Town of Clayton
Regular Town Council Meeting Agenda
Monday, December 6, 2021 @ 6:00 PM
Council Chambers

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOU TUBE CHANNEL:
https://www.youtube.com/TownofClaytonNC

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- **ALL persons attending must wear a mask.**
- **We will be following proper social distancing at all times.**
- **All council/board members will be socially distanced in the council chambers and wearing face masks.***
- **All staff and visitors will be socially distanced while within the council chambers. Face masks will be worn.***
- **Hand sanitizer will be available, both in the lobby and council chambers.**
- **Podium/microphone will be sanitized after each speaker.**

Masks may be lowered when speaking.

1. CALL TO ORDER

a. Call to Order
Mayor Jody McLeod

b. Honor Guard & Pledge of Allegiance
Clayton Fire Department

c. Invocation
Mayor Jody McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a. Draft Minutes
- November 15, 2021 DRAFT Minutes

November 15 2021 DRAFT Minutes

b. Certification - 2021 Municipal Election
2021 Municipal Election Results

c. Warranty Acceptance
- Gordon Park, Phase 8

Gordon Park, Phase 8

d. Code of Ordinance Amendment - Chapter 91.05 - Chickens
Ordinance Chapter 91.05

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Presentation of The Larry Bailey Award
Presenter(s): Clayton Community Recreation Foundation Board Member(s)

6. OLD BUSINESS

a. Award Construction Contract - East Clayton Park
Presenter: Joshua Baird, Town Engineer
Cover
JMThompson_Bid_ECCP_11.30.21
Contractor Letter of Recommendation
Resolution

POTENTIAL ACTION: Adoption of Resolution #2021-63

b. Budget Ordinance
Presenter: Robert McKie, Finance Director

Cover
Ordinance

POTENTIAL ACTION: Adoption of Ordinance #2021-12-02

7. ORGANIZATIONAL MEETING

a. Recognition of Outgoing Council Members
Presenter: Jody McLeod, Mayor

- Michael Grannis - *Served as Council Member 2003-2021*
- Art Holder - *Served as Council Member 2009-2021*
- Bobby Bunn - *Served as Council Member 2017-2021*

Each outgoing Council Member will have an opportunity to share a few words.

b. Swearing-In of Newly Elected Council Members

- Andria Archer - Oath to be issued by Donna White - NC Representative (House District 26)
- Porter Casey - Oath to be Issued by Craig Olive - Johnston County Register of Deeds
- Michael Sims - Oath to be Issued by Jody McLeod - Town of Clayton Mayor

Each newly sworn-in Council Member will have an opportunity to share a few words.

8. RECESS & RECEPTION

a. Recess the Meeting

The meeting will be recessed and a reception will be held in the lobby of The Clayton Center.

b. Return to Regular Session

Upon return to the meeting, newly sworn-in council will be seated at the front of the room on the dais.

9. MAYOR PRO TEM SELECTION AND COUNCIL APPOINTMENTS

a. Nomination and Selection of Mayor Pro Tem

POTENTIAL ACTION: Nomination and Approval of Mayor Pro Tem

b. Council Liaison to Advisory Board and Committee Assignments
Presenter: Jody McLeod, Mayor

- *Board of Adjustment - Avery Everett - Council Liaison*
- *Planning Board - Andria Archer - Council Liaison*
- *Parks & Recreation Advisory Board - Avery Everett - Council Liaison*
- *Public Art Advisory Board - Jody McLeod - Council Liaison*
- *Fire Department Advisory Board - Jason Thompson - Council Liaison*
- *Library Advisory Board - Michael Sims - Council Liaison*
- *Downtown Development Advisory Board - Porter Casey - Council Liaison*
- *CAMPO - Primary & 2 Alternates*
  - *Porter Casey - Primary*
  - *Andria Archer - 1st Alternate*
  - *Avery Everett - 2nd Alternate*
- *Electricities - Delegate & Alternate*
  - *Michael Grannis - Delegate*
  - *Patrick Pierce - Alternate*
- *NC League of Municipalities - Jody McLeod - Delegate*
- *Triangle J COG - Delegate & Alternate*
  - *Jason Thompson - Delegate*
  - *Michael Sims - Alternate*

POTENTIAL ACTION: Appointments as Presented

10. PUBLIC HEARINGS

a. 2021-125-ANX - Lumen (Copper District) Annexation
Presenter: Ben Howell, Planning Director
Cover
Application
Resolution 2021-48 - Directing Clerk to Investigate
Resolution 2021-52 Setting Public Hearing for Annexation
Newspaper Ad
Metes and Bounds
Ordinance

POTENTIAL ACTION: Adoption of Ordinance #2021-12-03

b. Sam's Xpress Car Wash - Annexation
Presenter: Ben Howell, Planning Director

POTENTIAL ACTION: Continue to December 20, 2021

11. NEW BUSINESS

a. NCDOT Agreement - U6233 Utility Design Agreement
Presenter: Joshua Baird, Town Engineer
Cover
Agreement

POTENTIAL ACTION: Authorize Execution of Agreement

12. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

13. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

14. ADJOURNMENT

Town of Clayton
Regular Town Council Meeting Minutes
Monday, November 15, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod *
Mayor Pro Tem Thompson
Council Member Holder
Council Member Grannis
Council Member Bunn
Council Member Everett

*Arrived at 6:50 p.m.

COUNCIL ABSENT:

STAFF PRESENT:
Rich Cappola, Interim Town Manger
Dolores Gill, Deputy Town Manager
Lee Barbee, Fire Chief & Interim D/Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Ben Howell, Planning Director
Robert McKie, Finance Director
Patrick Pierce, Economic Development Director
Louis Duffie, Asst. Program Director

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a) Mayor Pro Tem Thompson called the meeting to order at 6:03 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

a) It was requested that the agenda be amended to add November 1, 2021 and November 10, 2021 minutes to the consent agenda.

It was also stated that Item # 8b should indicate the Resolution Number to read #2021-62.

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a) Draft Minutes
- November 1, 2021 - Regular Session
- November 10, 2021 - Special Session

b) ADA Curb Ramp Upgrades

c) Warranty Acceptance
- Academy Point, Phase 3

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder
Second: Council Member Bunn
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Carolinas Association of Chamber Executive of the Year Award
Presenter: Patrick Pierce, Economic Development Director

- Dana Wooten - 2021 Recipient

Mr. Pierce was present and shared the news that Dana Wooten of Clayton Chamber of Commerce was awarded the Chamber Executive of the Year Award. Dana received a round of applause. Ms. Wooten stated she was very proud of the honor and said the collaboration was important, the support of her board of directors and her amazing staff were all part of the reason she received this award. Council Members offered their thanks and appreciation.

6 PUBLIC HEARINGS

a) 2020-104-SD - Lumen Subdivision (Quasi-Judicial)
This item was continued from November 1, 2021
Presenter: Ben Howell, Planning Director

Attorney Cauley provided information regarding the rules of a quasi-judicial including those offering testimony must do so under oath. Oath of affirmation was administered by the Town Clerk to those who wished to offer testimony.

Attorney Cauley reminded this was a continuation of the public hearing from previous council meeting. Mr. Howell provided a brief overview and provided details the revised recommended conditions of approval. He also shared details regarding the Master Plan Narrative and Master Plan.

Mr. Howell provided a slide of alternative street cross-sections, one of which would require a median. Mr. Howell stated that condition #17 was new.

Richard Brown, Kimley Horne, was present representing the applicant. He shared details about the project. He shared conceptual layout of project to include the street cross sections that include both sides of the street angled parking with have a 4' median for additional safety. Also shown was extension of Street "B" with future private access connection.

Council Member Grannis asked Fire Chief Barbee if he were okay with the changes proposed for the cross-street section. Chief Barbee stated he had not been involved; however, the Fire Marshall had been working with the Planning Department. Mr. Howell stated the proposed layouts were viewed by the Fire Marshall and to the best of his knowledge there were no concerns.

Council Member Grannis asked if with regard to applicant response to Finding of Fact #2 staff was satisfied with same. Mr. Howell provided details regarding planned development and UDC requirements. He further stated that staff had reviewed this master plan and felt confident with the different standards proposed.

Council Member Grannis questioned applicant response to Finding of Fact #3 and asked how we would know infrastructure was adequate. Mr. Howell deferred to applicant and their experts. Mr. Brown stated the development as designed allows for connectivity as well as future development. He also shared information about utilities and storm water details.

Council Member Grannis questioned applicant response to Finding of Fact #4 and asked that applicant explained the term "as much as practical.". Mr. Brown stated while developing the master plan all items were worked through with Technical Review Committee. He asked if there was a specific question he could address.

Council Member Grannis asked what lot sizes and square footage would be with reference to residential. Mr. Brown stated residential design had not yet begun and he did not have any hard marketable data.

Council Member Grannis asked about intention of including a church or place of worship and if it would be a stand along. Mr. Brown stated there was no specific plans at this time.

Council Member Grannis asked about Class "A" Office Space and stated it was only referred to as that one time. He asked for defining of Class "A" Office Space. Mr. Brown stated it would be in Pod #1 and the market would dictate what would be included. Council Member Grannis asked if all 700,000 (maximum) would be Class "A". Mr. Brown stated that would be correct. Council Member Grannis asked what minimum would be. Mr. Brown stated they did not have minimum amount. Council Member Grannis stated he had concerns about not indicating a minimum amount. He would like to see a minimum amount defined.

Council Member Grannis asked about street width being 27'. Mr. Brown stated that was correct. He also confirmed there would be no on-street parking. Council Member Grannis shared his concern about ensuring there was adequate room for emergency vehicles. Council Member Grannis asked if applicant would be opposed to condition of no parking. Mr. Brown stated he felt that was an enforcement issue. There was discussion regarding this, and it was agreed this had been very well vetted and no reason for any such condition.

Council Member Grannis asked about any property being dedicated for school usage. Mr. Brown stated there was no proposal for this. Council Member Grannis asked if JC Schools were aware of this project.

Council Member Grannis asked for reasoning behind reduction of 526 parking spaces. Mr. Brown stated a full report was previously provided and stated there may be a good amount of shared parking during different times of the day. He stated this would allow flexibility based on mixed uses and density being proposed as well as peak hours for those uses.

Council Member Grannis questioned about Traffic Impact Analysis and projected trips and was interested to learn how the percentages were arrived at. Mr. Fluitt stated these percentages were made of numerous traffic counts to include on site counts. Council Member Grannis questioned the dates of the traffic counts used. Mr. Fluitt stated that current counts were unable to be used due to COVID. He stated that a 3% factor was included in provided count numbers. Council Member Grannis stated he was concerned that Barber Bridge (?) Road was not included in study. Mr. Fluitt stated that intersection was not included as they were not asked to study same. Council Member Grannis asked if staff had documentation that stated that NCDOT Congestion Office agreed with TIA. Mr. Howell stated he would need to confirm but he did believe they did.

With no one wishing to speak, the hearing was closed at 6:57 p.m. and turned over to council for their deliberation.

Mr. Cappola provided information regarding agreements being updated to state "up to" $6.5 million and well as finalization of Exhibit "C". He stated both staff and attorney agreed with amendments.

Council Member Grannis confirmed that staff agreed with final location of tank. Mr. Cappola stated that was correct.

ACTION: Approval of 2020-104-SD with Conditions

Motion: Mayor Pro Tem Thompson
Second: Council Member Holder
Vote: Unanimous

ACTION: Approval of Resolution #2021-59 (Wastewater Allocation)

Motion: Mayor Pro Tem Thompson
Second: Council Member Holder
Vote: Unanimous

ACTION: Approval of Reimbursement Agreement

Motion: Council Member Everett
Second: Mayor Pro Tem Thompson
Vote: Unanimous

ACTION: Approval of Option to Purchase Agreement

Motion: Council Member Everett

Second: Mayor Pro Tem Thompson
Vote: Unanimous

b) Economic Development Incentive Agreement (Lumen) *T*
his item was continued from November 1, 2021
Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce was present and provided details regarding the proposed incentive agreement. He stated this project will be located at a very important gateway to the town. He provided a map showing the location. He stated Clayton is the fastest growing town in Johnston County and Johnston County is the largest growing county in the stated. He stated this project will included up to 700,000 sq. ft. Class A Office Space , 100,000 sq. ft. retail, 120 hotel rooms and 620 residential unit as well as annexing into the town. He stated 2,541 private sector jobs will be created generate $113.3 million in labor and have a $2.5 million local government impact.

Mr. Pierce provide details about the use of tax incentives as a tool to encourage a specific type of growth desired by government. He stated that North Carolina Tax Incentive Law is governed by NCGS 158-7.1

Details of the incentive include grant equal to 50% of ad valorem taxes paid for seven years beginning in 2024, applies only to Class A Office Space that includes a minimum investment of $200 million

He stated Johnston County Commissioners approved a similar tax incentive at October 18, 2021 meeting.

Council Member Grannis asked about minimum employment number. Mr. Pierce stated currently it was 100 but believed the final number would exceed that. Council Member Grannis asked about the average wage and Mr. Pierce stated it would be $55,000.

Mr. Dean Penny was present and provided his background as the property owner, a lifelong resident of the town and also as a part of the project development. He stated this property is very strategically located. He wants to ensure the property is developed properly. He wants a place that people can live and work here in Clayton. He stated the name Lumen was a placeholder and stated the true meaning of the land, which was known as the Penny Farm would be honored. Mr. Penny revealed that moving forward the project/property would be known as the Copper District.

Town Clerk Moffett stated comments had been received and would include as part of the official record as "Exhibit "A".

