



# RANDOLPH COUNTY

## PLANNING AND DEVELOPMENT

204 E Academy Street, Asheboro NC 27203 (336) 318-6555

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### RANDOLPH COUNTY PLANNING BOARD

#### AGENDA

**September 13, 2022**

1. Call to Order of the Randolph County Planning Board.
2. Roll call of the Board members:
  - Reid Pell, Chair;
  - John Cable;
  - Kemp Davis;
  - Melinda Vaughan;
  - Reggie Beeson;
  - Ken Austin;
  - Barry Bunting, Alternate; and
  - Brandon Hedrick, Alternate.
3. Consent Agenda:
  - Approval of agenda for September 13, 2022, Planning Board meeting.
  - Approval of the minutes from the August 2, 2022, Planning Board meeting.
4. Conflict of Interest
  - Are there any Conflicts of Interest or *ex parte* communication that should be disclosed?
  - If there is a Conflict of Interest, the Board must vote to allow the member with the Conflict of Interest to not participate in the hearing of the specific case where the Conflict of Interest has been identified.
5. Old Business.
6. New Business.

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#### **SPECIAL USE PERMIT REQUEST #2022-00002160**

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The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by the **CITY OF GREENSBORO**, Greensboro, NC, and their request to obtain a Special Use Permit on Starmount Rd, Liberty Township, Sandy Creek Balance Watershed, Tax ID

#8717520081, 135.72 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a sewer lift station for the Greensboro-Randolph County Megasite as per the site plan.

7. Adjournment.

Attachments



## RANDOLPH COUNTY PLANNING BOARD

### MINUTES

**August 2, 2022**

There was a meeting of the Randolph County Planning Board on Tuesday, **August 2, 2022**, at 6:30 p.m. in the 1909 Historic Courthouse Meeting Room, 145-C Worth St, Asheboro, NC.

Chairman **Pell** called the meeting to order at 6:30 p.m. and welcomed those in attendance. Next, **Pell** called for a roll call of the members.

County Attorney **Ben Morgan** called the roll of Planning Board members:

- Reid Pell, Chair, *present*;
- Wayne Joyce, Vice-Chair, *present*;
- John Cable, *absent*;
- Kemp Davis, *present*;
- Melinda Vaughan, *absent*;
- Reggie Beeson, *present*;
- Ken Austin, *present*;
- Barry Bunting, Alternate, sitting for John Cable, *present*;
- Brandon Hedrick, Alternate, sitting for Melinda Vaughan, *present*.

**Morgan** informed **Pell** there was a quorum of the Board members present.

**Pell** called for consideration and approval of the consent agenda

- Approval of agenda for August 2, 2022, Planning Board meeting.
- Approval of the minutes from July 12, 2022, Planning Board meeting.

**Bunting** made the motion to approve the consent agenda as presented, with **Beeson** making the second to the motion. The motion was adopted unanimously.

Pell asked the Board members if there are any conflicts in the following cases. Hearing none, **Morgan** presented the first case along with site plans, and pictures of the site and surrounding properties.

#### **REZONING REQUEST #2022-00001368**

The Randolph County Planning Board will hold a duly published and notified Legislative Hearing on the request by **EMMANUEL CRUZ GARCIA**, Siler

City, NC, and his request to rezone 14.05 acres at 7845 US Hwy 64 E, Columbia Township, Tax ID #8712473956, Municipal Growth Area, from *RA – Residential Agricultural District* to *CVOM-CD – Conventional Subdivision Overlay Mixed – Conditional District*. The proposed Conditional Zoning District would specifically allow a four-lot subdivision for Class B mobile homes or better as per the site plan.

**Pell** opened the public hearing and called for anyone supporting the rezoning request to come forward and speak.

**Evelyn Hernandez**, 131 S Birch Ave, Siler City, speaking on behalf of Mr. Garcia, explained the changes that were made to the plat presented at the previous meeting, addressing the concerns that were made. She said the new plat shows the easement extended to three, allowing tract four to have additional road frontage on US Hwy 64 E and reflect the proper setbacks as required.

**Davis** asked about the access to tract four. **Hernandez** said the original plat showed tract four having less access on US Hwy 64 E and it has been widened to allow the proper setbacks from the creek as required.

**Bunting** asked if the lots would have individual well and septic tanks for each. **Hernandez** answered yes.

**Jim Rains**, 7929 US Hwy 64 E, Asheboro, said he is an adjacent property owner and is in favor of the request. He said that **Garcia** has made changes to his request to reflect the concerns that were expressed at the previous meeting.

**Raines** also asked the Board to note that his property has been an active farm since 1901 so there are no problems in the future.

**Davis** asked **Raines** if he had stated that he was in favor of the request. **Rains** answered yes.

**Pell** asked if anyone else would like to speak in favor of the request. Hearing none, **Pell** asked if anyone would like to speak in opposition to the request. Hearing none, **Pell** closed the public hearing for discussion among the Board members and a motion.

**Bunting** said based on what has been heard tonight, the revisions that were made to **Garcia's** original request, and having no opposition he would make a motion.

**Hedrick** thanked **Garcia** for re-visiting the original plan, and for making the changes recommended by NCDOT to help keep citizens safe.

**Bunting** made the motion to approve the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the **Determination of Consistency and Findings of Reasonableness and Public Interest** statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the



minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth Management Plan*. **Joyce** made a second to the motion to approve the rezoning request.

**Pell** called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

**Morgan** presented the second case, site plans, and pictures of the site and surrounding properties.

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### REZONING REQUEST #2022-00001825

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**HAROLD KOGER**, McLeansville, NC, is requesting to rezone 3.10 acres along US Hwy 64 W, Tabernacle Township, Lake Reese Balance Watershed, Tax ID #7712437632, Step Three, Inc, Subdivision, lot 2, Secondary Growth Area, from *RA - Residential Agricultural District* to *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District would specifically allow a proposed 70 ft. by 125 ft. retail building with a 50 ft. vegetative buffer as per the site plan.

**Pell** opened the public hearing and called for anyone supporting the rezoning request to come forward and speak.

**Daniel Stickler**, 5607 Tradd Dr., Greensboro, addressed the Board and passed out binders to each member which included two plats and multiple property descriptions of surrounding properties and their commercial uses, (*Exhibit 1A, Exhibit 1B, and Exhibit 1C*). Stickler referred to Plat 1 (*Exhibit 1A*), as being a potential use for the property under the present zoning (*Residential Agriculture*), which would allow multiple poultry houses and would not be the highest and best use for the property. He explained that the highest and best use, in his opinion, is demonstrated on Plat 2 (*Exhibit 1B*), illustrating an approximately 8750 square foot retail building with two entrances to the property. Stickler said one entrance would be off Robbins Cir and the other entrance would be US Hwy 64.

Stickler said his request was tabled from a previous meeting because he was not fully prepared to present the information. He said after talking to some of the neighbors to the property, he has added a fifty-foot, no-cut buffer to his previous plan to help lessen the impact to neighboring properties.

Stickler continued to explain the seventeen properties listed in his binder (*Exhibit 1C*), that are approximately one mile to the east or west of his request and saying that his request is consistent with the surrounding area. He also said his request meets all the requirements needed for rezoning, and that there is already an existing retail store directly across the street.

**Davis** asked **Stickler** to describe the proposed use of the building. **Stickler** said he plans to market the property for a retail store like the building across the street although he is

only guessing what the use for the property will be because he does not have a potential tenant at this time. He said he also understands if the use were to require changes from his proposal, he would have to come back to the Board for approval again.

**Stickler** said residential zoning does not reflect US Hwy 64 W as it did years ago. He said he has tried to address some of the concerns from neighbors and the entrances were determined after conversations with the NCDOT, including a separate entrance to the property to prevent travel on US Hwy 64 W if traffic is heavy.

**Nathan Hepler**, 351 Tonya Dr, Thomasville, broker-in-charge for Hepler Realty, addressed the Board on behalf of **Stickler**. He said he has evaluated multiple sales transactions for the area, and it is his opinion that rezoning this property would not lessen the property values for the neighboring properties.

**Pell** asked if anyone else would like to speak in favor of the request. Hearing none, **Pell** asked if anyone would like to speak in opposition to the request.

**Terry Yates**, 3582 Stutts Rd, Asheboro, said he is a member of Bethel Baptist Church and is against the rezoning. He said crime has increased for the area since the Dollar General has moved nearby, and the community does not want another business to add additional crime to the area.

**Yates** said the second reason they do not want a retail business on the property is because the back entrance to the property is directly across from the Church and cemetery. He said the seventeen properties **Stickler** described all have one thing in common and they do not have a house of worship in the backyard where distractions and noise are not needed. **Yates** said when someone is being laid to rest in the cemetery, it would be a shame to have traffic and noise from the business.

**Yates** said having an access point on Robbins Cir, does not allow a complete 50-ft buffer across from the Church and the Church is very active and it also would be a shame to have extended noise and traffic while the Church has activities going on.

**Yates** said the future expansion of US Hwy 64 W would more than likely take away the main entrance to the property on US Hwy 64 W and that will increase the traffic on Robbins Cir which can already be hectic at times when Church services are over.

**Yates** also mentioned the proximity of the business to Tabernacle Elementary School and everyday there is a traffic jam for a while. He also said that altercations at the retail store will cause a lock-down situation for the school and these school children do not need additional emotional stress.

**Yates** said in his opinion, this is the worst possible site on US Hwy 64 W for this commercial zoning because of the proximity to the Church. He said it is the Board's responsibility to protect the citizens' property and the seller would be the only one to benefit from the rezoning of this property.

**Jody Harrison**, 838 Hidden Ct, Asheboro, Pastor of Bethel Baptist Church, asked if all of those in opposition to the request would stand. **Eric Martin**, Deputy Zoning Administrator, counted fifty-one people who stood in opposition.

**Harrison** said he was pastor in 2010 when the request was previously brought before the Board for rezoning, and it was denied at that time and the Church has grown significantly since then.

**Harrison** said the increased crime rate is a concern for them and another concern is that the living quarters on the Church property for guests of the Church will be directly across from the retail business, and the added traffic is not needed. He said if the business were allowed, it would prevent the Church from growing because of the limitations of watershed regulations.

**Brenda Wood**, 4879 Robbins Cir, Asheboro, lives directly across from the Church. She said she moved to her property in 1994 because it is centrally located between Asheboro and Thomasville and in a quiet, rural community and she would like for it to remain that way. She expressed her concerns for the increased crime due to the Dollar General nearby, concerns for an entrance being located on Robbins Cir, and additional concerns for her property values.

**Ted Wood**, 4879 Robbins Cir, Asheboro, expressed concerns of where they would build on the property due to the power lines running through the property as well as trying to find a level spot on the property due to the topography. He also said he has concerns of disturbing the deer crossing at his property.

**Jerry Robbins**, 6133 US Hwy 64 W, Asheboro, expressed his concerns regarding traffic because it is already horrific. He said he understands someone wanting top dollar for their property but there is no protection for the ones that are already there because no one knows who will build on the property and what it will be used for.

**Tina Yates**, 979 Mt Shepherd Rd, Asheboro, said she agrees with the previous comments. She said she is teacher at Tabernacle Elementary School and lives around the corner from Mt. Shepherd Methodist Camp. She said the traffic is horrible in the area and she also has seen an increase in crime for the area which is also a concern for having a school lockdown.

**Amanda Chriscoe**, 4815 Robbins Cir, Asheboro, said she appreciates the fifty-foot buffer **Stickler** has added to his proposal, but she has concerns that the tenant or the new property owner(s) will change this proposal. She asked if changes to this proposal would require the Board's approval as well. **Pell** said if the Board were to approve the request, no changes are allowed to the site-plan without additional approval.

**Chriscoe** expressed concerns for the increased traffic as well.

**Randy Freeman**, 7703 Farmer Denton Rd, Denton, said his family lives in the area and

he sees the concerns. He said **Stickler** mentioned that he is being gracious not to develop the property larger than his site plan when in fact, he is near maximum impervious surface for watershed regulations. **Freeman** also said the sunrise and sunset is blinding for traffic on US Hwy 64 W depending on the direction of your travels, causing many accidents. He said if the Board approves the request, it will disturb the serenity and peace for the area. He asked for the Board to at least deny the access to Robbins Cir and only have access to US Hwy 64 W.

**Frank Hill**, 222 Hoover Hill Rd, Asheboro, said he lives in the community. He said he didn't understand how the real Estate professional stated that the development would not affect property values and the developer has stated that he does not know what will be on the property.

**Melissa Harrison**, 838 Hidden Ct, Asheboro, said she is not only the Pastor's wife, but also a mother and grandmother. She said the Dollar General has brought a lot of drug traffic to the area and she has concerns taking her grandchildren to the parking lot to ride their bikes and play. She said the safety for the homeowners in the area, the children and Church members are at risk if this is brought to their community. She expressed her concerns for the increased traffic as well.

**Wayne Delancey**, 2209 Stutts Rd, Asheboro, said he lives in the community, and attends the Church. He said he does not like shell buildings because no one knows who will occupy the building. He said for example, what use to be Snyder Stone became a Fish Game business which you cannot control. **Delancey** said **Stickler** has told the Board what he would like to be on the property but does not know for sure.

Having no one else in opposition of the request, **Pell** asked the applicant if he would like to address some of the concerns that have been presented.

**Stickler** said he understands that the community doesn't want the property disturbed but there are ways to develop the property that could be worse than what he has proposed. He said he has tried to propose what would be best for the community and his request is consistent with properties around it. He asked the Board to consider his request based on what is around it and not limit the rezoning based on emotions.

**Davis** asked if he would be able to close the access to Robbins Cir if he chose to and **Stickler** answered yes. He said he added that entrance to his site plan for safety and it is not a game changer. He said he is forced to make his best guess as to what he feels would be marketable for the property and would like everyone to understand that if someone were to want to make changes to his plan, they would have to come before the Board again to request those changes.

**Pell** closed the public hearing for discussion among the Board members and a motion.

**Joyce** said traditionally you would locate a retail business somewhere like US Hwy 64, NC Hwy 49, Hwy 220 Bus, or Hwy 311, or any major road and not back in the woods. **Davis** agreed. He said the property is marketable for retail because of the location on US

Hwy 64 W and favorable for commercial property. He said however, he sympathizes with the audience due to the proximity to the church. **Joyce** said he sympathizes with the church as well, but you must realize there is traffic around many churches and cemeteries such as Randolph Cemetery on US Hwy 220 Business N, and the City of Asheboro cemetery on E Dixie Dr.

**Austin** said he agrees with the concerns of what the business will actually be because all you see on paper are four walls and there is nothing that shows how it will be marketed.

**Beeson** asked about the commercial use for “retail business”. **Morgan** explained that usually the name of the applicant is recognized when a Dollar General is being developed and people refer to the request as Dollar General store, but in this case it is irrelevant. **Morgan** said it also is a “retail business”. He said the applicant is limited to the site plan submitted to the Board and any deviation to the plan, would have to be brought back to the Board. **Morgan** said this request is the difference between a straight rezoning which would allow any commercial use that falls under the *Table of Permitted Uses* for that zoning, and this is a conditional zoning request that is specific to a site plan which the applicant has shown the footprint of the development, the roads, the parking, and any buffers planned for the development.

**Beeson** said the restrictions proposed for this property are good for the neighbors and normally you would not see a proposal with fifty-foot buffers. He said he feels that **Stickler** did a great job limiting exposure to the surrounding properties. **Hedrick** said the Ordinance requires a thirty-five-foot vegetative buffer which will be exceeded. He also said he would like to mention Policy 4.2 in the *Growth Management Plan* which states

*“Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.”*

and it makes it tough to deny the request.

**Hedrick** said he would also like to point out to the audience about preservation with the Church, which he has dealt with a little himself. He said the Church should continue the use of the Church, and document the Church’s story and history, which will be key to preserving the legacy of the Church.

**Joyce** made the motion to approve the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the **Determination of Consistency and Findings of Reasonableness and Public Interest** statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth*

*Management Plan*. **Beeson** made a second to the motion to approve the rezoning request.

**Pell** called the question on the motion to approve the rezoning request, and the vote concluded with four members voting to approve the request and three members voting to deny the request by a show of hands.

**Morgan** presented the third case of the night along with site plans and pictures of the site and surrounding properties.

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#### REZONING REQUEST #2020-00001902

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**FRANKLIN REYNOSO**, Asheboro, NC, is requesting to amend the Conditional District Permit on 1.40 acres at 7905 US Hwy 220 S, Richland Township, Tax ID #7665773033, Carl King Subdivision Map 1, lots 34-42, 49-52 + TR, Primary Growth Area, *HC-CD - Highway Commercial - Conditional District*. The proposed Conditional Zoning District amendment would specifically allow a barber shop.

**Moises Rosario**, 1928 Trogdon Hill Rd., Asheboro, spoke on behalf of Reynoso as a translator for the request. **Reynoso** said he is asking for permission to put a Barber shop in an existing building on what is already a commercial area. He said the building has been unoccupied for many years and he would like to improve it.

**Joyce** asked for the days and hours of operation. Reynoso said he would be open Monday through Saturday from 10 am until 6 pm.

**Pell** asked if anyone else would like to speak in favor of the request. Hearing none, **Pell** asked if anyone would like to speak in opposition to the request. Hearing none, **Pell** closed the public hearing for discussion among the Board members and a motion.

**Beeson** said the property is already zoned commercial and he will have to follow all guidelines required by the State.

**Beeson** made the motion to approve the rezoning request to rezone the specified parcel(s) on the rezoning application to the requested zoning district based upon the **Determination of Consistency and Findings of Reasonableness and Public Interest** statements that are included in the Planning Board agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes, as well as the site plan(s) with all agreed-upon revisions, also incorporated into the motion and that the request is consistent with the *Randolph County Growth Management Plan*. **Hedrick** made a second to the motion to approve the rezoning request.

**Joyce** called the question on the motion to approve the rezoning request, and the motion was adopted unanimously.

Having no further business, **Pell** called for a motion to adjourn the meeting. **Bunting** made the motion to adjourn, with **Joyce** making the second to the motion; the motion was adopted unanimously.

The meeting adjourned at 9:46 p.m., with 81 citizens present.

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**RANDOLPH COUNTY  
NORTH CAROLINA**

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Planning Director

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Clerk to the Board

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Date



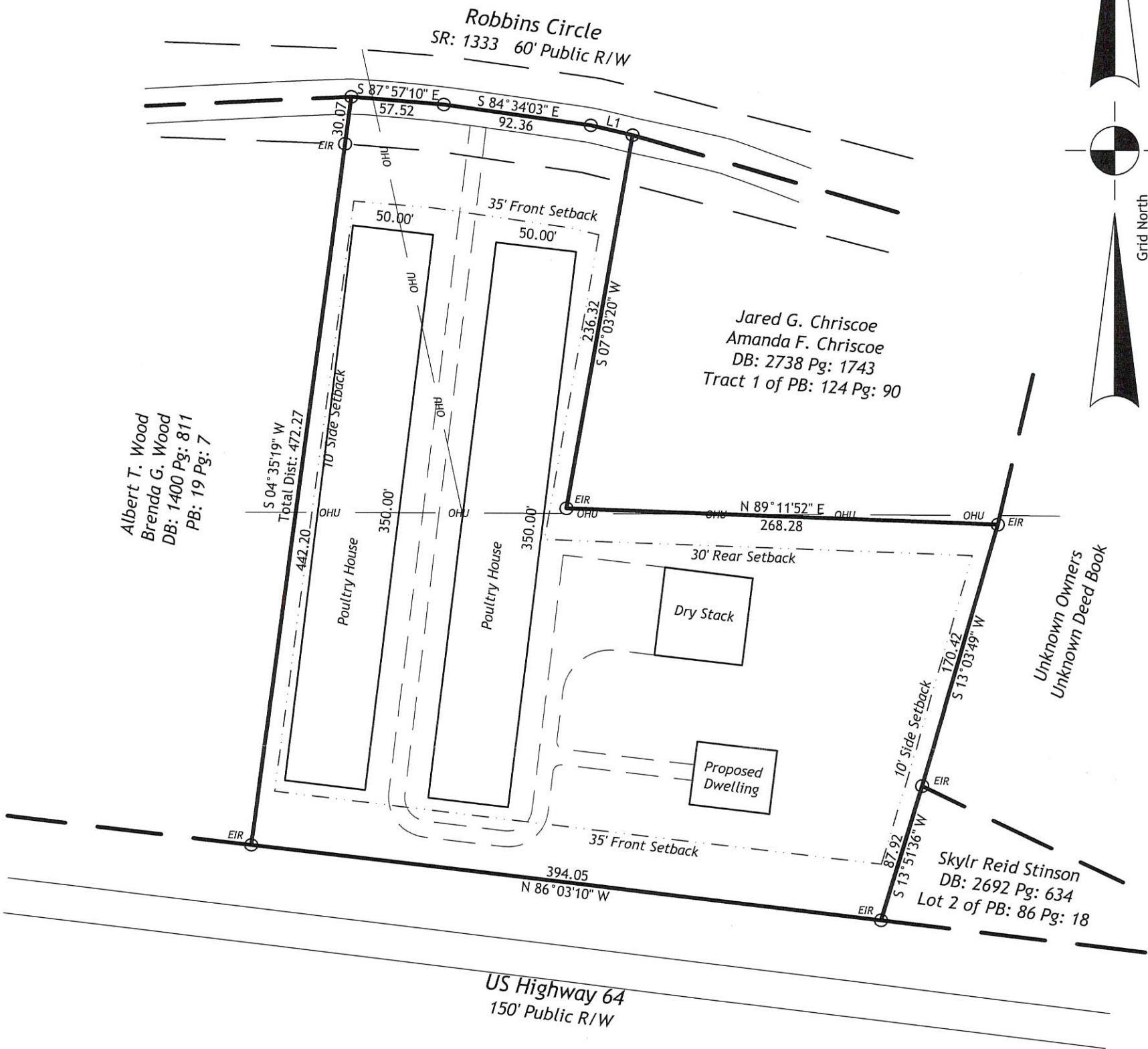
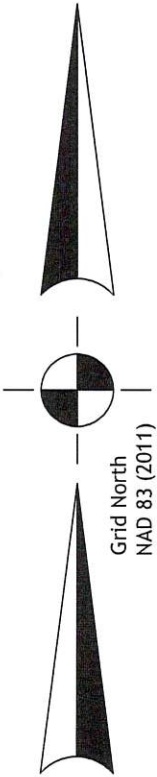


Plat 1

Notes:

- 1. This project is not located within a special flood hazard area per NCFRIS.  
Map #: 3710770200J Effective Date: 1/2/2008
- 2. Area calculated by coordinate geometry.
- 3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
- 4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
- 5. Tax PIN: 7712437632

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 79°21'22" E | 26.72    |



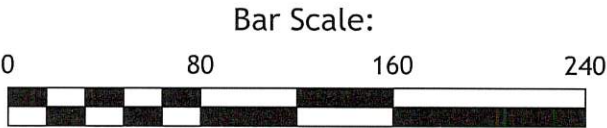
Site Plan For:  
**Harold Koger**

Tabernackle Township Randolph County  
North Carolina May 7, 2022  
Deed Book: 2244 Page: 460  
Plat Book: 124 Page: 90  
Scale: 1" = 80 US Survey Feet

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Plat Drawn from Deeds and Plats of Record

| Legend |                              |
|--------|------------------------------|
|        | Property Line                |
|        | Computed Property Line       |
|        | Right of Way Line            |
|        | Easement Line                |
|        | Tie Lines                    |
|        | Old Plat Book Line           |
|        | Existing Iron Rod/Pipe       |
|        | NIR                          |
|        | Point Not Set/Computed Point |
|        | Well                         |



**SURVEY CAROLINA, PLLC**  
154 S. Fayetteville St, Suite B, Asheboro, NC 27203  
Phone Number: 336 625-8000  
Email: mail@surveycarolina.com

