



# Town of Mars Hill

## MAYOR AND BOARD OF ALDERMEN

### MINUTES

#### REGULAR MEETING

Mars Hill Town Hall – Conference Room

May 6, 2019 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, May 6, 2019 at 6:00 p.m. in the Mars Hill Town Hall.

**MEMBERS PRESENT:** Mayor John Chandler; Aldermen Larry Davis, Stuart Jolley, and Robert W. (Bob) Zink

Alderman Nicholas Honeycutt was absent.

**STAFF PRESENT:** Jamie Stokes, Town Attorney

**OTHERS PRESENT:** Lucy Pearson, Rosie Chandler, Brandon Quinn, Bill Downey, Bruce Anderson and other members of the general public

#### Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

#### Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review and discussion of the agenda, Mayor Chandler called for a motion. Alderman Stuart Jolley made a motion that the agenda be approved with the modification that “Item 6 – Town Manger Report” be removed as the Town Manger was not able to attend. Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

#### Approval of Minutes

The minutes of the regular and special meetings occurring on April 1, 2019 were presented. There being no modifications to the minutes, Alderman Bob Zink made a motion that the minutes be

approved as presented by management, Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

### **Petition Requesting Annexation**

Mayor Chandler then addressed the petition requesting annexation received from Eden Rock Enterprises, LLC and Brandon Quinn the LLC owner of record. This petition requests voluntary annexation of lands non-contiguous to the Town of Mars Hill located on Parkway View Drive. All Board members are familiar with this proposed residential subdivision project. The first step in the process is for the Board to direct the Town Clerk to investigate the sufficiency of the petition under N.C.G.S. 160A-58.1. The Board reviewed a resolution directing such action. Upon discussion of the resolution by the Board, Mayor Chandler called for a motion. Alderman Zink made a motion to approve the resolution “Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.1” regarding the subject Eden Rock, LLC property. Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment B)

The Mayor then addressed the second step in the annexation process which is for the Board to fix a date for a public hearing on this petition request upon completion of the Clerk’s investigation. Alderman Zink explained to the petitioner, Mr. Brandon Quinn, the public notice requirement for this process as required by the state and that the Board desires to get this completed as soon as possible. Upon completion of discussion of a public hearing date by the Board, Mayor Chandler called for a motion. Alderman Zink made a motion to approve the resolution “Fixing Date of Public Hearing on Questions of Annexation Pursuant to G.S. 160A-58.2” setting the public hearing for Monday, May 20, 2019 at 8:30 a.m. regarding the subject Eden Rock, LLC property. Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment C)

### **June Regular Meeting – Reschedule to June 24, 2019 at 6:00 p.m.**

Mayor Chandler then moved to address changing the June regular meeting date. As customary, the June meeting is delayed to later in the month to allow time to complete the budget process. The proposal is to conduct the regular meeting business and the public hearing for the budget on Monday, June 24, 2019 at 6:00 p.m. Town Attorney Jamie Stokes advised the Board she could not be present on that day due to a prior commitment. Upon completion of discussion by the Board, Mayor Chandler called for a motion. Alderman Davis made a motion to change the June regular meeting date to Monday, June 24, 2019 at 6:00 p.m. Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

### **Old Business**

The Mayor then asked if there was any “Old Business.” Town Attorney Ms. Jamie Stokes presented the Board a “Subdivision Roads Agreement” document for consideration by the Board. This document

serves as a template agreement the Town may use to describe the responsibilities of developers and other property owners in the construction and maintenance of subdivision and associated roadways to certain standards promulgated for acceptance and maintenance by the N.C. Department of Transportation. Upon completion of discussion by the Board and Ms. Stokes, Mayor Chandler called for a motion. Alderman Jolley made a motion to accept the “Subdivision Roads Agreement” as presented. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment D)

No additional Old Business.