Attorney Cauley stated a slight adjustment was made to align with county award dates.

Mayor Pro Tem Thompson stated in general he is not a fan of incentives, however, he felt differently about this. He stated this was a very important

project with a $200 million dollar investment, which would fill a great need in our community with the Class A Office Space. He stated he felt this was a win-win for all. Mayor McLeod stated he was in full agreement.

ACTION: Approval of Agreement

Motion: Mayor Pro Tem Thompson
Second: Council Member Holder
Vote: Unanimous

c) Purchasing Policy Revision
Presenter: Shaun Mizell, Contract/Procurement Manager

Mr. Mizell was present and provided details regarding a portion of the purchasing policy related to MWBE (Minority and Women Business Enterprise) policy.

Mr. Mizell provided information about MWBE and that in accordance with NCGS 143-128.2 Clayton has a current verifiable goal of 10% MWBE participation. Also provided was information about what defines an MWBE as well as reasons regarding the importance to include a smart economic choice, good business practice, opportunity for MWBE vendors to acquire contracts at equal frequency of majority owned firms and Clayton values diversity, equity and inclusion.

Mr. Mizell stated he would like Clayton's policy to be robust with outreach.

He stated following the hearing, should policy be adopted, an outreach program would be developed that would allow vendors a place at the table and encourage diversity and inclusion.

Council Member Everett offered his thanks and appreciation for the work that went into this. Mr. Mizell spoke about possibility of a disparity study and possibility of raising goal levels. Mr. Mizell stated these are exciting times and he is all about outreach and transparency.

With no one further wishing to speak, the item was turned over to council for their deliberation at 7:27 p.m.

ACTION: Adoption of Resolution #2021-60

Motion: Council Member Grannis
Second: Council Member Everett
Vote: Unanimous

d) Growth (Comprehensive) Plan
Presenters: Patrick Pierce, Economic Development Director & Ben Howell, Planning Director

Mr. Pierce provided an update regarding the plan. He provided details about the definition of a Growth (Comprehensive) Plan. Mr. Pierce stated the current plan is from 2015 and that the Future Land Use Map need to be updated, clarification of polices were need as well as update of needs and next steps. It was stated that the town has seen a 63% growth from 2010-2020. He provided details regarding pending development to include that a total of 6,900 new homes had been approved but not yet built.

He stated the current plan had significant public engagement and stakeholder input, to include stakeholder interview, community survey, public meetings and online comment forms.

He stated growth plan vision included a thriving diverse community, small town ambience, home for families, quality housing, easy access to shopping, dining, parks and schools as well as a vibrant downtown and growing businesses.

Also provided was information about proposed next step, which would be the adoption of the Growth (Comprehensive) Plan tonight.

With no one wishing the speak, the hearing was closed at 7:45 p.m. and turned over to council for their deliberation.

Mr. Cappola offered his thanks and appreciation to staff, consultants and stake holders involved with this project.

Mr. Cappola also requested authority to move forward with the rewrite of the UDC.

ACTION: Adoption of Growth (Comprehensive) Plan

Motion: Mayor Pro Tem Thompson
Second: Council Member Everett
Vote: Unanimous

ACTION: Authorize Moving Forward with Rewrite of the current Unified Development Code.

Motion: Council Member Grannis
Second: Council Member Everett
Vote: Unanimous

e) 2021-108-ANX - Sam's Express Car Wash - Annexation
Presenter: Ben Howell, Planning Director

ACTION: Tabled to December 6, 2021

f) 2021-125-ANX - Lumen - Annexation
Presenter: Ben Howell, Planning Director

ACTION: Tabled to December 6, 2021

g) **2021-126-OA - Text Amendment - 155.500**
Presenter: **Ben Howell, Planning Director**

Mr. Howell was present and provided details regarding this proposed text amendment regarding Chapter 155.500. Resource Conversation Area. He stated the purpose was to revise definition of Steep Slopes required to be protected under Resource Conservation Area. He stated the reasoning behind this request is the re-organization of the section of the UDC. It was stated that staff had developed 4 additional options that were included in the agenda packet.

Mr. Howell provided details definition of a Resource Conservation Areas.

Also provided was a side-by-side comparison of the 2040 Growth Plan as well as the 2045 Growth Plan. Mr. Howell also provided details about municipalities and their Resource Conversation Areas.

Mr. Howell provided details regarding five separate possible options. Maps were provided to show all areas that would be included in Options #1-5.

Mr. Howell stated that Planning Board recommended approval of Option #2.

Council Member Grannis stated he was not very clear on the need for change. He confirmed we were abiding by state regulations. He asked why the change. Mr. Howell stated there had been numerous conversations and staff felt our current ordinance was a bit onerous.

Council Member Grannis asked about two variances recently brought to Board of Adjustment. Mr. Howell stated he was not sure of the first as it was prior to this arrival but believed it would have inhibited the developer's ability to develop the property. He stated he deferred to the attorney regarding the other variance as it has not yet gone to BOA. Attorney Cauley stated he felt it was best not including that variance in this discussion.

Council Member Grannis asked for further clarification regarding Option #5. Mr. Howell provided additional details about no protection.

Mr. Reid Smith was present and stated he had two experts with him this evening if there were any questions. Mr. Smith stated he was not sure if this did or did not protect the environment related to steep slopes. He provided history about the code and stated it was adopted in 2005. He stated since that time the code had not enforced from its inception until January 2021. He stated multiple projects had been approved with steep slopes and felt for the past 15 years Option #5 has been business as usual. He stated the county does not regulate steep slopes nor does state or federal. He stated he felt for the town to have something more stringent than all those entities is not good practice. He stated he felt this was a reach, over regulation which in turn hurts the process. He stated he felt that we were moving further and further away from a small-town feel. He understands why Cary and Morrisville handle things

this way but does not agree with Clayton handling it this way. He would like to see council go with Option #5.

Council Member Everett shared that he felt that everyone needed to play on an equal playing field and stated that rules needed to be adhered to. Mr. Smith stated he understood that point of view and moving forward rules do need to be adhered to. He stated he was concerned about projects that were approved long ago. Mayor Pro Tem Thompson stated he believed local ordinances were to do what is best for the town. He did state that he felt protecting the environment was important but further agreed that something was approved 10-15 years ago and being changed now was not necessarily the right answer. Council Member Thompson stated he liked Option #3 the best and he did not feel we should no regulation. Council Member Grannis would like to know what type of issues we have had with existing ordinance. He stated he was concerned with the possibility of our development community not adhering. Council Member Grannis stated he agreed he would agree with Option #3. Council Member Grannis asked if it were appropriate to hear from experts in the audience. Mayor McLeod stated he would like to see documentation of projects that were built with steep slopes and needed a better understanding. Mayor McLeod shared his concern about the state trying to reduce local authority. He stated he needed some visuals to understand this item more effectively.

Mr. Cappola stated that with reference to previous projects being approved he would need to gather whatever information might be available.

Mr. Smith stated that current enforcement is prompting the variances being heard by the Board of Adjustment. Mr. Smith stated he believe Option #5 was the best choice but agreed that option #3 is the most objective.

With no one further wishing to speak the public hearing was closed at 8:19 for deliberation.

Council Member Everett suggested additional information was needed and this item needed to be tabled. Mayor Pro Tem Thompson agreed and stated he would like more visual material and stated he would not agree with any options other than Option #5 or Option #3.

Mayor confirmed if desired the next town council could amend.

ACTION: Adoption of Ordinance #2021-11-04 (Option #5)

Motion: Council Member Holder
Second: Council Member Bunn
Vote: 4-1 (Council Member Everett Opposed)

7 OLD BUSINESS

a) Little Creek Transmission Award
Presenter: Louis Duffie, Assistant Program Manager

Mr. Duffie provided information regarding this item. He requested a tentative award to low bidder.

Mr. Cappola stated this was just for the pipeline portion of this project. Lowest bidder was approximately $2million lower than anticipated.

ACTION: Adoption of Resolution #2021-61

Motion: Council Member Bunn
Second: Council Member Everett
Vote: Unanimous

b) WRF Funding Package #2
Presenter: Louis Duffie, Assistant Program Manager

Mr. Duffie provided details stated this package included site work. It was requested that staff be authorized to execute the package.

There was council consensus to have staff execute the package.

c) Code of Ordinance Update - Chapter 31.03 - Town Manager
Presenter: Jim Cauley, Town Attorney

Attorney Cauley provided background regarding this item. This item refers to residency requirements for town manager. He stated the current language was adopted in 1971 and 1981.

He discussed the language "tenure". He stated that legally that requirement could be waived by council. Also discussed was town charter excerpt that was adopted in 1988. He stated that something adopted later tends to control something adopted earlier. He stated the revision of the town charter was meant to amend the town residency requirement as there is no statutory duty to reside within town.

Attorney Cauley stated that removing one sentence regarding residency requirement cleans up the ordinance.

ACTION: Adoption of Ordinance #2021-11-06

Motion: Council Member Holder
Second: Council Member Grannis
Vote: Unanimous

8 NEW BUSINESS

a) Budget Amendments
Presenter: Robert McKie, Finance Director

- Information Technology

- Greenway System Capital Project
- Loop Road Athletic Fields

Mr. McKie was present and provided information about three budget amendments. He stated the first was related to IT and costs of bringing those services in-house. There was a budget amendment with reference to greenway and bridge replacement and the final was related to the athletic fields at Loop Road.

Mayor Pro Tem Thompson stated a very thorough analysis was completed regarding our IT needs and though it looks like a large amount of dollars, at the end of the day the savings will far outweigh what is being spent up front. Council Member Grannis and Mayor McLeod stated they were happy we were at this point.

ACTION: Adoption of Ordinances #2021-11-07 / #2021-11-08 & #2021-11-09

Motion: Council Member Everett
Second: Council Member Holder
Vote: Unanimous

b) Acceptance of Real Property Donation
Presenter: Patrick Pierce, Economic Development Director
- Comfort Homes Inc.

Mr. Pierce was present and provided details regarding real property donation. The property is .7 acres, is mostly wooded and located off of Highway 70 Business West. There would no cost to the town. With reference to property conditions, property is encumbered by numerous easements limiting development potential. Both desktop and visual inspections revealed no obvious concerns. The property frontage on Business 70 is near a high-profile intersection at NC 42W, adjacent to existing development, adjacent to existing pump station and is adjacent to two water line stubs that could be connected.

Staff recommended acceptance of the property.

ACTION: Adoption of Resolution #2021-62

Motion: Mayor Pro Tem Thompson
Second: Council Member Grannis
Vote: Unanimous

c) Memorandum of Understanding w/Clayton Community Recreational Foundation
Presenter: Rich Cappola, Interim Town Manager

Mr. Cappola stated this was a housekeeping item. A memo was put together to memorialize our long-standing relationship that provides clarity for

partnerships and sponsorships. Mr. Cappola stated the foundation did approve the MOU at their last meeting.

ACTION: Authorize Execution of Memorandum of Understanding

Motion: Council Member Everett
Second: Council Member Holder
Vote: Unanimous

9 STAFF REPORTS

a) Town Manager

Mr. Cappola requested further direction regarding the Clayton Community Recreational Foundation and involvement with sponsorship of proposed bandshell and other elements. Mayor McLeod asked who would determine the value. Mr. Cappola stated that would be determined by CCRF. Council Member Grannis stated he needed to recuse himself if a vote was needed. Consensus to move forward was provided.

Mr. Cappola reminded that the next council meeting of December 6, 2021 would be the Organizational Meeting. He offered his thanks to outgoing members and stated many items were wrapped up tonight as well as creating a springboard for moving forward.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council Member Bunn asked Scott Barnard for concrete numbers on the Loop Road project. Mr. Barnard provided informational sheets to council. He stated a reasonable number would be $1,000,000 per field. He stated previously adopted budget ordinance would provide a good amount of seed money to begin the work at Loop Road. Council Member confirmed the fields would be lit. Mr. Barnard stated yes it would include lighting. Mr. Barnard stated a rough but usable/playable space (3-4 fields) would be ready by summer of 2023. Council Member Bunn asked if we were ready to reserve those fields early April. Mr. Barnard stated we have had interest already and would include lacrosse and rugby use. Council Member Everette offered his thanks for all the work and energy that has gone into the fields.

Council Member Bunn stated we needed to talk about chickens and would like to see some sort of ordinance prepared. He stated it should be something easy, no roosters, no free range, chickens needed to be kept in back yard, etc.

It was stated that Ms. Archer brought a draft for the ordinance a few years ago that also included the fact that no HOA rules would always take precedence.

Council Member Grannis stated he would like to see something on December 6 agenda. Mr. Howell stated if included in land use would need public hearing. Concern about timing for hearing. It was further stated that should the allowance for chickens be placed in Chapter 91 of our Code, a public hearing would not be required.

Council Member Bunn stated he has had a great experience serving as a council member the past four years and offered his thanks to other council members for their support.

11 ADJOURNMENT

a)

Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 8:59 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Everett
Second: Council Member Bunn
Vote: Unanimous

Duly adopted this the 6th day of December 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Exhibit "A"

October 26, 2021

Subject: Opposition to Lumen economic incentive package

Dear Mayor and Town Council members,

I attended the October 18 meeting but the item related to the Lumen economic development incentive package was tabled to the next meeting. I do not anticipate being able to attend the next meeting, so I am putting my objection to this proposal in writing so that it may receive your consideration and be incorporated into the public comment record.

In short, I think it is a mistake to give public tax monies to a private developer as a way of thanking them for acting in their own best interest. The economic incentive agreement suggests that the Town is inheriting a surprise property tax increase and that as a result the Town can afford to refund some of those property taxes back to a private individual/corporation over the next 5 years as a way of showing our gratitude for them choosing us. There are several mistakes in this suggestion.

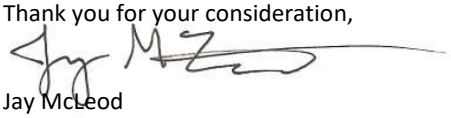
Property taxes are not some windfall or unexpected bag of money dropped from the sky. These taxes pay for things. Property taxes are the minimum tax rate that the Council has determined is necessary to deliver the basic public facilities and services. And if the Town Council decides to give a 50% refund on one private individual's property taxes, then that will either mean cuts to the basic services the Town provides to everyone else or additional taxes to make up the difference. So I ask you: If the Town is voluntarily giving a private individual a $2.5M handout, then what are the rest of us being asked to give up? What projects in the Capital Improvement Plan will be postponed? What job openings will not be filled? What services will lag or decline? The money has to come from somewhere. I would like to see a specific list of what we're giving up over the next 5 years and let's have a public conversation about if it's worth it.

Now I don't disagree with this property developing. It is primed for development! It is well-served by nearby existing public infrastructure (sewer, water, roads, etc.). This land is primed for development and it will develop regardless of whether this handout is given or not. However, it is mistaken to think that the developer has hinged a $200,000,000+ investment on the Town delivering an additional 1.2% profit to them. The developer is smart and good at his job and he has entitled this property through his recent rezoning and subdivision approval. If that is not enough for a career developer to successfully profit on this project then it's *still* not the responsibility of the public to make up the difference.

Clayton is adding 1,000+ homes per year. We have the rooftops and the private investment is following. WakeMed just opened a medical office near the WalMart and they didn't need any incentives. It is false to think that this development won't happen if the Town doesn't pay the ransom. It is false to think that the Town can't possibly pass up this "once-in-a-lifetime opportunity." There is no sense in throwing millions of public dollars at a single private investor, pretending it was necessary, and calling it "economic development". What kind of precedent does this set? Will the Town start giving out handouts to anyone who opens a business in Clayton? Will we retroactively refund money to all existing businesses, that have been paying taxes for decades? Or are we to believe that the regular public services we use only really cost 50% of the tax rate and the rest is just the Town's "profit". And what will an existing medical office or office landlord think, when the Town gives some of their tax dollars directly to an individual who will make competition for them and pull customers away from them. The Town should not be picking favorites in the private sector like this. Let the market do what it does best.

But if the Council is desperately itching to spend some money, how about instead let's use that $2.5M of "bonus" tax dollars to do something that benefits the *entire* community. That's what property taxes are for! Hire an additional police officer to patrol the area. Build a new public park that the 620 new homes will use. Upsize the sewer pumpstation so that adjacent properties can be developed logically and consolidate expensive public infrastructure so that future maintenance costs are lower. Extend and connect roadways in the area to give residents better access to the proposed development. Roadways that *everyone* can use. Property taxes pay for basic services, not for bells-and-whistles and they are not intended to increase one private individual's profit margin. Use public tax dollars to benefit the greater community, not just one private individual.

Thank you for your consideration,



Jay McLeod

102 Gordon St

Clayton, NC

2021 MUNICIPAL ELECTION
11/02/2021
ABSTRACT OF VOTES
FOR
JOHNSTON COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 9th day of November, 2021.

Board Chair

Board Secretary

Board Member

Board Member

Board Member

This day personally appeared before me, Gordon Woodruff, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 9th day of November, 2021.

Official Signature of Notary Public

Leigh Anne Price
Printed/Typed Name of Notary Public

My Commission Expires: 1-20-2023

LEIGH ANNE PRICE NOTARY PUBLIC JOHNSTON COUNTY, NC (Seal)

November 02, 2021 Municipal Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF CLAYTON TOWN COUNCIL MEMBERS	Andria Archer		840	757	58	20	5
	Porter Casey, Jr.		845	758	61	18	8
	Alsey J. Gilbert		121	116	3	2	0
	Michael Grannis		414	372	33	6	3
	Bob Satterfield		223	207	13	1	2
	Michael (Mike) Sims		779	696	61	16	6

TOWN OF CLAYTON
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator

Copy: Jonathan Barnes, Dalton Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: November 24, 2021

Subject: Gordon Park, Phase 8

Please place a warranty acceptance request for the subject public water and sewer utilities along with all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following warranty expiration, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.

TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
CHAPTER 91

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CALYTON, NORTH CAROLINA, amend the Clayton Code of Ordinances, Chapter 91.05, Keeping of Livestock, Fowl and Non-Domesticated Animals to read as follows:

§ 91.05 KEEPING OF LIVESTOCK, FOWL AND NON-DOMESTICATED ANIMALS PROHIBITED.

(A) It shall be unlawful for any person to keep any livestock in the town. This prohibition shall not apply to horses, cattle, goats, sheep, pigs, or any domestic fowl on any premises in the town where the premises have previously been used for the keeping of livestock. If the premises have previously been used for livestock keeping, it shall be unlawful to keep any livestock on the premises if for any period of 30 consecutive days no livestock is kept on the premises.

(B) It shall be unlawful to keep and confine non-domesticated native wildlife on any premises. However, exotic animals as customarily available from reputable pet shop establishments shall not be prohibited under the provisions of this section.

(C) It shall be unlawful for any person to keep or maintain fowl or poultry within the Town, except chickens may be kept, with no permit requirement, subject to the following conditions:

(1) Roosters are prohibited.

(2) No more than 10 chickens may be kept on any individual lot or lots owned by the same person or entity provided the property contains no less than 6000 square feet.

(3) Chickens must be confined in a pen or chicken coop at all times.

(4) Any chicken pen or coop shall have a top or lid, must be located in the rear yard, shall be no less than 25 feet from any adjacent property line and shall be kept in a clean, sanitary and healthful condition with all droppings and organic materials to be removed and disposed of in a proper manner.

(5) Chickens shall not be kept for a commercial purpose, such as production of eggs for sale or processing of chickens for sale.

(6) Outdoor slaughter shall be prohibited.

Duly adopted this the 6th day of December 2021 while in regular session.

_____
Jody McLeod
Mayor

ATTEST:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
December 6, 2021

Agenda Location
Old Business

Item Title
East Clayton Community Park Improvements - Construction Contract Award

Presenter:
Joshua Baird – Engineering Director

Summary/Description
On November 8th, 2021 staff received sealed bids for the East Clayton Community Park Improvement Project. Only two bids were received and per North Carolina General Statutes, staff were unable to open the sealed bids. The project was re-advertised, and a public bid opening was held on November 30, 2021. Staff received a total of 3 bids from JM Thompson, Fred Smith Company and Engineered Construction. Project bids included base bid and five (5) additional alternates. Alternates 1 through 3 scope included additional paving of the existing gravel driveway. Additional alternate 4 scope included additional earthwork and alternate 5 is a different infill material on the fields. The lowest bidder was JM Thompson with base bid of $3,741,000.00, alternate 1 of $278,000, alternate 2 of $190642.00, alternate 3 of $228,000.00, alternate 4 of 113,000 and alternate 5 of $29,600.00. Per Town of Clayton Purchasing Policies and North Carolina General Statutes, Construction projects over $500,000 require Formal Bid procedures, which includes award of the contract from Town Council. Staff and consultant team have reviewed the bids and recommend awarding the contract base bid and alternates 1 through 5 to JM Thompson for a total contract price of $4,580,342.00. Proposed contract is based on standard EJCDC construction contract and has been reviewed by Town contracts office. Contract time is 285 days with time included for alternates. Staff request Town Council authorize Town Manager or designee to execute construction contract and any change orders required to deliver the project within the project budget.

Requested Action
Approval

Funding Source (If Applicable):
Parks and Recreation Bond

Cost: **N/A** **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet
Bid tab
Recommendation of Award
JM Thompson Bid

Meeting Timeline
Click or tap here to enter text.

BID FORM

EAST CLAYTON COMMUNITY PARK

Johnston County, North Carolina

November 11, 2021

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ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Town of Clayton

Attn: Joshua Baird, PE

2905 111 East 2nd Street

Clayton, NC 27520

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

Addendum No.	Addendum, Date
Addenda #1	November 17, 2021
Addenda #2	November 19, 2021

B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if

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any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.

F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.

H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.

I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.

J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

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The Project Scope as represented in the line items of the bid form and alternates is a general guideline. It is the responsibility of the Bidder to perform all work indicated by the plans and specifications; no matter if specifically included in description or enumerated scoe of the base bid and alternates listed below. Please refer to plans and specifications for inclusions of all other items not listed above pertaining to your scope of work.

BASE BID		
Description	**Unit**	**Bid Price**
All labor materials and equipment necessary for the installation of base bid scope items included in the provided bid documents. Major work items include:	LS	$ 3,659,000.00
• Erosion Control Plan with Temporary Seeding		
• Unclassified Mass Grading + Fine Grading		
• Selective Site Demolition		
• Underground Water Supply and Storm Drainage Improvements		
• Electrical Improvements (Before the meter)- All Labor + Equipment Necessary for complete and function installation.		
• Electrical Improvements (After the meter) – Provide Labor + Materials + Equipment necessary to install owner furnished materials to limits shown on plans.		
• Parking Lot Improvements		
• Sidewalk + Concrete Flat Work		
• Landscaping		
• Irrigation		
• Synthetic Turf Field Installation		
Allowance #1 – 1,200 CY Undercut of Unsuitable Soils using unit prices enumerated on bid form	LS	$27,600
Allowance #2 - 200 CY Mass Rock Removal using unit prices enumerated on bid form	LS	$33,000
Allowance #3 - 100 CY Trench Rock Removal using unit prices enumerated on bid form	LS	$21,500
Total Base Bid		$ 3,741,000.00

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ALTERNATE #001		
Description	**Unit**	**Bid Price**
All labor materials and equipment necessary for the installation of Alternate #001 bid scope items included in the provided bid documents. Major work items include:	LS	$ 278,000
• Erosion Control Plan as shown within the Alternate limits shown on the plans.		
• Demolition of Existing Parking Lot within the Alternate limits as shown on the plans and preparation of subgrade for new parking lot install.		
• Storm Drainage Improvements		
• Sidewalk + Concrete Flat Work		
Total Bid Alternate #001		$ 278,000

ALTERNATE #002		
Description	**Unit**	**Bid Price**
All labor materials and equipment necessary for the installation of Alternate #001 bid scope items included in the provided bid documents. Major work items include:	LS	$ 150,642
• Erosion Control Plan as shown within the Alternate limits shown on the plans.		
• Demolition of Existing Parking Lot within the Alternate limits as shown on the plans and preparation of subgrade for new parking lot install.		
• Storm Drainage Improvements		
• Sidewalk + Concrete Flat Work		
Total Bid Alternate #002		$ 150,642

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ALTERNATE #003		
Description	**Unit**	**Bid Price**
All labor materials and equipment necessary for the installation of Alternate #001 bid scope items included in the provided bid documents. Major work items include:	LS	$ 228,000
• Erosion Control Plan as shown within the Alternate limits shown on the plans.		
• Demolition of Existing Parking Lot within the Alternate limits as shown on the plans and preparation of subgrade for new parking lot install.		
• Storm Drainage Improvements		
• Sidewalk + Concrete Flat Work		
Total Bid-Alternate #003		$ 228,000

Alternate #004			
Item No.	**Description**	**Units**	**Bid Prices**
1	Haul off & dispose of existing stockpile	LS	$ 113,000
Total of All Base Alternate #004 Items			$ 113,000

Alternate #005			
Item No.	**Description**	**Units**	**Bid Prices**
1	1.5" of Brock Fill in lieu of standard infill specified on Section 321823.19-9	LS	$ 29,600
Total of All Base Alternate #004 Items			$ 29,600

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Total of Alternate No. 1 = 278,000
Total of Alternate No. 2 = 190,642
Total of Alternate No. 3 = 228,000
Total of Alternate No. 4 = 113,000
Total of Alternate No. 5 = 29,600

Total of All Base Bids & All Alternates = $ 4,580,342.00

Unit Prices

Item No.	Description	Unit	Unit Price
1	Undercut of Unsuitable Soils as described in Section 012200 "Unit Prices."	CY	$23
2	Mass Rock Removal as describe in Section 012200 "Unit Prices."	CY	$165
3	Trench Rock as Removal as described in Section 012200 "Unit Prices."	CY	$215

Unit prices quoted and accepted shall apply throughout the life of the contract, except as otherwise specifically noted. Unit prices shall be applied, as appropriate, to compute the total value of changes in the base bid quantity of the work all in accordance with the contract documents.

ARTICLE 4 – TIME OF COMPLETION

4.01 Bidder agrees that the Work will be completed and ready for final payment in accordance number of calendar days as set for in with Article 4.01 of the General Conditions.

4.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 5 – ATTACHMENTS TO THIS BID

5.01 The following documents are submitted with and made a condition of this Bid:

A. Required Bid security;

B. List of Proposed Subcontractors;

C. List of five (5) successfully completed park projects of similar (or greater) size and scope. To Include the name, address, and telephone number of the Owner and design engineer of each project.

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D. Evidence of authority to do business in the State of North Carolina;

E. Contractor's License No.: 474 ;

F. Minority Business forms as required

ARTICLE 6 – DEFINED TERMS

6.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 7 – BID SUBMITTER

BIDDER: J.M. Thompson Company

By:
[Signature]

[Printed name] John M. Thompson, President
(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:
[Signature]

[Printed name] Hal Martin Thompson

Title: Executive Vice President and Corporate Secretary

Submittal Date: November 30, 2021

Address for giving notices:

1002 East Chatham St. Cary, NC 27511

Telephone Number: (919) 851-1611

Fax Number: (919) 859-9583

Contact Name and e-mail address: Mark Abbott
mabbott@jmthompson.com

Bidder's License No.: 474

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JMT | J.M. THOMPSON
General Contractors since 1921

LIST OF PROPOSED SUBCONTRACTORS

1. AstroturF – Turf and subdrainage
2. Moonlite Electric – Electric
3.
4.
5.
6.
7.
8.
9.
10.

JMT | J.M. THOMPSON
General Contractors since 1921

FIVE COMPLETED PARK PROJECTS

1. Pleasant Park
Description: J.M. Thompson is currently constructing a 92-acre site that will be transformed into a new park to include artificial turf athletic fields for soccer as well as tennis, pickleball, and basketball courts. The park will also include walking trails and a central recreation with a play area.
Address: 3400 Pleasant Plains Road, Apex, North Carolina 27502
Owner: Town of Apex
Owner Contact: Dennis Brown
Phone: (919) 249-3535
Email: dennis.brown@apexnc.org

2. Parrish Womble Park
Description: J.M. Thompson constructed a new athletic facility for an existing park. Park improvements included a MUSCO field lighting system that monitors power usage and can be operated remotely. Site drainage was unique in capturing all water from the site including the underdrain system for the athletic field and storing it on-site in a BMP. The athletic field is one of the largest of its kind in the southeast, at 570 feet by 370 feet.
Address: 1201 Grigsby Avenue, Holly Springs, NC 27540
Owner: Town of Holly Springs
Owner Contact: Adam Huffman
Phone: (919) 557-2925
Email: adam.huffman@hollyspringsnc.us

3. Jack Smith Park
Description: J.M. Thompson constructed a new 34.37 acre park that is located off Penny Road in Cary, NC. The amenities included playgrounds for toddlers, children five to seven and children seven to twelve with concrete benches. We developed a wooded area into a large and small dog park with a shelter area and walking trails.
Address: 9725 Penny Road, Raleigh, NC 27606
Owner: Town of Cary
Owner Contact: Doug McRainey
Phone: (919) 469-4066
Email: Doug.McRainey@townofcary.org

FIVE COMPLETED PARK PROJECTS

4. Hooker Fields
Description: The Michael Hooker Fields, home of Carolina's intramural and club sports as well as many other University activities, received a major renovation. The project included installing new field turf, complete with padding & new drainage underneath to make the playing surface safer, and LED lighting, which reduced the number of light posts needed and opened up more space for recreation.
Address: 203 South Rd, Chapel Hill, NC 27514
Owner: University of North Carolina at Chapel Hill
Owner Contact: Dana Leeson
Phone: (919) 962-2211

5. Barton College Turf Field
Description: J.M. Thompson turned a dilapidated downtown block adjacent to Barton College into an upcoming sports facility for both the college and city of Wilson. This is the first artificial turf field in Wilson. This field will support the following sports: football, men's and women's soccer, and men's and women's lacrosse.
Address: 400 Atlantic Christian College Drive NE, Wilson, NC 27893
Owner: Barton College
Owner Contact: David Browning
Phone: (252) 399-6328
Email: dabrowning@barton.edu

JMT

J.M. THOMPSON

General Contractors since 1921

I, John M. Thompson, certify that J.M. Thompson Company is authorized to do business in the state of North Carolina as stated on our North Carolina General Contractor's license.

John M. Thompson

President of J.M. Thompson Company

License Year: 2021

License No.: 474

North Carolina

Licensing Board for General Contractors

This is to Certify That:
J. M. Thompson Company
Raleigh, NC

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited
Classification: Building; Highway

until

December 31, 2021

when this Certificate expires.
Witness our hands and seal of the Board.
Dated, Raleigh, N.C.
January 1, 2021
This certificate may not be altered.

Chairman

Secretary-Treasurer

J.M. Thompson | P.O. Box 33066 | Raleigh, NC 27636 | 1002 East Chatham Street | Cary, NC 27511
Phone (919) 851-1611 | Fax (919) 859-9583

Identification of HUB Certified/ Minority Business Participation

I, J.M. Thompson Company
(Name of Bidder)
do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone#	Work Type	*Minority Category	**HUB Certified (Y/N)

State of North Carolina -AFFIDAVIT A- Listing of Good Faith Efforts

County of Wake

(Name of Bidder)

Affidavit of J.M. Thompson Company

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 1.0101)

✓ **1 - (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.

✓ **2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.

_ **3 - (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.

_ **4 - (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

✓ **5 - (10 pts)** Attended prebid meetings scheduled by the public owner.

_ **6 - (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.

✓ **7 - (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

_ **8 - (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

_ **9 - (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

✓ **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 11/30/2021 Name of Authorized Officer: John M. Thompson

Signature: John M. Thompson

Title: President

LAUREN E. MARTIN
Notary Public, North Carolina
Wake County
My Commission Expires
August 04, 2026
SEAL

State of North Carolina County of Wake

Subscribed and sworn to before me this 30 day of November 2021

Notary Public Lauren E. Martin

My commission expires August 4, 2026

MBForms 2002-Revised July 2010

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

PENAL SUM FORM

Bid Bond

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER *(Name and Address)*:

J.M. Thompson Company
1002 E. Chatham Street, Cary, NC 27511

SURETY *(Name, and Address of Principal Place of Business)*:

Fidelity and Deposit Company of Maryland
1299 Zurich Way, 5th Floor , Schaumburg, IL 60196-1056

OWNER *(Name and Address)*:

Town of Clayton
111 East 2nd Street, Clayton, NC 27520

BID

Bid Due Date: November 30, 2021
Description *(Project Name— Include Location)*: East Clayton Community Park

BOND

Bond Number: Bid Bond
Date: November 30, 2021
Penal sum Five Percent of Amount Bid $ 5%
(Words) (Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

J.M. Thompson Company (Seal)
Bidder's Name and Corporate Seal

By: John M. Thompson
Signature

JOHN M. THOMPSON
Print Name

PRESIDENT
Title

Attest:
Signature

Title

SURETY

Fidelity and Deposit Company of Maryland (Seal)
Surety's Name and Corporate Seal

By: Wendy E Lahm
Signature (Attach Power of Attorney)

Wendy E Lahm
Print Name

Attorney-in-Fact
Title

Attest: H. Thomas Dawkins
Signature H. Thomas Dawkins

Senior Vice President
Title

Surety Phone No. 847-605-6000

Note: Addresses are to be used for giving any required notice.
Provide execution by any additional parties, such as joint venturers, if necessary.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.

2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.

3. This obligation shall be null and void if:

3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or

3.2 All Bids are rejected by Owner, or

3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).

4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.

5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.

6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after the Bid due date.

7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.

8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.

9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.

10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.

11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

Bond Number Bid Bond

Obligee Town of Clayton

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President,** in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Wendy E Lahm**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 19th day of June, A.D. 2019.

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 19th day of June, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn
Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 30th day of November, 2021.



Brian M. Hodges, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

December 1, 2021

Mr. Joshua Baird, PE
Town of Clayton
111 East 2nd Street
Clayton, North Carolina 27520

Re: East Clayton Community Park
Clayton, NC
CLA2101

Dear Mr. Baird:
On November 30, 2021 bids were received and opened for the *East Clayton Community Park* project. I have reviewed the bids received and issued the certified bid tabulation (attached). Based on my review of the bids, it is my recommendation the Town of Clayton proceed with the award of the Base Bid and any of the selected Alternates the Town may choose for this project to JM Thompson Company.

Please let me know if you have any questions.

Sincerely,
MCADAMS

Fred V. Boone, PE
Director, Construction Administration

NORTH CAROLINA PROFESSIONAL SEAL 029808 ENGINEER FRED V. BOONE 12/1/2021

FB/ss

Attachment

MCADAMS

Project Name	East Clayton Community Park				
McAdams Project #	CLA2101				
Owner Name	Town of Clayton				
Bid Opening Date	11/30/2021				
Time of Bid Opening	2:00PM				
Bidder	Engineered Construction Company	JM Thompson	Fred Smith Company		
License No.	30010	474	43848		
Proposal Signed	Yes	Yes	Yes		
MBE Forms	Yes	Yes	Yes		
Bid Bond	Yes	Yes	Yes		
Completed Projects List	Yes	Yes	Yes		
Addenda Received	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6	1 2 3 4 5 6
Base Bid	$3,998,228.00	$3,741,000.00	$3,821,000.00		
Alternate #001	$264,846.00	$278,000.00	$322,343.00		
Alternate #002	$182,479.00	$190,642.00	$238,061.00		
Alternate #003	$247,470.00	$228,000.00	$291,489.00		
Alternate #004	$9,321.00	$113,000.00	$175,360.00		
Alternate #005	$39,968.00	$29,600.00	$38,500.00		

Unit Prices	**Unit Price ($/CY)**	**Unit Price ($/CY)**	**Unit Price ($/CY)**	**Unit Price ($/CY)**	**Unit Price ($/CY)**
Undercut of Unsuitables	$90.00	$23.00	None Provided		
Mass Rock Removal	$250.00	$165.00	None Provided		
Trench Rock Removal	$290.00	$215.00	None Provided		

Each of the contractor's Licenses is of "Active" status on this 1st Day of December 2021, according to NC Licensing Board for General Contractors. To the best of my knowledge, I certify that the above is a true and accurate tabulation of the bids opened on November 30, 2021 at 2:00pm.

Fred V. Boone, PE

NORTH CAROLINA PROFESSIONAL SEAL 029808 ENGINEER FRED V. BOONE 12/1/2021

Resolution #2021-63

RESOLUTION OF AWARD

WHEREAS, on November 8, 2021 the Town of Clayton, North Carolina received sealed bids for the East Clayton Community Park Improvement Project pursuant to NCGS 143-129; and

WHEREAS, only two bids were received, and staff was unable to open said bids as a minimum of three bids are required pursuant to NCGS 143-129; and

WHEREAS, the project was re-advertised and a public bid opening was held on November 30, 2021, and

WHEREAS, a total of three bids were received; and

WHEREAS, JM Thompson was the lowest bidder with the based bid of $3,741,000.00, alternate #1 of $278,000.00, alternate #2 of $190,642.00, alternate #3 of $228,000.00, alternate #4 of $113,000.00 an alternate #5 of $29,699.00 ; and

WHEREAS, it is recommended **that award** be granted to JM Thompson as the lowest bidder, for a total contract price of $4,580.342.00; and

NOW, THEREFORE, BE IT RESOLVED that AWARD is made JM Thompson for the construction project of the East Clayton Community Park Improvements for a total of cost of $4,580,342.00.

BE IT FURTHER RESOLVED the town manager or designee be authorized to execute the construction contract and any change orders required to deliver the project within the project budget.

Duly adopted this the 6th day of December 2021 while in regular session.

_____
Jody McLeod
Mayor

ATTEST:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
December 6, 2021

Agenda Location
Old Business

Item Title
Capital Project Budget Ordinance

Presenter
Robert McKie, Finance Director

Summary/Description
The Finance Director will present a capital project budget ordinance to undertake major site improvements in conjunction with additional site amenities at East Clayton Community Park and Municipal Park with proceeds from the 2021 General Obligation Bond Sale.

Requested Action
Approval

Funding Source (If Applicable):
Bond Issuance

Cost: **N/A** **Yes** ☒ **No** ☐
$15,180,000

Additional Documents to be Included in Agenda Packet
2021 GO Bonds Park Projects Capital Project Budget Ordinance

Meeting Timeline
Click or tap here to enter text.

Ordinance #2021-12-02

TOWN OF CLAYTON
2021 GO BONDS PARK PROJECTS
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established to undertake major improvements in conjunction with additional site amenities at East Clayton Community Park and Municipal Park:

Revenues

Line Item	Description	Amount
616-49 31	Recreation GO Debt Issuance	$15,180,000
	Total	$15,180,000

Expenditures

Line Item	Description		Amount
616-58 05	Closing Fees		$180,000
616-58 21	Site Improvements		$14,200,000
616-58 24	Design	$800,000	
	Total		$15,180,000

Duly adopted this 6th day of December 2021 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
December 6, 2021

Agenda Location
Public Hearings

Item Title

Lumen/Copper District Annexation

Presenter

Ben Howell, AICP, CZO – Planning Director

Summary/Description

Annexation of Real Property – Approximately 69.07 acres of land into the town limits of Clayton

Requested Action
Approval

Funding Source (If Applicable):
N/A

Cost: **N/A** **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet

Annexation Applications including site surveys (4 Separate Applications and surveys for 4 tracts)
Metes and Bounds Descriptions for 4 tracts
Newspaper Advertisement

Meeting Timeline
Click or tap here to enter text.

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

NCPIN: 164800-73-4448

FRANKIE

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Request Information

☐ **Contiguous Annexation** ☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☐	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☐
3. Legal Description (metes and bounds)	☐	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: _____ **Petition No.:**_____

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ___ contiguous, ___ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	1.00 acres
Existing housing units:	1 unit
Population of acreage to be annexed:	1 person
Existing Zoning District*:	R-E
Proposed Town Zoning District*:	PD-MU
Reason for petitioner to annex:	✓ Receive Town Services
	___ Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Frankie Penny Medlin
Please Print

Frankie Penny Medlin
Signature

_____
Please Print

_____
Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, FRANKIE PENNY MEDLIN a Notary Public for the above State and County, this 29th day of, September, 2021.

