

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 773
Senate Finance Committee Substitute Adopted 6/18/97
Third Edition Engrossed 6/23/97

Short Title: Bald Head Island Charter/Leland Annexation.

(Local)

Sponsors:

Referred to:

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF
3 BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE
4 TOWN OF LELAND.

Whereas, Bald Head Island is suitably located in a subtropic environment and blessed with temperate climates from the Atlantic Ocean and is conducive to the maintenance of permanent and retirement residences and other buildings and structures with an emphasis on environmental controls and a planned community; and

Whereas, the Village of Bald Head Island, in company with all its residents and property owners and their representatives, is fully aware of the unique nature of Bald Head Island with its combination of structures, land, and vegetation, including the oldest standing lighthouse along the coast of the State and approximately 172 acres of publicly owned prime maritime forest, that exist in a delicate ecological balance requiring careful planning, nurture, and support, as evidenced in the development plan for the island; and

Whereas, Bald Head Island is solely situated between the waters of the Atlantic Ocean and the Cape Fear River and is not connected to the mainland of the State by either natural or man-made structures, necessitating a unique form of transportation unlike any other in the State; and

Whereas, the Village of Bald Head Island recognizes the inordinately large numbers of nonresident property owners and values their past contributions to the orderly and successful development of Bald Head Island; and

Whereas, while there exists no formal arrangement to continue an ongoing obligatory relationship with the nonresident property owners, the Village of Bald Head Island has long recognized such a relationship to be beneficial to all persons who have an interest in the island and the advisability of continuing to call upon nonresidents for their expertise and counsel; and

Whereas, the Village of Bald Head Island has served and will continue to serve as a model for cooperation between government and property owners and their representatives in efficient service and good planning without duplication in expenditures or unnecessary taxation; and

Whereas, Bald Head Island with its variance in seasonal population has benefited from the advantages of a municipal form of government, with the modifications and limitations as specified herein, in order to achieve its goals as a planned community; Now, therefore, The General Assembly of North Carolina enacts:

PART I. BALD HEAD ISLAND CHARTER

Section 1. The Charter of the Village of Bald Head Island is revised and consolidated to read as follows:

**"THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.
"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND
BOUNDARIES.**

"Section 1.1. **Incorporation.** The Village of Bald Head Island, North Carolina, in Brunswick County, and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Village of Bald Head Island', hereinafter at times referred to as the 'Village'.

"Section 1.2. **Powers.** The Village shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Village of Bald Head Island specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Village and as they may be altered from time to time in accordance with law. An official map of the Village, showing the current municipal boundaries, shall be maintained permanently in the office of the Village Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the offices of the Secretary of State, the Brunswick County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Village Governing Body; Composition.** The Mayor and the Village Council shall be the governing body of the Village.

1 "Section 2.2. **Village Council; Composition; Terms of Office.** The Council shall
2 be composed of five members to be elected by all the qualified voters of the Village for
3 terms of four years, or until their successors are elected and qualified.

4 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the
5 Council from among its membership, to serve for a term of two years. The Mayor shall
6 be the official head of the Village government and preside at meetings of the Council,
7 shall have the right to vote on all matters before the Council, but shall not have the power
8 to vote again in instances where there is an equal division on a question, and shall
9 exercise the powers and duties conferred by law or as directed by the Council.

10 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
11 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or
12 disability, in accordance with general law.

13 "Section 2.5. **Meetings.** In accordance with general law, the Council shall establish a
14 suitable time and place for its regular meetings. Special and emergency meetings may be
15 held as provided by general law.

16 "Section 2.6. **Quorum; Voting Requirements.** Official actions of the Council and
17 all votes shall be taken in accordance with applicable provisions of general law,
18 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

19 "Section 2.7. **Qualifications for Office; Compensation; Vacancies.** The
20 qualifications of the Mayor and Council members shall be in accordance with general
21 law. The Mayor and Council members shall receive no compensation for their services
22 but may be reimbursed for ordinary and necessary expenses. Vacancies shall be filled as
23 provided in G.S. 160A-63.