### **New Business**

No New Business

### **Public Comment**

The Mayor the asked if there was any public comment. The first to speak was Ms. Lucy Pearson, a town resident representing the Madison County League of Women Voters. She explained that the League is a non-partisan organization that attempts to provide information to voters regarding candidates for elected office. She advised the League will host candidate forums this fall for those seeking local elected office and would like to host a forum for Mars Hill. The Board was agreeable to a forum and allowing the Town Hall to be used for that purpose. The Mayor directed Ms. Pearson to contact the Town Manager to schedule the event and thanked her for her attendance and information.

### **Closed Session (Pursuant to N.C.G.S. 143-318.11(a)(3))**

Alderman Zink made a motion to enter closed session pursuant to N.C.G.S. 143-318(a)(3) to discuss a legal matter. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

### *Closed Session*

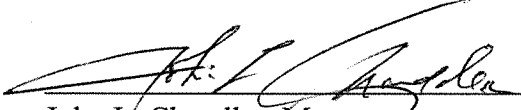
Upon completion of the business pertaining to the closed session, Mayor Chandler called for a motion to end the closed session. Alderman Davis made a motion to end the closed session and return the meeting to open session. Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to return to open session was unanimously approved.

### **Adjourn**

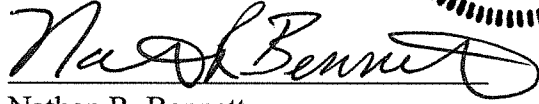
There being no further business before the Board, Mayor Chandler called for a motion to adjourn. Alderman Zink made a motion to adjourn, Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 24th day of June, 2019.

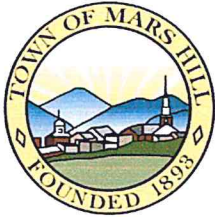


  
John L. Chandler, Mayor

ATTEST:



Nathan R. Bennett,  
Town Manager



**Town of Mars Hill**  
**MAYOR AND BOARD OF ALDERMEN**

**AGENDA**  
**REGULAR MEETING**  
***Mars Hill Town Hall Conference Room***  
***May 6, 2019 at 6:00 p.m.***

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Approval of Minutes: April 1, 2019 – Regular and Special Meeting
4. Petition Requesting Annexation – *Nathan Bennett, Town Manager*
  - a. Subject Property – Eden Rock Enterprises, LLC Property – Parkway View Road
  - b. **RESOLUTION** – Directing the Clerk Investigate a Petition Received for Annexation
  - c. **RESOLUTION** – Fixing Date of Public Hearing on Questions of Annexation
5. June Regular Meeting – Reschedule to June 24, 2019 at 6:00 p.m.
- ~~6. Town Manger Report – *Nathan Bennett, Town Manager*~~
7. Old Business
8. New Business
9. Public Comment
10. Closed Session (*Pursuant to N.C.G.S. 143-318.11(a)(3)*)
11. Adjourn



**Town of Mars Hill**  
**Mayor and Board of Aldermen**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-58.1**

**WHEREAS**, a petition requesting annexation of an area described in said petition (Attached hereto as Exhibit 1) has been received on April 8, 2019 by the Town of Mars Hill Board of Aldermen; and

**WHEREAS**, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Board of Aldermen of the Town of Mars Hill deems it advisable to proceed in response to this request for annexation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the Town of Mars Hill that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Aldermen the result of the investigation.



  
\_\_\_\_\_  
John L. Chandler, Mayor

Attest:

  
\_\_\_\_\_  
Stuart L. Jolley, Clerk



**Town of Mars Hill**  
**Mayor and Board of Aldermen**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION  
PURSUANT TO N.C.G.S. 160A-58.2 AS AMENDED**

**WHEREAS**, a petition requesting annexation of the non-contiguous area described herein has been received on April 8, 2019 by the Town of Mars Hill Board of Aldermen; and

**WHEREAS**, the Board of Aldermen has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

**WHEREAS**, the certification by the Town Clerk as to the sufficiency of said petition has been made.


**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the Town of Mars Hill, North Carolina:

- Section 1. That a Public Hearing on the question of annexation of the non-contiguous area described herein will be held at the Mars Hill Town Hall, 8:30 o'clock A. M. on the 20<sup>th</sup> day of May, 2019.
- Section 2. The area proposed for annexation is described as follows:  
  
(Insert metes and bounds description) - See Attached "Exhibit 1"
- Sections 3. Notice of said Public Hearing shall be published in The News Record-Sentinel, a newspaper having general circulation in the Town of Mars Hill, at least ten (10) days prior to the date of said Public Hearing.

