

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 667
Second Edition Engrossed 4/7/93

Short Title: Carolina Shores/Calabash.

(Local)

Sponsors: Senator Soles.

Referred to: Local Government and Regional Affairs.

March 31, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM ON REMOVING CAROLINA SHORES VILLAGE FROM THE TOWN OF CALABASH, SUBJECT TO THE APPROVAL OF THE RESIDENTS OF EITHER DISTRICTS #1 AND #2 OF THE TOWN OF CALABASH, AND ALLOWING THE RESIDENTS OF CAROLINA SHORES VILLAGE TO VOTE ON WHETHER TO INCORPORATE.

The General Assembly of North Carolina enacts:

Section 1. Effective June 30, 1993, the following described area, being District #2 of the Town of Calabash as defined by Chapter 593, Session Laws of 1989, is removed from the corporate limits of the Town of Calabash:

TRACT A

BEGINNING at a point said point being located in the northern right-of-way line of N.C. 179 (formerly S.R. 1163) a 60' RW and also being located where the northern right-of-way line of N.C. 179 is intersected by the eastern right-of-way line of S.R. 1168 (60' RW). Thence running with and along the northern right-of-way line of N.C. 179, South 77 degrees 13 minutes 47 seconds West, 331.67 feet; thence with a curve to the right (values Delta 20 degrees 33 minutes 39 seconds, R=1732.95') South 87 degrees 30 minutes 37 seconds West, a chord of 618.54 feet: Thence north 82 degrees 12 minutes 34 seconds West, 1022.14 feet; thence with a curve to the left (values Delta 13 degrees 28 minutes 52 seconds, R=1667.02) North 88 degrees 44 minutes 26 seconds west, a chord of 391.32 feet. Thence South 84 degrees 18 minutes 34 seconds west, 21.93 feet to the South Carolina State Line. Thence running with the N. C. and S. C. State line North 44 degrees 43 minutes 03 seconds West 2088.59 feet: thence leaving state line

1 and running north 25 degrees 56 minutes 40 seconds East 655.02 feet; thence North 64
2 degrees 13 minutes 18 seconds West, 103.78 feet to a point in the eastern right-of-way
3 line of U. S. 17; thence running with eastern line of U. S. 17 North 25 degrees 57
4 minutes 42 seconds, 4027.30 feet to an iron pipe. (This line crossing S.R. 1168).
5 Thence North 60 degrees 20 minutes 57 seconds East, 108.09 feet: Thence South 30
6 degrees 37 minutes 22 seconds East, 367.29 feet; thence North 60 degrees 22 minutes
7 31 seconds East, 1191.43 feet; thence North 30 degrees 50 minutes 31 seconds West,
8 365.67 feet; thence North 60 degrees 12 minutes 51 seconds East, 1349.56 feet to an
9 iron pipe; thence South 87 degrees 47 minutes 50 seconds West, 463.98 feet; thence the
10 following courses and distances.

11 North 11 degrees 31 minutes 38 seconds West 1134.70 feet
12 North 27 degrees 00 minutes 33 seconds East, 98.85 feet
13 North 18 degrees 04 minutes 38 seconds West, 84.06 feet
14 North 41 degrees 02 minutes 22 seconds East, 45.85 feet
15 North 07 degrees 50 minutes 01 seconds East, 53.86 feet
16 North 37 degrees 32 minutes 34 seconds East, 95.88 feet
17 North 45 degrees 49 minutes 04 seconds East, 49.35 feet
18 North 25 degrees 53 minutes 27 seconds East, 40.45 feet
19 North 00 degrees 07 minutes 41 seconds West, 70.30 feet
20 North 63 degrees 40 minutes 41 seconds East, 90.02 feet
21 North 36 degrees 26 minutes 44 seconds East, 105.05 feet to the western right-of-way
22 line of S.R. 1167, 60' RW; thence North 54 degrees 45 minutes 07 seconds East 30.00
23 feet to the centerline of S.R. 1167; thence running with centerline of S.R. 1167 South 35
24 degrees 14 minutes 53 seconds East, 1335.78 feet; thence with a curve to the right
25 (values Delta 17 degrees 08 minutes 42 seconds, R=954.93 feet) South 26 degrees 40
26 minutes 32 seconds East, a chord of 284.68 feet; thence continuing with said centerline
27 and running South 18 degrees 06 minutes 12 seconds East, 1374.96 feet; thence leaving
28 said centerline and running South 62 degrees 58 minutes 47 seconds West, 678.48 feet.
29 Thence South 60 degrees 09 minutes 04 seconds West, 720.74 feet; thence South 30
30 degrees 33 minutes 19 seconds East, 2954.21 feet; thence South 60 degrees 36 minutes
31 40 seconds West, 452.61 feet; thence South 30 degrees 14 minutes 30 seconds East,
32 1506.91 feet to an iron pipe; thence North 87 degrees 00 minutes 46 seconds west,
33 779.48 feet to an iron pipe; thence South 82 degrees 04 minutes 15 seconds west,
34 439.56 feet to an iron pipe; Thence South 85 degrees 32 minutes 33 seconds West,
35 250.00 feet to an iron pipe; thence South 85 degrees 32 minutes 33 seconds West,
36 762.30 feet to the Eastern right-of-way line of S.R. 1168 (60' RW) thence with said
37 right-of-way line South 03 degrees 49 minutes 14 seconds East 323.50 feet to the
38 beginning point. Said Tract A containing 613 acres more or less.