24 "ARTICLE III. ELECTIONS.

25 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
26 held in each odd-numbered year in accordance with the uniform municipal election laws
27 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
28 determined using the nonpartisan plurality method as provided in G.S. 163-292.

29 "Section 3.2. **Election of Council Members.** The Council members serving on the
30 date of ratification of this Charter shall serve until the expiration of their terms or until
31 their successors are elected and qualified. Except for the filling of vacancies as provided
32 for in G.S. 160A-63, two Council members shall be elected at the regular municipal
33 election in 1997 and every four years thereafter, and three Council members shall be
34 elected at the regular municipal election in 1999 and every four years thereafter.

35 "Section 3.3. **Special Elections and Referenda.** Special elections and referenda may
36 be held only as provided by general law or applicable local acts of the General Assembly.

37 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

38 "Section 4.1. **Form of Government.** The Village shall operate under the council-
39 manager form of government, in accordance with G.S. 160A, Article 7, Part 2.

40 "Section 4.2. **Village Manager; Appointment; Powers and Duties.** The Council
41 shall appoint a Village Manager who shall be responsible for the administration of all
42 departments of the Village government. The Village Manager shall have all the powers
43 and duties conferred by general law, except as expressly limited by the provisions of this

1 Charter, and the additional powers and duties conferred by the Council, so far as
2 authorized by general law.

3 "Section 4.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief
4 administrator, the Village Manager shall have the power to appoint, suspend, and remove
5 all officers, department heads, and employees in the administrative service of the Village,
6 with the exception of the Village Attorney, the Village Clerk, and any other official
7 whose appointment or removal is specifically vested in the Council by this Charter or by
8 general law. Neither the Council nor any of its members shall take part in the
9 appointment or removal of officers and employees in the administrative service of the
10 Village, except as provided by this Charter. Except for the purpose of inquiry, or for
11 consultation with the Village Attorney, the Council and its members shall deal with the
12 administrative service solely through the Village Manager, Acting Manager, or Interim
13 Manager, and neither the Council nor any of its members shall give any specific orders to
14 any subordinates of the Village Manager, Acting Manager, or Interim Manager, either
15 publicly or privately.

16 "Section 4.4. **Village Attorney.** The Village Council shall appoint a Village
17 Attorney licensed to practice law in North Carolina. It shall be the duty of the Village
18 Attorney to represent the Village, advise Village officials, and perform other duties
19 required by law or as the Council may direct.

20 "Section 4.5. **Village Clerk.** The Village Council shall appoint a Village Clerk to
21 keep a journal of the proceedings of the Council, to maintain official records and
22 documents, to give notice of meetings, and to perform such other duties required by law
23 or as the Council may direct.

24 "Section 4.6. **Tax Collector.** The Village shall have a Tax Collector to collect all
25 taxes owed to the Village, subject to general law, this Charter, and Village ordinances
26 and to perform those duties specified in G.S. 105-350 and such other duties as prescribed
27 by law or assigned by the Village Manager. Notwithstanding the provisions of G.S. 105-
28 349, the Village Manager is authorized to appoint and remove the Tax Collector and any
29 deputy tax collectors.

30 "Section 4.7. **Finance Director.** The Village Manager shall appoint a Finance
31 Officer to perform the duties designated in G.S. 159-25 and such other duties as may be
32 prescribed by law or as the Council may direct, or the Village Council may, at its
33 election, confer the duties of Finance Officer on the Village Manager as Budget Officer.
34 The Finance Officer may be entitled 'Accountant', 'Treasurer', 'Finance Director',
35 'Finance Officer', or any other reasonably descriptive title.

36 "Section 4.8. **Other Administrative Officers and Employees.** The Council may
37 authorize other positions to be filled by appointment by the Village Manager and may
38 organize the Village government as deemed appropriate, subject to the requirements of
39 general law.

40 "ARTICLE V. FINANCE AND TAXATION.