Attest:

  
Stuart L. Jolley, Clerk



  
John L. Chandler, Mayor

"Exhibit 1"

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

DATE 4/08/2019

TO: Board of Aldermen, Town of Mars Hill

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Mars Hill.
2. The area to be annexed is non-contiguous to the Town of Mars Hill and the boundaries of such territory are as follows:  
  
(Insert Metes and Bounds Description of Boundaries)
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town.

	NAME	ADDRESS
1.	Brandon L Quinn	126 Green Acres Drive
2.		
3.		
4.		
5.		



Excise Tax \$340.00

Parcel Identifier Number: 9757-27-5463

Brief description for the Index: DB 118 pg 347, Tr. 2, PB 8 pg 902

Tract includes primary residence of a Grantor? No

This instrument was prepared by Norman C. Riddle, P.A., a North Carolina licensed attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

The Closing Attorney is/Return to Claxton Law Firm, Box # \_\_\_\_\_

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this April 4, 2019, by and between

GRANTOR: MELBA W. PAYNE, unmarried widow  
284 Chestnut Street  
Mars Hill, NC 28754

GRANTEE: EDEN ROCK ENTERPRISES, LLC  
A North Carolina Limited Liability Company  
P.O. Box 326  
Mars Hill, NC 28754

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Madison County, North Carolina, and more particularly described as follows:

**SEE ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE**

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

SUBJECT to *ad valorem* taxes for the current year (prorated through the date of Settlement); and utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property.

IN WITNESS WHEREOF the Grantor has hereunto set her hand and seal the date above written.

Melba W. Payne  
MELBA W. PAYNE

STATE OF NORTH CAROLINA, COUNTY OF BUNCOMBE

I, a Notary Public of the County and State aforesaid, certify that MELBA W. PAYNE personally came before me this day and, upon personal knowledge of identity or upon presentation of an acceptable form of identification, acknowledged the voluntary execution of the foregoing instrument for the purposes stated therein. Witness my hand and official stamp or seal, this April 4, 2019.

My commission expires 7-21-2023

Norman C. Riddle  
Notary Public sign here; firmly press seal in box

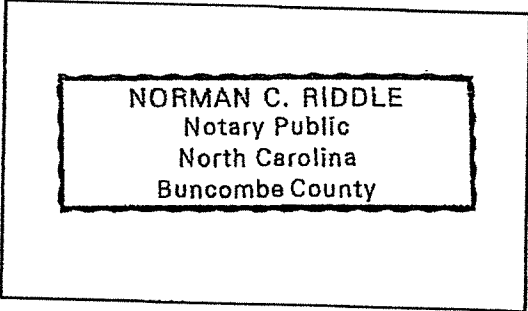


EXHIBIT A

BEING all of Tract 2, 6.575 acres, more or less, as shown on Boundary Plat for Eden Rock Enterprises recorded in Plat Book 8, Page 902, Madison County, North Carolina, Registry, reference to which is hereby made for a more particular description of the property.

Being the same property described in deed recorded in Book 118, Page 347, Madison County, North Carolina, Registry.

MADISON PIN 9757-27-6453

Excise Tax \$365.00

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Parcel Identifier Number: 9757-37-0413

Brief description for the Index: DB 118 pg 442, PB 4 pg 190; Tr. 3, PB 8 pg 902

Tract includes primary residence of a Grantor? No

This instrument was prepared by Norman C. Riddle, P.A., a North Carolina licensed attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

The Closing Attorney is/Return to Claxton Law Firm

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NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this April 4<sup>th</sup>, 2019, by and between

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GRANTOR: HAROLD FRANKLIN DEMSKO, Executor of the Estate of Orpha W. Dornisch (f.k.a. Orpha W. Demsko), deceased, and HAROLD FRANKLIN DEMSKO, Successor Trustee of The Orpha W. Dornisch Declaration of Trust dated January 16, 2008, and any amendments thereto  
6913 Tred Avon Place  
Gainesville, VA 20155

GRANTEE: EDEN ROCK ENTERPRISES, LLC  
A North Carolina Limited Liability Company  
P.O. Box 326  
Mars Hill, NC 28754

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The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Madison County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging

to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

SUBJECT to *ad valorem* taxes for the current year (prorated through the date of Settlement); and utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal the date above written.

Harold F. Demsko (SEAL)  
HAROLD FRANKLIN DEMSKO, Executor of the Estate of Orpha W. Dornisch, deceased

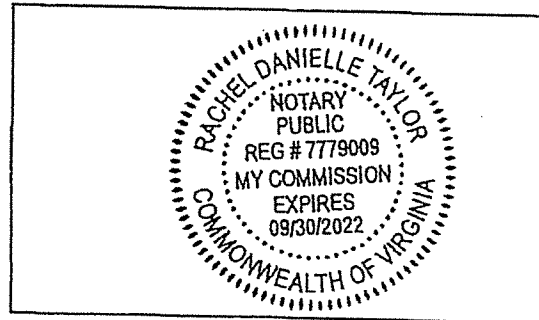
Harold F. Demsko (SEAL)  
HAROLD FRANKLIN DEMSKO, Successor Trustee of The Orpha W. Dornisch Declaration of Trust dated January 16, 2008, and any amendments thereto

STATE OF Virginia, COUNTY OF Isle of Wight

I, a Notary Public of the County and State aforesaid, certify that **HAROLD FRANKLIN DEMSKO**, as Executor of the Estate of Orpha W. Dornisch, deceased, and as Successor Trustee of The Orpha W. Dornisch Declaration of Trust dated January 16, 2008, and any amendments thereto, personally came before me this day and, upon personal knowledge of identity or upon satisfactory evidence of identity by either a government issued ID or other acceptable form of identification, acknowledged the voluntary execution of the foregoing instrument for the purposes stated therein. Witness my hand and official stamp or seal, this April 4th, 2019.

My commission expires 09/30/2022

Rachel Danielle Taylor  
Notary Public sign here; firmly press seal in box  
please do not sign or write within one-half inch of any margins



Rachel Danielle Taylor  
print notary's name here

EXHIBIT A

BEING all of Tract 3, 7.198 acres, more or less, as shown on Boundary Plat for Eden Rock Enterprises recorded in Plat Book 8, Page 902, Madison County, North Carolina, Registry, reference to which is hereby made for a more particular description of the property.

Being the same property described in deed recorded in Book 118, Page 442, Madison County, North Carolina, Registry.

MADISON PIN 9757-37-0413

Excise Tax \$696.00

Parcel Identifier Number: portion of 9757-16-8879

Brief description for the Index: DB 424 pg 155, Tr. 1, PB 8 pg 902

Tract includes primary residence of a Grantor? No

This instrument was prepared by Norman C. Riddle, P.A., a North Carolina licensed attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

The Closing Attorney is/Return to Claxton Law Firm, Box # \_\_\_\_\_

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this April 4, 2019, by and between

**GRANTOR:** HAZEL S. WILLIS, Successor Trustee  
of the Robert Neal Willis Revocable Trust dated March 8, 2007, and any amendment thereto  
3796 Beech Glen Road  
Mars Hill, NC 28754

**GRANTEE:** EDEN ROCK ENTERPRISES, LLC,  
A North Carolina Limited Liability Company  
P.O. Box 326  
Mars Hill, NC 28754

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Madison County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT A INCORPORATED HEREIN BY REFERENCE.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

SUBJECT to *ad valorem* taxes for the current year (prorated through the date of Settlement); and utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property.

IN WITNESS WHEREOF the Grantor has hereunto set her hand and seal the date above written.

*Hazel S. Willis, Successor Trustee*

HAZEL S. WILLIS, Successor Trustee of the Robert Neal Willis Revocable Trust dated March 8, 2007, and any amendment thereto

STATE OF NORTH CAROLINA, COUNTY OF BUNCOMBE

I, a Notary Public of the County and State aforesaid, certify that HAZEL S. WILLIS, Successor Trustee of the Robert Neal Willis Revocable Trust dated March 8, 2007, and any amendment thereto, personally came before me this day and, upon personal knowledge of identity or upon presentation of an acceptable form of identification, acknowledged the voluntary execution of the foregoing instrument for the purposes stated therein. Witness my hand and official stamp or seal, this April 4, 2019.

My commission expires 7-21-2023

*Norman C. Riddle*

Notary Public sign here; firmly press seal in box

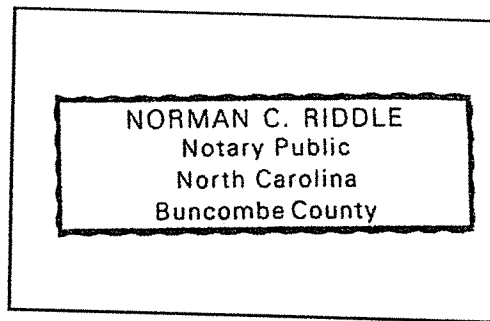




EXHIBIT A

BEING all of Tract 1, 13.922 acres, more or less, as shown on Boundary Plat for Eden Rock Enterprises recorded in Plat Book 8, Page 902, Madison County, North Carolina, Registry, reference to which is hereby made for a more particular description of the property.

Being a portion of the property described in deed recorded in Book 424, Page 155, Madison County, North Carolina, Registry.

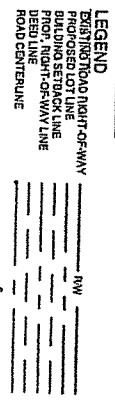
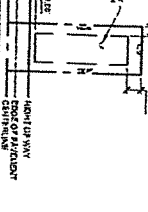
Portion of MADISON PIN 9757-16-8879

### SITE DATA

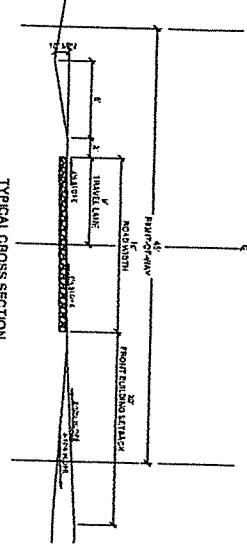
1. ZONING: R-1
2. DISTRICT: SUBDIVISION
3. PROJECT: EDEN ROCK VILLAGE
4. LOCATION: 72 ANDERSON STREET, MARS HILL, NC 28754
5. OWNER: EDEN ROCK ENTERPRISES
6. DATE: 11/2013

1. PROPERTY INFORMATION: 12.88 AC TOTAL
2. EXISTING IMPROVEMENTS: EXISTING PAVED DRIVEWAY, 130' x 30'
3. EXISTING UTILITIES: EXISTING 4" WATER MAIN, EXISTING 12" SANITARY SEWER, EXISTING 12" GAS MAIN
4. EXISTING SURVEY: 1988 SURVEY, 12.88 AC TOTAL
5. EXISTING EASEMENTS: 10' SIDE SETBACK EASEMENT, 10' FRONT SETBACK EASEMENT, 10' REAR SETBACK EASEMENT, 10' CORNER SETBACK EASEMENT
6. EXISTING REGULATIONS: 10' SIDE SETBACK, 10' FRONT SETBACK, 10' REAR SETBACK, 10' CORNER SETBACK
7. EXISTING ADJACENT PROPERTIES: 12.88 AC TOTAL
8. EXISTING ADJACENT UTILITIES: EXISTING 4" WATER MAIN, EXISTING 12" SANITARY SEWER, EXISTING 12" GAS MAIN
9. EXISTING ADJACENT EASEMENTS: 10' SIDE SETBACK EASEMENT, 10' FRONT SETBACK EASEMENT, 10' REAR SETBACK EASEMENT, 10' CORNER SETBACK EASEMENT
10. EXISTING ADJACENT REGULATIONS: 10' SIDE SETBACK, 10' FRONT SETBACK, 10' REAR SETBACK, 10' CORNER SETBACK
11. EXISTING ADJACENT DISTRICT: R-1
12. EXISTING ADJACENT ZONING: R-1
13. EXISTING ADJACENT DISTRICT: SUBDIVISION
14. EXISTING ADJACENT PROJECT: EDEN ROCK VILLAGE
15. EXISTING ADJACENT LOCATION: 72 ANDERSON STREET, MARS HILL, NC 28754
16. EXISTING ADJACENT OWNER: EDEN ROCK ENTERPRISES
17. EXISTING ADJACENT DATE: 11/2013

### TYPICAL LOT



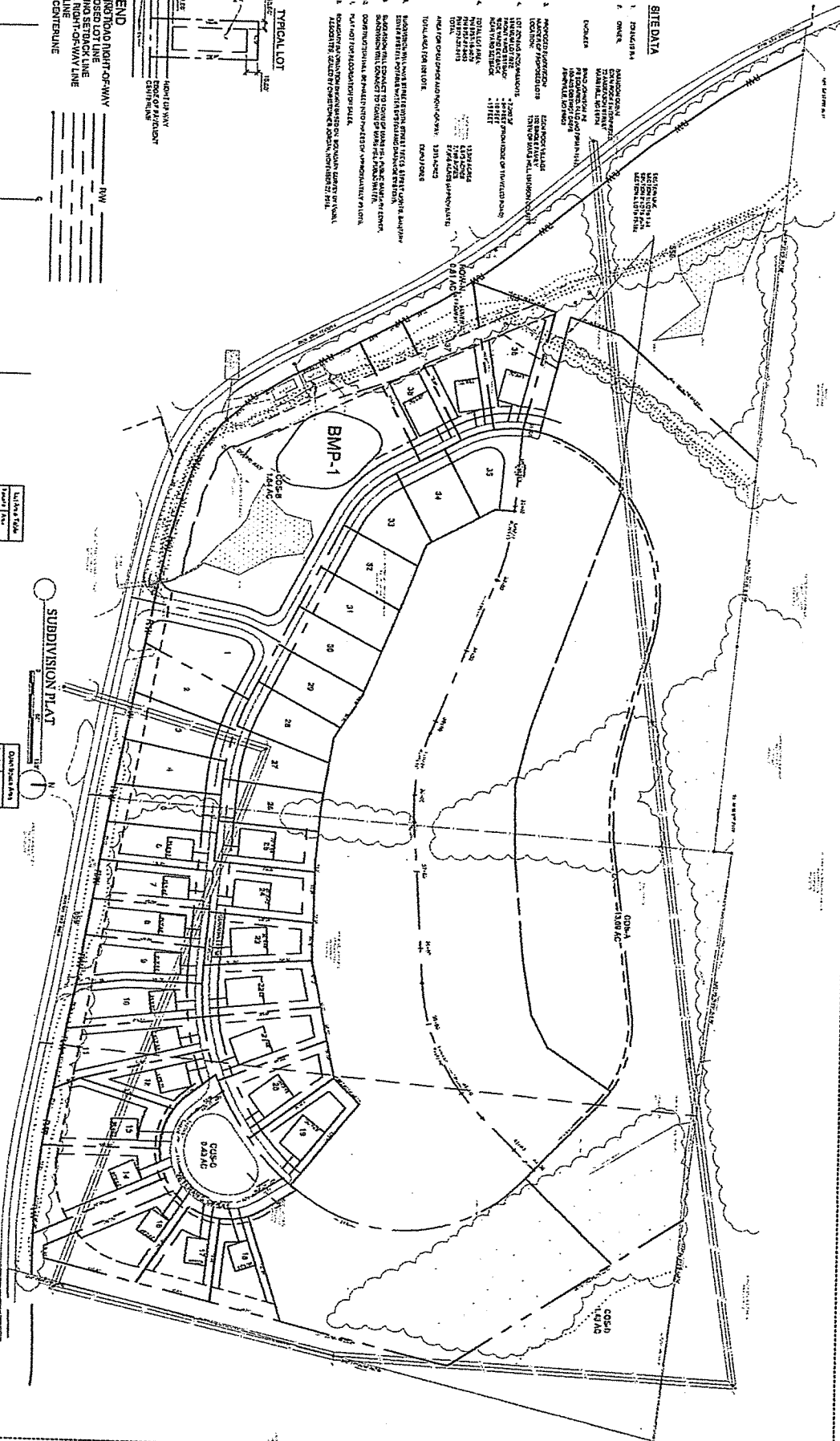
### TYPICAL CROSS SECTION



Lot Area	Lot Area	Lot Area	Lot Area
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20

Lot Area	Lot Area	Lot Area	Lot Area
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40

### SUBDIVISION PLAT



**DE**  
 DESIGN ENGINEERING  
 1000 WEST MAIN STREET  
 SUITE 100  
 MARS HILL, NC 28754  
 TEL: 828-338-1111  
 FAX: 828-338-1112  
 WWW.DESIGNENGINEERING.COM