SEAL

PATTY JO JOHNSON NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Patty Jo Johnson
Notary Public

My Commission Expires: April 1, 2024

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation #_____ I, , Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Planning Director Signature
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

NCPIN: 164800-83-0418

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Request Information

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The following items must accompany an annexation petition:

To be completed by the applicant:	Included? Yes	Included? No
1. Petition for Annexation with original signatures	☐	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☐
3. Legal Description (metes and bounds)	☐	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

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   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ___X___ contiguous, ____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

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4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

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Population of acreage to be annexed:	1 person
Existing Zoning District*:	R-E
Proposed Town Zoning District*:	PD-MU
Reason for petitioner to annex:	✓ Receive Town Services
	_____ Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Benny H. Langdon
Please Print

Signature

SETH G. LANGDON
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Marilyn J. Moore, a Notary Public for the above State and County, this 24 day of September, 20 21.

SEAL

MARILYN J. MOORE NOTARY PUBLIC JOHNSTON COUNTY, NC

Marilyn J. Moore
Notary Public

My Commission Expires: 12/10/2022

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation #_____ I, _____, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Planning Director Signature
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

SITE DATA TABLE

PARCEL #	PARCEL ID	NCPIN#	OWNER	REFERENCE	NET AREA SQ. FT. (AC)
1	05F02037E	164800-72-2724	EZRA LEE PENNY, ET AL.	DB 5585, PG 167	2,839,523 (65.19)
2	05F02037B	164800-73-4448	FRANKIE P MEDLIN	DB 810, PG 24	43,533 (1.00)
3	05F02037A	164800-73-5660	BENNY LANGDON, ET AL.	DB 676, PG 216	45,767 (1.05)
4	05F02037	164800-83-0418	BENNY LANGDON, ET AL.	DB 957, PG 612	79,673 (1.83)

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND, THIS IS A BOUNDARY SURVEY.
2. REFERENCE IS MADE TO NORTH AMERICAN DATUM OF 1983 (NAD83) NC GRID.
3. NO MISS MONUMENT WERE FOUND WITHIN 2000 FEET OF THIS SITE.
4. ALL BEARINGS ARE GRID AND ALL DISTANCES ARE HORIZONTAL.
5. ZONING: R-C (RESIDENTIAL ESTATE)
   SETBACKS: FRONT: 50'; REAR: 35'; SIDE INTERIOR: 15'; SIDE STREET: 25'; REAR: 30' BUILDING HEIGHT: 2 - 35'
6. FEMA FLOOD ZONE: X (OUTSIDE 0.2% ANNUAL FLOOD HAZARD ZONE) IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A. FLOOD COMMUNITY PANEL #3720184600 J DATED JUNE 20, 2018.
7. SITE ADDRESSES: 2375 NC HWY 42, CLAYTON, NC 27520
8. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
9. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, INCLUDING BUT NOT LIMITED TO THOSE SHOWN ON DB 5585, PG 167, PB 31, PG 193, PB 27, PG 401, PB 76, PG 193, PB 27, PG 399, PB 22, PG 23, PB 1996, PB 31, PG 183, PB 31, PG 183, PB 31, PG 183

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

NCPIN: 164800-73-6660

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Request Information

■ **Contiguous Annexation** ☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included? Yes	No
1. Petition for Annexation with original signatures	☐	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☐
3. Legal Description (metes and bounds)	☐	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: _____ **Petition No.:**_____

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ___X___ contiguous, ____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	1.05 acres
Existing housing units:	1 unit
Population of acreage to be annexed:	0 - vacant at this time
Existing Zoning District*:	R-E
Proposed Town Zoning District*:	PD-MU
Reason for petitioner to annex:	✓ Receive Town Services
	_____ Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Benny H. Langdon
Please Print

Signature

SETH G. LANGDON
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Marilyn J. Moore, a Notary Public for the above State and County, this 21st day of, September, 2021.

SEAL

MARILYN J. MOORE NOTARY PUBLIC JOHNSTON COUNTY, NC

Marilyn J. Moore
Notary Public

My Commission Expires: 12/10/2022

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation #_____ I, , Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Planning Director Signature
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

SITE DATA TABLE

PARCEL #	PARCEL ID	NCPIN#	OWNER	REFERENCE	NET AREA SQ FT (AC)
1	05F02037E	164800-72-2724	EZRA LEE PENNY, ET AL	DB 5585, PG 167	2,839,523 (65.19)
2	05F02037B	164800-73-4445	FRANKIE P MEDLIN	DB 810, PG 24	43,533 (1.00)
3	05F0237A	164800-73-6660	BENNY LANGDON, ET AL	DB 676, PG 216	45,787 (1.05)
4	05F02037	164800-83-0418	BENNY LANGDON, ET AL	DB 957, PG 612	76,673 (1.80)

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND; THIS IS A BOUNDARY SURVEY.
2. ALL MONUMENTS ARE SET OR FOUND AS NOTED. ALL CORNERS ARE MARKED AS NOTED.
3. NO MISSED MONUMENTS WERE FOUND WITHIN 2000 FEET OF THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. ZONING: R-E (RESIDENTIAL ESTATE)
   SETBACKS: FRONT: 50'; REAR: 35'; SIDE INTERIOR: 15'; SIDE STREET: 25'; REAR: 30'
   BUILDING HEIGHT: 35'
6. MINIMUM LOT SIZE: 1 AC.
7. SITE ADDRESSES: 2375 NC HWY 42, CLAYTON, NC 27520
8. THE SUBJECT PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD HAZARD ZONE 'X' AS DEFINED BY F.E.M.A. FIRM COMMUNITY PANEL #3720184000 J, DATED JUNE 20, 2018.
9. THE PURPOSE OF THIS SURVEY IS TO SHOW THE BOUNDARIES OF TRACTS AS DESCRIBED IN DEEDS RECORDED IN DB 5585, PG 167, PB 21, PG 91, PB 27, PG 401, PB 78, PG 85, PB 82, PG 234, PB 85, PG 183, PB 31, PG 183, PB 190, PG 24, PB 190, PG 25, PB 190, PG 26, PB 190, PG 27, PB 190, PG 28, PB 190, PG 29, PB 190, PG 30, PB 190, PG 31, PB 190, PG 32, PB 190, PG 33, PB 190, PG 34, PB 190, PG 35, PB 190, PG 36, PB 190, PG 37, PB 190, PG 38, PB 190, PG 39, PB 190, PG 40, PB 190, PG 41, PB 190, PG 42, PB 190, PG 43, PB 190, PG 44, PB 190, PG 45, PB 190, PG 46, PB 190, PG 47, PB 190, PG 48, PB 190, PG 49, PB 190, PG 50, PB 190, PG 51, PB 190, PG 52, PB 190, PG 53, PB 190, PG 54, PB 190, PG 55, PB 190, PG 56, PB 190, PG 57, PB 190, PG 58, PB 190, PG 59, PB 190, PG 60, PB 190, PG 61, PB 190, PG 62, PB 190, PG 63, PB 190, PG 64, PB 190, PG 65, PB 190, PG 66, PB 190, PG 67, PB 190, PG 68, PB 190, PG 69, PB 190, PG 70, PB 190, PG 71, PB 190, PG 72, PB 190, PG 73, PB 190, PG 74, PB 190, PG 75, PB 190, PG 76, PB 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828, PB 190, PG 829, PB 190, PG 830, PB 190, PG 831, PB 190, PG 832, PB 190, PG 833, PB 190, PG 834, PB 190, PG 835, PB 190, PG 836, PB 190, PG 837, PB 190, PG 838, PB 190, PG 839, PB 190, PG 840, PB 190, PG 841, PB 190, PG 842, PB 190, PG 843, PB 190, PG 844, PB 190, PG 845, PB 190, PG 846, PB 190, PG 847, PB 190, PG 848, PB 190, PG 849, PB 190, PG 850, PB 190, PG 851, PB 190, PG 852, PB 190, PG 853, PB 190, PG 854, PB 190, PG 855, PB 190, PG 856, PB 190, PG 857, PB 190, PG 858, PB 190, PG 859, PB 190, PG 860, PB 190, PG 861, PB 190, PG 862, PB 190, PG 863, PB 190, PG 864, PB 190, PG 865, PB 190, PG 866, PB 190, PG 867, PB 190, PG 868, PB 190, PG 869, PB 190, PG 870, PB 190, PG 871, PB 190, PG 872, PB 190, PG 873, PB 190, PG 874, PB 190, PG 875, PB 190, PG 876, PB 190, PG 877, PB 190, PG 878, PB 190, PG 879, PB 190, PG 880, PB 190, PG 881, PB 190, PG 882, PB 190, PG 883, PB 190, PG 884, PB 190, PG 885, PB 190, PG 886, PB 190, PG 887, PB 190, PG 888, PB 190, PG 889, PB 190, PG 890, PB 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I, STEVEN M. MIJAKOULIAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12th DAY OF OCTOBER, A.D. 2021.

STEVEN M. MIJAKOULIAN PLS L-4732

10/12/21

NORTH CAROLINA PROFESSIONAL SEAL L-4732 SURVEYOR STEVEN M. MIJAKOULIAN

VICINITY MAP
NOT TO SCALE

LEGEND

- EXISTING IRON PIPE (EIP)
- CALCULATED CORNER
- FENCE LINE
- TOP OF BANK/CENTERLINE
- RIGHT OF WAY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 79°40'11" W	134.23'
L2	N 79°07'1" W	199.17'
L3	N 42°17'29" W	200.00'
L4	N 42°17'29" W	201.85'
L5	N 41°33'51" W	303.32'
L6	N 41°33'51" W	36.56'
L7	S 84°39'29" E	27.47'
L8	S 79°24'43" E	178.72'
L9	S 79°24'43" E	210.13'
L10	S 74°05'08" E	277.36'
L11	S 71°48'07" E	169.14'
L12	S 71°48'07" E	

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1136.24'	478.23'	N 87°47'05" W	474.70'

BALLENTINE ASSOCIATES, P.A.
2121 CRABTREE BLVD., SUITE 210, RALEIGH, NC 27604
(919) 828 - 0481
THIS DOCUMENT IS THE PROPERTY OF BALLENTINE ASSOCIATES, P.A. AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF BALLENTINE ASSOCIATES, P.A. ALL RIGHTS RESERVED. COPYRIGHT © 2021 BALLENTINE ASSOCIATES, P.A. ALL THE ABOVE IS SUBJECT TO LEGAL ACTION.

Ballentine Associates P.A. CORPORATE SEAL C1326 NORTH CAROLINA

REVISIONS		DATE
NUM		
1	ADDED INTERIOR PROPERTY LINE CALLS	12 OCT 21

OWNER INFORMATION:
MULTIPLE OWNERS
(AS SHOWN)

OWNERS REPRESENTATIVE:
CRAIG DAVIS PROPERTIES
CRAIG DAVIS
PH. (919) 678-4301
EMAIL: info@craigdavisproperties.com

ISSUED	DATE

BOUNDARY SURVEY OF PROPERTIES OWNED BY:
EZRA LEE PENNY, ET AL; FRANKIE P MEDLIN; & BENNY LANGDON, ET AL
2375 NC HIGHWAY 42
CLAYTON, NC 27520
CLAYTON TOWNSHIP, JOHNSTON COUNTY, NORTH CAROLINA
BOUNDARY SURVEY

JOB NUMBER:	12000S.00
DATE:	30 JUN 20
SCALE:	1"=150'
DRAWN BY:	EJS
REVIEWED BY:	SM

SHEET
1 – 1

Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

NCPIN: 164800-72-2724 FARM

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Request Information

☐ **Contiguous Annexation** ☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included? Yes	No
1. Petition for Annexation with original signatures	☐	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☐	☐
3. Legal Description (metes and bounds)	☐	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: _____ **Petition No.:**_____

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

   *If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ___X___ contiguous, ____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	65.19 acres
Existing housing units:	1 unit
Population of acreage to be annexed:	1 person
Existing Zoning District*:	R-E
Proposed Town Zoning District*:	PD-MU
Reason for petitioner to annex:	✓ Receive Town Services
	____ Other (please specify): _____

5. **I/We** acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Paul Scott Penny
Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Paul Scott Penny a Notary Public for the above State and County, this 27th day of, September, 2021.

SEAL

PATTY JO JOHNSON NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Notary Public

My Commission Expires: April 1, 2024

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation #_____ I, _____, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Planning Director Signature
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

RICHARD BROWN
(Name - type, print clearly)

KIMLEY-HORN
421 FAYETTEVILLE ST, STE 600
(Address)
RALEIGH, NC 27601
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (***list applicable requests***):

PETITION FOR VOLUNTARY ANNEXATION
SUBDIVISION

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Frankie Penny Medlin
(Name - type, print clearly)

2219 NC Hwy 42 W
(Address)

Frankie Penny Medlin
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF ~~[illegible]~~ North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Frankie Penny Medlin a Notary Public for the above State and County, this the 20th day of September, 2021.

SEAL

NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Notary Public

My Commission Expires: April 1, 2024

July 2018

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

RICHARD BROWN
(Name - type, print clearly)

KIMLEY-HORN
421 FAYETTEVILLE ST STE 600
(Address)
RALEIGH, NC, 27601
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (***list applicable requests***):

_____ _____
_____ _____

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

EZRA LEE PENNY
(Name - type, print clearly)

409 HUNTER WAY
(Address)

(Owner's Signature)

CLAYTON, NC 27520
(City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me EZA LEE PENNY, a Notary Public for the above State and County, this the 29th day of September, 2021.