41 "Section 5.1. **Room Occupancy and Tourism Development Tax.** The authority of
42 the Village to levy a room occupancy and tourism tax shall continue as authorized by
43 Chapter 664 of the 1991 Session Laws, and any subsequent acts.

1 **"ARTICLE VI. CONTRACT POST OFFICE.**

2 "Section 6.1. **Contract Post Office.** The authority of the Village to operate a
3 contract post office shall continue as authorized by Chapter 16 of the 1991 Session Laws,
4 as amended by Chapter 350 of the 1991 Session Laws, and any subsequent acts.

5 **"ARTICLE VII. NO-WAKE SPEED ZONE.**

6 "Section 7.1. **'No-Wake' Speed Zone.** The 'no-wake' speed zone established by
7 Chapter 688 of the 1987 Session Laws, and any subsequent acts, shall continue as
8 authorized.

9 **"ARTICLE VIII. MISCELLANEOUS.**

10 "Section 8.1. **Motorboat Operation.** The Village may regulate the speed and
11 operation of motorboats within the Village jurisdiction to preserve the tranquillity and
12 environment of the Village.

13 "Section 8.2. **Sand Dunes.** The Village may construct, reconstruct, plant, and
14 maintain sand dunes and regulate access to and across dunes to prevent or repair damage
15 to dunes so as to provide protection against erosion or overwash.

16 "Section 8.3. **Beach Regulation.** The Village may, by ordinance, establish standards
17 of dress, conduct, and decorum on the beaches of Bald Head Island and may otherwise
18 regulate the use of those beaches within the Village jurisdiction.

19 **"ARTICLE IX. PHASED DEVELOPMENT PLAN.**

20 "Section 9.1. **Phased Development Plan.** In accordance with an act to incorporate
21 the Village of Bald Head Island, Chapter 156 of the 1985 Session Laws, the Village
22 Council was required to adopt by ordinance plans of development consistent with the
23 historical land-use patterns and densities in existence on Bald Head Island at the time of
24 ratification of the act. The Village Council, after public hearing and upon
25 recommendation of its Planning Board, adopted a zoning ordinance for the undeveloped
26 portions of Bald Head Island consistent with those historical land-use patterns and
27 densities. Such zoning ordinance is based upon a 'Phased Development Plan' (as that
28 term is defined in G.S. 160A-385.1(b)(3)), which plan was prepared by Bald Head Island
29 Limited.

30 "Section 9.2. **Vested Rights.** The owners of the undeveloped portions of Bald Head
31 Island are declared hereby to have acquired vested rights in accordance with G.S. 160A-
32 385.1 as to the 'Phased Development Plan' entitled 'Revised June 29, 1995 STAGE 2
33 MASTER PLAN BALD HEAD ISLAND NORTH CAROLINA BALD HEAD ISLAND
34 PLANNING DEPARTMENT' and approved by the State Division of Coastal
35 Management on August 7, 1995. Notwithstanding the provisions of G.S. 160A-385.1(d),
36 these vested rights shall be valid through December 31, 1999, and no longer. Nothing in
37 this section shall be construed to prohibit the further granting of vested rights by the
38 Village pursuant to the provisions of G.S. 160A-385.1.

39 "Section 9.3. **Alteration of Vested Rights.** As specifically authorized by G.S. 160A-
40 385.1(e)(1)a., the vested rights herein granted may only be changed, prior to December
41 31, 1999, as allowed by the exceptions set forth in G.S. 160A-385.1(e). In addition,
42 subject to the approval of the Village and within the limits established by the Village
43 zoning and other land-use ordinances, vested densities may be transferred within the area

1 depicted on the Stage 2 Master Plan referred to in Section 9.2 of this Charter so long as
2 the density of development within the total area is not increased.

3 "Section 9.4. **Land-Use Regulation.** Except as herein expressly provided, nothing in
4 this Charter shall be construed to prohibit the Village from amending its current land-use
5 regulatory ordinances, in whole or in part, or otherwise regulating the use of land within
6 the planning and zoning jurisdiction of the Village.

