to an iron pipe set; South 27 degrees 46 minutes 19 seconds East 54.22 feet to an iron pipe set; South 29 degrees 52 minutes 23 seconds East 82.15 feet to an iron pipe set; South 42 degrees 6 minutes 19 seconds East 40.47 feet to an iron pipe set; South 42 degrees 37 minutes 5 seconds East 88.97 feet to an iron pipe set; South 37 degrees 3 minutes 52 seconds East 36.70 feet to an iron pipe set; South 36 degrees 8 minutes 48 seconds East 48.80 feet to an iron pipe set; South 28 degrees 12 minutes 2 seconds East 32.52 feet to an iron pipe set; South 20 degrees 56 minutes 24 seconds East 46.30 feet to an iron pipe set; South 31 degrees 28 minutes 47 seconds East 26.44 feet to an iron pipe set; and on a curve to the right in a Southeasterly direction with a radius of 651.99 feet, a chord of South 51 degrees 22 minutes 50 seconds East 279.94 feet and an arc distance of 282.13 feet to an iron pipe set; thence along the former municipal line between the City of Asheville and the Town of Biltmore Forest, North 5 degrees 0 minutes 48 seconds East 834.86 feet to

an existing iron pin in the Southern margin of the right-of-way of I-40; thence along the Southern margin of the right-of-way of I-40 (marked by a right-of-way fence), the following five calls: North 45 degrees 19 minutes 19 seconds West 16.05 feet to a right-of-way monument; North 56 degrees 36 minutes 52 seconds West 394.89 feet to a right-of-way monument; south 89 degrees 10 minutes 19 seconds West 181.75 feet to a right-of-way monument; South 79 degrees 25 minutes 40 seconds West 185.49 feet to a right-of-way monument; and South 77 degrees 31 minutes 5 seconds West 47.71 feet to the point of BEGINNING, containing 10.1638 acres, more or less, and being Tract A on a survey by John B. Young, R.L.S., entitled "Property Exchange Map for the Town of Biltmore Forest and the City of Asheville", dated March 4, 1997, and designated as Job File Number 90086-D-591, reference to said survey being made in aid of description.

Section 2. Section 1 of this act shall have no effect upon the validity of any liens of the Town of Biltmore Forest for ad valorem taxes on special assessments that have attached prior to the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the Town of Biltmore Forest.

Section 3. The City of Asheville shall initiate proceedings within 60 days from the date of this act to zone the tract described in Section 1 of this act to an appropriate classification within the City of Asheville's zoning ordinance.

Section 4. All of the area included in the following property description is hereby removed from the corporate limits of the City of Asheville and added to the corporate limits of the Town of Biltmore Forest:

That certain tract or parcel of land located in Asheville Township, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING at a point with Grid Coordinates of N=674912.28, E=947286.02 (N.A.D. 1927) and marking the Northernmost corner of Lot O as shown on plat recorded in Plat Book 2, at Page 39, of the Buncombe County, NC Register's Office, said point also marking the terminus of the second call known as Boundary Station 1 recorded in Deed Book 244, at Page 56, of the Buncombe County, NC Register's Office; then from said established BEGINNING point and moving along the former municipal boundary line of Biltmore Forest and the City of Asheville, the following two calls: North 37 degrees 31 minutes 0 seconds West 777.23 feet to an existing concrete marker (City Limit Marker) described in Deed recorded in Deed Book 1642, at Page 252 and also being the terminus of the 16th call of Deed Book 79, at Page 1, both of the Buncombe County, NC Register's Office; and North 5 degrees 0 minutes 48 seconds East 208.16 feet to an iron pipe set; thence along the new municipal line between the Town of Biltmore Forest and the City of Asheville, the following ten calls: South 31 degrees 15 minutes 56 seconds East 253.98 feet to an iron pipe set; South 86 degrees 17 minutes 19 seconds East 238.87 feet to a point; South 3 degrees 42 minutes 41 seconds West 205.98 feet to a point; South 17 degrees 9 minutes 14 seconds East 84.38 feet to a point; South 36 degrees 34 minutes 52 seconds East 37.12 feet to a point; South 37 degrees 32 minutes 25 seconds East 136.55 feet to a point; South 15 degrees 11 minutes 6 seconds East 34.36 feet to a point; South 18 degrees 10 minutes 16 seconds East 44.02 feet to a point;

South 23 degrees 57 minutes 48 seconds East 97.46 feet to a point; and South 31 degrees 26 minutes 2 seconds East 2.10 feet to a point; thence South 89 degrees 17 minutes 6 seconds West 95.34 feet to the point of BEGINNING, containing 3.1201 acres, more or less, and being a consolidated description of Tract D and Tract E as shown on a survey by John B. Young, R.L.S., entitled "Property Exchange Map for the Town of Biltmore Forest and the City of Asheville", dated March 4, 1997, and designated as Job File Number 90086-D-591, reference to said survey being made in aid of description.

Section 5. Section 4 of this act shall have no effect upon the validity of any liens of the City of Asheville for ad valorem taxes which have attached prior to the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still in the corporate limits of the City of Asheville.

Section 6. The Town of Biltmore Forest shall initiate proceedings within 60 days from the effective date of this act to zone the tract described in Section 4 of this act to an appropriate classification within the Town of Biltmore Forest's zoning ordinance.

Section 7. If any provision of this act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives