

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

**S**

**2**

**SENATE BILL 1394**

Local Government & Regional Affairs Committee Substitute Adopted 6/20/90

Short Title: Durham City Boundaries.

(Local)

---

Sponsors:

---

Referred to:

---

May 25, 1990

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LEGAL DESCRIPTION OF THE LAND BEING  
2 WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF DURHAM AND  
3 TO AMEND THE METES AND BOUNDS DESCRIPTION OF A PORTION OF  
4 THE REAL PROPERTY LOCATED WITHIN THE COUNTY OF DURHAM SET  
5 FORTH IN SECTION 2, CHAPTER 435, SESSION LAWS OF 1985.

6 The General Assembly of North Carolina enacts:

7 Section 1. The real property described in Section 5 of this act, having been  
8 annexed by the City of Durham, North Carolina, pursuant to the provisions of North  
9 Carolina General Statutes Chapter 160A, Article 4A, by ordinances adopted on the 6th  
10 day of April, 1987, and the 5th day of September, 1989, is hereby removed from within  
11 the corporate limits of the City of Durham, North Carolina.

12 Sec. 2. Upon the effective date of this act, a copy of this act duly certified,  
13 shall be recorded in the office of the Register of Deeds of Durham County, North  
14 Carolina; a copy of this act duly certified shall be delivered to the City Clerk of the City  
15 of Durham, North Carolina; a copy of this act duly certified shall be delivered to the  
16 Secretary of State of the State of North Carolina; and a copy of this act duly certified  
17 shall be delivered to the Durham County Board of Elections.

18 Sec. 3. From and after the effective date of this act, no municipality shall  
19 have or exercise, upon or within the property or territory described in Section 5, any  
20 extraterritorial jurisdiction or authority under Article 19 of Chapter 160A of the North  
21 Carolina General Statutes or any similar municipal charter provision, and the county or  
22 counties in which lies the property or territory described in Section 5 shall have full  
23

1 jurisdiction over the property or territory described in Section 5, including without  
2 limitation all powers and authority granted by Article 18 of Chapter 153A of the  
3 General Statutes, notwithstanding any agreements between any county or counties and  
4 any municipality or municipalities to the contrary. The provisions of this section shall  
5 not apply to all or any portion of the property or territory described in Section 5 which,  
6 subsequent to the effective date of this act, is annexed by a municipality pursuant to Part  
7 1 or Part 4 of Article 4A of Chapter 160A of the General Statutes or any similar  
8 successor legislation thereto.

9           Sec. 4. Section 2 of Chapter 435 of the Session Laws of 1985 is amended as  
10 follows:

11           (1) by deleting

12           "thence leaving the southern right of line of So-Hi Drive S 3° 35' 21"E 2059.30 feet;  
13 thence as shown on the plat recorded in Durham County Plat Book 52, pages 71 and 72  
14 S 89° 03' E 300.08 feet; thence as shown on the plat recorded in Durham County Plat  
15 Book 105, page 145, N 6° 14' 05"E 2444.70 feet;"and substituting:

16           "thence continuing along the southern right-of-way boundary of So-Hi Drive N 40°  
17 53' 00"E 482.65 feet as shown on the plat recorded in Durham County Plat Book 113,  
18 Page 65;"and

19           (2) by deleting

20           "thence S 6° 41' 51"W 2617.22 feet; thence as shown on a plat recorded in Durham  
21 County Plat Book 86, page 65, S 84° 18' 00"E 508.57 feet; thence N 5° 45' E 407.00  
22 feet; thence S 84° 24' 46"E 609.28 feet; thence as shown on a plat recorded in Durham  
23 County Plat Book 93, page 65, S 82° 26' 43"E 660.00 feet; thence N 6° 58' 30"E 626.58  
24 feet; thence S 84° 37' 48"E 165.0 feet; thence N 6° 14' 00"E 960.0 feet; thence S 82° 52'  
25 23"E 819.16 feet; thence with the southern right of way line of Ellis Road southeasterly  
26 along an arc having a radius of 6436.64 feet a distance of 705.12 feet; thence as shown  
27 on plat recorded in Durham County Plat Book 105, page 28, and with the southern right  
28 of way line of Ellis Road, S 79° 07' 30"E 211.10 feet;"and substituting

29           "thence N 05° 01' 51"E approximately 830 feet to an iron pipe located at the  
30 northwest corner of property shown on Durham County Plat Book 111, page 45;  
31 running thence S 84° 02' 36"E 1295.45 feet; running thence N 01° 21' 11"E 10.59 feet;  
32 thence N 64° 32' 49"E 38.88 feet; thence S 36° 00' 12"E 66.44 feet; thence S 67° 58'  
33 33"E 256.49 feet; thence S 51° 59' 55"E 147.77 feet to the western boundary of the  
34 right-of-way of Ellis Road; thence along the western right-of-way boundary of Ellis  
35 Road in a southeasterly direction as it makes a counterclockwise curve as the western  
36 right-of-way of Ellis Road becomes the southern right-of-way of Ellis Road to the  
37 western right of way boundary of the Durham Freeway;"

38           Sec. 5. The property or territory is located in Durham County, North  
39 Carolina, and is more particularly described as follows:

40 BEGINNING at a stake set in the western right-of-way boundary of Ellis Road, said  
41 stake being located at the intersection of the western right-of-way boundary of Ellis  
42 Road with the southern right-of-way boundary of So-Hi Drive; running thence along  
43 and with the western right-of-way boundary of Ellis Road the following courses and  
44 distances: in a generally southerly direction by the arc of a curve having a radius of

1 20,671.88 feet, a distance of 191.46 feet; south 21° 29' 38" east 439.52 feet; in a  
2 counterclockwise direction by the arc of a curve having a radius of 621.63 feet, a  
3 distance of 354.90 feet to a stake; thence leaving the right-of-way boundary of Ellis  
4 Road south 47° 40' 53" west 147.55 feet to a stake; thence south 62° 23' 30" west 440.98  
5 feet to a stake; thence south 6° 01' 35" west 251.23 feet to a stake; thence north 82° 57'  
6 19" west 971.72 feet to a stake; thence north 82° 56' 40" west 210.28 feet to a stake;  
7 thence north 10° 7' 31" east 470.92 feet to a stake; thence south 82° 55' 31" east 209.63  
8 feet to a stake; thence north 10° 06' 06" east approximately 900.79 feet to a point 200  
9 feet south of and perpendicular to the southern right-of-way boundary line of So-Hi  
10 Drive; thence in a northwesterly direction along a line 200 feet south of and parallel to  
11 the southern right-of-way boundary line of So-Hi Drive, a distance of approximately  
12 1,176 feet to a point on the western line of property shown on plat and survey recorded  
13 in Durham County Plat Book 111, Page 45; running thence along said western line  
14 north 05° 01' 51" east approximately 200 feet to the southern boundary of the right-of-  
15 way of So-Hi Drive; running thence north 05° 01' 51" east 138.15 feet to the stake at the  
16 northwest corner of the property shown on Durham County Plat Book 111, Page 45;  
17 running thence south 84° 02' 36" east 1,295.45 feet to a stake; thence north 01° 21'  
18 11" east 10.59 feet to a stake; thence north 64° 32' 49" east 38.88 feet to a stake; thence  
19 south 36° 00' 12" east 66.44 feet to a stake; thence south 67° 58' 33" east 256.49 feet to a  
20 stake; thence south 51° 59' 55" east 147.77 feet to a stake set in the western right-of-way  
21 boundary of Ellis Road; thence along and with the western right-of-way boundary of  
22 Ellis Road the following courses and distances: south 22° 27' 11" east 248.51 feet; in a  
23 southerly direction by the arc of a curve having a radius of 20,671.88 feet, a distance of  
24 76.01 feet to a stake on the northern boundary of So-Hi Drive; thence running along the  
25 western boundary of Ellis Road and crossing So-Hi Drive to a stake at the southern  
26 boundary of the right-of-way of So-Hi Drive, the point and place of BEGINNING.

27 Sec. 6. This act is effective upon ratification.