

Statement of Zoning Consistency from the Planning Board

On October 24, 2017, the Planning Board met, and, as part of their agenda, passed a recommendation to the Town Board concerning the proposed annexation of the Piggly Wiggly at 1400 Broad Street Extension.

The Planning Board unanimously recommended that the Town Board annex the property into the Limits of the Town of Oriental.

Per § 160A-383, The Planning Board notes that the annexation of parcel J081-132, further described in the metes and bounds submitted as part of the petition to annex by Flockhart Oriental Investments, LLC, is deemed an amendment to the official Growth Management Ordinance Map (GMO Map) for the Town of Oriental, and will be amended if so accepted by the Town Board, and

That the annexation of the above named property meets the development needs of the community by extending the westward border to include needed amenities, and

That this annexation is reasonable and in the public interest, and

That the annexation and accompanying amendment to the GMO Map is consistent with the Comprehensive Land Use Plan and the zoning of the Broad Street corridor, and

The Planning Board recommends that the property in question be zoned MU (Mixed Use) as is compatible with properties in the vicinity, and as designed to concentrate areas of business along the Broad Street Corridor.



Cecily Lohmar, Acting Chair, Planning Board



Diane Miller, Recording, Town Clerk

1400 Broad Street Extension

Statement of Zoning Consistency with Adopted Plans

The Board of Commissioners of the Town of Oriental finds the action to zone 1400 Broad Street Extension (“site”) to MU-Mixed Use reasonable and in the public interest, and consistent with the Town’s Comprehensive Land Use Plan, Broad Street Corridor Plan, and nearby land uses in that:

- (1) The proposed MU Mixed Use zone is compatible with the uses permitted on nearby MU zoned properties, and other properties in the vicinity; and
- (2) The site lies on Broad St (Hwy 55) near the developed portion of the Broad Street Corridor, and as such is a heavily traveled local thoroughfare that provides access to Oriental. Although presently adequate, future traffic projections may require that the Broad St reduced speed limits be extended as the western boundary of Town is extended; and
- (3) The site is located on Broad St at an area of mixed commercial and residential uses, and as such may potentially serve as a transition zone.

Sally Belangia, Mayor

Diane H. Miller, Clerk

Prepared by:

Michael Scott Davis
DAVIS HARTMAN WRIGHT PLLC
209 Pollock Street
New Bern, NC 28560

AN ORDINANCE ANNEXING TO THE TOWN OF ORIENTAL PROPERTY OF FLOCKHART ORIENTAL INVESTMENTS, LLC, CONSISTING OF 2.4 ACRES, MORE OR LESS, LOCATED AT 1400 BROAD STREET EXTENSION IN NUMBER TWO (2) TOWNSHIP

THAT WHEREAS, Flockhart Oriental Investments, LLC filed a petition requesting the annexation to the Town of Oriental of property it owns, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference, consisting of 2.4 acres, more or less, which said parcel is located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County, North Carolina, the boundaries of which are shown on a plat prepared by the Town of Oriental staff, a copy of which is attached hereto as Exhibit B, and incorporated herein by reference; and

WHEREAS, said petition was referred to the Town Clerk for an investigation as to the sufficiency thereof; and

WHEREAS, the Town Clerk certified the sufficiency of the petition in writing to the Board of Commissioners; and

WHEREAS, the Board of Commissioners called for a public hearing on the question of annexation of said territory; and

WHEREAS, pursuant thereto, notice of a public hearing to be held at 7:00 p.m. on November 8, 2017, in the Oriental Town Hall was duly caused to be published as required by law in the Pamlico News, a newspaper having general circulation in the Town; and

WHEREAS, on November 8, 2017, at 7:00 p.m., a public hearing on the question of

annexation of the subject area was held by the Board of Commissioners of the Town of Oriental, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, it was then determined by the Board of Commissioners that the petition filed met the requirements of the General Statutes of North Carolina, and that the area described in the petition should be annexed; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL:

Section 1. That the subject petition meets the requirements of §160A-31 of the General Statutes of North Carolina.