Firm #: P-1110  
Dan W Tanner II L-4787  
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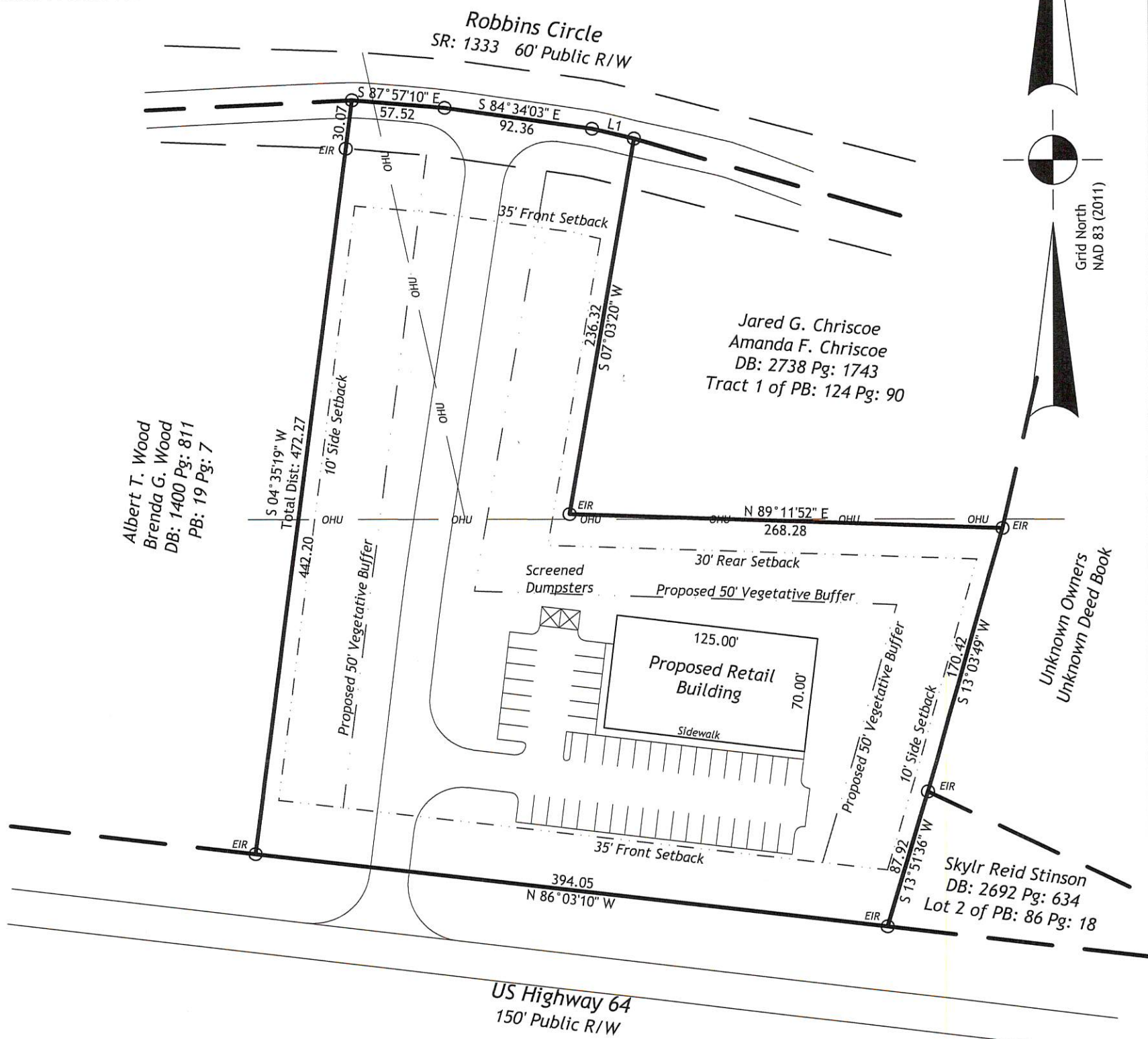
Job #: 14088



## Notes:

1. This project is not located within a special flood hazard area per NCFRIS.  
Map #: 3710770200J Effective Date: 1/2/2008
2. Area calculated by coordinate geometry.
3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
5. Tax PIN: 7712437632

| LINE | BEARING         | DISTANCE |
|------|-----------------|----------|
| L1   | S 79° 21' 22" E | 26.26    |



PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Plat Drawn from Deeds and Plats of Record

## Legend

|  |                              |
|--|------------------------------|
|  | Property Line                |
|  | Computed Property Line       |
|  | Right of Way Line            |
|  | Easement Line                |
|  | Tie Lines                    |
|  | Old Plat Book Line           |
|  | Existing Iron Rod/Pipe       |
|  | NIR                          |
|  | Point Not Set/Computed Point |
|  | Well                         |

Site Plan For:  
Harold Koger

Tabernackle Township Randolph County  
North Carolina May 7, 2022  
Deed Book: 2244 Page: 460  
Plat Book: 124 Page: 90  
Scale: 1" = 80 US Survey Feet

Bar Scale:



## SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203  
Phone Number: 336 625-8000  
Email: mail@surveycarolina.com

Firm #: P-1110  
Dan W Tanner II L-4787  
© 2022 Survey Carolina, PLLC

Job #: 14088



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**7712230920**  
**BONGIOVANNI, MICHAEL**  
**122 SPRING FOREST RD -**  
**Additional Addresses**

[Community Info](#)
[Tax Assessment](#)

[Tax Bill](#)
[Permit Records](#)
[Oblique Photos](#)

[Historic Photos](#)
[Map Links](#)
[All Owners](#)

[All Addresses](#)

|                      |                                             |
|----------------------|---------------------------------------------|
| REID                 | 91473                                       |
| PIN                  | 7712230920                                  |
| TAXED ACREAGE        | 2.73                                        |
| PROPERTY DESCRIPTION | TONY HURLEY TR NEW 4                        |
| DEED BOOK & PAGE     | 002763/00186                                |
| PLAT BOOK & PAGE     | 156-37                                      |
| OWNER                | BONGIOVANNI, MICHAEL                        |
| OWNER ADDRESS        | 19720 JETTON RD                             |
| OWNER ADDRESS2       | SUITE 300                                   |
| OWNER CITY           | CORNELIUS                                   |
| OWNER STATE          | NC                                          |
| OWNER ZIP            | 28031                                       |
| LOCATION ADDRESS     | 122 SPRING FOREST RD - Additional Addresses |
| LOCATION ZIP         | ASHEBORO, 27205                             |
| DATA REFRESHED       | 5/1/2022                                    |





Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management
  - Current Zoning at map click LI RANDOLPH COUNTY
  - Also on parcel RA RANDOLPH COUNTY
  - Rezoning/Variance at map click 2021-00000651
  - Also on parcel
  - Special District None
  - Growth Management Area SECONDARY GROWTH AREA
- Census Information
- School Attendance
- Voter Information





# Randolph County, NC



|                      |                    |                  |                     |
|----------------------|--------------------|------------------|---------------------|
| REID                 | 22462              | OWNER ADDRESS2   |                     |
| PIN                  | 7712437632         | OWNER CITY       | MCLEANSVILLE        |
| TAXED ACREAGE        | 3.10               | OWNER STATE      | NC                  |
| PROPERTY DESCRIPTION | STEP THREE INC;TR2 | OWNER ZIP        | 27301               |
| DEED BOOK & PAGE     | 002244/00460       | LOCATION ADDRESS | No Physical Address |
| PLAT BOOK & PAGE     | 124-90             | LOCATION ZIP     | No ZIP              |
| OWNER                | KOGER, HAROLD      | DATA REFRESHED   | 5/1/2022            |
| OWNER ADDRESS        | 5318 MILLSTREAM RD |                  |                     |



*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

Map Scale  
1 inch = 83 feet  
5/3/2022



Print

- + Parcel Information
- + Subdivision Information
- + Tax Districts
- + Fire Insurance Districts
- + Flood Plain
- + Water Supply Watershed
- + Zoning and Growth Management
  - Current Zoning RA **RANDOLPH COUNTY**
  - Rezoning/Variance None
  - Special District None
  - Growth Management Area **SECONDARY GROWTH AREA**
- + Census Information
- + School Attendance
- + Voter Information

Randolph County GIS

Quick Search

Identify

Community Info

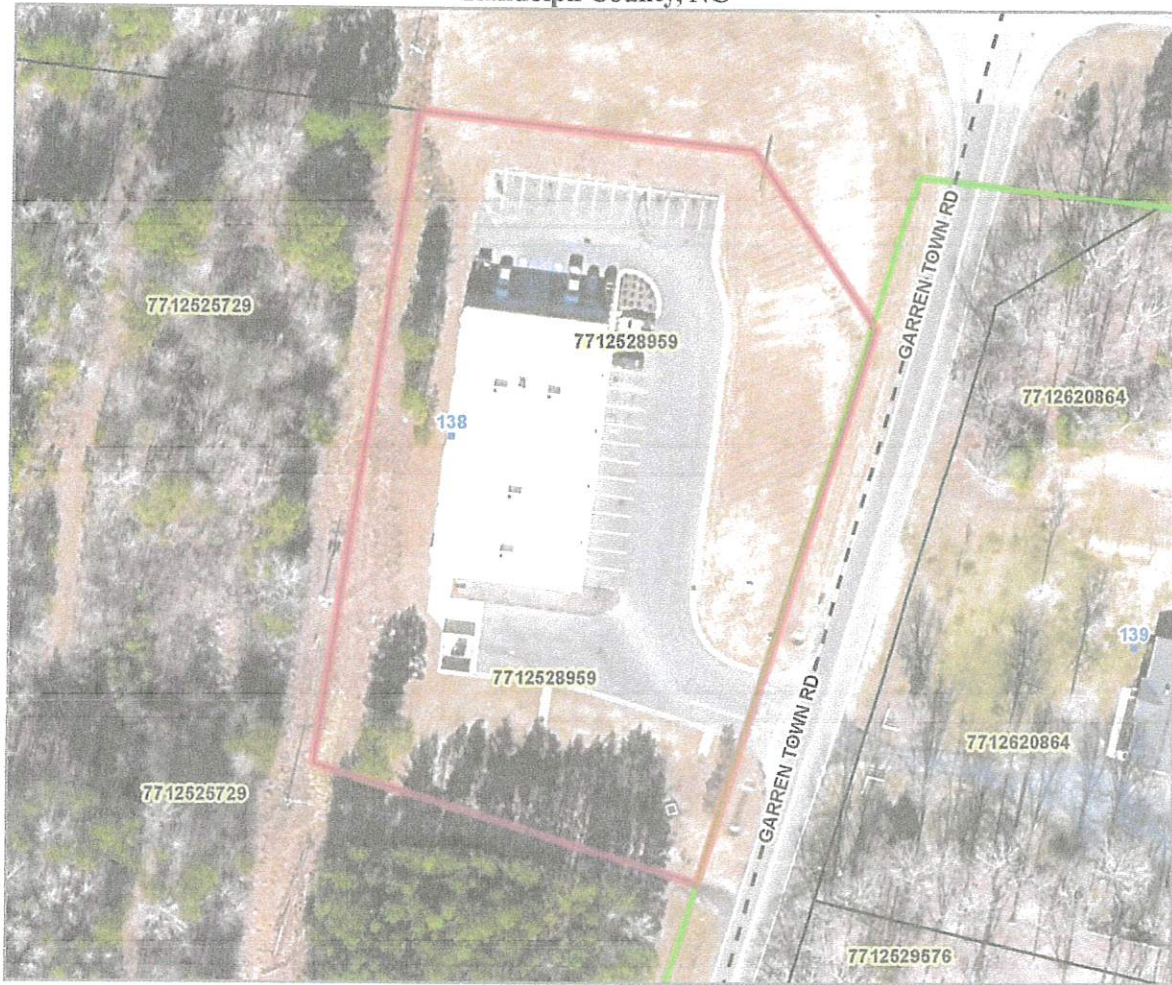
Map Themes

Print





# Randolph County, NC



|                      |                                       |                  |                    |
|----------------------|---------------------------------------|------------------|--------------------|
| REID                 | 84473                                 | OWNER ADDRESS2   |                    |
| PIN                  | 7712528959                            | OWNER CITY       | CARY               |
| TAXED ACREAGE        | 1.72                                  | OWNER STATE      | NC                 |
| PROPERTY DESCRIPTION | GLANDON FOREST EQUITY LLC TR A        | OWNER ZIP        | 27518              |
| DEED BOOK & PAGE     | 002500/01840                          | LOCATION ADDRESS | 138 GARREN TOWN RD |
| PLAT BOOK & PAGE     | 143-45                                | LOCATION ZIP     | ASHEBORO,27205     |
| OWNER                | BAKIS, BASIL G (BAKIS, MARY GEORGARA) | DATA REFRESHED   | 5/1/2022           |
| OWNER ADDRESS        | 210 ASBIL CT                          |                  |                    |



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Map Scale  
1 inch = 83 feet  
5/3/2022



Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management
  - Current Zoning HC-CD [RANDOLPH COUNTY](#)
  - Rezoning/Variance 2014-00001857
  - Special District None
  - Growth Management Area SECONDARY GROWTH AREA
- Census Information
- School Attendance
- Voter Information





# Randolph County, NC



|                      |                    |                  |                  |
|----------------------|--------------------|------------------|------------------|
| REID                 | 22390              | OWNER ADDRESS2   |                  |
| PIN                  | 7712237750         | OWNER CITY       | ASHEBORO         |
| TAXED ACREAGE        | 0.45               | OWNER STATE      | NC               |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L8 | OWNER ZIP        | 27205            |
| DEED BOOK & PAGE     | 002053/01170       | LOCATION ADDRESS | 6454 US HWY 64 W |
| PLAT BOOK & PAGE     | 12-31              | LOCATION ZIP     | ASHEBORO,27205   |
| OWNER                | WILSON, LARRY G    | DATA REFRESHED   | 5/1/2022         |
| OWNER ADDRESS        | 6436 US HWY 64 W   |                  |                  |



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Map Scale  
1 inch = 42 feet  
5/3/2022

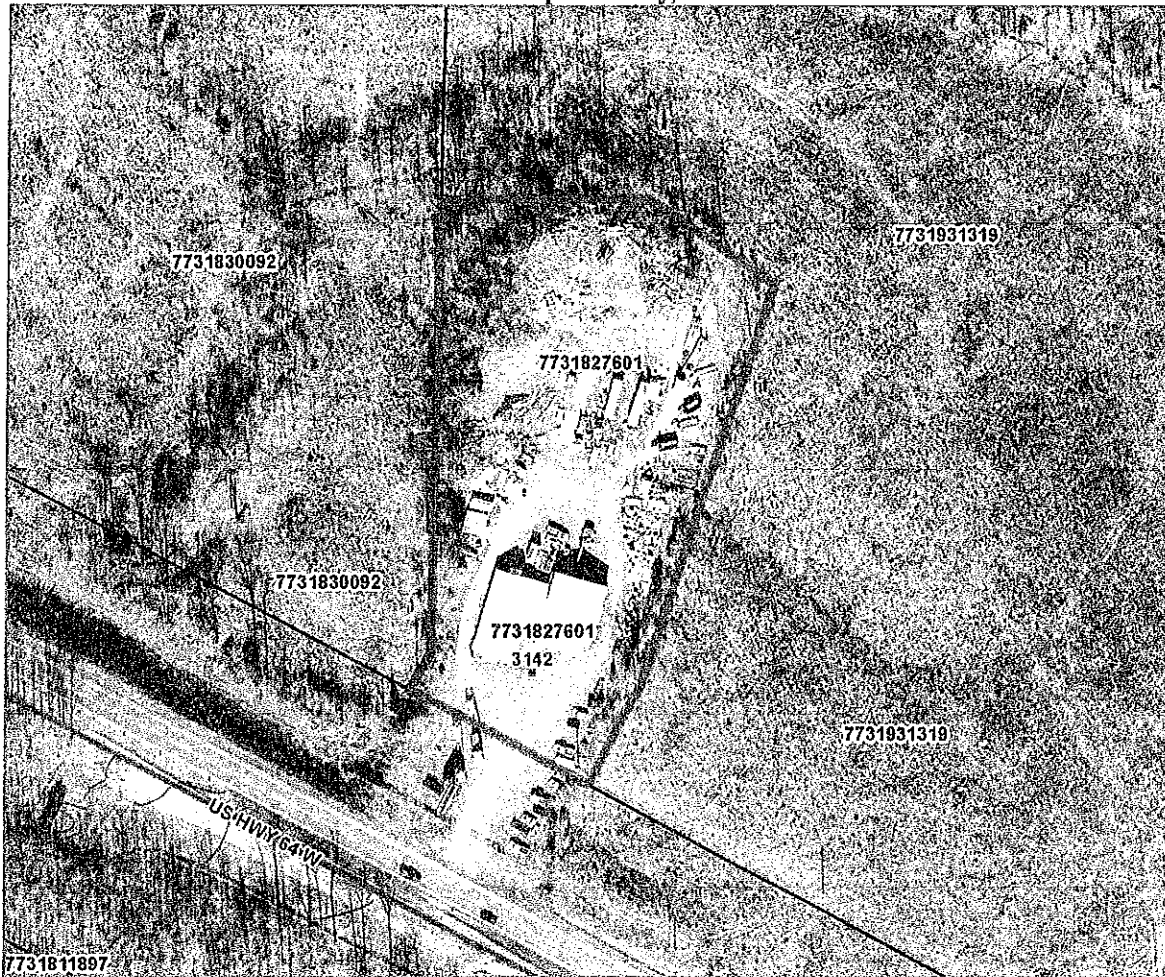


Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management
  - Current Zoning HC-CD [RANDOLPH COUNTY](#)
  - Rezoning/Variance 2013-00001305
  - Special District None
  - Growth Management Area SECONDARY GROWTH AREA
- Census Information
- School Attendance
- Voter Information



# Randolph County, NC



|                      |                             |                  |                        |
|----------------------|-----------------------------|------------------|------------------------|
| REID                 | 33960                       | OWNER ADDRESS2   | C/O TIMOTHY TEX GRAHAM |
| PIN                  | 7731827601                  | OWNER CITY       | ASHEBORO               |
| TAXED ACREAGE        | 3.15                        | OWNER STATE      | NC                     |
| PROPERTY DESCRIPTION | DAVID PARRISH LO 2, PT 1    | OWNER ZIP        | 27204                  |
| DEED BOOK & PAGE     | 001878/01044                | LOCATION ADDRESS | 3142 US HWY 64 W       |
| PLAT BOOK & PAGE     | 54-59                       | LOCATION ZIP     | ASHEBORO,27205         |
| OWNER                | T T GRAHAM CONSTRUCTION INC | DATA REFRESHED   | 5/1/2022               |
| OWNER ADDRESS        | PO BOX 2031                 |                  |                        |



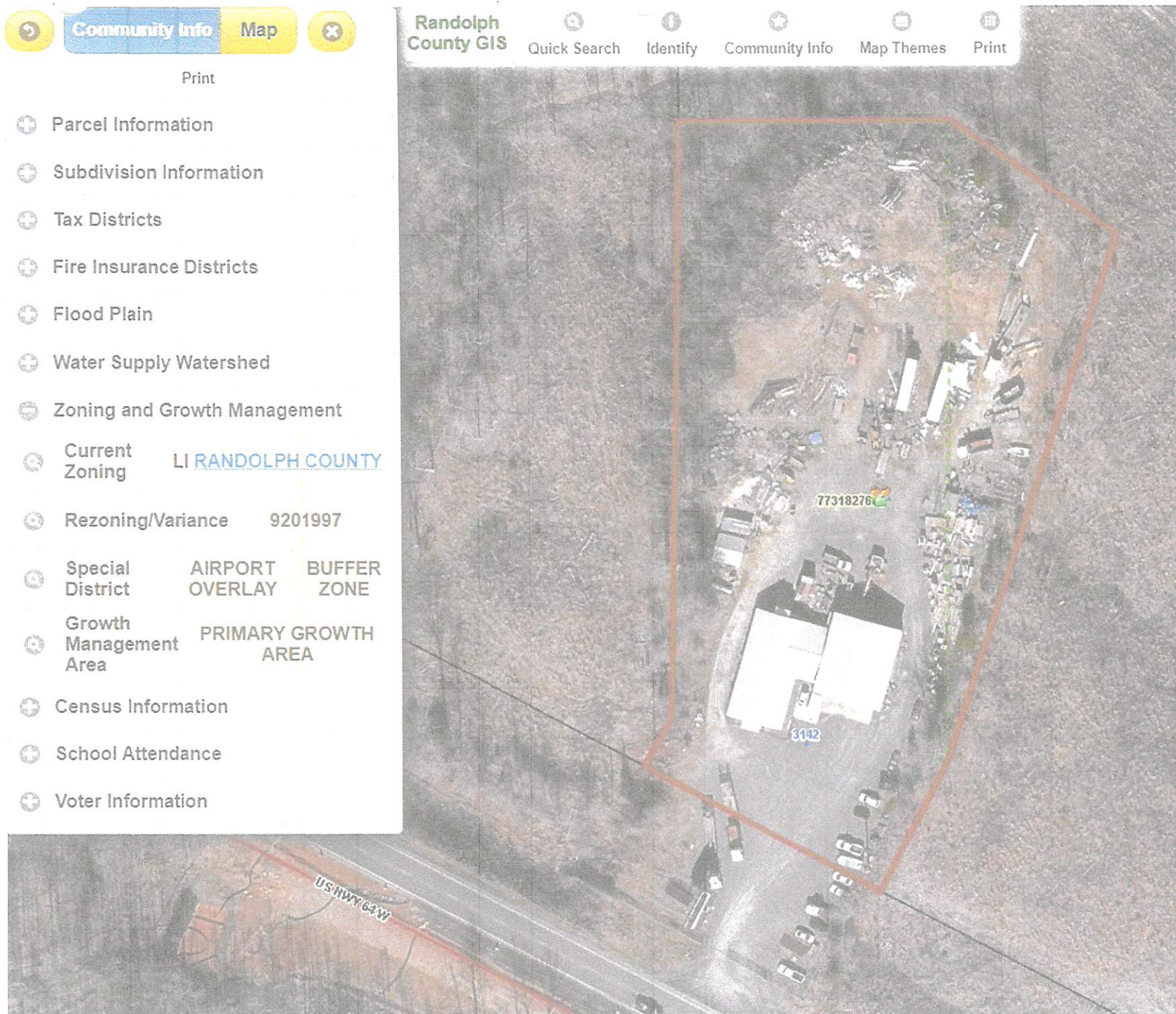
*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

**Map Scale**  
**1 inch = 167 feet**  
**5/3/2022**



Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management
- Current Zoning LI [RANDOLPH COUNTY](#)
- Rezoning/Variance 9201997
- Special District AIRPORT BUFFER OVERLAY ZONE
- Growth Management Area PRIMARY GROWTH AREA
- Census Information
- School Attendance
- Voter Information



# Randolph County, NC



|                      |                                            |                  |                       |
|----------------------|--------------------------------------------|------------------|-----------------------|
| REID                 | 28640                                      | OWNER            |                       |
| PIN                  | 7722708709                                 | ADDRESS2         |                       |
| TAXED ACREAGE        | 178.23                                     | OWNER CITY       | ASHEBORO              |
| PROPERTY DESCRIPTION | R64;N R1416 S                              | OWNER STATE      | NC                    |
| DEED BOOK & PAGE     | 002682/00048                               | OWNER ZIP        | 27203                 |
| PLAT BOOK & PAGE     |                                            | LOCATION ADDRESS | 5105 OLD LEXINGTON RD |
| OWNER                | ASHEBORO COUNTRY CLUB AND EVENT CENTER LLC | LOCATION ZIP     | ASHEBORO,27205        |
| OWNER ADDRESS        | 465 LEWALLEN RD                            | DATA REFRESHED   | 5/1/2022              |



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Map Scale  
1 inch = 1333 feet  
5/3/2022



Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management

Current Zoning RE-CD RANDOLPH COUNTY

Rezoning/Variance 0002422

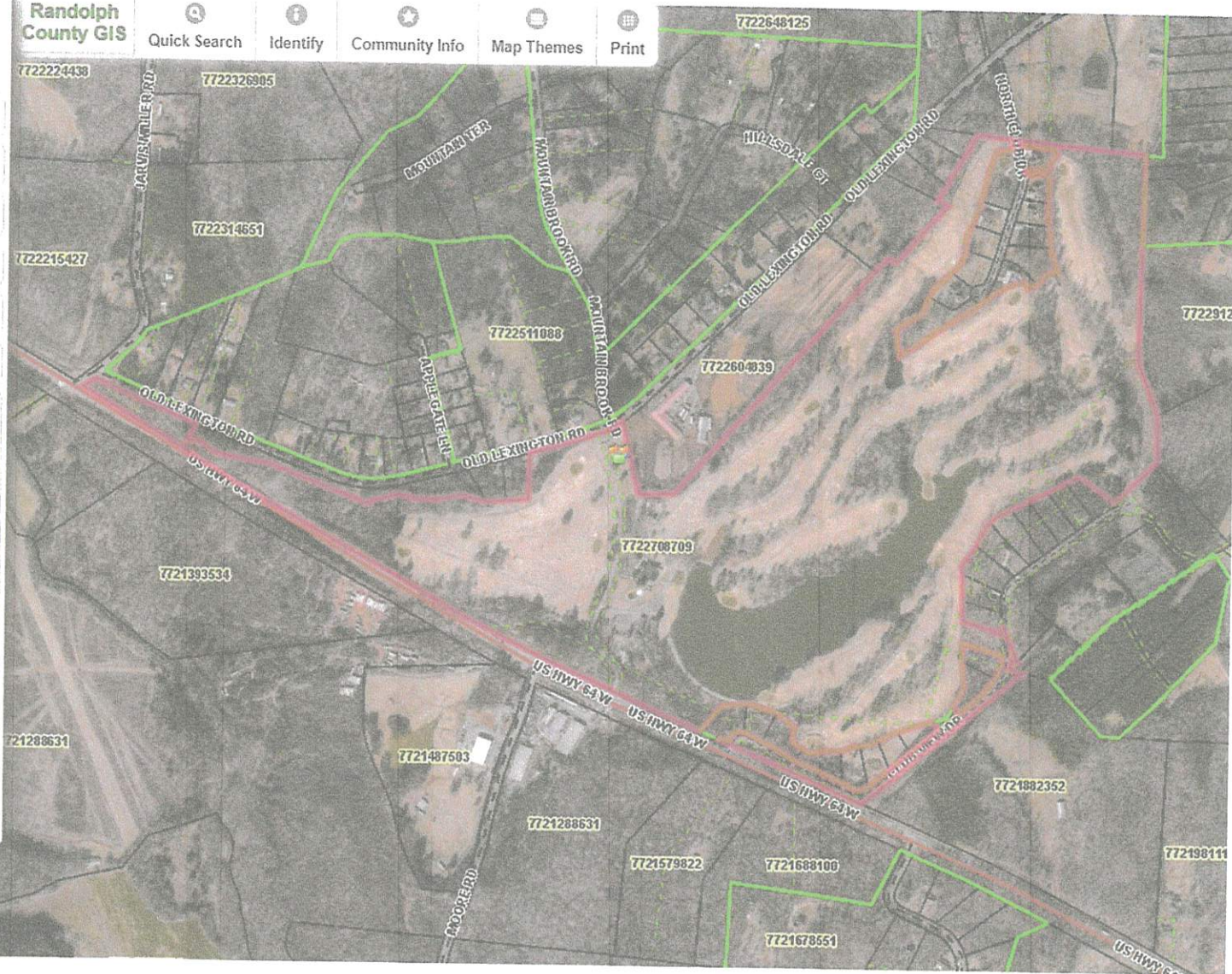
Special District None

Growth Management Area SECONDARY GROWTH AREA

- Census Information
- School Attendance
- Voter Information

Randolph County GIS

- Quick Search
- Identify
- Community Info
- Map Themes
- Print





# Randolph County, NC



|                      |                                      |                  |                                         |
|----------------------|--------------------------------------|------------------|-----------------------------------------|
| REID                 | 80432                                | OWNER            |                                         |
| PIN                  | 7721288631                           | ADDRESS2         |                                         |
| TAXED ACREAGE        | 193.61                               | OWNER CITY       | ASHEBORO                                |
| PROPERTY DESCRIPTION | R64;R1318                            | OWNER STATE      | NC                                      |
| DEED BOOK & PAGE     | 00018E/00177                         | OWNER ZIP        | 27203                                   |
| PLAT BOOK & PAGE     |                                      | LOCATION ADDRESS | 4705 US HWY 64 W - Additional Addresses |
| OWNER                | DELK, FRANK JEROME (DELK, CYNTHIA L) | LOCATION ZIP     | ASHEBORO,27205                          |
| OWNER ADDRESS        | 5203 US HWY 64 W                     | DATA REFRESHED   | 5/1/2022                                |



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Map Scale  
1 inch = 1333 feet  
5/3/2022



# Randolph County, NC



|                      |                    |                  |                                     |
|----------------------|--------------------|------------------|-------------------------------------|
| REID                 | 28217              | OWNER ADDRESS2   |                                     |
| PIN                  | 7721487503         | OWNER CITY       | ASHEBORO                            |
| TAXED ACREAGE        | 20.00              | OWNER STATE      | NC                                  |
| PROPERTY DESCRIPTION | R1318 & R64;       | OWNER ZIP        | 27205                               |
| DEED BOOK & PAGE     | 002062/00358       | LOCATION ADDRESS | 220 MOORE RD - Additional Addresses |
| PLAT BOOK & PAGE     |                    | LOCATION ZIP     | ASHEBORO, 27205                     |
| OWNER                | POWERS, PAUL CLARK | DATA REFRESHED   | 5/1/2022                            |
| OWNER ADDRESS        | 138 MOORE RD       |                  |                                     |



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Map Scale  
1 inch = 333 feet  
5/3/2022



Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management

Current Zoning at map click RA [RANDOLPH COUNTY](#)

Also on parcel HC [RANDOLPH COUNTY](#)

Rezoning/Variance at map click None

Also on parcel

Special District None

Growth Management Area **SECONDARY GROWTH AREA**

- Census Information
- School Attendance
- Voter Information

Quick Search

Identify

Community Info

Map Themes

Print

21393534

US HWY 64 W

US HWY 64 W

US HWY 64 W

7721487503

7721288631

7721579822

MOORE RD

7721472206

7721576104



# Randolph County, NC



|                      |                          |                  |                                         |
|----------------------|--------------------------|------------------|-----------------------------------------|
| REID                 | 18643                    | OWNER            |                                         |
| PIN                  | 7702942118               | ADDRESS2         |                                         |
| TAXED ACREAGE        | 2.64                     | OWNER CITY       | CLEARWATER                              |
| PROPERTY DESCRIPTION | LEROY HERBERT HOOVER;TR2 | OWNER STATE      | FL                                      |
| DEED BOOK & PAGE     | 002736/01848             | OWNER ZIP        | 33756                                   |
| PLAT BOOK & PAGE     | 86-2                     | LOCATION ADDRESS | 6928 US HWY 64 W - Additional Addresses |
| OWNER                | RUSSELL, JENNIFER N      | LOCATION ZIP     | ASHEBORO,27205                          |
| OWNER ADDRESS        | 1591 S PROSPECT AVE      | DATA REFRESHED   | 5/1/2022                                |



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Map Scale  
1 inch = 83 feet  
5/3/2022



Print

+ Parcel Information

+ Subdivision Information

+ Tax Districts

+ Fire Insurance Districts

+ Flood Plain

+ Water Supply Watershed

- Zoning and Growth Management

Current Zoning RM-CD [RANDOLPH COUNTY](#)

Rezoning/Variance 9602047

Special District None

Growth Management Area RURAL GROWTH AREA

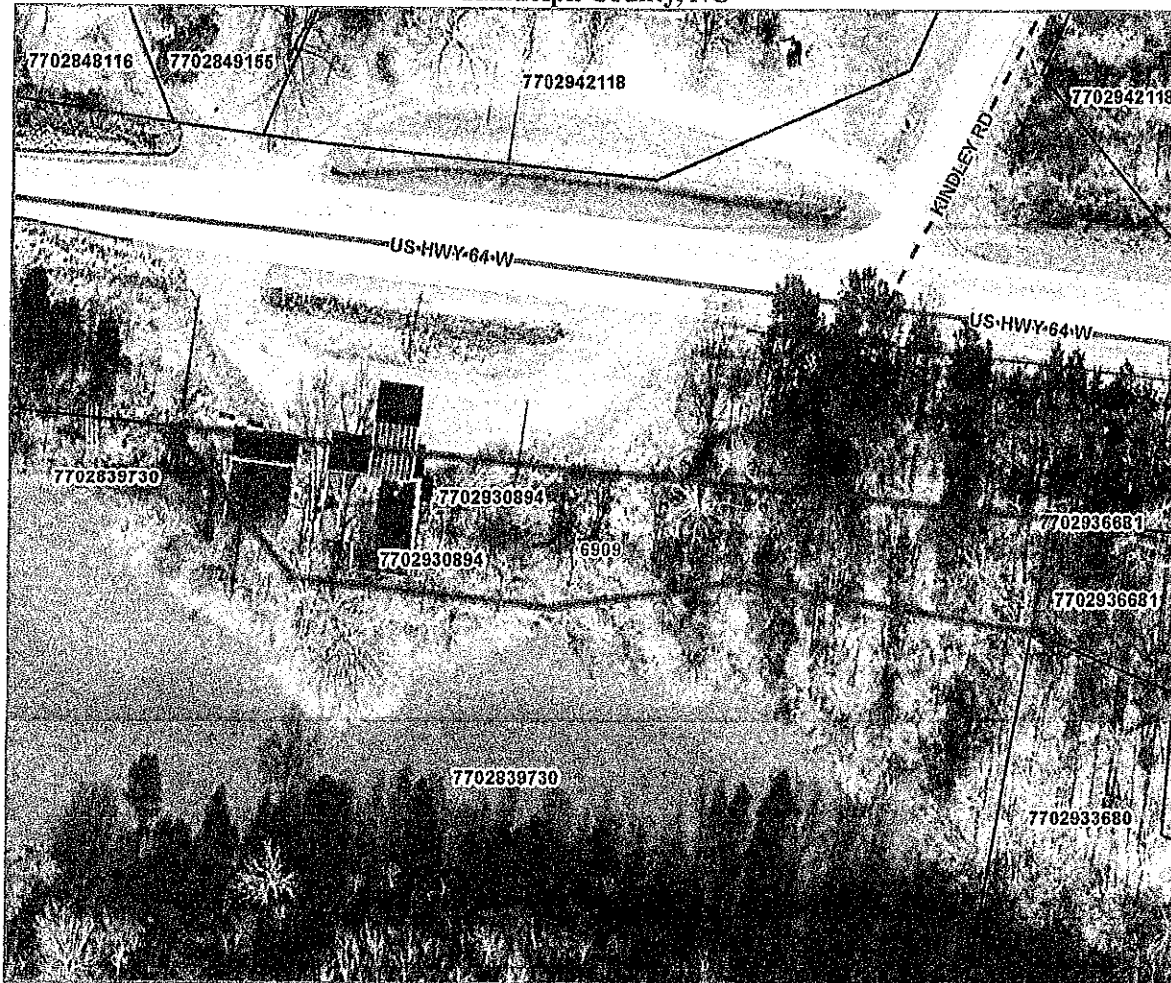
+ Census Information

+ School Attendance

+ Voter Information



# Randolph County, NC



|                      |                                                         |                  |                  |
|----------------------|---------------------------------------------------------|------------------|------------------|
| REID                 | 18640                                                   | OWNER            |                  |
| PIN                  | 7702930894                                              | ADDRESS2         |                  |
| TAXED ACREAGE        | 0.55                                                    | OWNER CITY       | ASHEBORO         |
| PROPERTY DESCRIPTION | R64,S                                                   | OWNER STATE      | NC               |
| DEED BOOK & PAGE     | 002634/00829                                            | OWNER ZIP        | 27205            |
| PLAT BOOK & PAGE     |                                                         | LOCATION ADDRESS | 6909 US HWY 64 W |
| OWNER                | HOOVER, TONY L (GALLIMORE, KATHY H) - Additional Owners | LOCATION ZIP     | ASHEBORO, 27205  |
| OWNER ADDRESS        | 139 KINDLEY RD                                          | DATA REFRESHED   | 5/1/2022         |



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Map Scale  
1 inch = 83 feet  
5/3/2022



Community Info
Map

Print

Parcel Information
Subdivision Information
Tax Districts
Fire Insurance Districts
Flood Plain
Water Supply Watershed
Zoning and Growth Management

Current Zoning at map click

HC

RANDOLPH COUNTY

Also on parcel

RA

RANDOLPH COUNTY

Rezoning/Variance at map click

None

Also on parcel

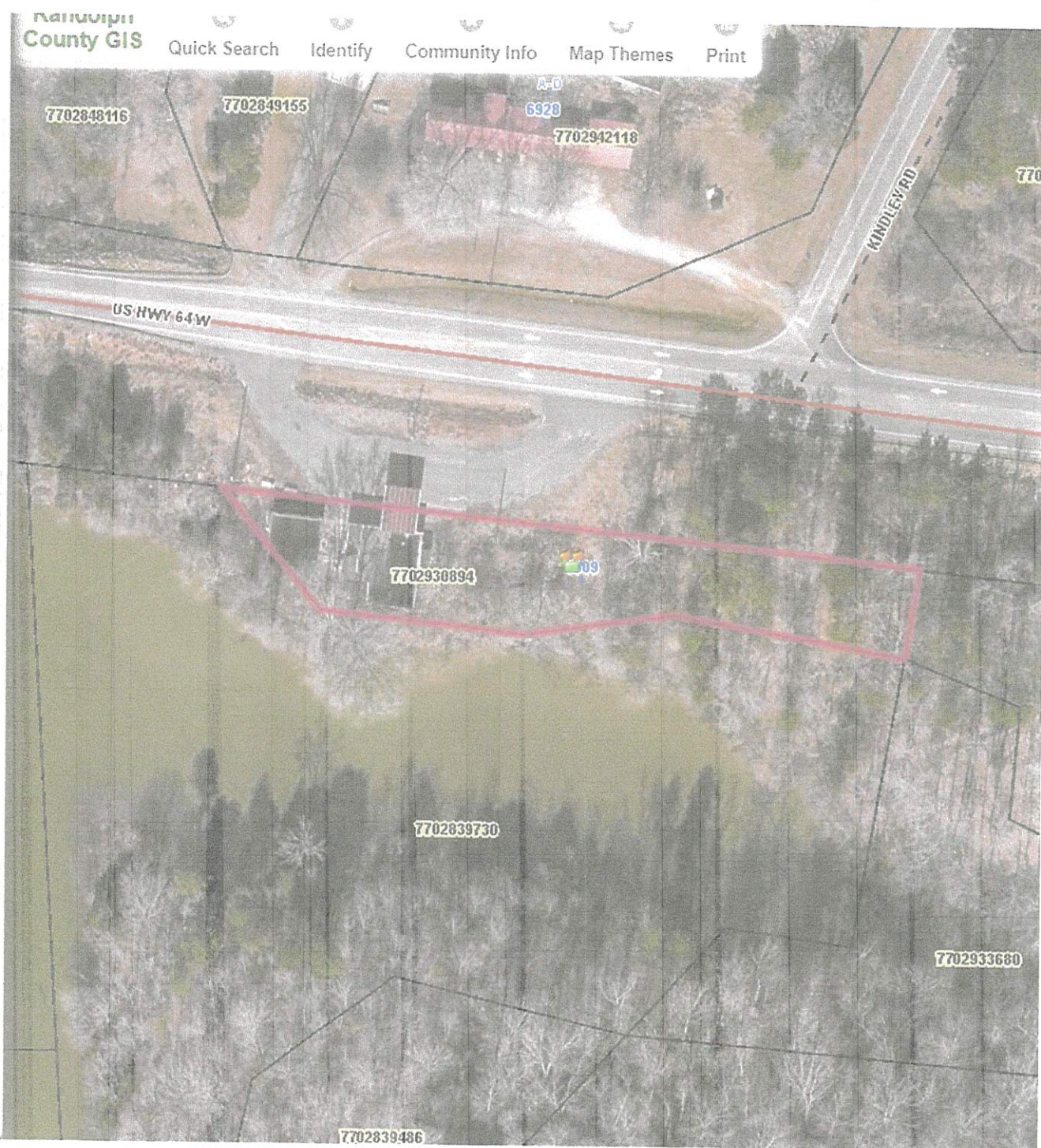
Special District

None

Growth Management Area

RURAL GROWTH AREA

Census Information
School Attendance
Voter Information





**Aerial Map**

7702946892 7712041760 7712044594 306

7702940675 137 139 7702941494 7712044402

7702942118 142 7702945373 7702947314 7702948159 7712042241 7712044138

7702942118 7702948159 119 7712040081 7712034977 7712044138

7702942118 7702948159 7712040081 7712034977 6746 7712034977

7702930894 7702839730 7702936681 7712035054

7702933680

KINDLEY RD

LAKE PARK RD

GARDENGATE RD

US HWY 64 W

Map Scale  
1 inch = 167 feet  
5/3/2022







# Randolph County, NC



|                      |                       |                  |                  |
|----------------------|-----------------------|------------------|------------------|
| REID                 | 22316                 | OWNER ADDRESS2   |                  |
| PIN                  | 7712034977            | OWNER CITY       | ASHEBORO         |
| TAXED ACREAGE        | 2.24                  | OWNER STATE      | NC               |
| PROPERTY DESCRIPTION | TABERNACLE AC;L86-105 | OWNER ZIP        | 27205            |
| DEED BOOK & PAGE     | 002606/01280          | LOCATION ADDRESS | 6746 US HWY 64 W |
| PLAT BOOK & PAGE     | 11-14                 | LOCATION ZIP     | ASHEBORO,27205   |
| OWNER                | ALJARADI, GAMIL YAHYA | DATA REFRESHED   | 5/1/2022         |
| OWNER ADDRESS        | 6746 US HWY 64 W      |                  |                  |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

- Parcel Information
- Subdivision Information
- Tax Districts
- Fire Insurance Districts
- Flood Plain
- Water Supply Watershed
- Zoning and Growth Management
- Current Zoning HC [RANDOLPH COUNTY](#)
- Rezoning/Variance 9601603
- Special District None
- Growth Management Area RURAL GROWTH AREA
- Census Information
- School Attendance
- Voter Information

771204241

7712044138

7712045186

771203877





# Randolph County, NC



|                      |                    |                  |                     |
|----------------------|--------------------|------------------|---------------------|
| REID                 | 22387              | OWNER ADDRESS2   |                     |
| PIN                  | 7712233754         | OWNER CITY       | ASHEBORO            |
| TAXED ACREAGE        | 0.46               | OWNER STATE      | NC                  |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L4 | OWNER ZIP        | 27205               |
| DEED BOOK & PAGE     | 002053/01166       | LOCATION ADDRESS | No Physical Address |
| PLAT BOOK & PAGE     | 12-31              | LOCATION ZIP     | No ZIP              |
| OWNER                | WILSON, LARRY G    | DATA REFRESHED   | 5/1/2022            |
| OWNER ADDRESS        | 6436 US HWY 64 W   |                  |                     |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

- + Parcel Information
- + Subdivision Information
- + Tax Districts
- + Fire Insurance Districts
- + Flood Plain
- + Water Supply Watershed

- Zoning and Growth Management

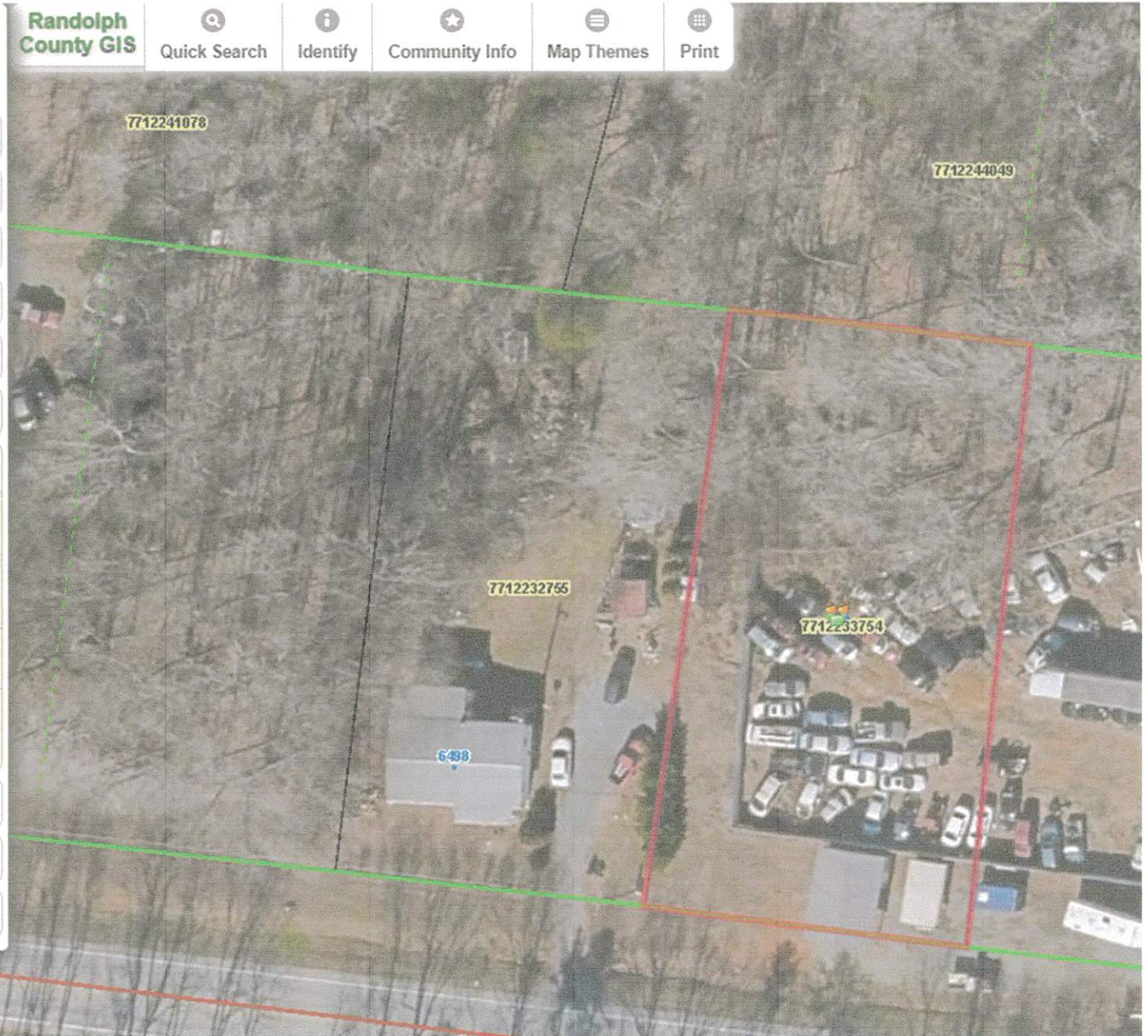
[Current Zoning](#)
[HC-CD](#)
[RANDOLPH COUNTY](#)

[Rezoning/Variance](#)
2013-00001305

[Special District](#)
None

[Growth Management Area](#)
SECONDARY GROWTH AREA

- + Census Information
- + School Attendance
- + Voter Information





# Randolph County, NC



|                      |                          |                  |                     |
|----------------------|--------------------------|------------------|---------------------|
| REID                 | 22389                    | OWNER ADDRESS2   |                     |
| PIN                  | 7712235792               | OWNER CITY       | ASHEBORO            |
| TAXED ACREAGE        | 1.38                     | OWNER STATE      | NC                  |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L5-7 MP1 | OWNER ZIP        | 27205               |
| DEED BOOK & PAGE     | 002053/01168             | LOCATION ADDRESS | No Physical Address |
| PLAT BOOK & PAGE     | 12-31                    | LOCATION ZIP     | No ZIP              |
| OWNER                | WILSON, LARRY G          | DATA REFRESHED   | 5/1/2022            |
| OWNER ADDRESS        | 6436 US HWY 64 W         |                  |                     |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

- + Parcel Information
- + Subdivision Information
- + Tax Districts
- + Fire Insurance Districts
- + Flood Plain
- + Water Supply Watershed
- Zoning and Growth Management
 

|                        |                       |                                 |
|------------------------|-----------------------|---------------------------------|
| Current Zoning         | HC-CD                 | <a href="#">RANDOLPH COUNTY</a> |
| Rezoning/Variance      | 2013-00001305         |                                 |
| Special District       | None                  |                                 |
| Growth Management Area | SECONDARY GROWTH AREA |                                 |
- + Census Information
- + School Attendance
- + Voter Information





# Randolph County, NC



|                      |                     |                  |                  |
|----------------------|---------------------|------------------|------------------|
| REID                 | 22424               | OWNER ADDRESS2   |                  |
| PIN                  | 7712330646          | OWNER CITY       | ASHEBORO         |
| TAXED ACREAGE        | 0.46                | OWNER STATE      | NC               |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L11 | OWNER ZIP        | 27205            |
| DEED BOOK & PAGE     | 002053/01176        | LOCATION ADDRESS | 6422 US HWY 64 W |
| PLAT BOOK & PAGE     | 12-31               | LOCATION ZIP     | ASHEBORO,27205   |
| OWNER                | WILSON, LARRY G     | DATA REFRESHED   | 5/1/2022         |
| OWNER ADDRESS        | 6436 US HWY 64 W    |                  |                  |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

+ Parcel Information

+ Subdivision Information

+ Tax Districts

+ Fire Insurance Districts

+ Flood Plain

+ Water Supply Watershed

- Zoning and Growth Management

☐ Current Zoning
 

|    |                                 |
|----|---------------------------------|
| RA | <a href="#">RANDOLPH COUNTY</a> |
|----|---------------------------------|

☐ Rezoning/Variance
 

|      |
|------|
| None |
|------|

☐ Special District
 

|      |
|------|
| None |
|------|

☐ Growth Management Area
 

|                       |
|-----------------------|
| SECONDARY GROWTH AREA |
|-----------------------|

+ Census Information

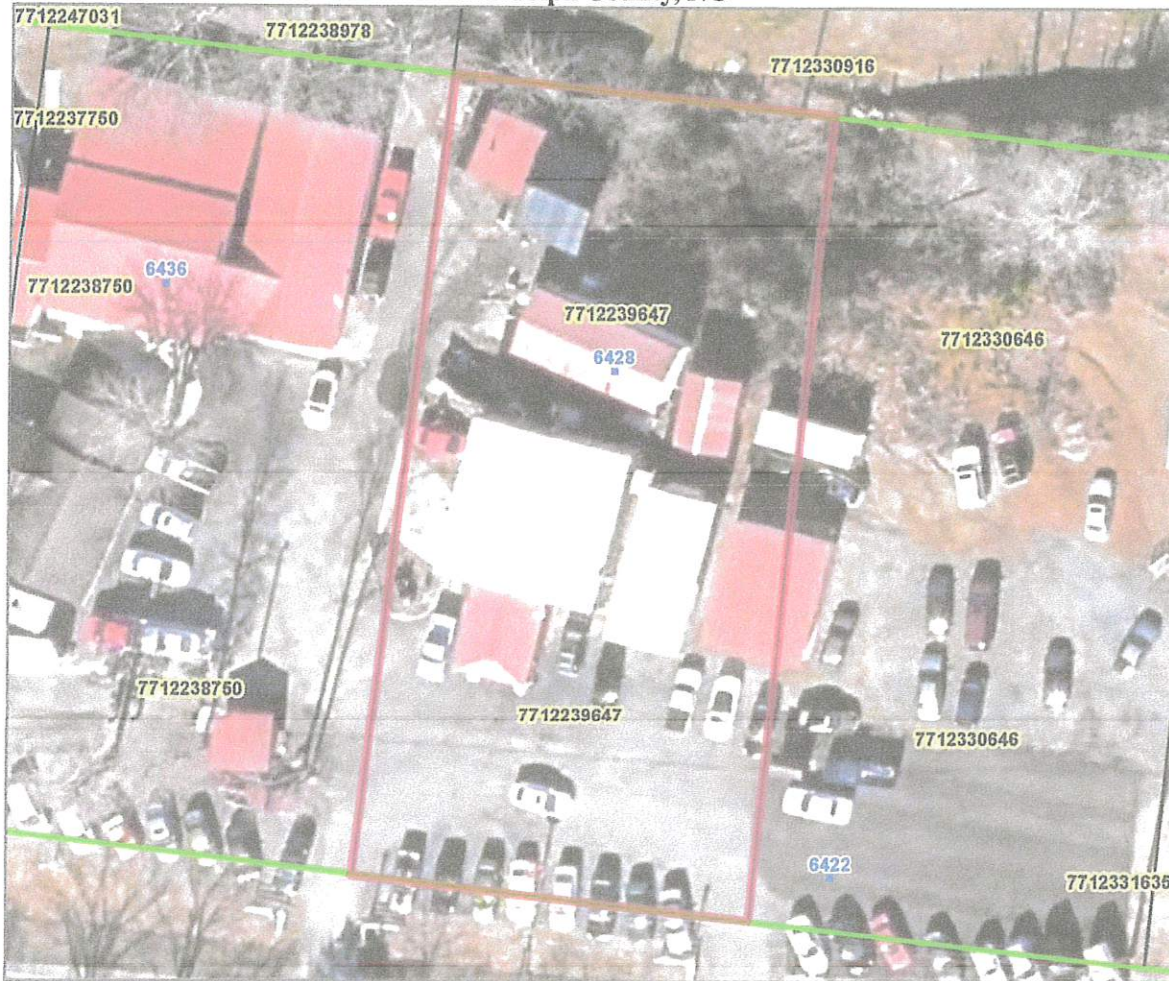
+ School Attendance

+ Voter Information





# Randolph County, NC



|                      |                     |                  |                  |
|----------------------|---------------------|------------------|------------------|
| REID                 | 22393               | OWNER ADDRESS2   |                  |
| PIN                  | 7712239647          | OWNER CITY       | ASHEBORO         |
| TAXED ACREAGE        | 0.46                | OWNER STATE      | NC               |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L10 | OWNER ZIP        | 27205            |
| DEED BOOK & PAGE     | 002053/01174        | LOCATION ADDRESS | 6428 US HWY 64 W |
| PLAT BOOK & PAGE     | 12-31               | LOCATION ZIP     | ASHEBORO,27205   |
| OWNER                | WILSON, LARRY G     | DATA REFRESHED   | 5/1/2022         |
| OWNER ADDRESS        | 6436 US HWY 64 W    |                  |                  |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

- + Parcel Information
- + Subdivision Information
- + Tax Districts
- + Fire Insurance Districts
- + Flood Plain
- + Water Supply Watershed
- Zoning and Growth Management
 

|                        |                       |                                 |
|------------------------|-----------------------|---------------------------------|
| Current Zoning         | HC-CD                 | <a href="#">RANDOLPH COUNTY</a> |
| Rezoning/Variance      | 2013-00001305         |                                 |
| Special District       | None                  |                                 |
| Growth Management Area | SECONDARY GROWTH AREA |                                 |
- + Census Information
- + School Attendance
- + Voter Information





# Randolph County, NC



|                      |                    |                  |                  |
|----------------------|--------------------|------------------|------------------|
| REID                 | 22391              | OWNER ADDRESS2   |                  |
| PIN                  | 7712238750         | OWNER CITY       | ASHEBORO         |
| TAXED ACREAGE        | 0.46               | OWNER STATE      | NC               |
| PROPERTY DESCRIPTION | COUNTRY CLUB AC;L9 | OWNER ZIP        | 27205            |
| DEED BOOK & PAGE     | 002053/01172       | LOCATION ADDRESS | 6436 US HWY 64 W |
| PLAT BOOK & PAGE     | 12-31              | LOCATION ZIP     | ASHEBORO,27205   |
| OWNER                | WILSON, LARRY G    | DATA REFRESHED   | 5/1/2022         |
| OWNER ADDRESS        | 6436 US HWY 64 W   |                  |                  |



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Map Scale  
1 inch = 42 feet  
5/3/2022



Print

+ Parcel Information

+ Subdivision Information

+ Tax Districts

+ Fire Insurance Districts

+ Flood Plain

+ Water Supply Watershed

- Zoning and Growth Management

Current Zoning HC-CD [RANDOLPH COUNTY](#)

Rezoning/Variance 2013-00001305

Special District None

Growth Management Area SECONDARY GROWTH AREA

+ Census Information

+ School Attendance

+ Voter Information

Randolph County GIS

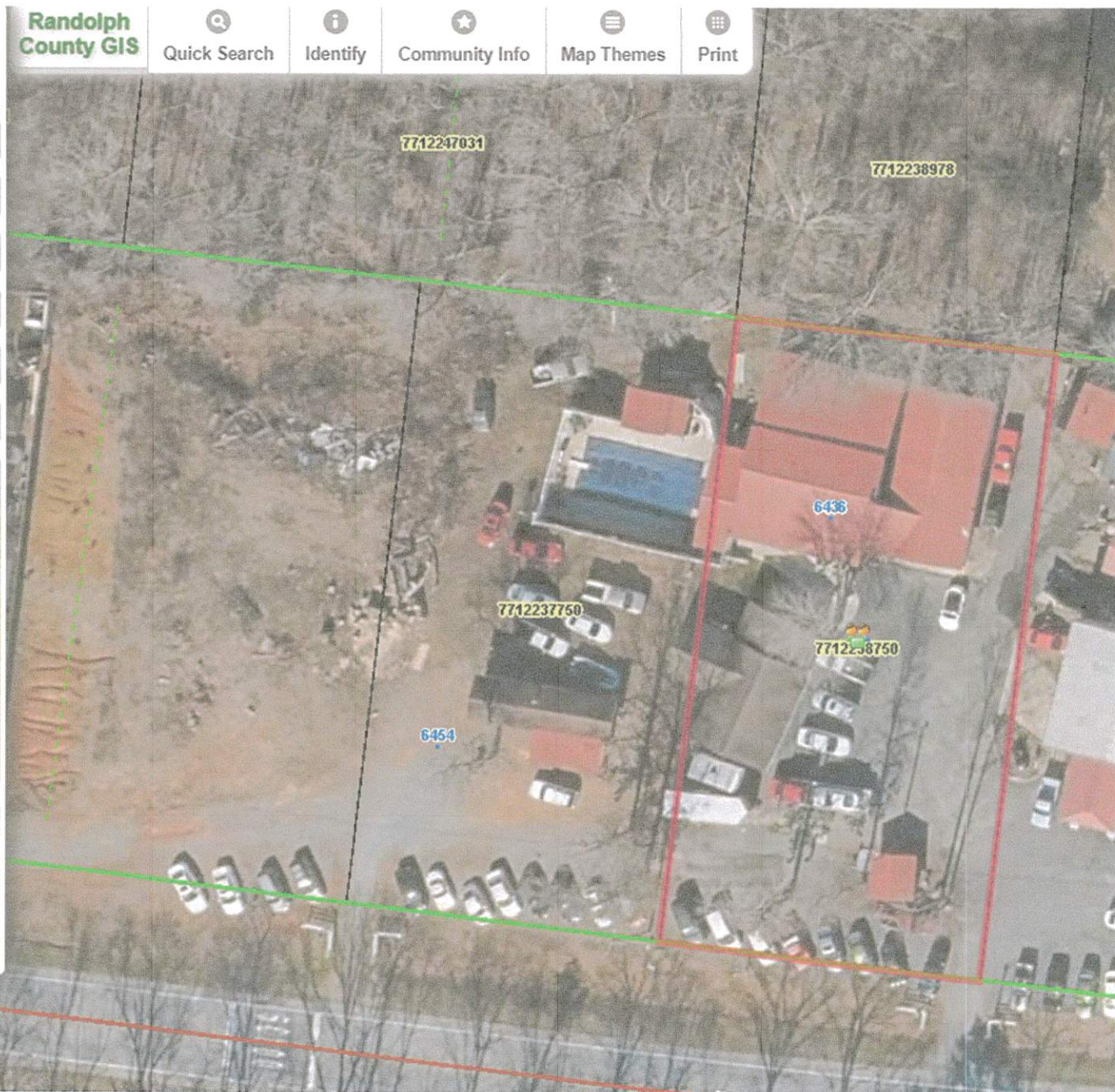
Quick Search

Identify

Community Info

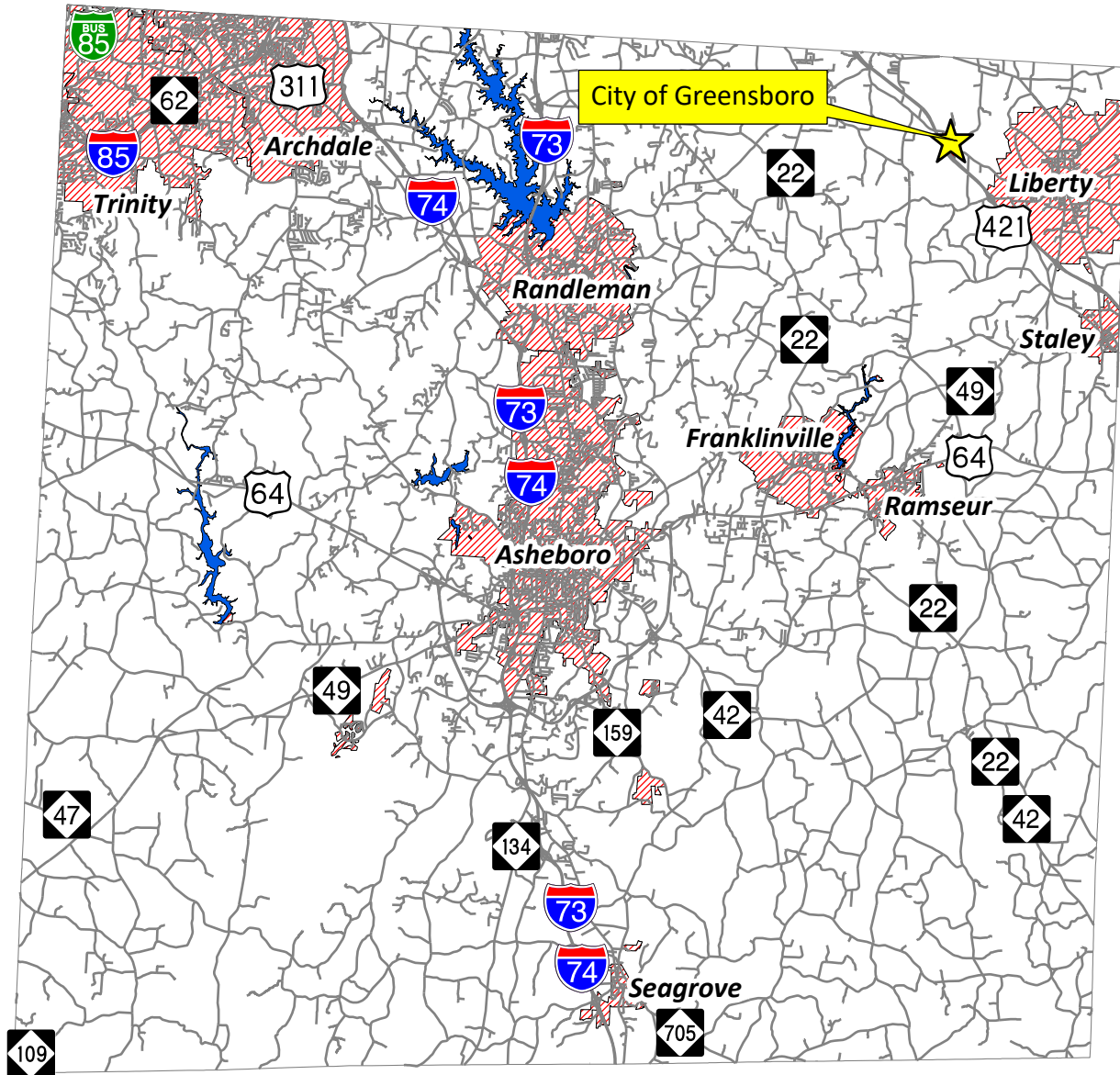
Map Themes

Print





# September Request Location Map



## Legend

- Roads
- Reservoirs
- County line
- Municipal Zoning

0 1 2 4 6 8 Miles





**CASE SUMMARY FOR**  
**SPECIAL USE REQUEST #2022-00002160**

---

The Randolph County Planning Board will hold a duly published and notified Quasi-judicial Hearing on the request by the **CITY OF GREENSBORO**, Greensboro, NC, and their request to obtain a Special Use Permit on Starmount Rd, Liberty Township, Sandy Creek Balance Watershed, Tax ID #8717520081, 135.72 acres, *RA - Residential Agricultural District*. It is the desire of the applicant to obtain a Special Use Permit to specifically allow a sewer lift station for the Greensboro-Randolph County Megasite as per the site plan.

**ALL WITNESSES FOR SPECIAL USE PERMITS MUST BE  
SWORN IN BEFORE GIVING TESTIMONY.**



**COUNTY OF RANDOLPH**  
Department of Planning & Development  
204 E Academy St - PO Box 771 - Asheboro NC 27204-0771

**SPECIAL USE PERMIT APPLICATION**

**Applicant:** CITY OF GREENSBORO  
**Address:** P O BOX 3136  
**City, St. Zip:** GREENSBORO, NC 27406

**Date:** 07/29/2022  
**Parcel #:** 8717520081

**Owner:** MONARD LLC  
**Address:** 204 LOYD RD  
**City, St. Zip:** STATESVILLE, NC 28625

**Permit #:** 2022-00002160  
**Permit Type Code:** PZ 3  
**Location Address:** 5651 STARMOUNT RD  
LIBERTY, NC 27298

**CONTACT NAME:** BORCHERS, MICHAEL M.

**Contact Phone:** 336 373-2494

**PARCEL INFORMATION:**

**Lot number:**                      **Subdivision:**  
**Acreage:** 135.7200              **Township:** 11 - LIBERTY

**ZONING INFORMATION:**

**Zoning District 1:** RA-RESIDENTIAL AGRICULTURAL DISTRICT  
**Zoning District 2:**  
**Zoning District 3:**  
**Specialty District:** N/A  
**Watershed Name:** SANDY CREEK WATERSHED  
**Class A Flood Plain On Prop?:** YES  
**Flood Plane Map #:** 3710871700J

**SPECIAL USE REQUESTED: PROPOSED SPECIAL USE PERMIT TO ALLOW FOR A SEWER LIFT STATION AS PER SITE PLAN.**

**Total Permit Fee: \$100.00**

**COMMENTS:**

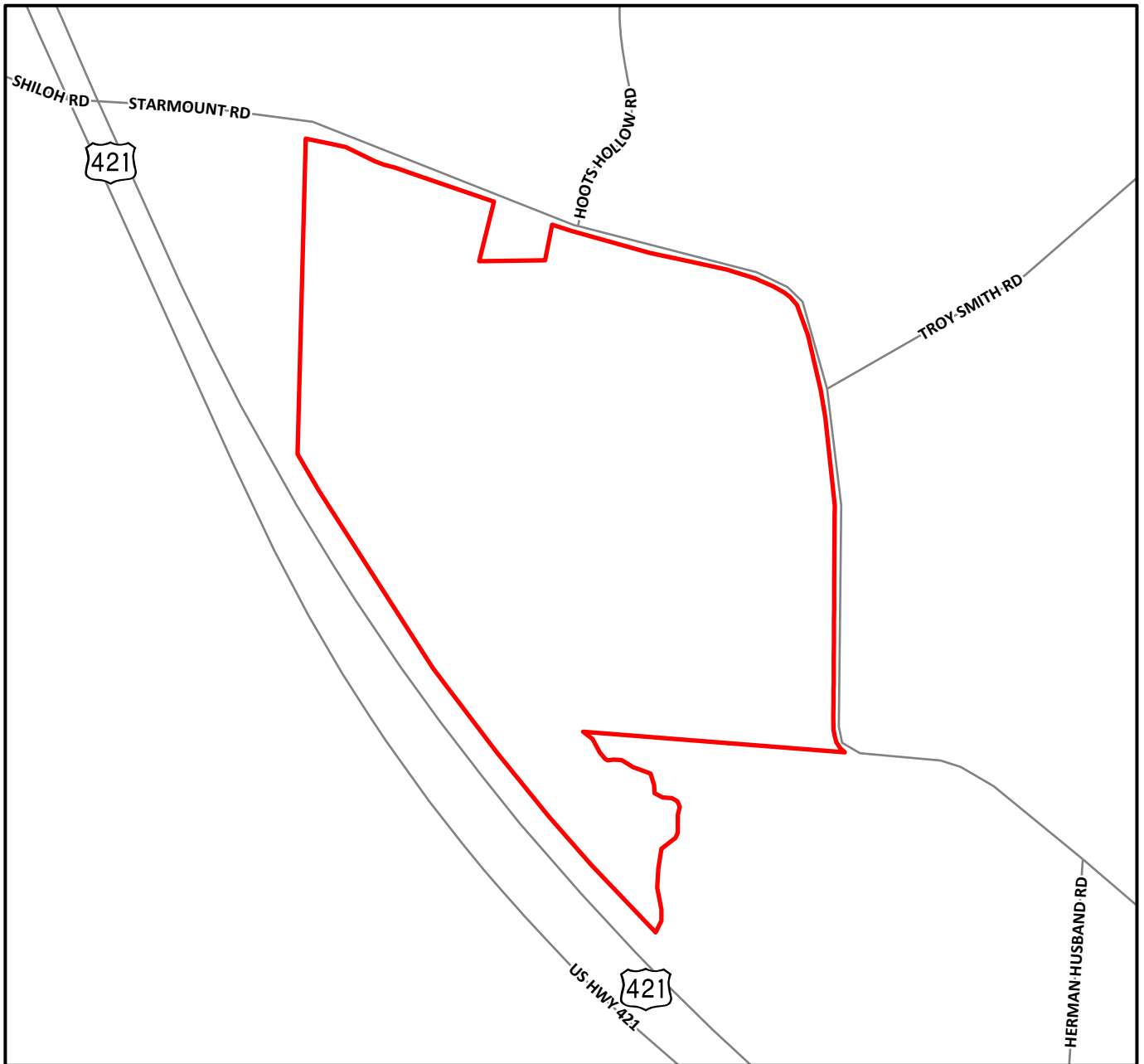
The undersigned owner/applicant do hereby make application for a SPECIAL USE PERMIT as required by the Randolph County Zoning Ordinance. By making this application the owner/applicants acknowledge that no work may be done pursuant to a Special Use Permit issued by the County Planning Board except in accordance with all conditions that may be imposed by the Board. It is also acknowledged that any restrictions or conditions imposed shall be binding on the owner/applicants and their successors in interest.

**Eric Martin**  
\_\_\_\_\_  
**Authorized County Official**

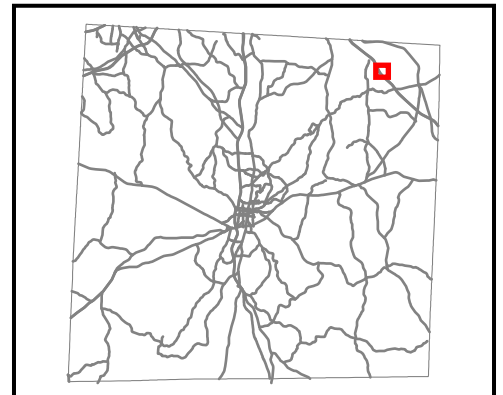
\_\_\_\_\_  
**Signature of Applicant:**



# City of Greensboro Request Location Map



US Hwy 421N - (R) Starmount Rd -  
Site on (R) approx 1/4 mile past  
Troy Smith Rd.



1 inch equals 750 feet

# City of Greensboro Special Use Permit Request

## Legend



Parcels

## Structures

### Type



Permanent Structure



Temporary Structure



Roads



Streams



50 ft. Stream buffer



Flood plains

## County zoning

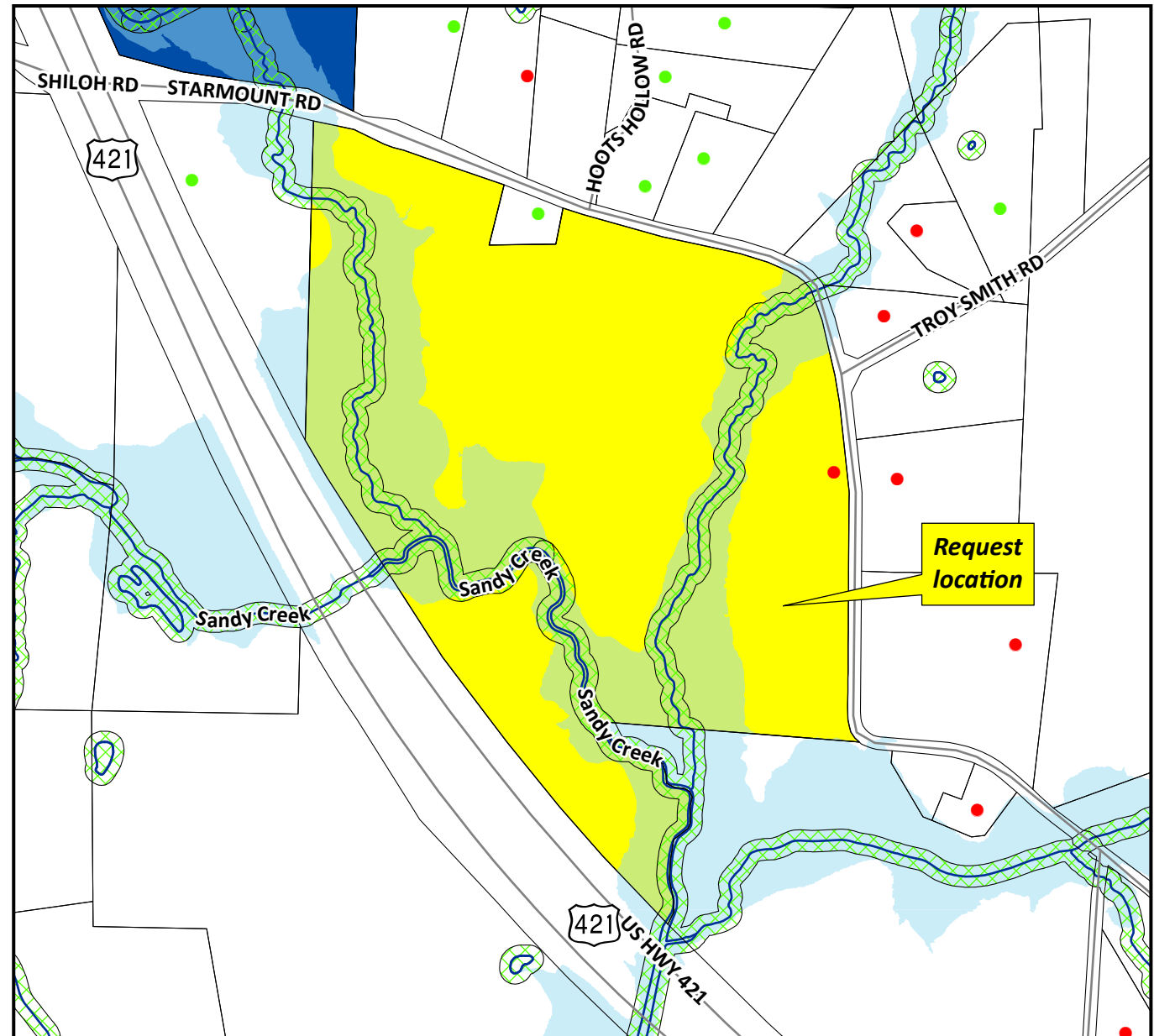
### Districts



HI



RA



*The request is located in Sandy Creek Watershed Area.*

1 inch equals 750 feet



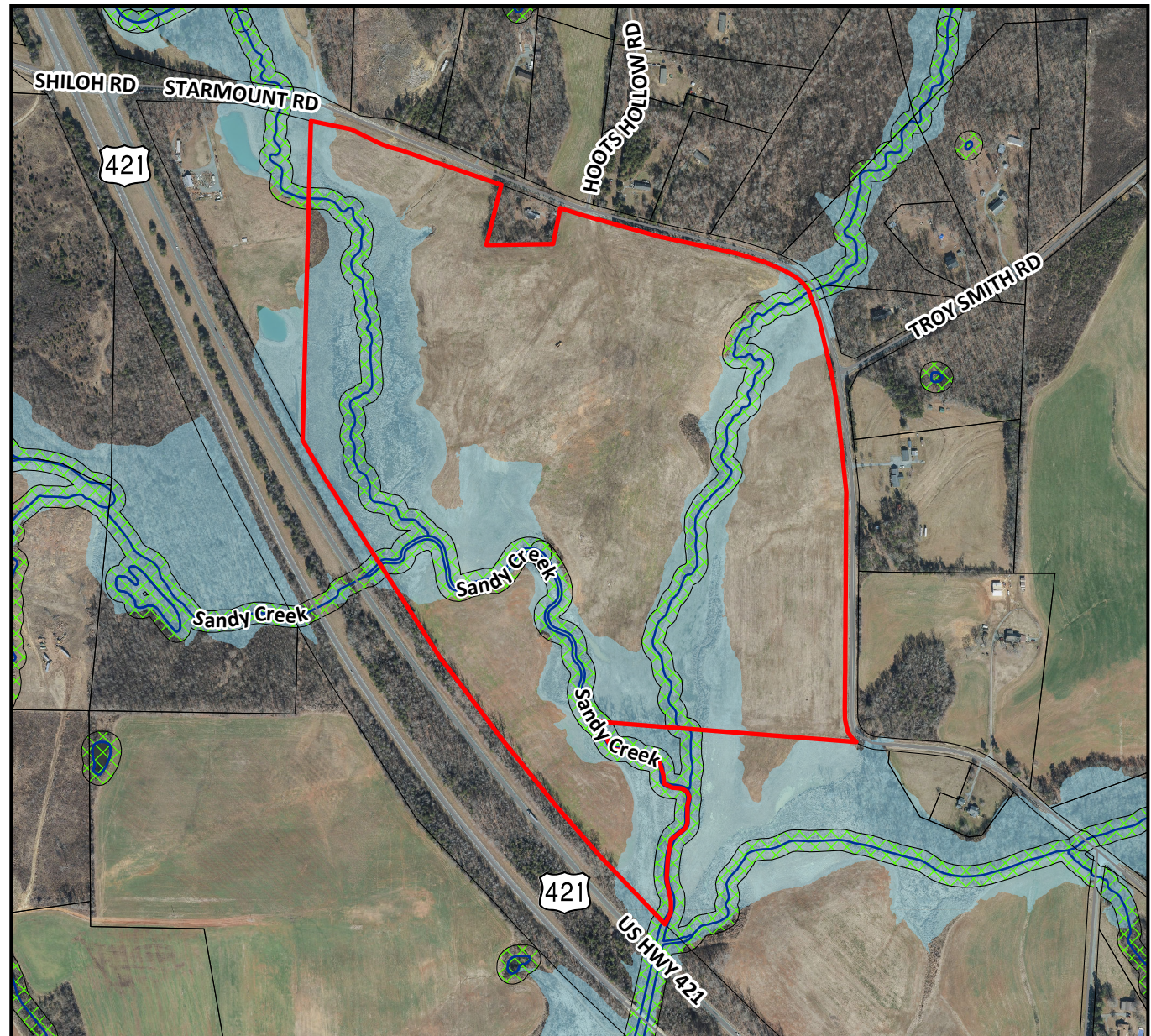




# City of Greensboro Special Use Permit Request

## Legend

-  Parcels
-  Roads
-  Streams
-  50 ft. Stream buffer
-  Flood plains



*The request is located in Sandy Creek Watershed Area.*

1 inch equals 750 feet



# City of Greensboro Special Use Permit Request



**Picture 1:**  
Request  
location.



**Picture 2:**  
Request  
location.



**Picture 3:**  
Adjacent  
residence.



**Picture 4:**  
Adjacent  
residence.



**Picture 5:**  
Request location on  
left as seen looking  
toward Troy Smith  
Rd.



**Picture 6:**  
Request location on  
right as seen looking  
toward end of  
Starmount Rd.

## Martin, Eric J.

---

**From:** Watt, Matthew <Matthew.Watt@hdrinc.com>  
**Sent:** Wednesday, July 27, 2022 4:21 PM  
**To:** Boyd, Brian  
**Cc:** Martin, Eric J.  
**Subject:** RE: Sandy Creek Lift Station BUA  
**Attachments:** 2022.07.27 Drainage area 2.pdf

See answers in red and attached.

**Matthew W Watt,** PE NC,SC  
M 336.995.7056 D 336-955-8259

[hdrinc.com/follow-us](https://hdrinc.com/follow-us)

---

**From:** Boyd, Brian <Brian.Boyd@greensboro-nc.gov>  
**Sent:** Wednesday, July 27, 2022 2:40 PM  
**To:** Watt, Matthew <Matthew.Watt@hdrinc.com>  
**Cc:** eric.martin@randolphcountync.gov  
**Subject:** RE: Sandy Creek Lift Station BUA  
**Importance:** High

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

Eric Martin called me today to follow up on a few items that he needed for review, could you send him this information ASAP?

- Overall Lift Station Site acreage: Watershed Plan listed it being 1.6 acres Property 1.6077acres (70,034 sqft)
- Structures square footage (Control Room, wetwell, fuel tank and valve vault): 19,005 sqft, 617 sqft, 97 sqft, and 186 sqft
- Watershed Calcs in square footage and not acres. See attached.

Eric,

For the zoning application contact information:

Applicant:

City of Greensboro

PO Box 3136

Greensboro, NC 27406

Signing Official:

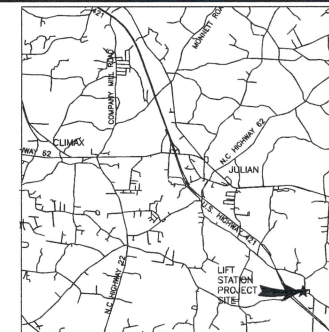
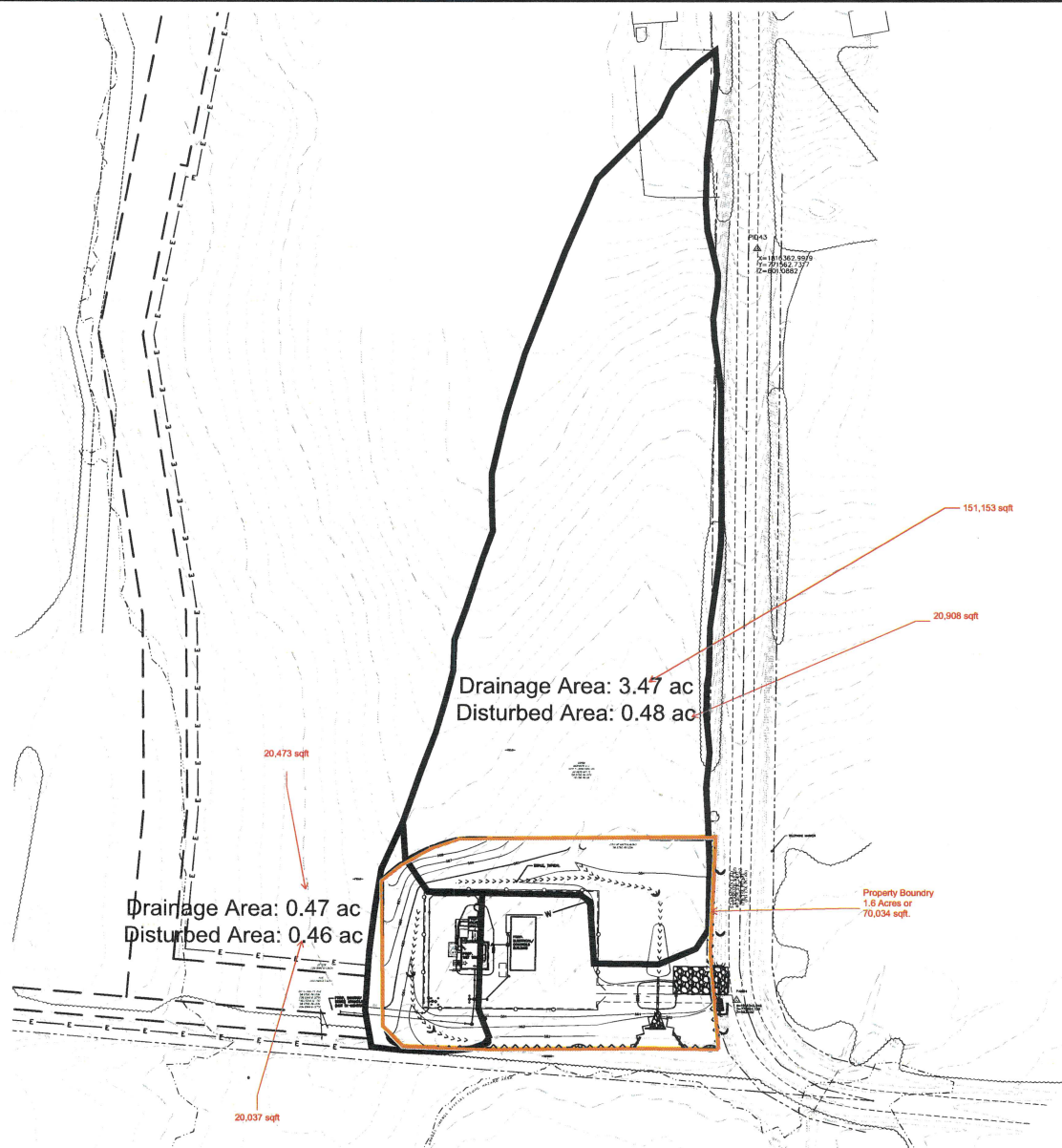
Michael M. Borchers

Water Resources Director

Phone: (336)373-2494

E-Mail: [Michael.borchers@greensboro-nc.gov](mailto:Michael.borchers@greensboro-nc.gov)





CONTRACT SHEET  
50 OF 57

SENSITIVE INFORMATION  
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distributed without the  
express written  
permission of the City  
of Greensboro.

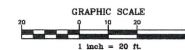


City of Greensboro Background  
Location Information/Requests  
COG Water Department Phone 373-2533  
COG Water Department Fax 373-2535  
COG Public Works Dept. Phone 373-2535  
COG Public Works Dept. Fax 373-2535  
COG Water Utility Phone 373-2535  
COG Water Utility Fax 373-2535

NPDES  
General Permit  
Applies

DISTURBED AREA =  
1.34 AC

GIS DISCLAIMER  
Objects on this map shown  
with a dotted linestyle were  
not surveyed, they were  
compiled by photogrammetric  
methods, available on the  
Geographic Information  
System (GIS) software used  
by the City of Greensboro.



WESTBOTH SWALE & ASSOCIATES, LLC  
125 SOUTH ELM STREET, SUITE 100  
GREENSBORO, NC 27401  
WWW.WSANDS.COM  
PHONE 336.330.9722  
FAX 336.330.9723

| REVISIONS        | TYPE     | CONTRACT  | CONTRACTOR | AS-BUILT | AUTH. DATE | WATER AND SEWER PERMITS | JOB NO.       | P- 058080      |
|------------------|----------|-----------|------------|----------|------------|-------------------------|---------------|----------------|
|                  | ROADWAY  |           |            |          |            |                         | DESIGNED      | 05/27/22 BYMBW |
|                  | SEWER    | 2022-006A |            |          |            |                         | CONST. SURVEY | BY             |
|                  | WATER    |           |            |          |            |                         | CHECKED       | BY VWS         |
| FOR CONSTRUCTION | SIDEWALK |           |            |          |            |                         | SCALE:        | 1" = 20'       |

CITY OF GREENSBORO  
WATER RESOURCES DEPARTMENT  
SANDY CREEK SEWER LIFT STATION  
DRAINAGE AREA MAP

99D-05

SHEET NO.

50 OF 57

**Martin, Eric J.**

---

**From:** Boyd, Brian <Brian.Boyd@greensboro-nc.gov>  
**Sent:** Wednesday, July 27, 2022 2:40 PM  
**To:** Watt, Matthew  
**Cc:** Martin, Eric J.  
**Subject:** RE: Sandy Creek Lift Station BUA  
**Attachments:** Megasite Waterhed Plan.pdf; Details for stone on BUA.pdf  
  
**Importance:** High

Matt,

Eric Martin called me today to follow up on a few items that he needed for review, could you send him this information ASAP?

- Overall Lift Station Site acreage: Watershed Plan listed it being 1.6 acres
- Structures square footage (Control Room, wetwell, fuel tank and valve vault):
- Watershed Calcs in square footage and not acres.

Eric,

For the zoning application contact information:

Applicant:  
City of Greensboro  
PO Box 3136  
Greensboro, NC 27406

Signing Official:  
Michael M. Borchers  
Water Resources Director  
Phone: (336)373-2494  
E-Mail: Michael.borchers@greensboro-nc.gov

Whenever you're ready for us to pay the \$100 application fee just let me know so we can get that setup.

We really appreciate your help in navigating us through this process quickly. Please let us know if you need anything else as we've extremely eager to get going on this project.

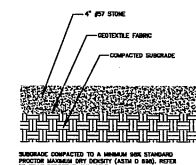
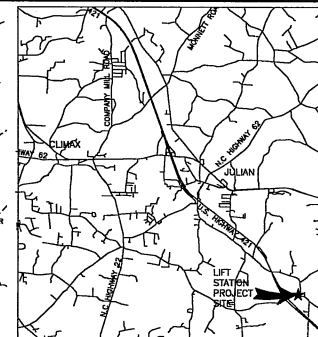
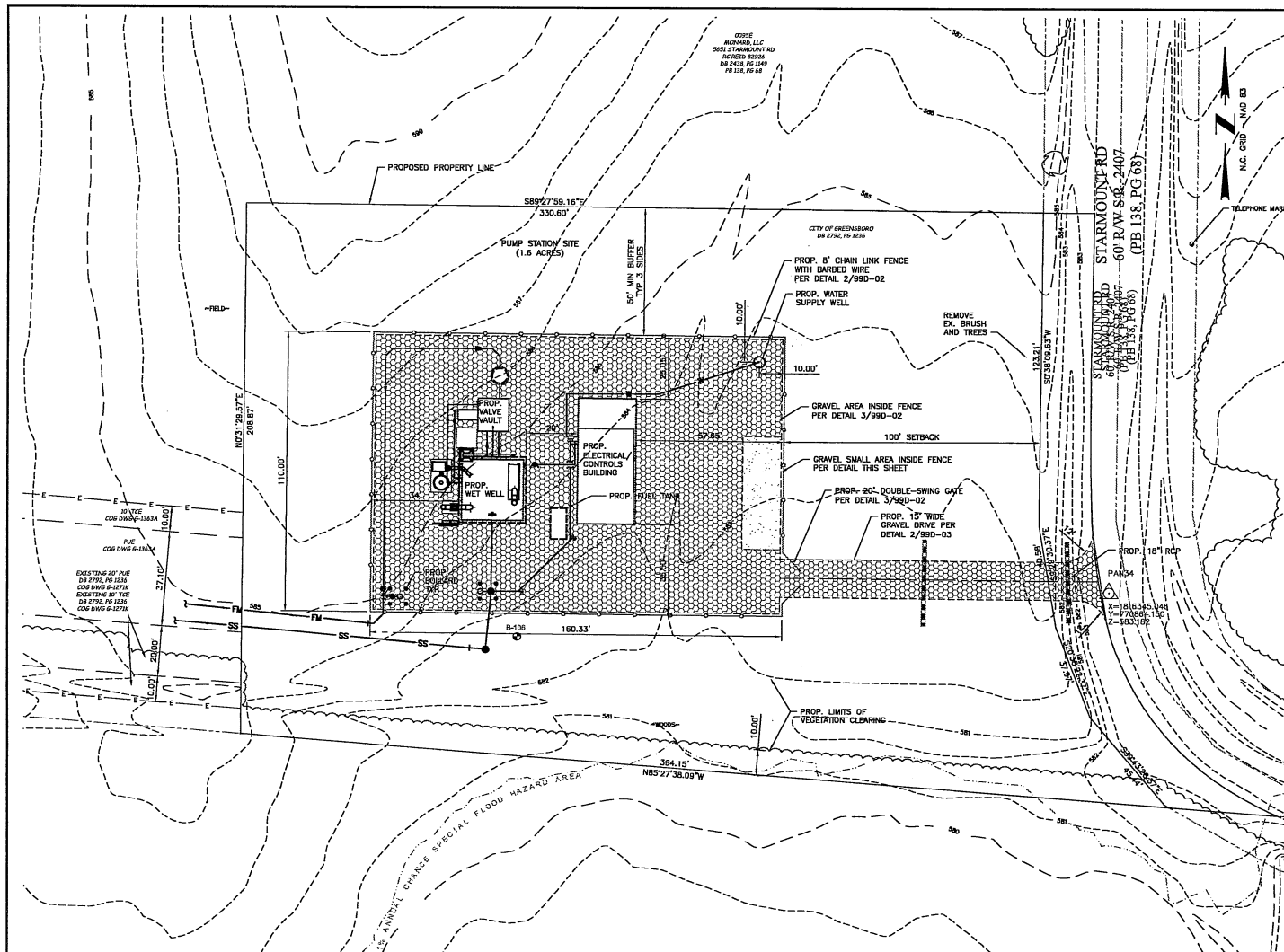
Thanks,

BB

**From:** Watt, Matthew <Matthew.Watt@hdrinc.com>  
**Sent:** Friday, July 22, 2022 11:27 AM  
**To:** eric.martin@randolphcountync.gov  
**Cc:** Boyd, Brian <Brian.Boyd@greensboro-nc.gov>  
**Subject:** Sandy Creek Lift Station BUA

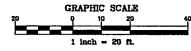
Eric,





GRAVEL SMALL AREA DETAIL  
NTS

**WATERSHED BANK**  
TOTAL SITE AREA: 1.80 AC  
EXISTING BUA: 0.00 AC  
ALLOWED BUA (2450-0.38 AC)  
BUA DEMOL: 0.00 AC  
PROPOSED ADDITIONAL BUA: 0.38 AC  
ISA BANK: 0.02 AC



K-

CONTRACT SHEET  
OF

**SENSITIVE INFORMATION**  
Not to be copied or distributed without the express written permission of the City of Greensboro.

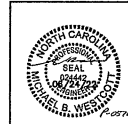


**City of Greensboro**  
LOCATION: SANDY CREEK SEWER LIFT STATION  
CDD: 10/17/17  
CDD: 10/17/17  
CDD: 10/17/17  
CDD: 10/17/17

**NPDES**  
General Permit Applies

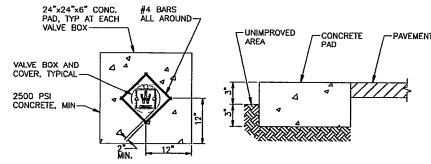
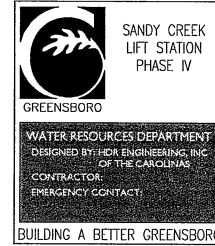
**DISTURBED AREA =**  
1.34 AC

**GIS DISCLAIMER**  
Objects on this map shown with a dotted linestyle were not surveyed, they were compiled by photogrammetric methods, available on the Geographic Information System (GIS) software used by the City of Greensboro.

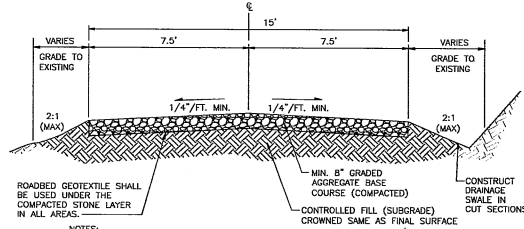


| REVISIONS        | TYPE     | CONTRACT  | CONTRACTOR | AS-BUILT | AUTH. DATE | WATER AND SEWER PERMITS | JOB NO.       | P- 05080   |
|------------------|----------|-----------|------------|----------|------------|-------------------------|---------------|------------|
|                  | ROADWAY  |           |            |          |            |                         | DESIGNED      | 05/2022 BY |
|                  | SEWER    | 2022-006A |            |          |            |                         | CONST. SURVEY | BY         |
|                  | WATER    |           |            |          |            |                         | CHECKED       | BY VWS     |
| FOR CONSTRUCTION | SIDEWALK |           |            |          |            |                         | SCALE:        |            |

**CITY OF GREENSBORO**  
**WATER RESOURCES DEPARTMENT**  
SANDY CREEK SEWER LIFT STATION  
SITE/WATERSHED PLAN  
SHEET NO. OF



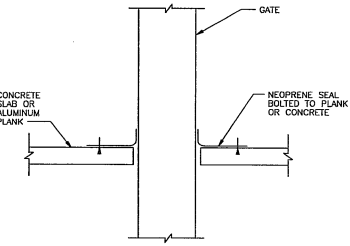
**1 CONCRETE COLLAR DETAIL**  
NOT TO SCALE



**2 STONE ACCESS ROAD**  
NOT TO SCALE

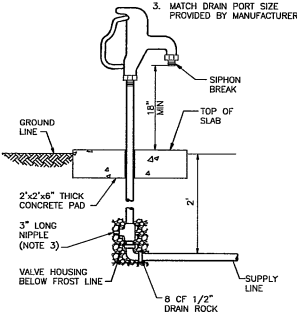
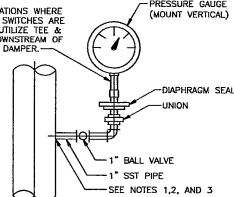
- NOTES:
1. FOR THE GRAVEL FILL WITHIN THE FENCE AREA, USE THIS SAME LAYER OF 8" AGGREGATE BASE COURSE. DO NOT INCLUDE THE GEOTEXTILE FABRIC INSIDE THE FENCE.

**3 GATE PENETRATIONS TO ODOR CONTROLLED AREA**  
NOT TO SCALE



- NOTES:
1. FOR STL, GALV STL PIPE & PVC 2 1/2" & SMALLER USE A BUSHING IN A TEE.
  2. FOR DI & FRP ALL SIZES, USE PIPE SADDLE W/ BUSHING.
  3. FOR STL & SST PIPES 3" & LARGER, & PRESSURE VESSELS, USE THREAD-ON-LET, OR EQUAL AS SHOWN.

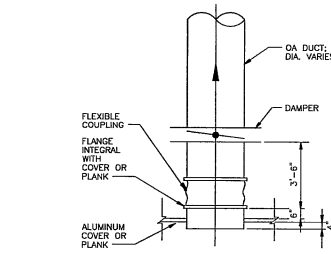
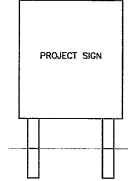
**4 PRESSURE GAUGE**  
NOT TO SCALE



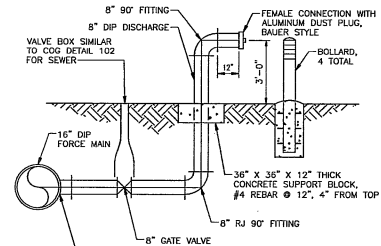
**5 YARD HYDRANT DETAIL**  
NOT TO SCALE

**6 PROJECT SIGN DETAIL**  
NOT TO SCALE

- NOTES:
1. THE CONTRACTOR SHALL FURNISH, ERECT, AND MAINTAIN TWO 4' BY 4' PROJECT SIGNS AT LOCATIONS DESIGNATED BY THE ENGINEER. THE SIGNS SHALL BE CONSTRUCTED OF 3/4" PLYWOOD, CLEAR ON ONE SIDE, OR APPROVED EQUAL. THEY SHALL BE SUPPORTED BY TWO 4"x4" PRESSURE TREATED POSTS AND SUBSTANTIALLY BRIDGED.
  2. THE SIGNS SHALL BE GIVEN ONE COAT OF A HIGH QUALITY PRIMER, AND TWO COATS WHITE HIGH GLOSS ENAMEL PAINT. LETTERING SHALL BE BLACK HIGH GLOSS ENAMEL WITH COLOR GRAPHIC WORK AS REQUIRED TO MATCH THE LOGOS. LETTERING SHALL BE AS INSTRUCTED AND OF THE GENERAL FORMAT SHOWN IN THIS SECTION.