7 **"ARTICLE X. MOTOR VEHICLE REGULATION.**

8 "Section 10.1. **Motor Vehicle Regulation.** The Village may by ordinance exempt
9 from the provisions of Articles 3, 3A, 11, and 13 of Chapter 20 of the General Statutes, in
10 whole or in part, the registration, licensing, regulation, inspection, or equipping of motor
11 vehicles and may regulate the use, operation, possession, and ownership of motor
12 vehicles within the jurisdiction of the Village of Bald Head Island. Additionally,
13 notwithstanding the provisions of Chapter 20 of the General Statutes or any other statute,
14 and in addition to those powers now or hereafter conferred by law, the Village shall have
15 the authority to regulate motor vehicles and other means of transportation within the
16 jurisdiction of the Village, including the following:

17 (1) Regulation of the use and operation of all vehicles, as defined in G.S. 20-
18 4.01(49).

19 (2) Regulation of all electrically powered vehicles or vehicles powered by fossil
20 fuel or internal combustion engines.

21 (3) Regulation of the size, weight, lighting, safety standards, and engine or motor
22 size or power characteristics of all vehicles or other means of transportation within the
23 jurisdiction of the Village.

24 "Section 10.2. **Street Regulation.** In order to establish and preserve the unique
25 character and aesthetics of Bald Head Island, the Village may adopt, by ordinance, such
26 standards for the establishment and maintenance of streets and roads within the
27 jurisdiction of the Village as it deems appropriate. The streets and roads within the
28 jurisdiction of the Village shall not be under the authority of the Department of
29 Transportation. The provisions of Articles 2 and 2A of Chapter 136 of the General
30 Statutes shall not apply within the jurisdiction of the Village. The Village shall be
31 exempt from the provisions of G.S. 136-66.2.

32 **"ARTICLE XI. SEA TURTLE SANCTUARY.**

33 "Section 11.1. **Sea Turtle Sanctuary.** The Village of Bald Head Island may create
34 and establish a sea turtle sanctuary within the areas of the Village limits above the mean
35 low watermark, to include the foreshore. Any ordinances adopted by the Village to
36 regulate activities within the sea turtle sanctuary that may or will disturb or destroy a sea
37 turtle, a sea turtle nest, or sea turtle eggs, must be consistent with the ordinance powers
38 found in G.S. 160A-174, G.S. 160A-308, and any other law. The ordinances adopted by
39 the Village may by cross-reference incorporate the criminal statutes regarding the taking
40 of sea turtles in G.S. 113-189 and G.S. 113-337. It shall be unlawful for any person
41 within the sea turtle sanctuary to disturb or destroy a sea turtle, a sea turtle nest, or sea
42 turtle eggs in violation of an ordinance adopted by the Village of Bald Head Island."

1 Section 2. The purpose of Part I of this act is to revise the Charter of the
2 Village of Bald Head Island and to consolidate certain acts concerning the property,
3 affairs, and government of the Village. It is intended to continue without interruption
4 those provisions of prior acts which are expressly consolidated into Part I of this act, so
5 that all rights and liabilities which have accrued are preserved and may be enforced.

6 Section 3. This act does not repeal or affect any acts concerning the property,
7 affairs, or government of public schools or any acts validating official actions,
8 proceedings, contracts, or obligations of any kind.

9 Section 4. The provisions of Chapter 156 of the 1985 Session Laws, except for
10 the provisions of Section 4-3(f), (g), and (h), having served the purposes for which they
11 were enacted or having been consolidated into Part I of this act, are expressly repealed.
12 The provisions of Section 4-3f., g., and h. of Chapter 156 of the 1985 Session Laws are
13 expressly not repealed and shall continue as authorized.

14 Section 5. The Mayor and Council members serving on the date of ratification
15 of this act shall serve until the expiration of their terms or until their successors are
16 elected and qualified. Thereafter those offices shall be filled as provided in Articles II
17 and III of Section 1 of this Charter.

18 Section 6. Part I of this act does not affect any rights or interests which arose
19 under any provisions repealed by Part I of this act.