Section 2. That the property owned by Flockhart Oriental Investments, LLC, more particularly described on Exhibit A attached hereto and incorporated herein by reference, consisting of 2.4 acres, more or less, which said parcel is located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County, North Carolina, the boundaries of which are as shown on a plat prepared by Town of Oriental staff, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, be and the same is hereby annexed to the Town of Oriental.

Section 3. That the effective date of annexation shall be midnight on November 8, 2017.

Section 4. That this ordinance, together with a plat reflecting the area being annexed, shall be recorded forthwith in the Office of the Register of Deeds of Pamlico County.

ADOPTED THIS 8th DAY OF NOVEMBER, 2017.

MAYOR

TOWN CLERK



Doc ID: 002496370005 Type: CRP
Recorded: 05/25/2016 at 03:52:38 PM
Fee Amt: \$1,336.00 Page 1 of 5
Revenue Tax: \$1,310.00
Pamlico, NC
Lynn H. Lewis Register of Deeds

BK 614 PG 203-207

RETURNED TO: *Delamar*
DATE RETURNED: *5-25-16*

Prepared by/Return recorded document to:

Jennifer McKeown
Kutak Rock LLP
234 E. Millsap, Suite 200
Fayetteville, Arkansas 72703

EXCISE TAX: \$1,310.00

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED is made effective May 20, 2016, between **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, with an address of 702 S.W. 8th Street, Bentonville, AR 72716 ("Grantor"); and **FLOCKHART ORIENTAL INVESTMENTS, LLC**, a North Carolina limited liability company, with an address of P.O. Box 296, Grantsboro, North Carolina 28529 (collectively, "Grantee").

W I T N E S S E T H:

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby forever grant, bargain, sell, convey and confirm to Grantee, and its successors and assigns, a certain tract of land, together with all improvements and fixtures of any kind thereon, including, but not limited to, a retail building, situated, lying, and being in the City of, Pamlico County, North Carolina, as more particularly described to wit:

See Exhibit "A" attached hereto and made a part hereof ("Property");

TO HAVE AND TO HOLD said Property unto Grantee, and its successors and assigns, forever, with all tenements, appurtenances and hereditaments thereunto belonging, subject to easements, conditions, restrictions and other matters of record.

No representations or warranties of any kind have been made by Grantor or anyone on its behalf to the Grantee as to the condition of the Property described herein or any improvements thereon erected, if any, and it is understood and agreed by the parties that the Property is sold **“AS IS, WHERE IS – WITH ALL FAULTS AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED.”**

Grantor makes no warranty or representation regarding the condition of the Property, including, without limitation, environmental or ecological condition, it being understood that the Grantee is taking the Property **“AS IS, WHERE IS – WITH ALL FAULTS AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED.”**


Without limiting the foregoing, Grantee hereby covenants and agrees that Grantee accepts the property “AS IS” and “WHERE IS”, and with all faults and defects, latent or otherwise, and that Grantor is making no representations or warranties, either expressed or implied, by operation of law or otherwise, with respect to the quality, physical conditions or value of the Property, the Property’s habitability, suitability, merchantability or fitness for a particular purpose, the presence or absence of conditions on the Property that could give rise to a claim for personal injury, property or natural resource damages; the presence of hazardous or toxic substances, materials or wastes, substances, contaminants or pollutants on, under or about the Property, or the income or expenses from or of the Property.

AND SAID GRANTOR does hereby warrant the title to said Property, and will defend the same against the lawful claims of all persons claiming by, through and under Grantor, but none other, subject to the easements, encumbrances, restrictions, and other matters of record, the conditions and restrictions as stated herein, and subject to real property taxes for the year of 2016, and thereafter.

[Signature page follows]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its name by its Director of the Grantor, Wal-Mart Real Estate Business Trust, and caused its seal to be hereto affixed the 20th day of May, 2016.