TRACT B

ACREAGE ESTATES LAND

41 BEGINNING at an iron pipe in the Eastern right-of-way line of S.R. 1167 (Persimmon
42 Road). Said beginning iron also being the Southwestern corner of Section C, Acreage
43 Estates as recorded in Map Book 15, Page 54, Brunswick County Register of Deeds
44 Office in Bolivia, North Carolina. Thence running South 78 degrees 12 minutes 01

1 seconds West 30.01 feet to the centerline of S.R. 1167; thence with the centerline of
2 S.R. 1167, North 13 degrees 22 minutes 05 seconds West, 795.55 feet; thence north 19
3 degrees 33 minutes 16 seconds west, 240.35 feet; thence continuing with centerline of
4 S.R. 1167 north 30 degrees 30 minutes 28 seconds west, 1584.44 feet thence leaving the
5 centerline of S.R. 1167 and running North 49 degrees 50 minutes 55 seconds East,
6 88.89 feet; thence running these various courses and distances with and along Little
7 Singletree Swamp:
8 North 12 degrees 01 minutes 46 seconds East, 310.06 feet
9 North 07 degrees 53 minutes 49 seconds East, 217.53 feet;
10 North 06 degrees 44 minutes 59 seconds West, 111.09 feet;
11 North 21 degrees 06 minutes 56 seconds East, 139.44 feet;
12 North 76 degrees 19 minutes 57 seconds East, 143.24 feet;
13 North 53 degrees 37 minutes 54 seconds East, 253.73 feet;
14 North 12 degrees 53 minutes 37 seconds West, 246.25 feet;
15 North 05 degrees 58 minutes 10 seconds East, 128.21 feet;
16 North 47 degrees 11 minutes 43 seconds East, 349.98 feet;
17 North 42 degrees 21 minutes 42 seconds East, 144.68 feet;
18 North 13 degrees 02 minutes 50 seconds East, 390.02 feet;
19 North 29 degrees 45 minutes 27 seconds West, 171.04 feet;
20 North 33 degrees 45 minutes 43 seconds East, 231.37 feet;
21 North 15 degrees 00 minutes 04 seconds East, 162.79 feet;
22 to an iron pipe. Thence running South 26 degrees 07 minutes 00 seconds East, 617.12
23 feet to an iron pipe, thence South 25 degrees 27 minutes 50 seconds East, 1659.80 feet
24 to an iron pipe; thence South 25 degrees 34 minutes 50 seconds East, 1627.72 feet to an
25 iron pipe; thence South 25 degrees 34 minutes 45 seconds East, 1105.79 feet to an iron
26 pipe; thence South 25 degrees 42 minutes 45 seconds East, 1598.56 feet to an iron pipe;
27 thence South 25 degrees 36 minutes 55 seconds East, 2522.36 feet to the centerline of
28 S.R. 1165; thence running with centerline of S.R. 1165, South 42 degrees 44 minutes 55
29 seconds West, 942.04 feet; thence leaving centerline of S.R. 1165 and running North 25
30 degrees 16 minutes 15 seconds west, 530.72 feet to an iron pipe; thence North 25
31 degrees 51 minutes 15 seconds West, 1527.06 feet to an iron pipe; thence North 26
32 degrees 27 minutes 19 seconds West, 332.57 feet to an iron pipe; Thence North 26
33 degrees 44 minutes 14 seconds West, 163.86 feet to an iron pipe; Thence North 26
34 degrees 54 minutes 19 seconds West, 541.04 feet to an iron pipe; thence North 26
35 degrees 01 minutes 19 seconds West, 234.02 feet to an iron pipe; thence North 26
36 degrees 32 minutes 19 seconds West, 1362.51 feet to a concrete monument; thence
37 South 78 degrees 15 minutes 31 seconds West, 423.64 feet to a concrete monument;
38 Thence South 78 degrees 12 minutes 01 seconds West, 774.52 feet to the beginning
39 iron. Said Tract B containing 264 acres more or less.