20 Section 7. All existing ordinances, resolutions, and other provisions of the
21 Village of Bald Head Island not inconsistent with the provisions of Part I of this act shall
22 continue in effect until repealed or amended.

23 Section 8. No action or proceeding pending on the effective date of this act by
24 or against the Village or any of its departments or agencies shall be abated or otherwise
25 affected by this act.

26 Section 9. Whenever a reference is made in Part I of this act to a particular
27 provision of the general statutes, and that provision is later amended, superseded, or
28 recodified, the reference shall be deemed amended to refer to the amended general statute
29 or to the general statute that most clearly corresponds to the statutory provision that is
30 superseded or recodified.

31 **PART II. LELAND CORPORATE LIMITS**

32 Section 10. The corporate limits of the Town of Leland are extended to
33 include the following described tract of land:

34
35 Being a tract of land located in Town Creek Township, Brunswick County,
36 North Carolina, and being more fully described as follows:

37
38 Beginning at a Right-of-Way Monument, in the northern Right-of-Way of US
39 17, said monument being located on the south side of a gate leading into the property, as
40 shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden,
41 R.L.S., and dated May 31, 1994; thence with said Right-of-Way South 54 degrees 56
42 minutes 00 seconds West, a distance of 1111.44 feet; thence leaving said Right-of-Way
43 North 45 degrees 36 minutes 40 seconds West, a distance of 272.41 feet; thence North 45

1 degrees 36 minutes 08 seconds West, a distance of 2493.87 feet; thence North 45 degrees
2 35 minutes 59 seconds West, a distance of 1124.67 feet; thence North 48 degrees 44
3 minutes 35 seconds West, a distance of 1849.91 feet; thence South 78 degrees 10 minutes
4 46 seconds West, a distance of 793.76 feet; thence North 66 degrees 50 minutes 57
5 seconds West, a distance of 1282.45 feet to a point in SR 1438 (Lanvale Road); thence
6 North 11 degrees 09 minutes 18 seconds West, a distance of 344.20 feet to a point in the
7 centerline of Lanvale Road thence with said centerline North 07 degrees 08 minutes 13
8 seconds West, a distance of 690.45 feet; thence North 06 degrees 46 minutes 34 seconds
9 West, a distance of 441.28 feet; thence North 09 degrees 45 minutes 03 seconds West, a
10 distance of 128.86 feet; thence North 14 degrees 28 minutes 52 seconds West, a distance
11 of 124.97 feet; thence North 19 degrees 35 minutes 26 seconds West, a distance of
12 150.19 feet; thence North 26 degrees 13 minutes 01 seconds West, a distance of 150.04
13 feet; thence North 32 degrees 26 minutes 42 seconds West, a distance of 178.45 feet;
14 thence North 36 degrees 09 minutes 42 seconds West, a distance of 237.57 feet; thence
15 North 36 degrees 09 minutes 33 seconds West, a distance of 187.40 feet; thence North 36
16 degrees 08 minutes 44 seconds West, a distance of 246.56 feet; thence North 36 degrees
17 09 minutes 33 seconds West, a distance of 198.67 feet; thence North 35 degrees 57
18 minutes 10 seconds West, a distance of 188.63 feet; thence North 35 degrees 22 minutes
19 08 seconds West, a distance of 52.73 feet; thence North 30 degrees 54 minutes 08
20 seconds West, a distance of 193.58 feet; thence North 24 degrees 37 minutes 51 seconds
21 West, a distance of 239.60 feet; thence leaving said centerline and with Sturgeon Branch
22 North 72 degrees 40 minutes 07 seconds East, a distance of 30.21 feet; thence North 72
23 degrees 59 minutes 08 seconds East, a distance of 150.37 feet; thence North 15 degrees
24 10 minutes 23 seconds East, a distance of 242.76 feet; thence North 84 degrees 23
25 minutes 02 seconds East, a distance of 141.02 feet; thence North 55 degrees 24 minutes
26 41 seconds East, a distance of 313.03 feet; thence North 40 degrees 17 minutes 58
27 seconds East, a distance of 94.28 feet; thence North 03 degrees 42 minutes 18 seconds
28 West, a distance of 48.90 feet; thence North 89 degrees 55 minutes 04 seconds East, a
29 distance of 138.95 feet; thence North 63 degrees 52 minutes 03 seconds East, a distance
30 of 108.98 feet; thence North 41 degrees 05 minutes 41 seconds East, a distance of 227.03
31 feet; thence North 36 degrees 48 minutes 37 seconds East, a distance of 204.72 feet;
32 thence North 48 degrees 24 minutes 27 seconds East, a distance of 120.97 feet to a point
33 in the run of Rice Branch thence with said branch South 51 degrees 13 minutes 24
34 seconds East, a distance of 35.93 feet; thence South 89 degrees 20 minutes 59 seconds
35 East, a distance of 106.00 feet; thence North 88 degrees 41 minutes 14 seconds East, a
36 distance of 231.37 feet; thence South 63 degrees 01 minutes 01 seconds East, a distance
37 of 72.07 feet; thence South 30 degrees 31 minutes 05 seconds East, a distance of 88.34
38 feet; thence North 55 degrees 02 minutes 25 seconds East, a distance of 68.06 feet;
39 thence South 83 degrees 07 minutes 08 seconds East, a distance of 75.12 feet; thence
40 South 53 degrees 08 minutes 14 seconds East, a distance of 49.51 feet; thence South 37
41 degrees 05 minutes 03 seconds East, a distance of 77.72 feet; thence North 46 degrees 14
42 minutes 12 seconds East, a distance of 56.82 feet; thence South 50 degrees 58 minutes 00
43 seconds East, a distance of 39.22 feet; thence South 06 degrees 18 minutes 38 seconds

