

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1514
Finance Committee Substitute Adopted 7/1/98
House Committee Substitute Favorable 8/5/98

Short Title: Hemby Bridge Incorporated.

(Local)

Sponsors:

Referred to:

May 28, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Town of Hemby Bridge is enacted as follows:

5 "CHARTER OF TOWN OF HEMBY BRIDGE.

6 "CHAPTER I.

7 "INCORPORATION AND CORPORATE POWERS.

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
9 of Hemby Bridge, which area is described in Section 2.1 of this Charter, are a body
10 corporate and politic under the name 'Town of Hemby Bridge.' Under that name they
11 have all the powers, duties, rights, privileges, and immunities conferred and imposed on
12 cities by the general law of North Carolina.

13 "CHAPTER II.

14 "CORPORATE BOUNDARIES.

15 "Sec. 2.1. **Town Boundaries.** Until modified in accordance with the law, the
16 boundaries of the Town of Hemby Bridge are as follows:

17

1 Beginning at the Center of Stevens Mill Road (1524) and the South fork of Crooked
2 Creek and running E. using the center of Crooked Creek as outside boundary of Proposed
3 Town of Hemby Bridge including property of Larry Love and running 1,051' East down
4 Crooked Creek to property of Manuel Hicks, continuing on 620' down center of Crooked
5 Creek. Creek bends 55 degrees N and runs 858' connecting with and including property
6 of James and Vera McBride then 90 degrees W. and 295' then 90 degrees S. and
7 continuing down center of Creek 2,640' continuing floodplain that connects with Lot 78
8 at end of Woody Grove Rd. belonging to Sharon McInnis and SE 315' which is Lot 79
9 belonging to Nelson and Doris Howlett, containing all homes on Woody Grove Rd., and
10 all homes on Hillcrest Circle. Crooked Creek continues and connects with Lot 50 on
11 Hillcrest Circle belonging to Earl McCoy and continuing S. 165' to property of Doris
12 Button which is Lot 49, continuing S. 165' to Lot 48 belonging to Archie and Rachel
13 Townsend, then to Lot 47 belonging to Jacqueline Oliver and 165' to Lot 46 belonging to
14 Brian and Sara Cook, continuing and including Lot 45 belonging to Enrico Gallinaro,
15 then 165' and including Lot 44 belonging to Holt McAdams, then 165' and including Lot
16 43, Richard Hicks then 165' to Lot 42, Joseph Young. Continuing S. down Crooked
17 Creek including property of Theodore and Demetra Karres continuing on 83' and
18 including property of Lemuel Cannon to S. 83' to include property of Dolly McKee, then
19 83' to include property of Dolly McKee, then 83' to include property of J.C. McClain,
20 then 248' including property of Carolina Water Service then 453' to include property of
21 Southern Fabric Exchange, then 83' to property of Sonny and Judy Richardson, then
22 turning out of Creek 90 degrees South and 126' to Center of Indian Trail Fairview Road
23 and connecting to and including property of W.R. McQuay then 90 degrees W. to nail in
24 center of Rd (1520) connecting with and including property of Curtis and Libby Williams
25 then 85' to include property of Charles Conner then 83'W. to include property of Jimmy
26 Stroupe then 83' to include property of Elaine Wooten then 83' to include property of
27 Garnet and Clifton Jones then 83' to include property of Jesse Carson, then 83' to include
28 property of James and Mildred Rowell then 83' to include property of Bob Carpenter.
29 Then 42' crossing and including right-of-way drive belonging to George and Colleen
30 Sherin and 165' to include property of Donald Deese then 83' to include property of Terry
31 King. Continuing W. on Indian Trail Fairview (1520) to include property of Christine
32 Horne then 248' to include property of Ethel Brooks then 165' to include property of N.C.
33 Telephone Co., then 372' to include property of Billy Stegall then 381' to include
34 property of Ruby Williams then 151' to include property of Ethel Brooks then 572' to
35 include property of Jody Stegall continuing W. 165' to include property of Billy and
36 Barbara Thompson then 148' to include property of Don and Catherine Baucom, then
37 147' to include property of Harrison Spencer then 295' to include property of Charles and
38 Shirley Honey, then 413' to include property of Harold Sherrin then 250' to include
39 property of Robert and Connie Gillespie then 173' to include property of James Robinson
40 continuing 150' to include property of Carol and Billie Cunningham then crossing 3rd
41 Avenue (1566) and continuing W. 248' to include property of Marilyn R. Layman then
42 crossing 2nd Avenue and continuing W. 248' to center of 1st Avenue then 90 degrees S.
43 and 165' to include property of Lee and Carolyn Mayberry, then 90 degrees and 248'