SEAL

PATTY JO JOHNSON NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Notary Public

My Commission Expires: April 1, 2024

July 2018

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

RICHARD BROWN
(Name - type, print clearly)

KIMLEY-HORN
421 FAYETTEVILLE ST STE 600
(Address)
RALEIGH, NC, 27601
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (***list applicable requests***):

PETITION FOR VOLUNTARY ANNEXATION
SUBDIVISION

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Jack M. Penny, Jr.
(Name - type, print clearly)

1113 Woodmont Drive
(Address)

(Owner's Signature)

Raleigh NC 27613
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Jack M. Penny Jr., a Notary Public for the above State and County, this the 24th day of September, 2021.

SEAL

PATTY J. JOHNSON NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Notary Public

My Commission Expires: April 1, 2024

July 2018

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

RICHALD BROWN
(Name - type, print clearly)

KIMLEY-HORN
421 FAYETTEVILLE ST STE 600
(Address)
RALEIGH NC 27601
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (***list applicable requests***):

PETITION FOR VOLUNTARY ANNEXATION
SUBDIVISION

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I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

Paul Scott Penny
(Name - type, print clearly)

120 Canford Way
(Address)

(Owner's Signature)

Holly Springs NC 27540
(City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me Paul Scott Penny, a Notary Public for the above State and County, this the 20th day of September, 2021.

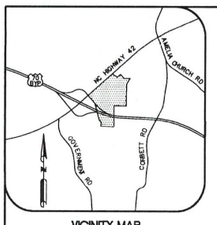
SEAL

PAM JO JOHNSON NOTARY PUBLIC JOHNSTON COUNTY, N.C.

Notary Public

My Commission Expires: April 1, 2024

July 2018



VICINITY MAP
NOT TO SCALE.

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS A BOUNDARY SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83 (2011).
3. NO NCGS MONUMENTS WERE FOUND WITHIN 2000 FEET OF THIS SITE.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. ZONING: R-E (RESIDENTIAL ESTATE)
   SETBACKS (PER UDO) R-E: FRONT: 35'; SIDE INTERIOR: 15'; SIDE STREET: 25'; REAR: 30'
   BUILDING HEIGHT: R-E: 35'
6. AREA BY COORDINATE GEOMETRY.
7. SITE ADDRESSES: 2375 NC HWY 42, CLAYTON, NC 27520
8. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X (UNSHADED) PER F.E.M.A. FIRM COMMUNITY PANEL #3720184600 K DATED JUNE 20, 2018.
9. REFERENCES: DB 676, PG 216; DB 957, PG 612; DB 5585, PG 167; DB 6041, PG 972; DB 5529, PG 359; DB 5585, PG 167; PB 23, PG 91; PB 27, PG 401; PB 76, PG 85; PB 78, PG 359; PB 82, PG 234; PB 76, PG 372; PB 77, PG 124; PB 83, PG 370; AND PB 89, PG 313 OF THE JOHNSTON COUNTY REGISTRY.
10. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY BE SUBJECT TO EASEMENTS AND/OR ENCUMBRANCES OF RECORD NOT SHOWN HEREON.
11. RIGHT OF WAY SHOWN FOR US HIGHWAY 70 BYPASS IS FROM SCALED HIGHWAY MAPS BOOK 1, PG 97. DIMENSIONS MAY VARY SLIGHTLY FROM RECORD DUE TO LEGIBILITY OF RECORDED DOCUMENT.
12. STREAMS SHOWN ON THIS SURVEY MAY BE SUBJECT TO JURISDICTIONAL BUFFERS NOT SHOWN HEREON.

SITE DATA TABLE

PARCEL #	PARCEL ID	NCPIN#	OWNER	REFERENCE	NET AREA SQ FT (AC)
1	05F02037E	164800-72-2724	EZRA LEE PENNY, ET AL	DB 5585, PG 167	2,839,523 (65.19)
2	05F02037B	164800-73-4448	FRANKIE P MEDLIN	DB 810, PG 24	43,533 (1.00)
3	05F0237A	164800-73-6660	BENNY LANGDON, ET AL	DB 676, PG 216	45,767 (1.05)
4	05F02037	164800-83-0418	BENNY LANGDON, ET AL	DB 957, PG 612	79,673 (1.83)

L. STEVEN M. INJASOULIAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOKS AND PAGES AS SHOWN; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOKS AND PAGES AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS

12TH DAY OF OCTOBER, A.D. 2021.

STEVEN M. INJASOULIAN PLS L-4732

NORTH CAROLINA PROFESSIONAL SEAL L-4732 STEVEN M. INJASOULIAN

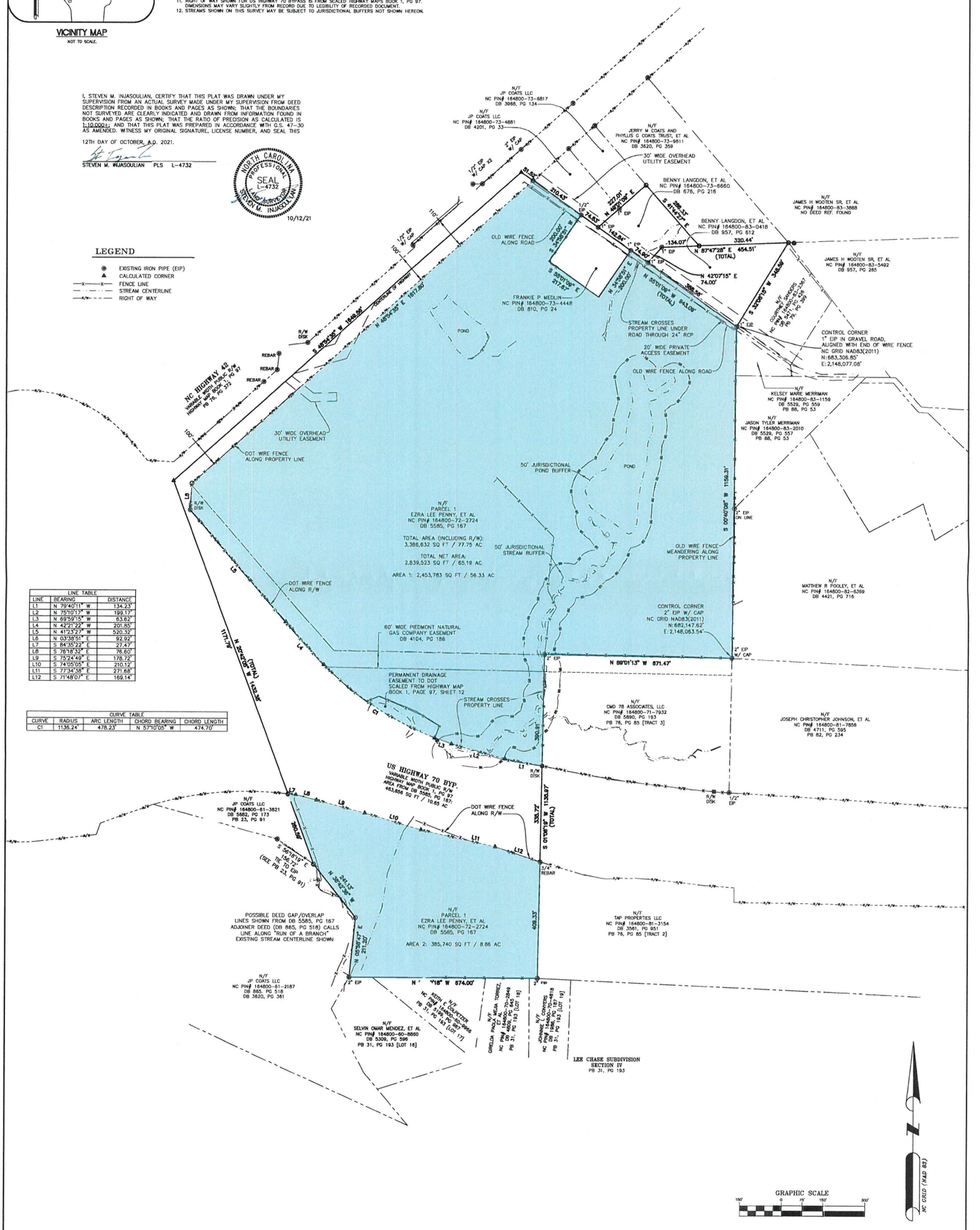
10/12/21

LEGEND

- EXISTING IRON PIPE (EIP)
- CALCULATED CORNER
- FENCE LINE
- STREAM CENTERLINE
- RIGHT OF WAY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 79°40'11" W	134.23'
L2	N 75°10'17" W	199.17'
L3	N 69°59'15" W	63.62'
L4	N 42°21'22" W	201.85'
L5	N 41°23'27" W	520.32'
L6	N 03°38'51" E	92.92'
L7	S 84°35'22" E	27.47'
L8	S 76°18'32" E	76.80'
L9	S 75°24'49" E	178.72'
L10	S 74°02'05" E	210.12'
L11	S 73°34'58" E	272.68'
L12	S 71°48'07" E	169.14'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1136.24'	478.23'	N 57°10'05" W	474.70'



| | | | |

ANNEXATION PETITION 2021-125-ANX
2375 Highway 42
Pin#s: 164800-72-2744; 164800-73-4448; 164800-73-6660; 164800-83-0418
Owners: Paul Scott Penny, Frankie Penny Medlin, Erza Lee Penny, Jack M. Penny Jr., Benny Langdon & Seth Langdon
Contiguous; 69.07 +/- acres

TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 13, 2021 by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this the18th day of October, 2021 while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

ANNEXATION PETITION 2021-125-ANX
2375 Highway 42
Pin#s: 164800-72-2724; 164800-73-4448; 164800-73-6660; 164800-83-0418
Owners: Paul Scott Penny, Frankie Penny Medlin, Erza Lee Penny, Jack M. Penny Jr., Benny Langdon & Seth Langdon
Contiguous; 69.07 +/- acres

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G. S.160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clayton, North Carolina that:

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:00 PM on Monday November 15, 2021.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

COMMENCING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence North 55°01'09" West a distance of 388.58 feet to an existing 1" iron pipe on the line of Ezra Lee Penny, et al, and the southwestern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al, and Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24) North 55°01'09" West, passing an existing 1" iron pipe at 74.90 feet, a total distance of 217.74 feet to an existing 1" iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and JP Coats LLC (164800-73-6817 / Deed Book 3968, Page 134) North 49°01'09" East, passing an existing 1" iron pipe at 100.10 feet, a total distance of 227.01 feet to a set iron pipe on the line of Jerry M. Coats and Phyllis G Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359); thence along the line of Jerry M. Coats and Phyllis G. Coats Trust, et al South 41°44'27" East a distance of 286.33 feet to a set iron pipe on the line of Benny Langdon, et al; thence with the line of Benny Langdon, et al the following two (2) calls: South 87°47'28" West a distance of 134.07 feet to an existing 1" iron pipe; thence South 42°07'15" West

a distance of 74.00 feet to the point of BEGINNING, containing an area of 45,767 square feet, or 1.05 acres, more or less.

AND

BEGINNING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence along the line of Ezra Lee Penny, et al North 55°01'09" West a distance of 388.57 feet to an existing 1" iron pipe on the southeastern corner of (now or formerly) Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence with the line of Benny Langdon, et al North 42°07'15" East a distance of 74.00 feet to an existing 1" iron pipe; thence continuing with the line of Benny Langdon, et al, and Jerry M. Coats and Phyllis G. Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359) North 87°47'28" East, passing a set iron pipe at 134.07, a total distance of 454.51 feet to a set iron pipe on the line of James H. Wooten Sr., et al (NC PIN# 164800-83-3888 and NC PIN# 164800-83-5492 / Deed Book 957, Page 265), and the northwestern corner of Courtney Sanders; thence with the line of Courtney Sanders South 32°08'15" West a distance of 348.59 feet to the point of BEGINNING, containing an area of 79,673 square feet, or 1.83 acres, more or less.

AND

COMMENCING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence North 55°01'09" West a distance of 463.48 feet to an existing 1" iron pipe on the line of Ezra Lee Penny, et al, and Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al the following three (3) calls: thence South 34°58'51" West a distance of 200.00 feet to an existing iron pipe;
thence North 55°01'09" West a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1/2" iron pipe on the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and Benny Langdon, et al South 55°01'09" East, passing an existing 1" iron pipe at 74.83 feet, a total distance of 217.67 feet to the point of BEGINNING, containing an area of 43,533 square feet, or 1.00 acres, more or less.