1 West, a distance of 73.24 feet; thence South 17 degrees 06 minutes 48 seconds East, a
2 distance of 38.30 feet; thence South 63 degrees 48 minutes 32 seconds East, a distance of
3 58.91 feet; thence North 45 degrees 05 minutes 05 seconds East, a distance of 170.10
4 feet; thence South 25 degrees 36 minutes 41 seconds East, a distance of 133.07 feet;
5 thence South 08 degrees 55 minutes 12 seconds West, a distance of 56.18 feet; thence
6 North 73 degrees 37 minutes 44 seconds East, a distance of 70.25 feet; thence South 09
7 degrees 39 minutes 11 seconds East, a distance of 54.37 feet; thence North 77 degrees 45
8 minutes 53 seconds East, a distance of 54.74 feet; thence South 65 degrees 56 minutes 51
9 seconds East, a distance of 118.51 feet; thence North 51 degrees 52 minutes 28 seconds
10 East, a distance of 113.22 feet; thence South 85 degrees 54 minutes 21 seconds East, a
11 distance of 72.82 feet; thence North 35 degrees 31 minutes 42 seconds East, a distance of
12 74.71 feet; thence South 80 degrees 09 minutes 57 seconds East, a distance of 94.27 feet;
13 thence North 67 degrees 59 minutes 19 seconds East, a distance of 103.53 feet; thence
14 South 22 degrees 55 minutes 29 seconds East, a distance of 82.62 feet; thence North 45
15 degrees 55 minutes 16 seconds East, a distance of 67.70 feet; thence South 37 degrees 17
16 minutes 37 seconds East, a distance of 68.76 feet; thence North 53 degrees 44 minutes 53
17 seconds East, a distance of 58.17 feet; thence North 12 degrees 52 minutes 59 seconds
18 West, a distance of 38.98 feet; thence South 89 degrees 48 minutes 15 seconds East, a
19 distance of 58.32 feet; thence North 58 degrees 19 minutes 43 seconds East, a distance of
20 93.90 feet; thence South 63 degrees 38 minutes 13 seconds East, a distance of 47.06 feet;
21 thence South 37 degrees 24 minutes 09 seconds East, a distance of 54.13 feet; thence
22 North 43 degrees 32 minutes 32 seconds East, a distance of 90.22 feet; thence North 83
23 degrees 55 minutes 19 seconds East, a distance of 54.78 feet; thence South 82 degrees 53
24 minutes 15 seconds East, a distance of 66.22 feet; thence North 45 degrees 30 minutes 43
25 seconds East, a distance of 102.03 feet; thence North 73 degrees 09 minutes 53 seconds
26 East, a distance of 138.11 feet; thence North 20 degrees 04 minutes 19 seconds West, a
27 distance of 80.59 feet; thence North 36 degrees 34 minutes 12 seconds East, a distance of
28 51.79 feet; thence North 34 degrees 47 minutes 49 seconds East, a distance of 76.72 feet;
29 thence North 08 degrees 06 minutes 25 seconds East, a distance of 122.32 feet; thence
30 North 71 degrees 30 minutes 52 seconds East, a distance of 75.69 feet; thence North 20
31 degrees 40 minutes 01 seconds West, a distance of 68.51 feet; thence North 61 degrees
32 42 minutes 35 seconds East, a distance of 93.25 feet; thence leaving said branch South 20
33 degrees 33 minutes 06 seconds East, a distance of 291.98 feet; thence South 20 degrees
34 32 minutes 17 seconds East, a distance of 534.90 feet; thence North 41 degrees 38
35 minutes 26 seconds East, a distance of 242.33 feet; thence North 53 degrees 43 minutes
36 59 seconds East, a distance of 347.56 feet; thence North 51 degrees 33 minutes 50
37 seconds East, a distance of 241.30 feet; thence North 67 degrees 45 minutes 59 seconds
38 East, a distance of 681.05 feet; thence North 70 degrees 01 minutes 48 seconds East, a
39 distance of 563.93 feet; thence South 53 degrees 07 minutes 47 seconds East, a distance
40 of 1460.15 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of
41 3955.76 feet; thence South 05 degrees 56 minutes 16 seconds East, a distance of 830.35
42 feet; thence South 05 degrees 55 minutes 43 seconds East, a distance of 20.52 feet;
43 thence South 89 degrees 43 minutes 05 seconds West, a distance of 1015.93 feet; thence