**EDEN ROCK ENTERPRISES**  
 72 ANDERSON STREET  
 MARS HILL, NC 28754  
 TEL: 828-338-1111  
 FAX: 828-338-1112  
 WWW.EDENROCK.COM

**EDEN ROCK VILLAGE SUBDIVISION PROJECT**  
 SECTION 1  
 SUBDIVISION PLAT

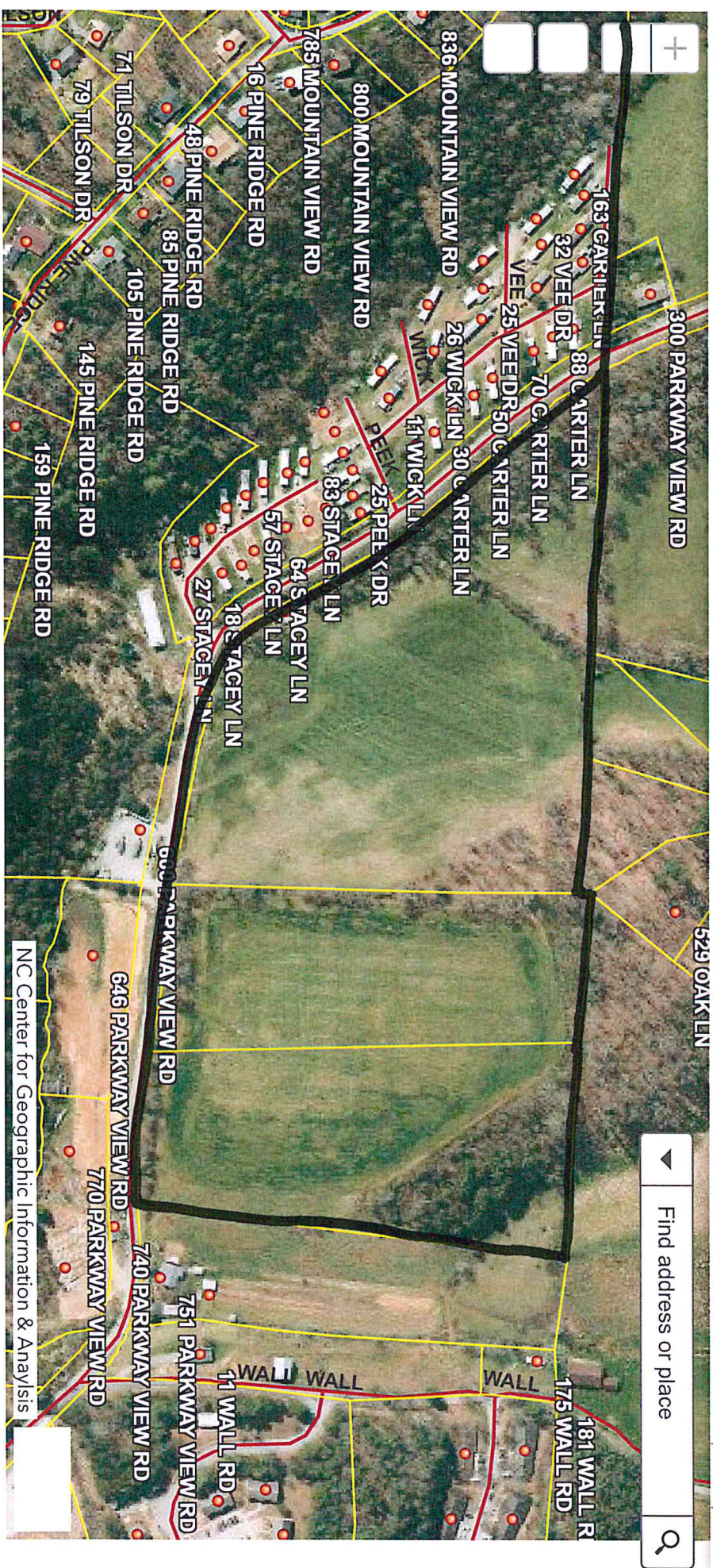
**PROJECT INFORMATION**  
 PROJECT NO: 1301  
 DATE: 11/2013  
 PROJECT LOCATION: 72 ANDERSON STREET, MARS HILL, NC 28754  
 PROJECT NAME: EDEN ROCK VILLAGE SUBDIVISION PROJECT  
 PROJECT NUMBER: 1301