40 Sec. 2. (a) Beginning July 1, 1993, the town board of the Town of Calabash shall
41 consist of five at-large members. The two persons from District #1 serving on that date
42 shall appoint three other persons to serve until the 1993 town election. In 1993, four
43 members shall be elected, with the two persons receiving the highest numbers of votes
44 receiving four-year terms, and the two persons receiving the next highest numbers of

1 votes receiving two-year terms. In 1995 and quadrennially thereafter, three members
2 shall be elected for four-year terms. In 1997 and quadrennially thereafter, two persons
3 shall be elected for four-year terms.

4 (b) To the extent this section conflicts with Chapter 593, Session Laws of
5 1989, this act prevails.

6 Sec. 3. The Town of Calabash may continue to collect from property
7 removed from the corporate limits by Section 1 of this act taxes levied for years prior to
8 1993, and special assessments levied or assessed prior to July 1, 1993, as if the area
9 remained in the corporate limits.

10 Sec. 4. Sections 1 through 3 of this act shall become effective only if
11 approved by the qualified voters of District #1 of the Town of Calabash or the qualified
12 voters in District #2 of the Town of Calabash. The referendum shall be conducted by
13 the Brunswick County Board of Elections on a date to be set by that board no less than
14 75 days nor more than 90 days from the date of ratification of this act. Notwithstanding
15 G.S. 163-33(8), notice of the election shall be given at least 14 days prior to the date on
16 which the registration books or records are closed for the election.

17 Sec. 5. The question on the ballot shall be:

18 "[] FOR Removal of Carolina Shores Village from the Town of Calabash

19 [] AGAINST Removal of Carolina Shores Village from the Town of
20 Calabash".

21 Sec. 6. In such election, if a majority of the votes in either district are "FOR"
22 the question, then effective July 1, 1993, Sections 1 through 3 of this act are effective.
23 Otherwise, they have no force and effect.

24 Sec. 7. Notwithstanding G.S. 163-294.2, the candidate filing period for the
25 1993 municipal elections in the Town of Calabash shall open at 12:00 noon on the last
26 Friday in August and close at 12:00 noon on the second Friday in September.

27 Sec. 8. Effective July 1, 1993, a Charter for the Carolina Shores Village is
28 enacted to read:

29 **"CHARTER OF CAROLINA SHORES VILLAGE.**

30 **"CHAPTER I.**

31 **"INCORPORATION AND CORPORATE POWERS.**

32 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the
33 Carolina Shores Village are a body corporate and politic under the name 'Carolina
34 Shores Village'. Under that name they have all the powers, duties, rights, privileges,
35 and immunities conferred and imposed upon cities by the general law of North Carolina.

36 **"CHAPTER II.**

37 **"CORPORATE BOUNDARIES.**

38 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with law, the
39 boundaries of the Carolina Shores Village are the area annexed to the Town of Calabash
40 under Chapter 593, Session Laws of 1989, as follows:

41 **TRACT A**

42 BEGINNING at a point said point being located in the northern right-of-way line of
43 N.C. 179 (formerly S.R. 1163) a 60' RW and also being located where the northern
44

1 right-of-way line of N.C. 179 is intersected by the eastern right-of-way line of S.R. 1168
2 (60' RW). Thence running with and along the northern right-of-way line of N.C. 179,
3 South 77 degrees 13 minutes 47 seconds West, 331.67 feet; thence with a curve to the
4 right (values Delta 20 degrees 33 minutes 39 seconds, R=1732.95') South 87 degrees 30
5 minutes 37 seconds West, a chord of 618.54 feet: Thence north 82 degrees 12 minutes
6 34 seconds West, 1022.14 feet; thence with a curve to the left (values Delta 13 degrees
7 28 minutes 52 seconds, R=1667.02) North 88 degrees 44 minutes 26 seconds west, a
8 chord of 391.32 feet. Thence South 84 degrees 18 minutes 34 seconds west, 21.93 feet
9 to the South Carolina State Line. Thence running with the N. C. and S. C. State line
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38 S.R. 1165; thence running with centerline of S.R. 1165, South 42 degrees 44 minutes 55
39 seconds West, 942.04 feet; thence leaving centerline of S.R. 1165 and running North 25
40 degrees 16 minutes 15 seconds west, 530.72 feet to an iron pipe; thence North 25
41 degrees 51 minutes 15 seconds West, 1527.06 feet to an iron pipe; thence North 26
42 degrees 27 minutes 19 seconds West, 332.57 feet to an iron pipe; Thence North 26
43 degrees 44 minutes 14 seconds West, 163.86 feet to an iron pipe; Thence North 26
44 degrees 54 minutes 19 seconds West, 541.04 feet to an iron pipe; thence North 26