1 South 02 degrees 20 minutes 58 seconds West, a distance of 943.79 feet; thence South 01
2 degrees 12 minutes 44 seconds West, a distance of 822.48 feet; thence South 84 degrees
3 06 minutes 28 seconds East, a distance of 1876.12 feet; thence South 35 degrees 07
4 minutes 22 seconds East, a distance of 277.41 feet; thence South 34 degrees 55 minutes
5 00 seconds East, a distance of 155.49 feet; thence South 34 degrees 41 minutes 11
6 seconds East, a distance of 373.23 feet; to a point in the northern Right-of-Way of US
7 HWY 17; thence with said Right-of-Way South 54 degrees 55 minutes 59 seconds West,
8 a distance of 397.20 feet; thence South 50 degrees 44 minutes 34 seconds West, a
9 distance of 170.35 feet; thence South 52 degrees 40 minutes 24 seconds West, a distance
10 of 60.36 feet; to the Point of Beginning, containing 893.64 acres, and being tract "A" as
11 shown on a map titled "THE GREGORY POOLE TRACT", prepared by Stuart Gooden,
12 R.L.S., and dated May 31, 1994.

13 Section 11. The corporate limits of the area annexed by Section 10 of this act
14 shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A of
15 Chapter 160A of the General Statutes, except they are excluded in any calculations made
16 under G.S. 160A-58.1(b)(5). The corporate limits of the area annexed by Section 10 of
17 this act are not external boundaries for the purposes of Part 2 or 3 of Article 4A of
18 Chapter 160A of the General Statutes until they are contiguous to the town.

19 Section 12. Real and personal property in the territory annexed pursuant to
20 Section 10 of this act are subject to municipal taxes as provided in G.S. 160A-58.10.

21 **PART III. EFFECTIVE DATE**

22 Section 13. This act is effective when it becomes law.