

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

5

HOUSE BILL 1633
Committee Substitute Favorable 9/3/98
Committee Substitute #2 Favorable 9/9/98
Senate Finance Committee Substitute Adopted 9/17/98
Fifth Edition Engrossed 9/17/98

Short Title: Spruce Pine Boundary Correction.

(Local)

Sponsors:

Referred to:

May 28, 1998

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN
2 ANNEXATION TO THE TOWN OF SPRUCE PINE, TO ANNEX CERTAIN
3 DESCRIBED TERRITORY TO THE TOWN OF LAKE WACCAMAW, AND TO
4 CLARIFY THE BOUNDARIES OF THE TOWN OF MOCKSVILLE BY
5 ANNEXING AN AREA WHOLLY SURROUNDED BY THE CORPORATE
6 LIMITS, SOME OF WHICH AN ACCURATE SURVEY HAS NOW SHOWN TO
7 HAVE BEEN ANNEXED IN 1895 BUT NOT RECOGNIZED AS PART OF THE
8 TOWN UNTIL A RECENT SURVEY.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. (a) The corporate limits of the Town of Spruce Pine are reduced by
12 excluding any parcels which had not been billed for ad valorem taxes in 1997 which were
13 billed in 1998, as a result of a new survey discovering that these parcels were in the area
14 annexed by Chapter 27, Private Laws of 1921.

15 (b) Notwithstanding subsection (a) of this section, the owners of any of such
16 parcels may make written request to the Clerk of the Town of Spruce Pine that their

1 parcel remain in the corporate limits. Said request must be made no later than 15
2 February 1999. Upon receipt of such request or requests the Town of Spruce Pine may
3 by ordinance provide for all or part of those parcels (and any streets, roads and rights-of-
4 way used by those parcels for access) to be and remain within the corporate limits of the
5 Town of Spruce Pine. Upon the adoption of said ordinance those parcels included within
6 the Ordinance together with the streets, roads and rights-of-way included therein shall be
7 included within the corporate limits of the Town of Spruce Pine. Any such Ordinance
8 shall be adopted on or before June 30, 1999.

9 (c) Except as provided by Section 2 of this act, this section becomes effective
10 February 11, 1921, except that the areas covered by ordinance adopted under subsection
11 (b) of this section shall be considered to have been in the corporate limits only from and
12 after June 30, 1999.

13 Section 2. (a) Notwithstanding Section 1 of this act, the Town Council of the
14 Town of Spruce Pine may submit to an election of the registered voters living within the
15 corporate limits of the Town of Spruce Pine, including those registered voters within the
16 entire area described in Chapter 27, Private Laws of 1921, the question of whether or not
17 the corporate limits of that town shall remain as set out in Chapter 27, Private Laws of
18 1921.

19 Any such election shall be called by resolution of the Town Council adopted
20 on or before February 15, 1999, and shall be conducted on a date no later than June 15,
21 1999. The election shall be held in accordance with general law, except if the election is
22 conducted at the same time as the 1998 general election, for the election called under this
23 section:

24 (1) In applying G.S. 163-33(8), "10 days" is substituted for "20 days", and
25 "10-day" is substituted for "20-day".

26 (2) If absentee ballots are otherwise allowed by law, the Town Council may
27 provide that absentee ballots shall not be used.

28 (b) The question on the ballot shall be:

29 **"[] YES [] NO**

30 Shall the corporate limits of the Town of Spruce Pine as established by Chapter 27, 1921
31 Private Laws of North Carolina, be changed by deleting from the corporate limits all
32 those parcels of real property which had not been billed for ad valorem taxes in 1997
33 which were billed in 1998, as a result of a new survey discovering that these parcels were
34 in the area annexed by Chapter 27, Private Laws of 1921?"

35 (c) Should the Town Council of the Town of Spruce Pine fail to call for such
36 special election by the February 15, 1999, deadline provided by subsection (a) of this
37 section, or should the election be held and the majority of votes be cast "YES" on the
38 question, then Section 1 of this act becomes effective in accordance with its terms.

39 (d) Should the election be held and the majority of votes are not cast "YES",
40 then Section 1 of this act is repealed and is of no effect, and the corporate limits of the
41 Town of Spruce Pine shall remain as described in Chapter 27, Private Laws of 1921,
42 except as changed by other acts of the General Assembly or in accordance with law.

