

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 255*
Finance Committee Substitute Adopted 3/8/01
House Committee Substitute Favorable 7/17/01
House Committee Substitute # 2 Reported Without Prejudice 7/26/01

Short Title: Midland/Elon Local Act.

(Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE
3 LIMITS OF THE TOWN OF MIDLAND AND TO ALLOW THE TOWN OF
4 ELON TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED
5 AREA SUBJECT TO A REFERENDUM.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The following described property is added to the corporate
8 limits of the Town of Midland:

9 All that certain tract of land containing thirty (30) acres, known as a part of
10 the Mack F. Sossoman Place in Number 10 Township, Cabarrus County, North
11 Carolina, on the Pine Bluff Church Road as shown on plat by Reece I. Long dated 1937
12 showing metes and bounds as follows:

13 Beginning at an iron pin on the East bank of Pine Bluff Church Road (said
14 iron stake being the Northeast corner of William E. Honeycutt's 36.9 acre tract) and runs
15 with the said Pine Bluff Church Road N4°30' W538 feet to an iron stake on the West
16 bank of Pine Bluff Church Road, an old corner; thence N64°30' W40 feet to a Post Oak,
17 an old corner of Lawrence McInnis land; thence with McInnis line N65°0' W1238.5 feet
18 to an iron stake; thence N65° W375 feet to an iron stake; thence with C.L. Voncannon's
19 line S20°30' W616 feet to an iron stake, Voncannon's corner; thence S19°30' W560 feet
20 with the line of C. Everette Voncannon to an iron stake on line of William E.
21 Honeycutt's land; thence with three lines of Honeycutt as follows: First, N49°45' W219
22 feet to a stake; Second, S62°30' E427.5 feet to a stake; Third, S 84°45' E1024.0 feet to
23 the point of beginning.

24 **SECTION 2.** Real property and personal property in the territory annexed
25 pursuant to Section 1 of this act are subject to municipal taxes as provided in G.S.
26 160A-58.10.

1 **SECTION 3.(a)** The Town of Elon may exercise the powers granted by
2 Article 19 of Chapter 160A of the General Statutes in the following described area:
3 BEGINNING at a point in the line between Guilford County and Alamance County, the
4 said point being 400 feet north of the center of South Church Street (U.S. 70) and
5 running thence along the agreement line between the City of Burlington and the Town
6 of Elon to a point in the northern right-of-way line of MacArthur Lane; thence in a
7 northerly direction with the eastern line of Parcel 4G as shown on Alamance County
8 Tax Map 3-5, 915.29 feet to the said Parcel 4G's northeast corner; thence in a northerly
9 direction along the rear lines of Parcels No. 4H and No. 4J as shown on Alamance
10 County Tax Map No. 3-5, 1,268.16 feet to the northwest corner of said Parcel No. 4J;
11 thence continuing in a northerly direction 200 feet to the MacArthur Lane Sanitary
12 Sewer Outfall; thence in a northwesterly direction, with the center of MacArthur Lane
13 Sanitary Sewer Outfall approximately 4,145 feet to the Dry Creek Sanitary Sewer
14 Outfall; thence in an easterly direction with the center of Dry Creek Sanitary Sewer
15 Outfall to the rear corner between Parcel No. 66 and Parcel No. 65 as shown on
16 Alamance County Tax Map No. 3-2, an approximate distance of 1,150 feet; thence in a
17 northeasterly direction along the rear lines of Parcel Numbers 65, 64, and 67 as shown
18 on Alamance County Tax Map No. 3-2, 420.3 feet to Parcel No. 17 as shown on
19 Alamance County Tax Map No. 3-1; thence in a northeasterly direction along the
20 western property lines of Parcel Numbers 17 and 18 (crossing N.C. 1529) as shown on
21 Alamance County Tax Map 3-1, approximately 2,700 feet to the Haw River; running
22 thence along the center of Haw River in a northwesterly direction as it meanders
23 approximately 14,300 feet to a point in the center of Haw River; thence crossing Haw
24 River in a westerly direction approximately 145 feet to a point on the west bank of Haw
25 River and corner between Parcel Nos. 21 and 43 of Tax Map 3-52; running thence along
26 the northern line of Parcel Nos. 19 and 21 of Tax Map 3-52 point 1,375.01 feet to a
27 point corner between Parcel Nos. 19 and 43 of Tax Map 3-52 and in the eastern line of
28 Parcel No. 34 of Tax Map 3-52A; running thence along the eastern line of Parcel No. 34
29 of Tax Map 3-52A in a northerly direction 194.16 feet to a point and being the northeast
30 corner of Parcel No. 34 of Tax Map 3-52A; running thence along the northern line of
31 Parcel Nos. 34, 33, 30, and 72 of Tax Map 3-52A in a westerly direction approximately
32 2,600 feet to a point corner with Parcel No. 18E; running thence along the eastern line
33 of Parcel No. 18E in a northwesterly direction to a point; running thence along the
34 northwestern line of Parcel No. 18E of Tax Map 3-52 in a southwesterly direction to a
35 point in the center of NC Highway No. 87; running thence along the center of NC
36 Highway No. 87 in a northwesterly direction approximately 400 feet to a point corner
37 with Ossipee Sanitary District; running thence along the Ossipee Sanitary District
38 445.25 feet to a point in the line of Parcel No. 40 of Tax Map 3-52; thence continuing
39 along the Ossipee Sanitary District line in a northerly direction approximately 140 feet
40 to a point corner between Parcel Nos. 40 and 5B of Tax Map 3-52; running thence along
41 the southern line of Parcel No. 5B in a northwesterly direction 907.7 feet to a point in
42 the center of Elon-Ossipee Road; thence along the center of Elon-Gibsonville Road
43 approximately 100 feet to a point; thence running along the northern line of Parcel No. 4