WAL-MART REAL ESTATE
BUSINESS TRUST,
a Delaware statutory trust

By: 
Nick Goodner

Its: Director

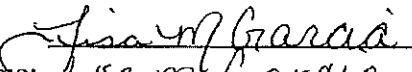
[SEAL]

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) §§
COUNTY OF BENTON)

In the State of Arkansas, County of Benton, on this 20th of May, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nick Goodner to me personally known, who being by me duly sworn did say that he/she is Director of the Grantor in the foregoing special warranty deed, and that said special warranty deed was signed, sealed and delivered by him/her on behalf of said trust by authority of its Managing Trustee and said Director acknowledged said special warranty deed to be the free act and deed of said trust.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By: 
Name: Lisa M Garcia
Notary Public

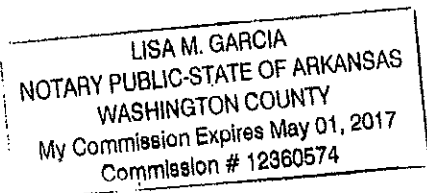


Exhibit "A"

THAT CERTAIN PARCEL OR TRACT OF LAND, SITUATED, LYING AND BEING IN TOWNSHIP 2, PAMLICO COUNTY, NORTH CAROLINA, AND BEING ALL OF LOT 1A AS SHOWN ON A PLAT ENTITLED "SUBDIVISION ON THE LANDS OF THREE SEAS LEGACY, LLC", RECORDED IN PLAT CABINET A, SLIDE 190-14 IN THE PAMLICO COUNTY REGISTER OF DEEDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LIMITS OF BROAD STREET EXT. - NC 55 (60' WIDE RIGHT-OF-WAY), WITH THE DIVISION LINE BETWEEN THE LANDS OF QUALITY MARINE SERVICES, INC. (DEED BOOK 528 PAGE 737) ON THE NORTH, AND THE LANDS OF THREE SEAS LEGACY, LLC (DEED BOOK 575 PAGE 150) ON THE SOUTH, THENCE WITH SAID DIVISION LINE, THE FOLLOWING TWO COURSES AND DISTANCES;

1. SOUTH 65° 26' 21" EAST, 21.78 FEET TO A PIPE FOUND, THENCE;
2. CONTINUING, NORTH 19° 27' 53" EAST, 20.00 FEET, THENCE DEPARTING SAID DIVISION LINE, AND WITH A LINE THROUGH SAID LANDS OF THREE SEAS LEGACY, LLC;
3. SOUTH 85° 38' 10" EAST, 117.57 FEET TO THE CORNER OF THE DIVISION LINE BETWEEN THE LANDS OF CARLTON FISHER (DEED BOOK 279 PAGE 421) ON THE NORTH, AND SAID LANDS OF THREE SEAS LEGACY, LLC ON THE SOUTH, THENCE WITH SAID DIVISION LINE;
4. SOUTH 65° 33' 22" EAST, 100.22 FEET TO THE INTERSECTION OF SAID DIVISION LINE, AND CONTINUING WITH A LINE THROUGH THE SAID LANDS OF THREE SEAS LEGACY, LLC, THENCE WITH SAID THROUGH LINE, THE FOLLOWING THREE COURSES AND DISTANCES;
5. SOUTH 66° 34' 28" EAST, 98.54 FEET, THENCE;
6. CONTINUING, SOUTH 06° 33' 22" WEST, 207.36 FEET, THENCE;
7. CONTINUING, SOUTH 18° 24' 11" WEST, 124.36 FEET TO A POINT ON THE DIVISION LINE BETWEEN THE SAID LANDS OF THREE SEAS LEGACY, LLC ON THE NORTH, AND THE LANDS OF TOWN OF ORIENTAL (DEED BOOK 182 PAGE 252) ON THE SOUTH, THENCE WITH SAID DIVISION LINE;
8. NORTH 71° 09' 10" WEST, 142.54 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE LANDS OF THE HEIRS OF ADA GASKINS (DEED BOOK 389 PAGE 472) ON THE WEST, AND THE SAID LANDS OF THREE SEAS LEGACY, LLC ON THE EAST, THENCE WITH SAID DIVISION LINE, THE FOLLOWING TWO COURSES AND DISTANCES;
9. NORTH 18° 47' 05" EAST, 45.53 FEET, THENCE;
10. CONTINUING, NORTH 66° 41' 38" WEST, 217.19 FEET TO A POINT ON THE CENTERLINE OF SAID BROAD STREET EXT. - NC 55, THENCE CONTINUING ALONG SAID CENTERLINE;