1 degrees 01 minutes 19 seconds West, 234.02 feet to an iron pipe; thence North 26
2 degrees 32 minutes 19 seconds West, 1362.51 feet to a concrete monument; thence
3 South 78 degrees 15 minutes 31 seconds West, 423.64 feet to a concrete monument;
4 Thence South 78 degrees 12 minutes 01 seconds West, 774.52 feet to the beginning
5 iron. Said Tract B containing 264 acres more or less.

6 "CHAPTER III.

7 "GOVERNING BODY.

8 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
9 body of the Carolina Shores Village is the Village Council and the Mayor. The Village
10 Council has five members.

11 "Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Village
12 elect the members of the Council.

13 "Sec. 3.3. **Term of Office of Council Members.** In 1993, five members of the
14 Council shall be elected. The three persons receiving the highest numbers of votes are
15 elected for four-year terms, and the two persons receiving the next highest numbers of
16 votes shall be elected for two-year terms. In 1995 and quadrennially thereafter, two
17 members of the Council shall be elected for four-year terms. In 1997 and quadrennially
18 thereafter, three members shall be elected for four-year terms.

19 "Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire
20 Village elect the Mayor. A Mayor shall be elected in 1993 and biennially thereafter for
21 a two-year term.

22 "CHAPTER IV.

23 "ELECTIONS.

24 "Sec. 4.1. **Conduct of Village Elections.** The Village Council shall be elected on a
25 nonpartisan basis and the results determined by the plurality method as provided by
26 G.S. 163-292.

27 "CHAPTER V.

28 "ADMINISTRATION.

29 "Sec. 5.1. **Mayor-Council Plan.** Carolina Shores Village operates under the Mayor-
30 Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General
31 Statutes."

32 Sec. 9. Until members of the Village Council are elected in 1993 in
33 accordance with the Village Charter and the law of North Carolina, the five members of
34 the Calabash Town Board of Commissioners, who on June 30, 1993, were representing
35 District #2 shall serve as the interim governing body. They shall select a Mayor to
36 serve until a Mayor is elected as provided by law. Vacancies in the interim Council
37 shall be filled by appointment made by the remaining members. A vacancy in the office
38 of interim Mayor is filled by appointment made by the interim Council.

39 Sec. 10. From and after July 1, 1993, the citizens and property in the
40 Carolina Shores Village shall be subject to municipal taxes levied for the year beginning
41 July 1, 1993, and for that purpose the Village shall obtain from Brunswick County a
42 record of property in the area herein incorporated which was listed for taxes as of
43 January 1, 1993, and the businesses in the Village shall be liable for privilege license
44 tax from the effective date of the privilege license tax ordinance. The Village may

1 adopt a budget ordinance for fiscal year 1993-94 without following the timetable in the
2 Local Government Budget and Fiscal Control Act.

3 Sec. 11. Any real property belonging to the Town of Calabash which on June
4 30, 1993, is located in the area incorporated by Section 8 of this act as Carolina Shores
5 Village is vested in Carolina Shores Village.

6 Sec. 12. Notwithstanding G.S. 163-294.2, the candidate filing period for the
7 1993 municipal elections in Carolina Shores Village shall open at 12:00 noon on the last
8 Friday in August and close at 12:00 noon on the second Friday in September.

9 Sec. 13. Sections 8 through 12 of this act shall become effective only if
10 approved separately by the qualified voters of District #2 of the Town of Calabash, and
11 then only if Sections 1 through 3 of this act become effective as provided by Sections 4
12 through 6 of this act. The referendum shall be conducted by the Brunswick County
13 Board of Elections on the same date set under Section 4 of this act. Notwithstanding
14 G.S. 163-33(8), notice of the election shall be given at least 14 days prior to the date on
15 which the registration books or records are closed for the election.

16 Sec. 14. The question on the ballot shall be:
17 "[] FOR Incorporation of Carolina Shores Village
18 [] AGAINST Incorporation of Carolina Shores Village".

19 Sec. 15. In such election, if:

- 20 (1) A majority of the votes are "FOR" the question in Section 14 of this
21 act; and
22 (2) Sections 1 through 3 of this act became effective as provided by
23 Sections 4 through 6 of this act,

24 then effective July 1, 1993, Sections 8 through 12 of this act are effective. Otherwise,
25 they have no force and effect.

26 Sec. 16. This act is effective upon ratification.