1 of Tax Map 3-52 in a westerly direction approximately 1,262 feet to a point in the
2 Guilford County line; running thence along the Guilford County line in a southerly
3 direction to a point in the center of Midway Church Road; running thence along the
4 center of Midway Church Road in an easterly direction to the centerline intersection of
5 Midway Church Road and Gibsonville-Ossipee Road; running thence along the center
6 of Gibsonville-Ossipee Road in a southerly direction where it intersects the Town of
7 Gibsonville ETJ line; running thence along the ETJ line between the Town of
8 Gibsonville and the Town of Elon to the POINT OF BEGINNING.

9 **SECTION 3.(b)** In exercising the powers granted by subsection (a) of this
10 section, the Town of Elon need not follow the procedural requirements of G.S.
11 160A-360(a1), 160A-364, or 160A-384 or any statute other than G.S. 160A-75 in the
12 initial adoption of a zoning ordinance, but any such ordinance shall expire 90 days after
13 its adoption and any zoning ordinance to apply after the expiration of that period must
14 be adopted in accordance with those statutes.

15 **SECTION 3.(c)** The Alamance County Board of Elections shall conduct an
16 election on November 6, 2001, in the described area on the question of continued
17 exercise of planning jurisdiction by the Town of Elon in that area. The election shall be
18 conducted in accordance with Chapter 163 of the General Statutes. At that election,
19 unless a majority of the votes cast are in favor of the question of continued exercise of
20 planning jurisdiction by the Town of Elon in that area, the jurisdiction of the city is
21 relinquished as of the date of certification of the election results, and the provisions of
22 G.S. 160A-360(f1) apply.

23 **SECTION 3.(d)** Upon the petition of thirty-five percent (35%) of the
24 registered voters in the area described in subsection (a) of this section, the Alamance
25 County Board of Elections shall conduct an election in the described area on the
26 question of continued exercise of planning jurisdiction by the Town of Elon in that area.
27 The election shall be held on the date of the next statewide general election which
28 occurs more than 90 days after the petition is submitted. At that election, unless a
29 majority of the votes cast are in favor of the question of continued exercise of planning
30 jurisdiction by the Town of Elon in that area, the jurisdiction of the city is relinquished
31 as of the date of certification of the election results, and the provisions of G.S.
32 160A-360(f1) apply.

33 **SECTION 3.(e)** In the event that the Ossipee Sanitary District is dissolved
34 and the Town of Ossipee is simultaneously incorporated under G.S. 130A-81, it may
35 exercise authority under G.S. 160A-360 up to one mile outside the corporate limits; in
36 any case where any of the area described in Section 2(a) of this act is coterminous with
37 the area within one mile of the Town of Ossipee, the jurisdiction of the Town of
38 Ossipee shall prevail.

39 **SECTION 4.** Sections 1 and 2 of this act apply to the Town of Midland
40 only. Section 3 of this act applies to the Town of Elon only.

41 **SECTION 5.** This act becomes effective July 31, 2001.