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11. NORTH 06° 40' 49" EAST, 100.00 FEET, THENCE DEPARTING SAID CENTERLINE AND WITH A LINE THROUGH SAID BROAD STREET EXT. - NC 55;

12. SOUTH 83° 19' 11" EAST, 30.09 FEET TO THE SAID EASTERLY RIGHT-OF-WAY LIMITS OF BROAD STREET EXT. - NC 55, THENCE WITH SAID EASTERLY RIGHT-OF-WAY LIMITS;

13. NORTH 06° 45' 57" EAST, 133.82 FEET TO THE PLACE OF BEGINNING.

CONTAINING 104,724 SQUARE FEET OR 2.404 ACRES

This being the same property conveyed to WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST from Three Seas Legacy, LLC, a North Carolina Limited Liability Company by Special Warranty Deed, recorded on November 15, 2013, in Deed Book 586, Page 654, Pamlico County Registry

RESOLUTION

THAT WHEREAS, the Board of Commissioners of the Town of Oriental has received a petition from Flockhart Oriental Investments, LLC seeking annexation to the Town of Oriental of a parcel of land consisting of 2.4 acres, more or less, which said parcel is located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Commissioners has caused the Town Clerk to investigate the sufficiency of said petition and to certify the results of her investigation; and

WHEREAS, the Board of Commissioners has received the certification of the Town Clerk attesting to the sufficiency of the petition; and

WHEREAS, the Board of Commissioners desires to conduct a public hearing on November 8, 2017, in the Oriental Town Hall at 8:00 p.m. on the question of annexing to the Town of Oriental the above-described parcel of land owned by Flockhart Oriental Investments, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL:

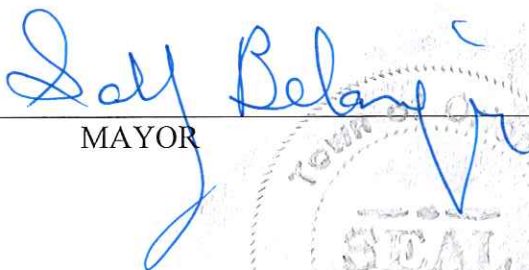
Section 1. That a public hearing will be conducted by the Board of Commissioners of the Town of Oriental on November 8, 2017, in the Oriental Town Hall at 7:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the Town of Oriental the parcel of land owned by Flockhart Oriental Investments, LLC, which said parcel is located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the Pamlico News at least ten (10) days prior to November 8, 2017.

ADOPTED THIS 3rd DAY OF OCTOBER, 2017.



TOWN CLERK



MAYOR



PETITION TO ANNEX

TO: BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL

1. Flockhart Oriental Investments, LLC, the undersigned owner of real property, respectfully requests that the area described in Paragraph 2 below be annexed to the Town of Oriental.
2. The area to be annexed in contiguous to the Town of Oriental, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNER:

FLOCKHART ORIENTAL INVESTMENTS, LLC

By: William Flockhart
William Flockhart, Manager

Date: 10/3/17

Mailing Address: 1400 B Broad St
Oriental NC 28571

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STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT the Board of Commissioners of the Town of Oriental will conduct a public hearing on November 8, 2017, in the Oriental Town Hall located at 507 Church Street in Oriental at 7:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the Town of Oriental a parcel of land owned by Flockhart Oriental Investments, LLC consisting of 2.4 acres, more or less, which said parcel is located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County. All interested parties will be given an opportunity to be heard.

THIS THE 3rd DAY OF OCTOBER, 2017.

DIANE H. MILLER, Town Clerk

Run Date: _____

Oct 25, 2017

CERTIFICATE OF SUFFICIENCY

I, DIANE H. MILLER, Town Clerk of the Town of Oriental, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Flockhart Oriental Investments, LLC requesting annexation by the Town of Oriental of land located at 1400 Broad Street Extension in Number Two (2) Township, Pamlico County, which said Petition is dated October 3, 2017, and I do hereby certify that said Petition is in order in all respects.

THIS 3rd DAY OF OCTOBER, 2017.



DIANE H. MILLER, Town Clerk