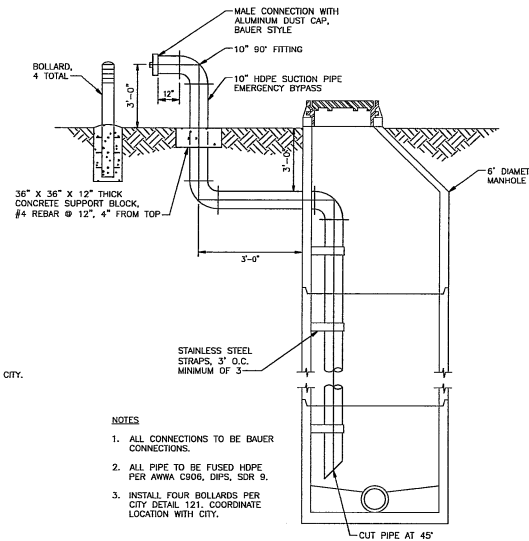


**7 OA CONNECTIONS (TO COVER OR PLANKS) DETAIL**  
NOT TO SCALE



- NOTES:
1. ALL CONNECTIONS TO BE BAUER CONNECTIONS.
  2. ALL PIPE TO BE RESTRAINED JOINT DIP.
  3. EXPOSED DIP TO BE PAINTED BLACK.
  4. INSTALL FOUR BOLLARDS PER CITY DETAIL 121. COORDINATE LOCATION WITH CITY.

**1 EMERGENCY BYPASS CONNECTION**  
NOT TO SCALE



- NOTES:
1. ALL CONNECTIONS TO BE BAUER CONNECTIONS.
  2. ALL PIPE TO BE FUSED HOPE PER ANWA C908, DIPS, SDR 9.
  3. INSTALL FOUR BOLLARDS PER CITY DETAIL 121. COORDINATE LOCATION WITH CITY.

**2 SUCTION PIPE EMERGENCY BYPASS CONNECTION**  
NOT TO SCALE



HCR ENGINEERING, INC.  
1000 S. GREENSBORO BLVD.  
GREENSBORO, NC 27409  
TEL: 336.733.1234  
FAX: 336.733.1235  
WWW.HCR-NC.COM

| REVISIONS        | TYPE     | CONTRACT  | CONTRACTOR | AS-BUILT | AUTH. | DATE | WATER AND SEWER PERMITS | JOB NO.             | P-050800 |
|------------------|----------|-----------|------------|----------|-------|------|-------------------------|---------------------|----------|
|                  | ROADWAY  | 2022-006A |            |          |       |      |                         | DESIGNED 05/2022 BY | HDR      |
|                  | SEWER    |           |            |          |       |      |                         | CONST. SURVEY BY    |          |
|                  | WATER    |           |            |          |       |      |                         | CHECKED BY          |          |
| FOR CONSTRUCTION | SIDEWALK |           |            |          |       |      |                         | SCALE: NOT TO SCALE |          |

|                                                                                                                                   |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>CITY OF GREENSBORO</b><br><b>WATER RESOURCES DEPARTMENT</b><br><b>SANDY CREEK SEWER LIFT STATION</b><br>STANDARD CIVIL DETAILS | <b>99D-03</b><br>SHEET NO.<br><b>48 OF 57</b> |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|







**User Name:** AIMEE SCOTTEN

**Date and Time:** Wednesday, July 27, 2022 2:48:00 PM EDT

**Job Number:** 176133258

## Document (1)

1. [N.C. Gen. Stat. § 40A-42](#)

**Client/Matter:** -None-

**Search Terms:** 40A-40

**Search Type:** Natural Language - Expanded Results

**Narrowed by:**

**Content Type**  
Statutes and Legislation

**Narrowed by**  
Sources: NC state

## [N.C. Gen. Stat. § 40A-42](#)

Current through Session Laws 2022-46 of the 2022 Regular Session of the General Assembly, but does not reflect possible future codification directives from the Revisor of Statutes pursuant to G.S. 164-10.

**General Statutes of North Carolina > Chapter 40A. Eminent Domain. (Arts. 1 — 6) > Article 3. Condemnation by Public Condemnors. (§§ [40A-40](#) — [40A-61](#))**

### **§ 40A-42. Vesting of title and right of possession; injunction not precluded.**

(a)

**(1) Standard Provision.** — When a local public condemnor is acquiring property by condemnation for a purpose set out in [G.S. 40A-3\(b\)\(1\)](#), (4) or (7), or when a city is acquiring property for a purpose set out in [G.S. 160A-311\(1\)](#), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in [G.S. 153A-274\(1\)](#), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in [G.S. 115C-517](#), or when a condemnor is acquiring property by condemnation as authorized by [G.S. 40A-3\(c\)\(1\)](#), (8), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with [G.S. 40A-41](#).

**(2) Modified Provision for Certain Localities.** — When a local public condemnor is acquiring property by condemnation for a purpose set out in [G.S. 40A-3\(b1\)\(1\)](#), (4), (7), (10), or (11), or when a city is acquiring property for a purpose set out in [G.S. 160A-311\(1\)](#), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in [G.S. 153A-274\(1\)](#), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in [G.S. 115C-517](#), or when a condemnor is acquiring property by condemnation as authorized by [G.S. 40A-3\(c\)\(8\)](#), (9), (10), (12), or (13) title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with [G.S. 40A-41](#).

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Southern Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island.

**(b)** When a local public condemnor is acquiring property by condemnation for purposes other than for the purposes listed in subsection (a) above, title to the property taken and the right to possession shall vest in the condemnor pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor:

- (1)** Upon the filing of an answer by the owner who requests only that there be a determination of just compensation and who does not challenge the authority of the condemnor to condemn the property; or
- (2)** Upon the failure of the owner to file an answer within the 120-day time period established by [G.S. 40A-46](#); or
- (3)** Upon the disbursement of the deposit in accordance with the provisions of [G.S. 40A-44](#).



(c) If the property is owned by a private condemnor, the vesting of title in the condemnor and the right to immediate possession of the property shall not become effective until the superior court has rendered final judgment (after any appeals) that the property is not in actual public use or is not necessary to the operation of the business of the owner, as set forth in [G.S. 40A-5\(b\)](#).

(d) If the answer raises any issues other than the issue of compensation, the issues so raised shall be determined under the provisions of [G.S. 40A-47](#).

(e) The judge shall enter such orders in the cause as may be required to place the condemnor in possession.

(f) The provisions of this section shall not preclude or otherwise affect any remedy of injunction available to the owner or the condemnor.

## History

---

1981, c. 919, s. 1; 1989 (Reg. Sess., 1990), c. 871, s. 1; [1998-212, s. 9.10](#); [2001-36, ss. 2, 3](#); [2001-239, s. 1](#); [2001-478, s. 2](#); [2003-282, s. 2](#); [2004-203, s. 33](#); [2009-85, s. 1](#); [2014-86, s. 2](#); [2021-14, s. 2](#).

### Annotations

## Notes

---

### Local Modification.

Cabarrus: 1991 (Reg. Sess., 1992), c. 937, s. 2; 1993 (Reg. Sess., 1994), c. 700, s. 1; Duplin: 1993 (Reg. Sess., 1994), c. 608, s. 1; Franklin: [1989, c. 432, s. 1](#); Guilford: 1987, c. 669, s. 4; Person: 1983, 829; Wake: 1985, c. 640, s. 2; cities of Greensboro and High Point: 1987, c. 669, s. 4; city of Monroe: 2009-258 (as to taking of property for the Charlotte-Monroe Executive Airport); city of Winston-Salem: [2011-149, s. 1](#); town of Caswell Beach: [2015-14, s. 1](#) (as to the taking of property for public services facility where a fire department and other emergency service providers will be located); town of Holly Springs: 1985 (Reg. Sess., 1986), c. 941; town of Hope Mills: [2016-66, s. 2\(a\)](#) (as taking of property for projects involving or relating to Hope Mills Lake or Hope Mills Lake dam, and expiring on July 1, 2019); town of Troy: [2003-328, s. 1](#), as amended by 2008-62; town of Wrightsville Beach: [1993, c. 187, s. 2](#).

### Editor's Note.

Session Law [2001-36, s. 2](#), amended subsection (a) by substituting "(4), (7), (10), or (11)" for "(4) or (7)" in the first sentence. Section 3 of the act, as amended by Session Laws [2001-478, s. 2](#), made this amendment applicable only to Carolina Beach, Carteret County, Dare County, and the Towns of Atlantic Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Pine Knoll Shores, Surf City, Topsail Beach, and Wrightsville Beach. The amended subsection (a) was set out as new subdivision (a)(2) at the direction of the Revisor of Statutes.

### Effect of Amendments.

Session Laws 2004-203, s. 33, effective August 17, 2004, added the subdivision catchlines for subdivisions (a)(1) and (2).

Session Laws 2009-85, s. 1, effective June 11, 2009, substituted "G.S. 40A-3(c)(1), (8)" for "G.S. 40A-3(c)(8)" in the first sentence of subdivision (a)(1).

Session Laws 2014-86, s. 2, effective July 25, 2014, inserted “Duck” following “Caswell Beach” in the second paragraph of subdivision (a)(2).

Session Laws 2021-14, s. 2, effective April 27, 2021, inserted “Southern Shores” prior to “Sunset Beach” in the last paragraph of subdivision (a)(2).

## CASE NOTES

---

### **Vesting of Title. —**

Under [G.S. 40A-42\(b\)\(1\)](#) and (2), title to the subject property did not vest in the State immediately upon serving the defendants with notice of the condemnation action. Condemnation of the subject property was for a purpose other than for the purposes listed in [G.S. 40A-42\(a\)](#); thus, under [G.S. 40A-42\(b\)\(2\)](#), title to the subject property vested with the State upon a failure of the owner to file an answer within the 120-day time period established by [G.S. 40A-46](#). *City of Wilson Redevelopment Comm'n v. Boykin*, 193 N.C. App. 20, 667 S.E.2d 282, 2008 N.C. App. LEXIS 1755 (2008).

### **Subsection (a) does not grant landowner a statutory right to bring an action for injunctive relief to bar condemnation proceeding**

and to prevent the title and the right to immediate possession of the property from vesting in defendant when under [G.S. 40A-45](#) landowner has an adequate remedy of law. *Tradewinds Campground, Inc. v. Town of Atlantic Beach*, 90 N.C. App. 601, 369 S.E.2d 365, 1988 N.C. App. LEXIS 635, writ denied, 323 N.C. 180, 373 S.E.2d 126, 1988 N.C. LEXIS 559 (1988).

### **Title of Defendants Holding Property as Tenants by Entirety Need Not Be Divested Simultaneously in Condemnation Proceeding. —**

Where plaintiff acquired title to defendants' interest in certain property owned by them as tenants by the entirety, and even though plaintiff argued such title on separate dates, this Chapter contains no requirement that title to condemned property be divested simultaneously. *Town of Chapel Hill v. Burchette*, 100 N.C. App. 157, 394 S.E.2d 698, 1990 N.C. App. LEXIS 898 (1990).

### **Effect of Answer Which Did Not Contest Plaintiff's Power to Condemn. —**

Where, in condemnation proceeding original answer of defendant property owner contested only amount of compensation due and did not contest power of plaintiff to condemn property, title to defendant's interest vested in plaintiff at that time, and plaintiff's filing of amended complaint did not void defendant's original answer. *Town of Chapel Hill v. Burchette*, 100 N.C. App. 157, 394 S.E.2d 698, 1990 N.C. App. LEXIS 898 (1990).

### **Effect of Failure to File Action for Injunctive Relief. —**

Title to condemned property vested and the county had the right to take immediate possession when they filed the complaint and deposited the estimated just compensation, since the landowners did not file an action for injunctive relief before the condemnation complaint was filed. *Scotland County v. Johnson*, 131 N.C. App. 765, 509 S.E.2d 213, 1998 N.C. App. LEXIS 1555 (1998).

### **Effect of Landowner's Failure to Request Injunctive Relief at the Condemnation Hearing. —**

Since the landowners had the opportunity to present all affirmative defenses argued in their action for a permanent injunction during the condemnation proceedings, judicial economy counseled against litigating the same issues



again. [\*Nelson v. Town of Highlands\*, 159 N.C. App. 393, 583 S.E.2d 313, 2003 N.C. App. LEXIS 1516 \(2003\)](#), rev'd, [\*358 N.C. 210, 594 S.E.2d 21, 2004 N.C. LEXIS 194 \(2004\)\*](#).

**“Reasonable Diligence”. —**

In an inverse condemnation suit where plaintiff's advertisement sign was torn down by defendant city, plaintiff's allegation in the complaint that defendant city failed to exercise reasonable diligence to discover plaintiff's interest and that plaintiff's sign was prominently constructed upon the property creates an issue of fact as to whether defendant city exercised reasonable diligence. [\*Schloss Outdoor Adv. Co. v. City of Charlotte\*, 50 N.C. App. 150, 272 S.E.2d 920, 1980 N.C. App. LEXIS 3473 \(1980\)](#) (decided under prior law).

**Public Trust Doctrine Not Violated. —**

Defendant did not violate the public trust doctrine by asserting its rights of eminent domain as bequeathed to it by the State legislature because the State granted defendant the authority to assert its eminent domain powers over certain parts of plaintiffs' property for the purpose of the project. [\*Fisher v. Town of Nags Head\*, 220 N.C. App. 478, 725 S.E.2d 99, 2012 N.C. App. LEXIS 660 \(2012\)](#).

**Notice Requirement Satisfied. —**

Defendant's notice, as provided to plaintiffs, was sufficient to meet the requirements of [\*G.S. 40A-40\*](#) and otherwise did not prejudice plaintiffs due to their ability to file the current action and have a surveyor accurately locate the requested property; the notice properly cited to the statute regarding the condemnation procedure, [\*G.S. 40A-42\*](#), and defendant's description of the “easement area” was sufficient for plaintiffs to determine the requested property, or at least for a hired surveyor to locate. [\*Fisher v. Town of Nags Head\*, 220 N.C. App. 478, 725 S.E.2d 99, 2012 N.C. App. LEXIS 660 \(2012\)](#).

Defendant's decision to estimate that no compensation was required did not violate plaintiffs' constitutional rights requiring just compensation because defendant adequately estimated that the benefit received by the project was sufficient compensation, and the issue of whether that was reasonable was more properly left for the condemnation hearing; defendant's estimate of no compensation adequately satisfied the notice requirement of [\*G.S. 40A-40\*](#). [\*Fisher v. Town of Nags Head\*, 220 N.C. App. 478, 725 S.E.2d 99, 2012 N.C. App. LEXIS 660 \(2012\)](#).

**Impact Fees Not Authorized. —**

Public utility authority and a county were not authorized to assess sewer and water impact fees against developers because, inter alia, another entity provided such service to the developers and that entity's property was in actual use and needed to run the entity's business could not be condemned. [\*Point South Props., LLC v. Cape Fear Pub. Util. Auth.\*, 243 N.C. App. 508, 778 S.E.2d 284, 2015 N.C. App. LEXIS 878 \(2015\)](#), overruled in part, [\*Quality Built Homes Inc. v. Town of Carthage\*, 371 N.C. 60, 813 S.E.2d 218, 2018 N.C. LEXIS 325 \(2018\)](#).

STATE OF NORTH CAROLINA

**FILED**

IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY

2022 MAY -6 P 12: 57

SUPERIOR COURT DIVISION

18 CVS 9989

GUILFORD CO. C.S.C.

CITY OF GREENSBORO,

BY \_\_\_\_\_

Plaintiff,

vs.

MONARD, LLC,

Defendant.

**AMENDED COMPLAINT,  
DECLARATION, AND NOTICE OF  
DEPOSIT**

Plaintiff City of Greensboro, pursuant to Rule 15 of the North Carolina Rules of Civil Procedure and upon written consent of the Defendant Monard, LLC through its counsel, hereby amends its Complaint as follows:

1. Plaintiff City of Greensboro is a municipal corporation organized and existing under the laws of the State of North Carolina.
2. The North Carolina General Assembly has vested Plaintiff City of Greensboro with the power of eminent domain through N.C. Gen. Stat. § 40A-40 et seq.
3. Plaintiff has determined that it is necessary and in the public interest to acquire the property that is the subject of this declaration of taking for the Guilford/Randolph Mega-Site Sewer Project, a public enterprise as defined in N.C. Gen. Stat. § 160A-311 and its subsections.
4. The entity identified by name and address on Exhibit A hereto is -- so far as the same can be ascertained through reasonable diligence -- the only entity who may have or claim to have an interest in the property that is the subject of this declaration of taking. To Plaintiff City of Greensboro's knowledge and belief, the entity under no legal disability. The entity has appeared in this matter through counsel and filed an Answer to the original Complaint.



5. The tract of land that the acquisition affects is known as 5651 Starmount Road, Liberty, North Carolina (parcel identification number 82926) and more particularly described in the attached Exhibit B.

6. The following property is being taken:

- a. a 70,034-square-foot parcel in fee as more particularly described in the attached Exhibit C;
- b. a 96,298 square-foot permanent utility easement and a 21,830 square-foot temporary construction easement as more particularly described in Exhibit D; and
- c. a 26,745 square-foot permanent utility easement, a 379 square-foot temporary construction easement, and a 12,144 square-foot temporary construction easement as more particularly described in Exhibit E.

7. In compliance with N.C. Gen. Stat. § 40A-40, at least 30 days prior to the filing of this action, notice of Plaintiff's intent to institute this action was duly given to the owners whose name and addresses could be ascertained with reasonable diligence, and who are listed on Exhibit A hereto.

8. Plaintiff estimates the sum of \$25,982.20 to be just compensation for the taking of the 70,034-square-foot parcel described in Exhibit C. Plaintiff estimates the sum of \$37,442.80 to be just compensation for the taking of the easements described in Exhibits D and E.

9. At the time Plaintiff filed the original Complaint in this action on December 31, 2018, Plaintiff deposited \$48,925.00 with the Superior Court of Guilford County, North Carolina as compensation for the property then being taken. Plaintiff hereby gives notice that it has this date deposited an additional \$14,500.00 with the Superior Court of Guilford County, North Carolina as

compensation for the additional property now being taken through this Amended Complaint. To the extent Defendant has not already sought disbursement of the prior deposit, Defendant may apply to the Court for disbursement of the sum of \$63,425.00 as full compensation, or as a credit against just compensation, as may be determined in this action.

10. Consistent with the Plaintiff City of Greensboro's process upon the filing of the original Complaint, Plaintiff City of Greensboro will permit Defendant to remove any timber, buildings, structures, permanent improvements, or fixtures situated on or affixed to the additional property now being taken, as reflected set forth in Paragraph No. 6 above. In order to remove any items from the additional property now being taken, Defendant must make a written request to the Plaintiff City of Greensboro through its undersigned counsel. All requests must be received within 20 days after service of this Amended Complaint, Declaration of Taking and Notice of Deposit upon Defendant. Plaintiff City of Greensboro and Defendant will then come to a mutually agreeable time period for any such removal, but in all cases the removal shall be completed within 30 days from the making of a proper written request for removal unless otherwise agreed upon by the Parties. A failure to make a timely and proper request will waive Defendants' right to remove items.

11. The property that is the subject of this declaration of taking, insofar as the same can by reasonable diligence be ascertained, is not subject to any liens or encumbrances.

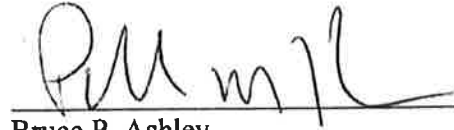
12. To the extent that title to the property identified in Paragraph No. 6 above has not already passed to the City of Greensboro, the property and area described in Paragraph No. 6 are hereby declared to be taken and title thereto, together with the immediate right of possession, shall vest in Plaintiff City of Greensboro according to the provisions of N.C. Gen. Stat. § 40A-42(a)(1).



**WHEREFORE**, Plaintiff City of Greensboro respectfully prays that the Court:

- and;
1. Make a determination of just compensation in accordance with applicable law;
  2. Grant such relief as the Court may deem appropriate.

This the 6th day of May, 2022



Bruce P. Ashley  
N.C. State Bar No. 13398  
[bashley@foxrothschild.com](mailto:bashley@foxrothschild.com)  
La-Deidre D. Matthews  
N.C. State Bar No. 54358  
[lmattews@foxrothschild.com](mailto:lmattews@foxrothschild.com)  
Patrick M. Kane  
N.C. State Bar No. 36861  
[pkane@foxrothschild.com](mailto:pkane@foxrothschild.com)

FOX ROTHSCHILD LLP  
230 N. Elm Street  
Suite 1200  
Greensboro, NC 27401  
Telephone: (336) 378-5200  
Facsimile: (336) 378-5400

*Attorneys for the City of Greensboro*

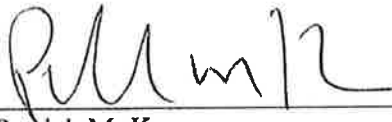
### CERTIFICATE OF SERVICE

This will certify that I have served the foregoing Amended Complaint, Declaration, and Notice of Deposit upon Defendant by depositing a copy of the same in the United States mail, postage prepaid, addressed to the following counsel of record:

William H. Flowe, Jr.  
P.O. Box 1315  
124 South Fayetteville Street  
Liberty, North Carolina 27298  
Telephone (336)622-2278

*Attorney for Monard, LLC*

This the 6<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Patrick M. Kane

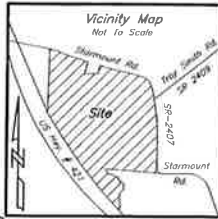


## **EXHIBIT A**

Parties Who Have or May Claim to Have an Interest in the Property

Monard, LLC  
c/o Ard Koopman, Registered Agent  
204 Loyd Road  
Statesville, NC 28625

Note: (1) Property Line Was Set Up 30.0' Parallel And Perpendicular To Existing Centerline Of Road. (As Shown On This Plat.)  
(2) Plots Along Road Not Set Unless Otherwise Noted.



NCGS Nod 83/2001  
Scale Factor = 999,999.99



## NORTH CAROLINA

I, GLENN LEE BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY BROKEN LINES, DEED DESCRIPTIONS AND OTHER INFORMATION ON RECORD ARE; (AS SHOWN ON THIS PLAT.)  
THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 15,000.0  
(COMPASS RULE). PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 13th DAY OF NOVEMBER, 2013.

*Glenn L. Brown*  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. L-3663

P.B. PG.

2013/11/13 10:38:56 AM  
11/13/2013 10:38:56 AM 1/1



Area = 135.723 Acres  
Area In R/W = 3.578 Acres  
Total Area = 139.301 Acres

N.C.G.S. - Dodson  
Concrete Monument  
N = 776,333.95'  
E = 1,811,699.53'



STATE OF NORTH CAROLINA

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

DATE: 11/13/13  
THIS PLAT MUST BE RECORDED WITHIN  
(60) SIXTY DAYS OF APPROVAL.

## FLOOD CERTIFICATE

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY IS:  
☐ IS NOT OR ☒ AS SHOWN ON PLAT, LOCATED IN A  
SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

100 Year (AE)

PANEL MAP # 37108716003

## LEGEND

EIP --- Existing Iron Pipe  
EIR --- Existing Iron Rod  
NIR --- New Iron Rod  
R/W --- Right of Way  
C.P. --- Computed Point  
C --- Contention  
Ex --- Existing

Ditch Or Creek Plotted By  
GPS Or County Mapping

Ditch Or Creek Located  
By An Actual Field Survey.

## CERTIFICATE

I, GLENN L. BROWN, PROFESSIONAL  
LAND SURVEYOR NO. L-3663, CERTIFY  
TO THE FOLLOWING:  
C) THAT THE SURVEY IS OF AN EXISTING  
PARCEL OF PARCELS OF LAND AND DOES  
NOT CREATE A NEW STREET OR CHANCE  
AN EXISTING STREET.