AND

BEGINNING at an existing 1" iron pipe on the southeastern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence with the line of Kelsey Marie Merriman, Jason Tyler Merriman (NC PIN# 164800-83-2010 / Deed Book 5529, Page 557, see also Plat Book 88, Page 53), and Matthew R. Pooley, et al (NC PIN# 164800-82-6369 / Deed Book 4421,

Page 716) South 00°40'08" West, passing an existing 2" iron pipe at 635.77 feet, a total distance of 1,159.31 feet to an existing 2" iron pipe on the northeastern corner of CMD 78 Associates, LLC (NC PIN# 164800-71-7932 / Deed Book 5890, Page 193, see also Plat Book 76, Page 85 [Tract 3]); thence with the line of CMD 78 Associates, LLC North 89°01'13" West a distance of 671.47 feet to an existing 2" iron pipe; thence continuing along the line of CMD 78 Associates, LLC, across the Right-of-Way of US Highway 70 Bypass (a public variable width, controlled access R/W), and TAP Properties LLC (NC PIN# 164800-81-3154 / Deed Book 3561, Page 951, see also Plat Book 76, Page 85 [Tract 2]) South 01°06'19" West, passing an existing NCDOT R/W Disk at 391.46 feet, and an existing 3/4" rebar at 726.64 feet, a total distance of 1,135.97 feet to an existing 2" iron pipe on the northern line of Lot 19 of the Lee Chase Subdivision, Section IV (see Plat Book 31, Page 193); thence along the northern line of the Lee Chase Subdivision, Section IV North 89°50'18" West a distance of 674.00 feet to an existing 2" iron pipe on the eastern line of JP Coats LLC (NC PIN# 164800-61-2187 / Deed Book 3620, Page 361); thence along the line of JP Coats LLC the following two (2) calls: North 05°58'47" East a distance of 211.20 feet to a set iron pipe; thence North 38°42'36" West a distance of 241.13 feet to a set iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-61-3621 / Deed Book 5682, Page 173, see also Plat Book 23, Page 91 [P/O Lots 3, 4 & 6); thence along the line of JP Coats LLC, and across the R/W of US Highway 70 Bypass North 20°42'05" West a distance of 1,432.38 feet to a point in the center of NC Highway 42 (a public variable with R/W); thence with the center of NC Highway 42 North 48°54'35" East a distance of 1,649.56 feet to a point; thence leaving the R/W of NC Highway 42, along the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33) South 55°01'09" East, passing a set iron pie at 51.52 feet, a total distance of 261.95 feet to an existing 1/2" iron pipe on the northwestern corner of Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24); thence with the line of Frankie P. Medlin the following three (3) calls: South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence South 55°01'09" East a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1" iron pipe on the line of Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence along the line of two tracts owned (now or formerly) by Benny Langdon, et al South 55°01'09" East a distance of 463.48 feet to the point of BEGINNING, containing an area of 3,386,632 square feet, or 77.75 acres, more or less, including area in the public R/W.

Section 3. Notice of the public hearing shall be published once in The Johnstonian Newspaper, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this the 1st day of November, 2021 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on December 6, 2021, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous areas, requested by the annexation petitions included as 2021-125-ANX Lumen Annexation filed pursuant to G.S. 160A-31:

1. Being the same property as the property described in Deed Book 810, Page 24 of the Johnston County Registry.
   Clayton Township, Johnston County, North Carolina.

   Being all that certain land more particularly described as follows:

   COMMENCING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence North 55°01'09" West a distance of 463.48 feet to an existing 1" iron pipe on the line of Ezra Lee Penny, et al, and Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al the following three (3) calls: thence South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence North 55°01'09" West a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1/2" iron pipe on the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and Benny Langdon, et al South 55°01'09" East, passing an existing 1" iron pipe at 74.83 feet, a total distance of 217.67 feet to the point of BEGINNING, containing an area of 43,533 square feet, or 1.00 acres, more or less.

   The above described property is subject to a private 20' access easement along the northern line shown in Plat Book 27, Page 401.

2. Being the same property as the property described in Deed Book 676, Page 216 of the Johnston County Registry.
   Clayton Township, Johnston County, North Carolina.

   Being all that certain land more particularly described as follows:

   COMMENCING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence North 55°01'09" West a distance of 388.58 feet to an existing 1" iron pipe on the line of Ezra Lee Penny, et al, and the southwestern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al, and Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24) North 55°01'09" West, passing an existing 1" iron pipe at 74.90 feet, a total distance of 217.74 feet to an existing 1" iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and JP Coats LLC (164800-73-6817 / Deed Book 3968, Page 134) North 49°01'09" East, passing an existing 1" iron pipe at 100.10 feet, a total distance of 227.01 feet to a set iron pipe on the line of Jerry M. Coats and Phyllis G Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359); thence along the line of Jerry M.

Coats and Phyllis G. Coats Trust, et al South 41°44'27" East a distance of 286.33 feet to a set iron pipe on the line of Benny Langdon, et al; thence with the line of Benny Langdon, et al the following two (2) calls: South 87°47'28" West a distance of 134.07 feet to an existing 1" iron pipe; thence South 42°07'15" West a distance of 74.00 feet to the point of BEGINNING, containing an area of 45,767 square feet, or 1.05 acres, more or less.

3. Being the same property as the property described in Deed Book 957, Page 612 of the Johnston County Registry.
   Clayton Township, Johnston County, North Carolina.

   Being all that certain land more particularly described as follows:

   BEGINNING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence along the line of Ezra Lee Penny, et al North 55°01'09" West a distance of 388.57 feet to an existing 1" iron pipe on the southeastern corner of (now or formerly) Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence with the line of Benny Langdon, et al North 42°07'15" East a distance of 74.00 feet to an existing 1" iron pipe; thence continuing with the line of Benny Langdon, et al, and Jerry M. Coats and Phyllis G. Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359) North 87°47'28" East, passing a set iron pipe at 134.07, a total distance of 454.51 feet to a set iron pipe on the line of James H. Wooten Sr., et al (NC PIN# 164800-83-3888 and NC PIN# 164800-83-5492 / Deed Book 957, Page 265), and the northwestern corner of Courtney Sanders; thence with the line of Courtney Sanders South 32°08'15" West a distance of 348.59 feet to the point of BEGINNING, containing an area of 79,673 square feet, or 1.83 acres, more or less.

4. Being the same property as the property described in Deed Book 5585, Page 167 of the Johnston County Registry.
   Clayton Township, Johnston County, North Carolina.

   Being all that certain land more particularly described as follows:

   BEGINNING at an existing 1" iron pipe on the southeastern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence with the line of Kelsey Marie Merriman, Jason Tyler Merriman (NC PIN# 164800-83-2010 / Deed Book 5529, Page 557, see also Plat Book 88, Page 53), and Matthew R. Pooley, et al (NC PIN# 164800-82-6369 / Deed Book 4421, Page 716) South 00°40'08" West, passing an existing 2" iron pipe at 635.77 feet, a total distance of 1,159.31 feet to an existing 2" iron pipe on the northeastern corner of CMD 78 Associates, LLC (NC PIN# 164800-71-7932 / Deed Book 5890, Page 193, see also Plat Book 76, Page 85 [Tract 3]); thence with the line of CMD 78 Associates, LLC North 89°01'13" West a distance of 671.47 feet to an existing 2" iron pipe; thence continuing along the

line of CMD 78 Associates, LLC, across the Right-of-Way of US Highway 70 Bypass (a public variable width, controlled access R/W), and TAP Properties LLC (NC PIN# 164800-81-3154 / Deed Book 3561, Page 951, see also Plat Book 76, Page 85 [Tract 2]) South 01°06'19" West, passing an existing NCDOT R/W Disk at 391.46 feet, and an existing 3/4" rebar at 726.64 feet, a total distance of 1,135.97 feet to an existing 2" iron pipe on the northern line of Lot 19 of the Lee Chase Subdivision, Section IV (see Plat Book 31, Page 193); thence along the northern line of the Lee Chase Subdivision, Section IV North 89°50'18" West a distance of 674.00 feet to an existing 2" iron pipe on the eastern line of JP Coats LLC (NC PIN# 164800-61-2187 / Deed Book 3620, Page 361); thence along the line of JP Coats LLC the following two (2) calls: North 05°58'47" East a distance of 211.20 feet to a set iron pipe; thence North 38°42'36" West a distance of 241.13 feet to a set iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-61-3621 / Deed Book 5682, Page 173, see also Plat Book 23, Page 91 [P/O Lots 3, 4 & 6); thence along the line of JP Coats LLC, and across the R/W of US Highway 70 Bypass North 20°42'05" West a distance of 1,432.38 feet to a point in the center of NC Highway 42 (a public variable with R/W); thence with the center of NC Highway 42 North 48°54'35" East a distance of 1,649.56 feet to a point; thence leaving the R/W of NC Highway 42, along the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33) South 55°01'09" East, passing a set iron pie at 51.52 feet, a total distance of 261.95 feet to an existing 1/2" iron pipe on the northwestern corner of Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24); thence with the line of Frankie P. Medlin the following three (3) calls: South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence South 55°01'09" East a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1" iron pipe on the line of Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence along the line of two tracts owned (now or formerly) by Benny Langdon, et al South 55°01'09" East a distance of 463.48 feet to the point of BEGINNING, containing an area of 3,386,632 square feet, or 77.75 acres, more or less, including area in the public R/W.

The above described property is subject to approximately 12.56 acres in dedicated public R/W, as well as a private 20' access easement along the northern line shown in Plat Book 27, Page 401.

This is an open meeting and the public is invited to attend.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

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The Johnstonian Newspaper

Please advertise on the following date:

November 24, 2021

Affidavit of publication required.

Tract 1

Being the same property as the property described in Deed Book 810, Page 24 of the Johnston County Registry.
Clayton Township, Johnston County, North Carolina.

Being all that certain land more particularly described as follows:

COMMENCING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence North 55°01'09" West a distance of 463.48 feet to an existing 1” iron pipe on the line of Ezra Lee Penny, et al, and Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al the following three (3) calls: thence South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence North 55°01'09" West a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1/2” iron pipe on the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and Benny Langdon, et al South 55°01'09" East, passing an existing 1” iron pipe at 74.83 feet, a total distance of 217.67 feet to the point of BEGINNING, containing an area of 43,533 square feet, or 1.00 acres, more or less.

The above described property is subject to a private 20’ access easement along the northern line shown in Plat Book 27, Page 401.

Tract 2

Being the same property as the property described in Deed Book 676, Page 216 of the Johnston County Registry.
Clayton Township, Johnston County, North Carolina.

Being all that certain land more particularly described as follows:

COMMENCING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence North 55°01'09" West a distance of 388.58 feet to an existing 1” iron pipe on the line of Ezra Lee Penny, et al, and the southwestern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al, and Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24) North 55°01'09" West, passing an existing 1” iron pipe at 74.90 feet, a total distance of 217.74 feet to an existing 1” iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and JP Coats LLC (164800-73-6817 / Deed Book 3968, Page 134) North 49°01'09" East, passing an existing 1” iron pipe at 100.10 feet, a total distance of 227.01 feet to a set iron pipe on the line of Jerry M. Coats and Phyllis G Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359); thence along the line of Jerry M. Coats and Phyllis G. Coats Trust, et al South 41°44'27" East a distance of 286.33 feet to a set iron pipe on the line of Benny Langdon, et al; thence with the line of Benny Langdon, et al the following two (2) calls: South 87°47'28" West a distance of 134.07 feet to an existing 1” iron pipe; thence South 42°07'15" West a distance of 74.00 feet to the point of BEGINNING, containing an area of 45,767 square feet, or 1.05 acres, more or less.

Tract 3

Being the same property as the property described in Deed Book 5585, Page 167 of the Johnston County Registry.
Clayton Township, Johnston County, North Carolina.

Being all that certain land more particularly described as follows:

BEGINNING at an existing 1" iron pipe on the southeastern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence with the line of Kelsey Marie Merriman, Jason Tyler Merriman (NC PIN# 164800-83-2010 / Deed Book 5529, Page 557, see also Plat Book 88, Page 53), and Matthew R. Pooley, et al (NC PIN# 164800-82-6369 / Deed Book 4421, Page 716) South 00°40'08" West, passing an existing 2" iron pipe at 635.77 feet, a total distance of 1,159.31 feet to an existing 2" iron pipe on the northeastern corner of CMD 78 Associates, LLC (NC PIN# 164800-71-7932 / Deed Book 5890, Page 193, see also Plat Book 76, Page 85 [Tract 3]); thence with the line of CMD 78 Associates, LLC North 89°01'13" West a distance of 671.47 feet to an existing 2" iron pipe; thence continuing along the line of CMD 78 Associates, LLC, across the Right-of-Way of US Highway 70 Bypass (a public variable width, controlled access R/W), and TAP Properties LLC (NC PIN# 164800-81-3154 / Deed Book 3561, Page 951, see also Plat Book 76, Page 85 [Tract 2]) South 01°06'19" West, passing an existing NCDOT R/W Disk at 391.46 feet, and an existing 3/4" rebar at 726.64 feet, a total distance of 1,135.97 feet to an existing 2" iron pipe on the northern line of Lot 19 of the Lee Chase Subdivision, Section IV (see Plat Book 31, Page 193); thence along the northern line of the Lee Chase Subdivision, Section IV North 89°50'18" West a distance of 674.00 feet to an existing 2" iron pipe on the eastern line of JP Coats LLC (NC PIN# 164800-61-2187 / Deed Book 3620, Page 361); thence along the line of JP Coats LLC the following two (2) calls: North 05°58'47" East a distance of 211.20 feet to a set iron pipe; thence North 38°42'36" West a distance of 241.13 feet to a set iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-61-3621 / Deed Book 5682, Page 173, see also Plat Book 23, Page 91 [P/O Lots 3, 4 & 6); thence along the line of JP Coats LLC, and across the R/W of US Highway 70 Bypass North 20°42'05" West a distance of 1,432.38 feet to a point in the center of NC Highway 42 (a public variable with R/W); thence with the center of NC Highway 42 North 48°54'35" East a distance of 1,649.56 feet to a point; thence leaving the R/W of NC Highway 42, along the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33) South 55°01'09" East, passing a set iron pie at 51.52 feet, a total distance of 261.95 feet to an existing 1/2" iron pipe on the northwestern corner of Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24); thence with the line of Frankie P. Medlin the following three (3) calls: South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence South 55°01'09" East a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1" iron pipe on the line of Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence along the line of two tracts owned (now or formerly) by Benny Langdon, et al South 55°01'09" East a distance of 463.48 feet to the point of BEGINNING, containing an area of 3,386,632 square feet, or 77.75 acres, more or less, including area in the public R/W.