1 Section 2.1. (a) The corporate limits of the Town of Lake Waccamaw are extended
2 to include the following described territory:

3 **Waccamaw Shores Drive**

4 BEGINNING at an existing concrete monument, in the northeast right-of-way of
5 Waccamaw Shores Drive, also known as S.R. 1967, said existing concrete monument
6 marking the most southern corner of the Lake Waccamaw Camp Ground lands now or
7 formerly belonging to Gene Grainger as recorded in Deed Book 385 Page 531 Columbus
8 County Registry, said existing concrete monument also marking the most western corner
9 of lands of James and Paul Council as recorded in Deed Book 261 Page 189 of the
10 Columbus County Registry. Said existing concrete monument also marking the most
11 southern limits of the Town of Lake Waccamaw. Running thence along the eastern edge
12 of Waccamaw Shores Drive in a southeasterly direction to an existing concrete
13 monument marking the southwest corner of lot 273 Block A of the Waccamaw Shores
14 Subdivision as shown and delineated on a plat recorded in Plat Book 8 Page 12 of the
15 Columbus County Registry. Thence continuing along the south line of lot 273, North 82
16 degrees 28 minutes East - 105.83 feet to an iron marking the southeast corner of lot 273
17 said iron being located South 40 degrees 29 minutes 30 seconds West - 47.07 feet from
18 NC Grid Station "Dam". Said NC Grid Station "Dam" being located on the West End of
19 the Dam at Lake Waccamaw that accommodates the waters of Lake Waccamaw into the
20 Waccamaw River. Thence with the high water of Lake Waccamaw in a northwardly and
21 northwestwardly direction to an old pipe marking the southeast corner of lot 259 of the J.
22 L. Sides Subdivision as shown and delineated on Plat recorded in Plat Book 4 Page 69 of
23 the Columbus County Registry. Said old pipe also marking a corner of the limits of the
24 Town of Lake Waccamaw. Thence along the south line of lot 259 heretofore referred to
25 and also the existing limits of the Town of Lake Waccamaw, South 75 degrees 45
26 minutes West - 106.59 feet to an old iron marking the southwest corner of lot 259. Said
27 old iron also being located in the northeastern line of the James and Paul Council lands as
28 described in Deed recorded in Deed Book 261 Page 189. Thence with the James and
29 Paul Council line and also the existing limits of the Town of Lake Waccamaw, North 48
30 degrees 48 minutes 57 seconds West - 78.51 feet to an existing concrete monument
31 marking the most eastern corner of the heretofore referred Gene Grainger lands. Thence
32 with the Grainger line and also the existing limits of the Town of Lake Waccamaw, South
33 23 degrees 25 minutes West - 111.21 feet to the BEGINNING.

34
35 **Shawnee Acres and Bella Coola**

36 BEGINNING at Town Survey monument number 12, said Town Survey monument
37 being located at the intersection of the center line of S.R. 1947 (locally known as Bella
38 Coola Road) and the eastern limits of the Town of Lake Waccamaw. Running thence
39 from said BEGINNING Town Survey monument number 12 and along the centerline of
40 S.R. 1947 in a southeastwardly and southerly direction to a point in said centerline.
41 Thence leaving said centerline, South 88 degrees 02 minutes 22 seconds West -
42 approximately 30 feet to an iron marking the southeast corner of lot 51 according to
43 "Map of a Survey for Bella Coola Corp.", prepared by David B. Goldston, Jr., R.L.S.,

1 dated 30 October 1978". Thence with the south line of lot 51, South 88 degrees 02
2 minutes 22 seconds West - 200.00 feet to an iron in the high watermark of Lake
3 Waccamaw. Thence with the high watermark of Lake Waccamaw in a northerly and
4 northwestwardly direction to Town Survey monument number 14. Said Town Survey
5 monument number 14 marking the southeast corner of the limits of the Town of Lake
6 Waccamaw. Thence with the eastern limits of the Town of Lake Waccamaw, North 01
7 degrees 11 minutes 20 seconds West - 271.73 feet to Town Survey monument 13 located
8 in the centerline of S.R. 1942 (locally known as Creek Ridge Road). Thence continuing
9 with the eastern limits of the Town of Lake Waccamaw, North 01 degrees 11 minutes 20
10 seconds West - 295.14 feet to the BEGINNING.

11 (b) Subsection (a) of this section becomes effective only upon adoption of an
12 ordinance by the Town of Lake Waccamaw.

13 (c) This section becomes effective June 30, 1999.

14 Section 2.2. (a) The corporate limits of the Town of Mocksville are extended by
15 including the following described areas: All of Twinbrook Acres Subdivision, as shown
16 in Plat Book 5, Page 51, Davie County Registry (including right-of-way) which on
17 September 1, 1998, was entirely surrounded by the corporate limits of the Town.

18 (b) This section becomes effective June 30, 1999, and any area described in
19 subsection (a) of this section which might have also been annexed by Chapter 172,
20 Private Laws of 1895 shall be considered to be in the corporate limits of the Town only
21 from and after June 30, 1999.

22 Section 3. This act is effective when it becomes law.