*Glenn L. Brown*  
GLENN L. BROWN,  
P.L.S. NO. -3663

| Line # | Bearing       | Distance |
|--------|---------------|----------|
| 116    | S 27°55'14" E | 71.00'   |
| 117    | S 30°04'03" E | 40.00'   |
| 118    | S 81°43'41" E | 14.00'   |
| 119    | N 83°47'48" E | 39.00'   |
| 120    | S 85°40'44" E | 37.00'   |
| 121    | S 58°41'36" E | 67.00'   |
| 122    | S 17°02'38" E | 57.00'   |
| 123    | S 80°36'40" E | 38.00'   |
| 124    | S 63°01'52" E | 43.00'   |
| 125    | S 88°52'50" E | 43.00'   |
| 126    | S 61°11'06" E | 30.00'   |
| 127    | S 24°27'14" E | 28.00'   |
| 128    | S 14°36'45" W | 40.00'   |
| 129    | S 21°41'12" W | 26.00'   |
| 130    | S 52°20'54" W | 85.00'   |
| 131    | S 08°54'18" W | 95.00'   |
| 132    | S 03°12'16" W | 80.00'   |
| 133    | S 00°05'10" E | 52.00'   |

N = 769,936.40'  
E = 1,815,458.72'

| Line # | Bearing       | Distance |
|--------|---------------|----------|
| 119    | S 09°30'01" E | 35.00'   |
| 110    | S 20°38'33" E | 30.00'   |
| 111    | S 39°43'39" E | 35.00'   |
| 112    | S 60°09'04" E | 42.00'   |
| 113    | S 76°29'39" E | 49.42'   |
| 114    | N 83°28'17" W | 101.67'  |

FINAL PLAT PREPARED FOR (Plat 2 of 2)

BEVERLY H. DESTEFANO

LIBERTY TOWNSHIP  
RANDOLPH COUNTY, NORTH CAROLINA

|                           |                   |
|---------------------------|-------------------|
| JOB ADD: STARMOUNT ROAD   | SCALE: 1" = 200'  |
| AREA = 139.301 TOTAL      | DATE: 11/13/13    |
| DEED REFERENCE: 1895/2298 | JOB NO.: G13084P2 |
|                           | CK BY: GLB        |

200 100 0 200 400 600  
SCALE IN FEET

SURVEYED BY  
*Glenn L. Brown*  
GLENN LEE BROWN, PLS  
912 SEQUOIA AVE., ASHEBORO, N.C. 27205  
PH (336) 625-6882 FAX (336) 625-6883



MONARD, LLC  
TO  
CITY OF GREENSBORO

## EXHIBIT C

GUILFORD COUNTY PARCEL NUMBER 82926

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### LIFT STATION

Beginning at a railroad spike (having North Carolina Grid NAD83/NSRS 2011 Coordinates of Northing: 770,771.05 US Survey Feet, Easting 1,816,470.83 US Survey Feet) in the centerline of Starmount Road, said spike being a corner of Grantor (now or formerly Monard, LLC as described and recorded in Deed Book 2438, Page 1149, and being all of Plat Book 138, Page 68 as shown on a map titled "Beverly H. Destefano" in the Office of the Register of Deeds of Guilford County, N.C.); thence along the southern property line of Grantor the following two (2) courses and distances: 1) North 85°29'23" West 101.61 feet to a new 7/8" iron pipe; thence 2) North 85°27'38" West 364.15 feet to a new 7/8" iron pipe at the proposed southwestern corner of the herein described tract; thence with a new line North 00°31'30" East 208.86 feet to the proposed northwestern corner of said tract; thence with a new line South 89°28'30" East 310.57 feet to a new 7/8" iron pipe at the proposed northeastern corner of said tract; thence continuing South 89°28'30" East 30.00 feet to a point in said centerline of Starmount Road; thence along said centerline of Starmount Road the following six (6) courses and distances: 1) South 00°38'10" West 120.61 feet to a point; thence 2) South 09°29'30" E 34.99 feet to a point; thence 3) South 20°38'22" East 29.99 feet to a point; thence 4) South 39°43'28" East 34.99 feet to a point; thence 5) South 60°08'33" East 41.99 feet to a point; thence 6) South 76°29'08" East 49.41 feet to the point of beginning, containing an area of 78,109 square feet of which 8,075 square feet lie within the existing margin.

For further reference, see Drawing G-1272 on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

filename: P05805D Lift Station.docx Initials: rvh

Date: 4/5/2022

## EXHIBIT D

MONARD, LLC  
TO  
CITY OF GREENSBORO

### RANDOLPH COUNTY REID 82926

A proposed permanent utility easement, designated as PUE Tract 0005-D, containing an area of 96,298 square feet more or less, being described as follows:

COMMENCING at an existing 7/8" iron (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 770,807.87 US Survey Feet, East 1,816,006.53 US Survey Feet) said iron being in the southern line of Monard, LLC as described and recorded in Deed Book 2438, Page 1149, said iron being southwest corner of City of Greensboro property as described and recorded in Deed Book 2792, Page 1236 and in a southern line of Plat Book 138, Page 68 as described in the Office of the Register of Deeds of Randolph County, N.C.; thence with the western line of said City of Greensboro property North 00°31'30" East 40.13 feet to the point and place of BEGINNING and being the northeast corner of an existing permanent utility easement as recorded in Deed Book 2792, Page 1236; thence with a northern line of said permanent utility easement and crossing said Monard, LLC property North 85°27'46" West 223.20 feet to a point; thence on a new line and crossing said Monard, LLC property the nine (9) following courses and distances:

1) North 04°59'51" East. 175.84 feet to a point; thence 2) North 00°22'48" West 179.09 feet to a point; thence 3) North 08°46'44" West 265.58 feet to a point; thence 4) North 10°56'16" East 235.77 feet to a point; thence 5) North 10°55'55" East 314.48 feet to a point; thence 6) North 09°00'28" East 283.24 feet to a point; thence 7) North 15°46'41" East 273.38 feet to a point thence 8) North 33°13'44" East 269.10 feet to a point; thence 9) North 58°49'05" East 85.93' to a point in the centerline of Starmount Road and the northeastern line of the property as recorded in said Plat Book 138, Page 68; thence with the centerline of said Starmount Road South 15°57'13" East 41.46 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen (14) following courses and distances 1) South 58°49'05" West 65.95 feet to a point; thence 2) South 33°13'44" West 253.88 feet to a point; thence 3) South 15°46'41" West 211.35 feet to a point; 4) South 73°03'02" East 10.00 feet to a point; thence 5) South 15°46'21" West 52.73 feet to a point; thence 6) South 09°00'28" West 281.12 feet to a point; thence 7) South 10°55'55" West 315.32 feet to a point thence 8) South 10°54'57" West 66.56 feet to a point; thence 9) North 79°16'42" West 9.98 feet to a point; thence 10) South 10°57'17" West 162.23 feet to a point; thence 11) South 08°46'44" East 261.57 feet to a point; thence 12) South 00°22'48" East 183.91 feet to a point; thence 13) South 04°59'51" West 139.28 feet to a point; thence 14) South 85°05'31" East 180.31 feet to a point in the western line of said City of Greensboro property; thence with the City of Greensboro property and Monard, LLC property South 00°31'30" West 37.04 feet to the point and place of BEGINNING, and containing 96,298 square feet more or less.

### TEMPORARY CONTRUCTION EASEMENT

A proposed temporary construction easement, designated as TCE Tract 0005-C containing an area of 21,830 square feet more or less, is to exist during the period of construction only, being described as follows:

COMMENCING at an existing 7/8" iron (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 770,807.87 US Survey Feet, East 1,816,006.53 US Survey Feet) said iron being in the southern line of Monard, LLC as described above and the southwest corner of City of Greensboro as described above; thence with the western line of said City of Greensboro North 00°31'30" East 77.17 feet to the point and place of BEGINNING and lying in the northern line of the above



described permanent utility easement 0001-D; thence with the northern and eastern line of the above described easement and crossing said Monard, LLC property the fourteen (14) following courses and distances:

1) North 85°05'31" West 180.31 feet to a point; thence 2) North 04°59'51" East 139.28 feet to a point; thence 3) North 00°22'48" West 183.91 feet to a point; thence 4) North 08°46'44" West 261.57 feet to a point; thence 5) North 10°57'17" East 162.23 feet to a point; thence 6) South 79°16'42" East 9.98 feet to a point; thence 7) North 10°54'57" East 66.56 feet to a point; thence 8) North 10°55'55" East 315.32 feet to a point; thence 9) North 09°00'28" East 281.12 feet to a point; thence 10) North 15°46'21" East 52.73 feet to a point; thence 11) North 73°03'02" West 10.00 feet to a point; thence 12) North 15°46'41" East 211.35 feet to a point; thence 13) North 33°13'44" East 253.88 feet to a point; thence 14) North 58°49'05" East 65.95 feet to a point in the centerline of Starmount Road and the northern property line of Monard, LCC; thence with the centerline of said Starmount Road South 15°57'13" East 10.36 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen following courses and distances: 1) South 58°49'05" West 60.96 feet to a point; thence 2) South 33°13'44" West 250.07 feet to a point; thence 3) South 15°46'41" West 199.95 feet to a point; thence 4) South 74°03'40" East 10.09 feet to a point; thence 5) South 15°51'54" West 62.18 feet to a point; thence 6) South 09°00'28" West 280.69 feet to a point; thence 7) South 10°55'55" West 315.49 feet to a point; thence 8) South 10°35'07" West 76.15 feet to a point; thence 9) North 81°46'19" West 9.98 feet to a point; thence 10) South 11°07'34" West 150.47 feet to a point; thence 11) South 08°46'44" East 260.56 feet to a point; thence 12) South 00°22'48" East 185.11 feet to a point; thence 13) South 04°59'51" West 129.73 feet to a point; thence 14) South 85°05'31" East 169.53 feet to a point in the western line of said City of Greensboro property; thence with the City of Greensboro property and Monard, LLC property South 00°31'30" West 10.03 feet to the point and place of BEGINNING, and containing 21,830 square feet more or less

For further reference, see Drawings G-1363A and G-1363B on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

filename: P05805E 0005.docx    Initials: BB    Date: 3/16/2022

# EXHIBIT E

MONARD, LLC  
TO  
CITY OF GREENSBORO

## RANDOLPH COUNTY REID 82926

A proposed permanent utility easement, designated as PUE Tract 0001-D, containing an area of 26,745 square feet more or less, being described as follows:

COMMENCING at an existing 5/8" rod (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 773,370.53 US Survey Feet, East 1,814,718.38 US Survey Feet) said iron being in the southern line right-of-way of Starmount Drive, a corner of Monard, LLC as described and recorded in Deed Book 2438, Page 1149 and the northwest corner of Duane F. Wall and wife Carol S. Wall property as described and recorded in Deed Book 2242, Page 407 in the Office of Randolph County Register of Deeds of N. C.; thence with the western line of said Wall property North 14°17'40" East 1.60 feet; thence on a new line and crossing said Wall property the three (3) following courses and distances:

1) South 68°17'30" East 148.89 feet to a point thence 2) South 68°17'30" East 138.72 feet to a point; thence 3) South 71°01'30" East 5.47 feet to the point and place of BEGINNING being in the eastern line of said Wall property and a line of Monard, LLC property; thence with said Wall property and Monard, LLC property North 11°17'40" East 21.61 feet to a point; thence on a new line and crossing said Monard, LLC property the twenty-five (25) following courses and distances: 1) South 70°25'45" East 23.73 feet to a point; thence 2) South 69°56'13" East 20.41 feet to a point; thence 3) South 70°31'24" East 26.01 feet to a point; thence 4) on a curve to the left (having a radius of 2711.15') an arc distance of 174.06 feet, said curve having a chord bearing and distance of South 73°33'40" East 174.03 feet to a point; thence; thence 5) South 76°08'22" East 59.27 feet to a point; thence 6) South 76°25'57" East 79.66 feet to a point; thence 7) South 76°50'17" East 49.03 feet to a point; thence 8) South 76°52'36" East 167.35 feet to a point; thence 9) South 76°31'56" East 153.64 feet to a point; thence 10) South 75°31'54" East 57.60 feet to a point; thence 11) South 74°45'39" East 82.24 feet to a point; thence 12) South 73°28'14" East 30.94 feet to a point; thence 13) South 72°43'54" East 54.09 feet to a point; thence 14) South 72°34'32" East 19.50 feet to a point thence 15) South 70°29'10" East 38.07 feet to a point; thence 16) South 68°29'03" East 35.43 feet to a point; thence 17) on a curve to the right (having a radius of 250') an arc distance of 58.27 feet, said curve having a chord bearing an distance of South 61°48'27" East 58.13 feet to a point; thence 18) South 55°07'50" East 19.06 feet to a point; thence 19) South 52°54'47" East 20.12 feet to a point; thence 20) thence South 47°43'44" East 6.68 feet to a point; thence 21) South 43°53'23" East 20.29 feet to a point; 22) thence South 40°08'20" East 33.39 feet to a point; 23) thence on a curve to the right (having a radius of 215.76') an arc distance of 68.50 feet, said curve having a chord bearing and distance of South 29°26'59" East 68.21 feet to a point; thence 24) South 20°51'20" East 13.30 feet to a point; thence 25) South 20°13'47" East 6.83 feet to a point in the northern line of the permanent utility easement described above and designated as PUE Tract 0001-D; thence with the northern line of said easement South 58°49'05" West 18.70 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen (14) courses and distances: thence 1) North 15°57'13" West 10.25 feet to a point; thence 2) North 26°41'13" West 27.23 feet to a point; thence 3) North 26°41'13" West 22.92 feet to a point; thence 4) North 34°26'25" West 22.28 feet to a point; thence 5) North 34°26'25" West 22.80 feet to a point; thence 7) North 48°08'09" West 57.10 feet to a point; thence 7) North 58°52'09" West 54.43 feet to a point; thence 8) North 69°20'49" West 51.66 feet to a point; thence 9) North 71°36'22" West 131.81 feet to a point; thence 10) North 75°30'23" West 198.64 feet to a point; thence 11) North 76°49'00" West 269.67 feet to a point; thence 12) North 76°49'00" West 124.13 feet to a point; thence 13) North 75°16'13" West 160.85 feet to a point; thence 14) North 71°31'31" West 147.20



feet to a point, the point and place of BEGINNING and containing 26,745 square feet more or less.

#### **TEMPORARY CONTRUCTION EASEMENT**

A proposed temporary construction easement, designated as TCE Tract 0001-C1 containing an area of 379 square feet more or less, is to exist during the period of construction only, being described as follows:

Commencing at an existing PK Nail having North Carolina Grid (NAD83/NSRS2011) coordinates of North 772,888.91 US Survey Feet, East 1,816,175.98 US Survey Feet thence with the center line of said Starmount Drive and the northern line of Monard, LLC property as described and recorded in Deed Book 2438, Page 1149 in said Randolph County Registry; three (3) following courses and distances: 1) South 26°41'13" East 55.00 feet to a point; thence 2) South 15°57'13" East 4.90 feet to a point; thence 3) South 58°49'05" West 31.09 feet to a point and place of BEGINNING; thence continuing with said permanent utility easement South 58°49'05" West 10.36 feet to a point; thence on a new line and crossing said Monard, LLC property the three (3) following courses and distances: 1) North 15°57'13" West 12.03 feet to a point; 2) thence North 26°41'13" West 26.29 feet to a point; thence 3) North 63°18'47" East 10.00 feet to a point in the southern line of the above described PUE Tract 0001-D; thence with said easement the two following courses and distances: 1) South 26°41'13" East 27.23 feet to a point; thence 2) South 15°57'13" East 10.25 feet to the point and place of BEGINNING and containing 379 square feet more or less.

#### **TEMPORARY CONTRUCTION EASEMENT**

A proposed temporary construction easement, designated as TCE Tract 0001-C2 containing an area of 12,144 square feet more or less, is to exist during the period of construction only, being described as follows:

COMMENCING at an existing 5/8" rod (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 773,370.53 US Survey Feet, East 1,814,718.38 US Survey Feet) said iron being in the southern line right-of-way of Starmount Drive a corner of Monard, LLC as described recorded in Deed Book 2438, Page 1149 and the northwest corner of Duane F. Wall and wife Carol S. Wall as described and recorded in Deed Book 2242, page 407 in said Randolph Country Registry; thence with the western line of said Wall property North 14°17'40" East 1.60 feet; thence on a new line and crossing said Wall property the three (3) following courses and distances: 1) South 68°17'30" East 148.89 feet to a point thence 2) South 68°17'30" East 138.72 feet to a point; thence 3) South 71°01'30" East 5.47 feet to the point and place of BEGINNING; thence on a new line and crossing said Monard, LLC property the twenty two (22) following courses and distances: 1) South 71°31'31" East 147.20 feet to a point; thence 2) South 75°16'13" East 160.85 feet to a point; thence 3) South 76°49'00" East 124.13 feet to a point; thence 4) South 76°49'00" East 269.67 feet to a point; thence 5) South 75°30'23" East 198.64 feet to a point; thence 6) South 71°36'22" East 131.81 feet to a point; thence 7) South 69°20'49" East 51.66 feet to a point; thence 8) South 58°52'09" East 54.43 feet to a point; thence 9) South 48°08'09" East 57.10 feet to a point; thence 10) South 34°26'25" East 22.80 feet to a point; thence 11) South 55°33'35" West 10.00 feet to a point; thence 12) North 34°26'25" West 21.60 feet to a point; thence 13) North 48°08'09" West 54.96 feet to a point; thence 14) North 58°52'09" West 52.57 feet to a point; thence 15) North 69°20'49" West 50.54 feet to a point; thence 16) North 71°36'22" West 131.27 feet to a point; thence 17) North 75°30'23" West 198.18 feet to a point; thence 18) North 76°49'00" West 269.56 feet to a point; thence 19) North 76°49'00" West 124.27 feet to a point; thence 20) North 75°16'13" West 161.31 feet to a point; thence 21) North 71°31'31" West 146.27 feet to a point; thence 22) North 11°17'40" East 10.08 feet to the point and place of BEGINNING and containing 12,144 square feet more or less.

For further reference, see Drawings G-1364A and G-1364B on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

filename: P05805F 0001.docx    Initials: BB    Date: 3/1/2022



STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY

2022 MAY -6 P 12: 57

SUPERIOR COURT DIVISION

18 CVS 9989

GUILFORD CO. C.S.C.

CITY OF GREENSBORO,

BY

Plaintiff,

vs.

MONARD, LLC,

Defendant.

**AMENDED COMPLAINT,  
DECLARATION, AND NOTICE OF  
DEPOSIT**

Plaintiff City of Greensboro, pursuant to Rule 15 of the North Carolina Rules of Civil Procedure and upon written consent of the Defendant Monard, LLC through its counsel, hereby amends its Complaint as follows:

1. Plaintiff City of Greensboro is a municipal corporation organized and existing under the laws of the State of North Carolina.
2. The North Carolina General Assembly has vested Plaintiff City of Greensboro with the power of eminent domain through N.C. Gen. Stat. § 40A-40 et seq.
3. Plaintiff has determined that it is necessary and in the public interest to acquire the property that is the subject of this declaration of taking for the Guilford/Randolph Mega-Site Sewer Project, a public enterprise as defined in N.C. Gen. Stat. § 160A-311 and its subsections.
4. The entity identified by name and address on Exhibit A hereto is -- so far as the same can be ascertained through reasonable diligence -- the only entity who may have or claim to have an interest in the property that is the subject of this declaration of taking. To Plaintiff City of Greensboro's knowledge and belief, the entity under no legal disability. The entity has appeared in this matter through counsel and filed an Answer to the original Complaint.

5. The tract of land that the acquisition affects is known as 5651 Starmount Road, Liberty, North Carolina (parcel identification number 82926) and more particularly described in the attached Exhibit B.

6. The following property is being taken:

- a. a 70,034-square-foot parcel in fee as more particularly described in the attached Exhibit C;
- b. a 96,298 square-foot permanent utility easement and a 21,830 square-foot temporary construction easement as more particularly described in Exhibit D; and
- c. a 26,745 square-foot permanent utility easement, a 379 square-foot temporary construction easement, and a 12,144 square-foot temporary construction easement as more particularly described in Exhibit E.

7. In compliance with N.C. Gen. Stat. § 40A-40, at least 30 days prior to the filing of this action, notice of Plaintiff's intent to institute this action was duly given to the owners whose name and addresses could be ascertained with reasonable diligence, and who are listed on Exhibit A hereto.

8. Plaintiff estimates the sum of \$25,982.20 to be just compensation for the taking of the 70,034-square-foot parcel described in Exhibit C. Plaintiff estimates the sum of \$37,442.80 to be just compensation for the taking of the easements described in Exhibits D and E.

9. At the time Plaintiff filed the original Complaint in this action on December 31, 2018, Plaintiff deposited \$48,925.00 with the Superior Court of Guilford County, North Carolina as compensation for the property then being taken. Plaintiff hereby gives notice that it has this date deposited an additional \$14,500.00 with the Superior Court of Guilford County, North Carolina as



compensation for the additional property now being taken through this Amended Complaint. To the extent Defendant has not already sought disbursement of the prior deposit, Defendant may apply to the Court for disbursement of the sum of \$63,425.00 as full compensation, or as a credit against just compensation, as may be determined in this action.

10. Consistent with the Plaintiff City of Greensboro's process upon the filing of the original Complaint, Plaintiff City of Greensboro will permit Defendant to remove any timber, buildings, structures, permanent improvements, or fixtures situated on or affixed to the additional property now being taken, as reflected set forth in Paragraph No. 6 above. In order to remove any items from the additional property now being taken, Defendant must make a written request to the Plaintiff City of Greensboro through its undersigned counsel. All requests must be received within 20 days after service of this Amended Complaint, Declaration of Taking and Notice of Deposit upon Defendant. Plaintiff City of Greensboro and Defendant will then come to a mutually agreeable time period for any such removal, but in all cases the removal shall be completed within 30 days from the making of a proper written request for removal unless otherwise agreed upon by the Parties. A failure to make a timely and proper request will waive Defendants' right to remove items.

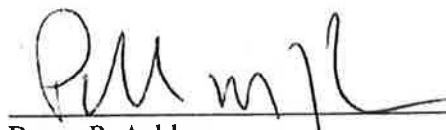
11. The property that is the subject of this declaration of taking, insofar as the same can by reasonable diligence be ascertained, is not subject to any liens or encumbrances.

12. To the extent that title to the property identified in Paragraph No. 6 above has not already passed to the City of Greensboro, the property and area described in Paragraph No. 6 are hereby declared to be taken and title thereto, together with the immediate right of possession, shall vest in Plaintiff City of Greensboro according to the provisions of N.C. Gen. Stat. § 40A-42(a)(1).

**WHEREFORE**, Plaintiff City of Greensboro respectfully prays that the Court:

- and;
1. Make a determination of just compensation in accordance with applicable law;
  2. Grant such relief as the Court may deem appropriate.

This the 6th day of May, 2022



Bruce P. Ashley  
N.C. State Bar No. 13398  
[bashley@foxrothschild.com](mailto:bashley@foxrothschild.com)  
La-Deidre D. Matthews  
N.C. State Bar No. 54358  
[lmattthews@foxrothschild.com](mailto:lmattthews@foxrothschild.com)  
Patrick M. Kane  
N.C. State Bar No. 36861  
[pkane@foxrothschild.com](mailto:pkane@foxrothschild.com)

FOX ROTHSCHILD LLP  
230 N. Elm Street  
Suite 1200  
Greensboro, NC 27401  
Telephone: (336) 378-5200  
Facsimile: (336) 378-5400

*Attorneys for the City of Greensboro*

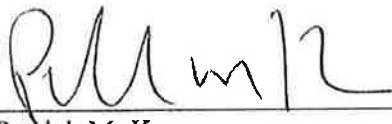
### CERTIFICATE OF SERVICE

This will certify that I have served the foregoing Amended Complaint, Declaration, and Notice of Deposit upon Defendant by depositing a copy of the same in the United States mail, postage prepaid, addressed to the following counsel of record:

William H. Flowe, Jr.  
P.O. Box 1315  
124 South Fayetteville Street  
Liberty, North Carolina 27298  
Telephone (336)622-2278

*Attorney for Monard, LLC*

This the 6<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Patrick M. Kane

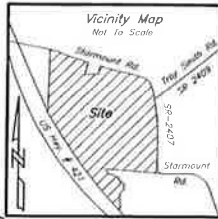


## **EXHIBIT A**

Parties Who Have or May Claim to Have an Interest in the Property

Monard, LLC  
c/o Ard Koopman, Registered Agent  
204 Loyd Road  
Statesville, NC 28625

Note: (1) Property Line Was Set Up 30.0' Parallel And Perpendicular To Existing Centerline Of Road. (As Shown On This Plat.)  
(2) Plots Along Road Not Set Unless Otherwise Noted.



NCGS Nod 83/2001  
Scale Factor = 999,999.99



| Line # | Bearing       | Distance |
|--------|---------------|----------|
| 1.1    | N 71°07'12" W | 18.36'   |
| 1.2    | N 11°16'30" E | 30.34'   |
| 1.3    | S 69°21'50" E | 55.00'   |
| 1.4    | S 58°51'10" E | 60.00'   |
| 1.5    | S 48°09'30" E | 83.52'   |
| 1.6    | S 34°22'15" E | 50.95'   |
| 1.7    | S 26°42'14" E | 55.00'   |
| 1.8    | S 15°58'14" E | 100.00'  |

## NORTH CAROLINA

I, GLENN LEE BROWN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY BROKEN LINES, DEED DESCRIPTIONS AND OTHER INFORMATION ON RECORD ARE, (AS SHOWN ON THIS PLAT).  
THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 15,000.1.  
(COMPASS RULE), PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15th DAY OF NOVEMBER, 2013.