The above described property is subject to approximately 12.56 acres in dedicated public R/W, as well as a private 20' access easement along the northern line shown in Plat Book 27, Page 401.

Tract 4

Being the same property as the property described in Deed Book 957, Page 612 of the Johnston County Registry.
Clayton Township, Johnston County, North Carolina.

Being all that certain land more particularly described as follows:

BEGINNING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence along the line of Ezra Lee Penny, et al North 55°01'09" West a distance of 388.57 feet to an existing 1” iron pipe on the southeastern corner of (now or formerly) Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence with the line of Benny Langdon, et al North 42°07'15" East a distance of 74.00 feet to an existing 1” iron pipe; thence continuing with the line of Benny Langdon, et al, and Jerry M. Coats and Phyllis G. Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359) North 87°47'28" East, passing a set iron pipe at 134.07, a total distance of 454.51 feet to a set iron pipe on the line of James H. Wooten Sr., et al (NC PIN# 164800-83-3888 and NC PIN# 164800-83-5492 / Deed Book 957, Page 265), and the northwestern corner of Courtney Sanders; thence with the line of Courtney Sanders South 32°08'15" West a distance of 348.59 feet to the point of BEGINNING, containing an area of 79,673 square feet, or 1.83 acres, more or less.

Ordinance #2021-12-03

ANNEXATION PETITION 2021-125-ANX
2375 Highway 42
Owners: Paul Scott Penny, Frankie Penny Medlin, Erza Lee Penny, Jack M. Penny Jr., Benny Langdon & Seth Langdon
Contiguous; 69.07 +/- acres

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CLAYTON, NORTH CAROLINA

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town of Clayton has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:00 PM on December 6, 2021 with due notice of publication on November 24, 2021.

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clayton, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of June 21, 2021.

Tract #1

COMMENCING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence North 55°01'09" West a distance of 463.48 feet to an existing 1” iron pipe on the line of Ezra Lee Penny, et al, and Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al the following three (3) calls: thence South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence North 55°01'09" West a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1/2” iron pipe on the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and Benny Langdon, et al South 55°01'09" East, passing an existing 1” iron pipe at 74.83 feet, a total distance of 217.67 feet to the point of BEGINNING, containing an area of 43,533 square feet, or 1.00 acres, more or less.

The above described property is subject to a private 20’ access easement along the northern line shown in Plat Book 27, Page 401.

Tract #2

COMMENCING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence North 55°01'09" West a distance of 388.58 feet to an existing 1” iron pipe on the line of Ezra Lee Penny, et al, and the southwestern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al, and Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24) North 55°01'09" West, passing an existing 1” iron pipe at 74.90 feet, a total distance of 217.74 feet to an existing 1” iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and JP Coats LLC (164800-73-6817 / Deed Book 3968, Page 134) North 49°01'09" East, passing an existing 1” iron pipe at 100.10 feet, a total distance of 227.01 feet to a set iron pipe on the line of Jerry M. Coats and Phyllis G Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359); thence along the line of Jerry M. Coats and Phyllis G. Coats Trust, et al South 41°44'27" East a distance of 286.33 feet to a set iron pipe on the line of Benny Langdon, et al; thence with the line of Benny Langdon, et al the following two (2) calls: South 87°47'28" West a distance of 134.07 feet to an existing 1” iron pipe; thence South 42°07'15" West a distance of 74.00 feet to the point of BEGINNING, containing an area of 45,767 square feet, or 1.05 acres, more or less.

Tract #3

BEGINNING at an existing 1” iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence along the line of Ezra Lee Penny, et al North 55°01'09" West a distance of 388.57 feet to an existing 1” iron pipe on the southeastern corner of (now or formerly) Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence with the line of Benny Langdon, et al North 42°07'15" East a distance of 74.00 feet to an existing 1” iron pipe; thence continuing with the line of Benny Langdon, et al, and Jerry M. Coats and Phyllis G. Coats Trust, et al (NC PIN# 164800-73-9811 / Deed Book 3620, Page 359) North 87°47'28" East, passing a set iron pipe at 134.07, a total distance of 454.51 feet to a set iron pipe on the line of James H. Wooten Sr., et al (NC PIN# 164800-83-3888 and NC PIN# 164800-83-5492 / Deed Book 957, Page 265), and the northwestern corner of Courtney Sanders; thence with the line of Courtney Sanders South 32°08'15" West a distance of 348.59 feet to the point of BEGINNING, containing an area of 79,673 square feet, or 1.83 acres, more or less.

Tract #4

BEGINNING at an existing 1” iron pipe on the southeastern corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), and the southwestern corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwestern corner of Kelsey Marie Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NC Grid Coordinates (NAD83) of Northing: 683,306.85’ Easting: 2,148,077.08’; thence with the line of Kelsey Marie Merriman, Jason Tyler Merriman (NC PIN# 164800-83-2010 / Deed Book 5529, Page 557, see also Plat Book 88, Page 53), and Matthew R. Pooley, et al (NC PIN# 164800-82-6369 / Deed Book 4421, Page 716) South 00°40'08" West, passing an existing 2” iron pipe at 635.77 feet, a total distance of 1,159.31 feet to an existing 2” iron pipe on the northeastern corner of CMD 78 Associates, LLC (NC PIN# 164800-71-7932 / Deed Book 5890, Page 193, see also Plat Book 76, Page 85 [Tract 3]); thence with the line of CMD 78 Associates, LLC North 89°01'13" West a distance of 671.47 feet to an existing 2” iron pipe; thence continuing along the line of CMD 78 Associates, LLC, across the Right-of-Way of US Highway 70 Bypass (a public variable width, controlled access R/W), and TAP Properties LLC (NC PIN# 164800-81-3154 / Deed Book 3561, Page 951, see also Plat Book 76, Page 85 [Tract 2]) South 01°06'19" West, passing an existing NCDOT R/W Disk at 391.46 feet, and an existing 3/4” rebar at 726.64 feet, a total distance of 1,135.97 feet to an existing 2” iron pipe on the northern line of Lot 19 of the Lee Chase Subdivision, Section IV (see Plat Book 31, Page 193); thence along the northern line of the Lee Chase Subdivision, Section IV North 89°50'18" West a distance of 674.00 feet to an existing 2” iron pipe on the eastern line of JP Coats LLC (NC PIN# 164800-61-2187 / Deed Book 3620, Page 361); thence along the line of JP Coats LLC the following two (2) calls: North 05°58'47" East a distance of 211.20 feet to a set iron pipe; thence North 38°42'36"

West a distance of 241.13 feet to a set iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-61-3621 / Deed Book 5682, Page 173, see also Plat Book 23, Page 91 [P/O Lots 3, 4 & 6); thence along the line of JP Coats LLC, and across the R/W of US Highway 70 Bypass North 20°42'05" West a distance of 1,432.38 feet to a point in the center of NC Highway 42 (a public variable with R/W); thence with the center of NC Highway 42 North 48°54'35" East a distance of 1,649.56 feet to a point; thence leaving the R/W of NC Highway 42, along the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33) South 55°01'09" East, passing a set iron pie at 51.52 feet, a total distance of 261.95 feet to an existing 1/2" iron pipe on the northwestern corner of Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24); thence with the line of Frankie P. Medlin the following three (3) calls: South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence South 55°01'09" East a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1" iron pipe on the line of Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence along the line of two tracts owned (now or formerly) by Benny Langdon, et al South 55°01'09" East a distance of 463.48 feet to the point of BEGINNING, containing an area of 3,386,632 square feet, or 77.75 acres, more or less, including area in the public R/W.

The above described property is subject to approximately 12.56 acres in dedicated public R/W, as well as a private 20' access easement along the northern line shown in Plat Book 27, Page 401.

Section 2: Upon and after January 1, 2022 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this the 6th day of December 2021 while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of_____, 2021 _____personally appeared before me, Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

_____
Notary Public - Signature

(SEAL)

_____
Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

Town Council Agenda Cover Sheet

Meeting Date
December 6, 2021

Agenda Location
New Business

Item Title
NCDOT Agreement – U6223 Utility Design

Presenter:
Joshua Baird – Engineering Director

Summary/Description
As NCDOT U6223 project continues to progress, staff have been working with the NCDOT to include Town utility system betterments as part of the transportation project. The transportation corridor is an ideal location for a substantial water transmission main supplying water to the southeast area of Clayton. Staff have coordinated with NCDOT to have the waterline designed and constructed at the same time as the roadway project. There are many benefits to constructing the water main in conjunction with the roadway versus coming back in later and attempting to install the line in an existing roadway corrider. Staff have worked with consultant to model the size of transmission main based on the projected demand in this particular quadrant of Clayton. NCDOT requires the Town to be financially responsible for any betterments above and beyond the roadway project. To proceed further, the Town must enter into an agreement with NCDOT for the Town to cover the costs of the utility design portion of the work. NCDOT has estimate the Town's share in utility design costs to be $22,767.00. NCDOT is not asking the Town to be responsible for design costs associated with utility relocations. A separate agreement will be forthcoming upon the completion of the design for the actual construction costs of the utility betterments. Staff request approval of the agreement and authorization for the Town manager or designee to execute the agreement.

Requested Action
Approval

Funding Source (If Applicable):
N/A

Cost: **$22,767.00** **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet
Agreement

Meeting Timeline
Click or tap here to enter text.

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Clayton

County: Johnston

TIP / WBS Element:

TIP: U-6223

WBS Element: 49502

Scope: At the request of the Town of Clayton, NCDOT is including waterline relocations and betterments in project U-6223. The betterments include upgrading approximately 450 LF of existing 6" waterline along Rose Street to 12" waterline. In addition, approximately 1750 LF of new 12" waterline will be extended from the end of existing Rose Street to the proposed intersection of the new location extension and Little Creek Church Road as described in Attachment A. The estimated cost of the waterline betterment design is $22,767.00 as shown on Attachment B.

Funding:

Type: Receivable

Total Cost: $22,767.00

Responsibilities:

Adjustment and relocation of utility lines:

The Town of Clayton shall be responsible for water and sewer lines cost.

Upon completion of the utility lines relocation and adjustment covered under this Agreement; the Town of Clayton shall assume normal maintenance operations for these utility lines.

Agreement ID # 10892

NORTH CAROLINA

JOHNSTON COUNTY

UTILITY CONSTRUCTION AGREEMENT (UCA)

DATE: 10/04/2021

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Project: U-6223

AND

WBS Elements: 49502

TOWN OF CLAYTON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Clayton, hereinafter referred to as the "Municipality."

W I T N E S S E T H:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-6223, in the Town of Clayton, Johnston County, said plans consists of including waterline relocations and betterments in project U-6223; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed under the Department's limited service agreement by one of the approved Department's professional service firms with full reimbursement by the Municipality for the costs thereof as hereinafter set out; and,

NOW, THEREFORE, it is agreed as follows:

PRELIMINARY ENGINEERING

1. The Department shall use its utility limited service agreement for Project U-6223, Johnston County.

2. The Municipality shall be responsible for the costs of the Preliminary Engineering Design. The actual cost to the Municipality is $22,767.00 as shown on the attached cost estimate, Exhibit "B". It is understood by both the Department and the Municipality that this is a final cost unless the Municipality requests additional work not covered under this Agreement, or plan review by the Department and/or Municipality does not properly identify all existing conflicts or Department revises highway plans before or during construction. Under this agreement, the Municipality reserves the right to re-engineer plans due to the Department's plan revisions.

3. Upon the satisfactory completion of the utility construction plans covered under this Agreement, the Municipality shall review and approve the plans, the associated estimated utility construction cost and special provisions to be made part of the Department's roadway contract for highway construction; the Municipality shall release the Department of any future responsibility for the design of the utility construction plans. Said releases shall be deemed to be given by the Municipality upon completion of the plans, estimate, special provisions and acceptance by the Department and Municipality for the plans to be made part of the highway roadway contract.

REIMBURSEMENT TO THE DEPARTMENT – FINAL BILLING

6. The Municipality shall reimburse the Department for said costs as follows:

A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.

B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.

C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.

D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.

E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.

F. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

G. At any time prior to final billing by the Department, the Municipality may prepay any portion of the estimated cost by sending a check with the WBS Element noted to the below address. The Department will provide a final billing based on actual costs, less any previous payments that have been made.

REMITTANCE ADDRESS:
NC Department of Transportation
ATTN: Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

7. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

8. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.

H. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

I. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.

9. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

10. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

BY: _____

TITLE: _____

TOWN OF CLAYTON

BY: _____

TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

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

(SEAL)

_____
(FINANCE OFFICER)

Federal Tax Identification Number

_____

Remittance Address:

Town of Clayton

_____

_____

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 7/1/2021 (Date)

Town of Clayton Water Line Betterments

EXHIBIT B

Provided by The Wooten Company

Task	Mandays
UARR	31
Ut Agreement Exhibits	60
UT Construction P&E	60
Permits	27

Direct Costs	
Permit	$150.00
Mileage (60 @0)	$33.60

Cost Item	Cost	
Labor Subtotal	$	6,814.50
Overhead (203.58%)	$	13,872.96
Fee (9%)	$	1,861.87
Cost of Capital (0.5%)	$	34.07
Subtotal	$	22,583.40
Direct Costs	$	183.60
Total Cost	**$**	**22,767.00**