**EDEN ROCK ENTERPRISES**  
 72 ANDERSON STREET  
 MARS HILL, NC 28754

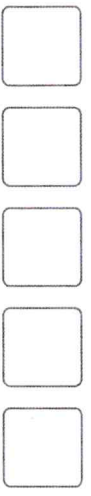
**EDEN ROCK VILLAGE SUBDIVISION PROJECT**  
 SECTION 1  
 SUBDIVISION PLAT  
 SHEET DISTRIBUTION  
 SP 002



# Madison County, NC GIS



NC Center for Geographic Information & Analysis



300ft

35°50'05"N 82°32'07"W

**SUBDIVISION ROADS AGREEMENT**

THIS SUBDIVISION ROADS AGREEMENT ("the Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, ("the Developer"), and THE TOWN OF MARS HILL, NORTH CAROLINA, ("the Town").

IN CONSIDERATION OF the approval by the Town Council of a subdivision plat titled " \_\_\_\_\_ ", by \_\_\_\_\_, dated \_\_\_\_\_, the Developer, for itself and its personal representatives, assigns, and other successors in interest, agrees to do the following relating to constructed roads in the subdivision:

- a. To be responsible for having the streets and other improvements in any dedicated right-of-way accepted by NCDOT into the State system of highways; to comply with all requirements of NCDOT for acceptance, and to make prompt application upon completion of the required work for acceptance by NCDOT.
- b. Where a road intended for public use has not been accepted into the State system of highways, the Developer shall maintain such road until such time as it is accepted into the system, and if requested, shall furnish the Town a maintenance and indemnifying bond with surety or other security to secure such maintenance.
- c. The Developer shall provide and maintain adequate all-weather access, including snow removal and ice control, from all occupied structures to a public highway in the State system, until such time as roads in the subdivision are accepted by NCDOT.

This Agreement shall be administered and interpreted in accordance with the laws of the State of North Carolina. Any actions arising out of this Agreement, bonds or other obligations securing the obligations of this Agreement shall be filed and maintained in the District Court or Superior Court of Madison County, North Carolina.

The parties have acknowledged this Agreement by their signatures and seals set out below.

\_\_\_\_\_  
DEVELOPER  
By: \_\_\_\_\_  
Title:  
Address

\_\_\_\_\_  
TOWN OF MARS HILL  
By: John L. Chandler, Mayor  
280 North Main St.  
Mars Hill, NC 28754  
(828) 689-2301

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, on behalf of \_\_\_\_\_ (Developer).

\_\_\_\_\_  
Notary Public (SEAL)  
Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was sworn to and acknowledged before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by John L. Chandler, Mayor,  
Town of Mars Hill, North Carolina.

(SEAL)

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_