*Glenn L. Brown*  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. L-3663

P.B. PG.

2013/11/20 09:34:00  
Bk: 138 Pg: 58  
11/13/2013 10:30:55 AM 1/1



Area = 135.723 Acres  
Area In R/W = 3.578 Acres  
Total Area = 139.301 Acres

N.C.G.S. - Dodson  
Concrete Monument  
N = 776,333.95'  
E = 1,811,699.55'



STATE OF NORTH CAROLINA

*Jim M. Wood*  
REVIEW OFFICER OF  
RANDOLPH COUNTY, CERTIFY THAT THE MAP OR PLAT  
TO WHICH THIS CERTIFICATION APPLIED MEETS ALL STATUTORY  
REQUIREMENTS FOR RECORDING.  
11/13/13  
DATE: THIS PLAT MUST BE RECORDED WITHIN  
(60) SIXTY DAYS OF APPROVAL.

## FLOOD CERTIFICATE

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY IS:  
☐ IS NOT OR ☒ AS SHOWN ON PLAT, LOCATED IN A  
SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

100 Year (AL)

PANEL MAP # 37108716003

## LEGEND

EIP --- Existing Iron Pipe  
EIR --- Existing Iron Rod  
NIR --- New Iron Rod  
R/W --- Right Of Way  
C.P. --- Computed Point  
C --- Centerline  
Ex --- Existing  
Ditch Or Creek Plotted By  
GPS Or County Mapping

Ditch Or Creek Located  
By An Actual Field Survey

N.C.G.S. - Sandy  
Concrete Monument  
N = 770,387.95'  
E = 1,814,339.54'

## CERTIFICATE

I, GLENN L. BROWN, PROFESSIONAL  
LAND SURVEYOR NO. L-3663, CERTIFY  
TO THE FOLLOWING:  
(1) THAT THE SURVEY IS OF AN EXISTING  
PARCEL OR PARCELS OF LAND AND DOES  
NOT CREATE A NEW STREET OR CHANGE  
AN EXISTING STREET.  
*Glenn L. Brown*  
GLENN L. BROWN,  
P.L.S. NO. -3663

| Line # | Bearing       | Distance |
|--------|---------------|----------|
| 116    | S 27°55'14" E | 71.00'   |
| 117    | S 39°34'03" E | 40.00'   |
| 118    | S 81°43'41" E | 14.00'   |
| 119    | N 83°47'48" E | 28.00'   |
| 120    | S 86°49'44" E | 37.00'   |
| 121    | S 58°41'36" E | 67.00'   |
| 122    | S 17°02'38" E | 57.00'   |
| 123    | S 60°58'40" E | 38.00'   |
| 124    | S 67°01'52" E | 43.00'   |
| 125    | S 81°52'50" E | 43.00'   |
| 126    | S 61°11'06" E | 30.00'   |
| 127    | S 24°27'14" E | 28.00'   |
| 128    | S 14°36'45" W | 40.00'   |
| 129    | S 21°41'42" W | 26.00'   |
| 130    | S 62°20'54" W | 85.00'   |
| 131    | S 08°54'18" W | 55.00'   |
| 132    | S 03°12'16" W | 80.00'   |
| 133    | S 00°05'10" E | 52.00'   |

N = 769,936.40'  
E = 1,815,458.72'

| Line # | Bearing       | Distance |
|--------|---------------|----------|
| 89     | S 09°39'01" E | 35.00'   |
| 110    | S 20°38'03" E | 30.00'   |
| 111    | S 39°43'39" E | 35.00'   |
| 112    | S 60°09'04" E | 42.00'   |
| 113    | S 76°23'39" E | 49.42'   |
| 114    | N 83°28'17" W | 101.62'  |

FINAL PLAT PREPARED FOR (Plat 2 of 2)

BEVERLY H. DESTEFANO

LIBERTY TOWNSHIP  
RANDOLPH COUNTY, NORTH CAROLINA

|                           |                   |
|---------------------------|-------------------|
| JOB ADD: STARMOUNT ROAD   | SCALE: 1" = 200'  |
| AREA = 139.301 TOTAL      | DATE: 11/13/13    |
| DETO REFERENCE: 1895/2298 | JOB NO.: G13084P2 |
|                           | CK BY: GLB        |

200 100 0 200 400 600  
SCALE IN FEET

SURVEYED BY  
*Glenn L. Brown*  
GLENN LEE BROWN, PLS  
912 SEQUOIA AVE., ASHEBORO, N. C. 27205  
PH (336) 625-6882 FAX (336) 625-6883

MONARD, LLC  
TO  
CITY OF GREENSBORO

## EXHIBIT C

GUILFORD COUNTY PARCEL NUMBER 82926

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### LIFT STATION

Beginning at a railroad spike (having North Carolina Grid NAD83/NSRS 2011 Coordinates of Northing: 770,771.05 US Survey Feet, Easting 1,816,470.83 US Survey Feet) in the centerline of Starmount Road, said spike being a corner of Grantor (now or formerly Monard, LLC as described and recorded in Deed Book 2438, Page 1149, and being all of Plat Book 138, Page 68 as shown on a map titled "Beverly H. Destefano" in the Office of the Register of Deeds of Guilford County, N.C.); thence along the southern property line of Grantor the following two (2) courses and distances: 1) North 85°29'23" West 101.61 feet to a new 7/8" iron pipe; thence 2) North 85°27'38" West 364.15 feet to a new 7/8" iron pipe at the proposed southwestern corner of the herein described tract; thence with a new line North 00°31'30" East 208.86 feet to the proposed northwestern corner of said tract; thence with a new line South 89°28'30" East 310.57 feet to a new 7/8" iron pipe at the proposed northeastern corner of said tract; thence continuing South 89°28'30" East 30.00 feet to a point in said centerline of Starmount Road; thence along said centerline of Starmount Road the following six (6) courses and distances: 1) South 00°38'10" West 120.61 feet to a point; thence 2) South 09°29'30" E 34.99 feet to a point; thence 3) South 20°38'22" East 29.99 feet to a point; thence 4) South 39°43'28" East 34.99 feet to a point; thence 5) South 60°08'33" East 41.99 feet to a point; thence 6) South 76°29'08" East 49.41 feet to the point of beginning, containing an area of 78,109 square feet of which 8,075 square feet lie within the existing margin.

For further reference, see Drawing G-1272 on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

filename: P05805D Lift Station.docx Initials: rvh

Date: 4/5/2022



## **EXHIBIT D**

**MONARD, LLC  
TO  
CITY OF GREENSBORO**

### **RANDOLPH COUNTY REID 82926**

A proposed permanent utility easement, designated as PUE Tract 0005-D, containing an area of 96,298 square feet more or less, being described as follows:

COMMENCING at an existing 7/8" iron (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 770,807.87 US Survey Feet, East 1,816,006.53 US Survey Feet) said iron being in the southern line of Monard, LLC as described and recorded in Deed Book 2438, Page 1149, said iron being southwest corner of City of Greensboro property as described and recorded in Deed Book 2792, Page 1236 and in a southern line of Plat Book 138, Page 68 as described in the Office of the Register of Deeds of Randolph County, N.C.; thence with the western line of said City of Greensboro property North 00°31'30" East 40.13 feet to the point and place of BEGINNING and being the northeast corner of an existing permanent utility easement as recorded in Deed Book 2792, Page 1236; thence with a northern line of said permanent utility easement and crossing said Monard, LLC property North 85°27'46" West 223.20 feet to a point; thence on a new line and crossing said Monard, LLC property the nine (9) following courses and distances:

1) North 04°59'51" East. 175.84 feet to a point; thence 2) North 00°22'48" West 179.09 feet to a point; thence 3) North 08°46'44" West 265.58 feet to a point; thence 4) North 10°56'16" East 235.77 feet to a point; thence 5) North 10°55'55" East 314.48 feet to a point; thence 6) North 09°00'28" East 283.24 feet to a point; thence 7) North 15°46'41" East 273.38 feet to a point thence 8) North 33°13'44" East 269.10 feet to a point; thence 9) North 58°49'05" East 85.93' to a point in the centerline of Starmount Road and the northeastern line of the property as recorded in said Plat Book 138, Page 68; thence with the centerline of said Starmount Road South 15°57'13" East 41.46 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen (14) following courses and distances 1) South 58°49'05" West 65.95 feet to a point; thence 2) South 33°13'44" West 253.88 feet to a point; thence 3) South 15°46'41" West 211.35 feet to a point; 4) South 73°03'02" East 10.00 feet to a point; thence 5) South 15°46'21" West 52.73 feet to a point; thence 6) South 09°00'28" West 281.12 feet to a point; thence 7) South 10°55'55" West 315.32 feet to a point thence 8) South 10°54'57" West 66.56 feet to a point; thence 9) North 79°16'42" West 9.98 feet to a point; thence 10) South 10°57'17" West 162.23 feet to a point; thence 11) South 08°46'44" East 261.57 feet to a point; thence 12) South 00°22'48" East 183.91 feet to a point; thence 13) South 04°59'51" West 139.28 feet to a point; thence 14) South 85°05'31" East 180.31 feet to a point in the western line of said City of Greensboro property; thence with the City of Greensboro property and Monard, LLC property South 00°31'30" West 37.04 feet to the point and place of BEGINNING, and containing 96,298 square feet more or less.

### **TEMPORARY CONTRUCTION EASEMENT**

A proposed temporary construction easement, designated as TCE Tract 0005-C containing an area of 21,830 square feet more or less, is to exist during the period of construction only, being described as follows:

COMMENCING at an existing 7/8" iron (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 770,807.87 US Survey Feet, East 1,816,006.53 US Survey Feet) said iron being in the southern line of Monard, LLC as described above and the southwest corner of City of Greensboro as described above; thence with the western line of said City of Greensboro North 00°31'30" East 77.17 feet to the point and place of BEGINNING and lying in the northern line of the above

described permanent utility easement 0001-D; thence with the northern and eastern line of the above described easement and crossing said Monard, LLC property the fourteen (14) following courses and distances:

1) North 85°05'31" West 180.31 feet to a point; thence 2) North 04°59'51" East 139.28 feet to a point; thence 3) North 00°22'48" West 183.91 feet to a point; thence 4) North 08°46'44" West 261.57 feet to a point; thence 5) North 10°57'17" East 162.23 feet to a point; thence 6) South 79°16'42" East 9.98 feet to a point; thence 7) North 10°54'57" East 66.56 feet to a point; thence 8) North 10°55'55" East 315.32 feet to a point; thence 9) North 09°00'28" East 281.12 feet to a point; thence 10) North 15°46'21" East 52.73 feet to a point; thence 11) North 73°03'02" West 10.00 feet to a point; thence 12) North 15°46'41" East 211.35 feet to a point; thence 13) North 33°13'44" East 253.88 feet to a point; thence 14) North 58°49'05" East 65.95 feet to a point in the centerline of Starmount Road and the northern property line of Monard, LCC; thence with the centerline of said Starmount Road South 15°57'13" East 10.36 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen following courses and distances: 1) South 58°49'05" West 60.96 feet to a point; thence 2) South 33°13'44" West 250.07 feet to a point; thence 3) South 15°46'41" West 199.95 feet to a point; thence 4) South 74°03'40" East 10.09 feet to a point; thence 5) South 15°51'54" West 62.18 feet to a point; thence 6) South 09°00'28" West 280.69 feet to a point; thence 7) South 10°55'55" West 315.49 feet to a point; thence 8) South 10°35'07" West 76.15 feet to a point; thence 9) North 81°46'19" West 9.98 feet to a point; thence 10) South 11°07'34" West 150.47 feet to a point; thence 11) South 08°46'44" East 260.56 feet to a point; thence 12) South 00°22'48" East 185.11 feet to a point; thence 13) South 04°59'51" West 129.73 feet to a point; thence 14) South 85°05'31" East 169.53 feet to a point in the western line of said City of Greensboro property; thence with the City of Greensboro property and Monard, LLC property South 00°31'30" West 10.03 feet to the point and place of BEGINNING, and containing 21,830 square feet more or less

For further reference, see Drawings G-1363A and G-1363B on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

filename: P05805E 0005.docx    Initials: BB    Date: 3/16/2022

# EXHIBIT E

MONARD, LLC  
TO  
CITY OF GREENSBORO

## RANDOLPH COUNTY REID 82926

A proposed permanent utility easement, designated as PUE Tract 0001-D, containing an area of 26,745 square feet more or less, being described as follows:

COMMENCING at an existing 5/8" rod (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 773,370.53 US Survey Feet, East 1,814,718.38 US Survey Feet) said iron being in the southern line right-of-way of Starmount Drive, a corner of Monard, LLC as described and recorded in Deed Book 2438, Page 1149 and the northwest corner of Duane F. Wall and wife Carol S. Wall property as described and recorded in Deed Book 2242, Page 407 in the Office of Randolph County Register of Deeds of N. C.; thence with the western line of said Wall property North 14°17'40" East 1.60 feet; thence on a new line and crossing said Wall property the three (3) following courses and distances:

1) South 68°17'30" East 148.89 feet to a point; thence 2) South 68°17'30" East 138.72 feet to a point; thence 3) South 71°01'30" East 5.47 feet to the point and place of BEGINNING being in the eastern line of said Wall property and a line of Monard, LLC property; thence with said Wall property and Monard, LLC property North 11°17'40" East 21.61 feet to a point; thence on a new line and crossing said Monard, LLC property the twenty-five (25) following courses and distances: 1) South 70°25'45" East 23.73 feet to a point; thence 2) South 69°56'13" East 20.41 feet to a point; thence 3) South 70°31'24" East 26.01 feet to a point; thence 4) on a curve to the left (having a radius of 2711.15') an arc distance of 174.06 feet, said curve having a chord bearing and distance of South 73°33'40" East 174.03 feet to a point; thence; thence 5) South 76°08'22" East 59.27 feet to a point; thence 6) South 76°25'57" East 79.66 feet to a point; thence 7) South 76°50'17" East 49.03 feet to a point; thence 8) South 76°52'36" East 167.35 feet to a point; thence 9) South 76°31'56" East 153.64 feet to a point; thence 10) South 75°31'54" East 57.60 feet to a point; thence 11) South 74°45'39" East 82.24 feet to a point; thence 12) South 73°28'14" East 30.94 feet to a point; thence 13) South 72°43'54" East 54.09 feet to a point; thence 14) South 72°34'32" East 19.50 feet to a point; thence 15) South 70°29'10" East 38.07 feet to a point; thence 16) South 68°29'03" East 35.43 feet to a point; thence 17) on a curve to the right (having a radius of 250') an arc distance of 58.27 feet, said curve having a chord bearing and distance of South 61°48'27" East 58.13 feet to a point; thence 18) South 55°07'50" East 19.06 feet to a point; thence 19) South 52°54'47" East 20.12 feet to a point; thence 20) thence South 47°43'44" East 6.68 feet to a point; thence 21) South 43°53'23" East 20.29 feet to a point; thence 22) thence South 40°08'20" East 33.39 feet to a point; thence 23) thence on a curve to the right (having a radius of 215.76') an arc distance of 68.50 feet, said curve having a chord bearing and distance of South 29°26'59" East 68.21 feet to a point; thence 24) South 20°51'20" East 13.30 feet to a point; thence 25) South 20°13'47" East 6.83 feet to a point in the northern line of the permanent utility easement described above and designated as PUE Tract 0001-D; thence with the northern line of said easement South 58°49'05" West 18.70 feet to a point; thence on a new line and crossing said Monard, LLC property the fourteen (14) courses and distances: thence 1) North 15°57'13" West 10.25 feet to a point; thence 2) North 26°41'13" West 27.23 feet to a point; thence 3) North 26°41'13" West 22.92 feet to a point; thence 4) North 34°26'25" West 22.28 feet to a point; thence 5) North 34°26'25" West 22.80 feet to a point; thence 6) North 48°08'09" West 57.10 feet to a point; thence 7) North 58°52'09" West 54.43 feet to a point; thence 8) North 69°20'49" West 51.66 feet to a point; thence 9) North 71°36'22" West 131.81 feet to a point; thence 10) North 75°30'23" West 198.64 feet to a point; thence 11) North 76°49'00" West 269.67 feet to a point; thence 12) North 76°49'00" West 124.13 feet to a point; thence 13) North 75°16'13" West 160.85 feet to a point; thence 14) North 71°31'31" West 147.20



feet to a point, the point and place of BEGINNING and containing 26,745 square feet more or less.

#### **TEMPORARY CONTRUCTION EASEMENT**

A proposed temporary construction easement, designated as TCE Tract 0001-C1 containing an area of 379 square feet more or less, is to exist during the period of construction only, being described as follows:

Commencing at an existing PK Nail having North Carolina Grid (NAD83/NSRS2011) coordinates of North 772,888.91 US Survey Feet, East 1,816,175.98 US Survey Feet thence with the center line of said Starmount Drive and the northern line of Monard, LLC property as described and recorded in Deed Book 2438, Page 1149 in said Randolph County Registry; three (3) following courses and distances: 1) South 26°41'13" East 55.00 feet to a point; thence 2) South 15°57'13" East 4.90 feet to a point; thence 3) South 58°49'05" West 31.09 feet to a point and place of BEGINNING; thence continuing with said permanent utility easement South 58°49'05" West 10.36 feet to a point; thence on a new line and crossing said Monard, LLC property the three (3) following courses and distances: 1) North 15°57'13" West 12.03 feet to a point; 2) thence North 26°41'13" West 26.29 feet to a point; thence 3) North 63°18'47" East 10.00 feet to a point in the southern line of the above described PUE Tract 0001-D; thence with said easement the two following courses and distances: 1) South 26°41'13" East 27.23 feet to a point; thence 2) South 15°57'13" East 10.25 feet to the point and place of BEGINNING and containing 379 square feet more or less.

#### **TEMPORARY CONTRUCTION EASEMENT**

A proposed temporary construction easement, designated as TCE Tract 0001-C2 containing an area of 12,144 square feet more or less, is to exist during the period of construction only, being described as follows:

COMMENCING at an existing 5/8" rod (having North Carolina Grid NAD83/NSRS 2011 Coordinates of North 773,370.53 US Survey Feet, East 1,814,718.38 US Survey Feet) said iron being in the southern line right-of-way of Starmount Drive a corner of Monard, LLC as described recorded in Deed Book 2438, Page 1149 and the northwest corner of Duane F. Wall and wife Carol S. Wall as described and recorded in Deed Book 2242, page 407 in said Randolph Country Registry; thence with the western line of said Wall property North 14°17'40" East 1.60 feet; thence on a new line and crossing said Wall property the three (3) following courses and distances: 1) South 68°17'30" East 148.89 feet to a point thence 2) South 68°17'30" East 138.72 feet to a point; thence 3) South 71°01'30" East 5.47 feet to the point and place of BEGINNING; thence on a new line and crossing said Monard, LLC property the twenty two (22) following courses and distances: 1) South 71°31'31" East 147.20 feet to a point; thence 2) South 75°16'13" East 160.85 feet to a point; thence 3) South 76°49'00" East 124.13 feet to a point; thence 4) South 76°49'00" East 269.67 feet to a point; thence 5) South 75°30'23" East 198.64 feet to a point; thence 6) South 71°36'22" East 131.81 feet to a point; thence 7) South 69°20'49" East 51.66 feet to a point; thence 8) South 58°52'09" East 54.43 feet to a point; thence 9) South 48°08'09" East 57.10 feet to a point; thence 10) South 34°26'25" East 22.80 feet to a point; thence 11) South 55°33'35" West 10.00 feet to a point; thence 12) North 34°26'25" West 21.60 feet to a point; thence 13) North 48°08'09" West 54.96 feet to a point; thence 14) North 58°52'09" West 52.57 feet to a point; thence 15) North 69°20'49" West 50.54 feet to a point; thence 16) North 71°36'22" West 131.27 feet to a point; thence 17) North 75°30'23" West 198.18 feet to a point; thence 18) North 76°49'00" West 269.56 feet to a point; thence 19) North 76°49'00" West 124.27 feet to a point; thence 20) North 75°16'13" West 161.31 feet to a point; thence 21) North 71°31'31" West 146.27 feet to a point; thence 22) North 11°17'40" East 10.08 feet to the point and place of BEGINNING and containing 12,144 square feet more or less.

For further reference, see Drawings G-1364A and G-1364B on file with the City of Greensboro's Engineering and Inspections Department, Records Section.

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## COUNTY OF RANDOLPH

### **SPECIAL USE PERMIT REMINDERS**

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A Special Use Permit is a quasi-judicial action designated by the Randolph County Board of Commissioners to the Randolph County Planning Board. Special Use Permits only allow the specified use and the Randolph County Planning Board must find the following findings of fact:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. The use meets all required conditions and specifications as outlined in the *Randolph County Unified Development Ordinance*;
3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the *Randolph County Unified Development Ordinance*.

Only testimony by “expert witnesses” that can prove their status as an expert witness can be considered by the Planning Board for approving or denying a Special Use Permit.

In granting the Special Use Permit, the Planning Board may designate only those conditions as authorized by the North Carolina General Statutes. Any conditions shall be agreed to by the applicant or property owner in writing before the vote of the Planning Board for the conditions to be enforceable.

**When denying a Special Use Permit, the Board Member making the motion to deny the request should cite which of the above required findings of facts were NOT met.**





**COUNTY OF RANDOLPH  
ORDER APPROVING SPECIAL USE PERMIT**

**IN THE MATTER OF THE APPLICATION FOR SPECIAL USE PERMIT  
BY THE CITY OF GREENSBORO  
SPECIAL USE REQUEST #2022-00002160**

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**NORTH CAROLINA**

**RANDOLPH COUNTY  
PLANNING BOARD**

Having heard all the evidence and argument presented at the hearing on September 13, 2022, the Randolph County Planning Board finds that the application is complete, that the application complies with all of the applicable requirements of the *Randolph County Unified Development Ordinance* for the development proposed, and that therefore the application to make use of the property located on Starmount Rd for the purpose indicated is hereby **APPROVED**, subject to all applicable provisions of the *Randolph County Unified Development Ordinance*.

HAVING CONSIDERED ALL THE EVIDENCE PRESENTED, THE RANDOLPH COUNTY PLANNING BOARD **APPROVES** THE APPLICATION FOR A **SPECIAL USE PERMIT** FOR THE CITY OF GREENSBORO BASED UPON THE FOLLOWING:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. This conclusion is based on the following FINDINGS OF FACT:  
**Click here to enter findings of fact.**
2. That the use meets all required conditions and specifications. This conclusion is based on the following FINDINGS OF FACT:  
**Click here to enter findings of fact.**
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. This conclusion is based on the following FINDINGS OF FACT:  
**Click here to enter findings of fact.**
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the *Growth Management Plan* for Randolph County. This conclusion is based on the following FINDINGS OF FACT:  
**Click here to enter findings of fact.**

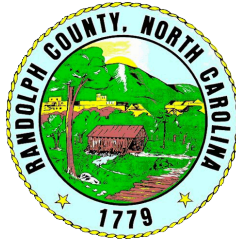
**IN WITNESS WHEREOF**, the Randolph County Planning Board has caused this Special Use Permit to be issued in its name and the property owners do hereby accept this Special Use Permit, together with all its conditions as binding on them and their successors in interest.

Adopted on September 13, 2022.

\_\_\_\_\_  
Chair, Randolph County Planning Board

**ATTEST**

\_\_\_\_\_  
Kimberly J. Heinzer,  
Clerk to the Randolph County Planning Board



## MOTION TO APPROVE SPECIAL USE PERMIT

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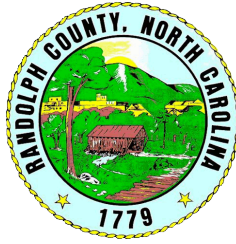
NORTH CAROLINA

RANDOLPH COUNTY  
PLANNING BOARD

“I make the motion to **APPROVE** this Special Use Permit request on the specified parcel(s) on the Special Use Permit application, based upon the sworn witness testimony that is included in the minutes, as well as the site plan(s) with any and all agreed-upon revisions, and that the use will not materially endanger the public health or safety, the use meets all required conditions and specifications, the use will not substantially injure the value of adjoining property, that the use is a public necessity and the location and character of the use if developed according to the plan(s) as submitted and approved, will be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.





## MOTION TO DENY SPECIAL USE PERMIT

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NORTH CAROLINA

RANDOLPH COUNTY  
PLANNING BOARD

“I make the motion to **DENY** this Special Use Permit request on the specified parcel(s) on the Special Use Permit application, based upon the sworn witness testimony that is included in the minutes, as well as the site plan(s) with any and all agreed-upon revisions, and that the use may materially endanger the public health or safety, or the use does not meet all required conditions and specifications, or the use may substantially injure the value of adjoining property, that the use is not a public necessity and the location and character of use if developed according to the plan(s) as submitted and approved, or will not be in harmony with the area and in general conformity with the *Randolph County Unified Development Ordinance*.”

If making a second to the motion, please change to say, “I second the motion . . .” and continue reading the rest of the motion.