1 crossing back over 2nd Avenue then 269' to center of 3rd Avenue to a nail in center of
2 Rd. and include property of James Taylor then 82' to include property of William
3 Threadgill. Third Avenue intersects with Carole Ave. in an Easterly direction and
4 continues 185' to include property of Wilson Johnson continuing center of Carole Ave.
5 (1587) past Reid Rd. (1557) 248' to a nail in center of Rd. to include property of Dennis
6 Hawkins continuing on to include property of Doug McLain continuing on to include
7 property of Leroy Shillmore also marked by nail in center of Rd. continuing center of
8 Carole Ave. 412' to include property of Ray Stegall next nail will mark and include
9 property of David Swanner, then 90 degrees E. to back of property belonging to Nathlee
10 Strickland continuing 92' to wooden stake to include property of Elizabeth Harris, then
11 92' to metal post to include property of Mae Conder, continuing E. to metal stake to
12 include David Howell's property, then 100' to metal stake to include Jeff and Wanda
13 McSheehan's property next metal stake will mark and include property of Carl Cassados
14 continuing E. to include property of Michele Klass 200' to next stake to include property
15 of Daniel and Gloria Smith 100' to metal stake to include property of Alfred Helms at
16 their metal stakes 120 degrees SW and 884' to metal fence post then 80 degrees E. and
17 445' to metal pipe then 40 degrees S. and 142' to metal pipe to include property of Bruce
18 and Linda Simpson continuing SE 1,167' to include property of Norma Simpson
19 continuing E. 536' to metal rod to include property of Charles and Janice Byrum, at metal
20 rod 90 degrees NE and 712' to include property of Scott and Wendy McGuirt then 30
21 degrees E and 165' to metal pipe then 90 degrees S and 594' to include property of Joe
22 and Kathryn Byrum continuing on and crossing Faith Church Rd. (1518) to connect with
23 metal stake at corner of Dennis and Kathy Helms' property then 80 degrees NE and 701'
24 to metal rod to include property of Helen Snyder continuing NE 247' to the center of
25 Secrest Short Cut Rd. (1501) then 90 degrees N and 245' to center of Faith Church Rd.
26 (1518) then 90 degrees E in center of Rd. to include property of Charles and Janice
27 Byrum from nail in center of Faith Church Rd. 659' to include property of Ervin Barr
28 then 660' to include property of Harold Pressley then 178' to include property of Frank
29 Owens continuing 299' down Faith Church Rd. to include property of Dale Pressley then
30 344' to include Carl Helms' property at this spike in Rd. Rd bends N. and 165' to include
31 property of Philip Simpson, then continues on 580' to include Ralph Boulet property,
32 then 165' to include Sandra Long's property then 1,359' to include Stan and Patricia
33 Pressley's property. Road bends West and continues 102' to include Lawrence Martin
34 property then 82' to include Donald Brize property, continuing NW on Faith Church Rd.
35 to include Marlen Moore's property then 90 degrees N and 300' to include Dennis Price's
36 property continue 206' to include Floyd Price property then 136' to include Paul McLain
37 property, then 150' to include Paul and Linda Voglewed property, then 140' to Robert and
38 Joan Thompson's property then 536' to center of Indian Trail Fairview Rd. and which
39 includes Charles Burgess property, then 90 degrees W in center of Indian Trail Fairview
40 Rd. and 194' to nail in center of Rd. then 200' to include property of Thomas and Martha
41 Dushak, then from nail 300' to include property of James and Myrtle Benton continuing
42 W. 167' to nail in center of Rd. 90 degrees N. and 233' to include property of Charles
43 Funderburk at 233' marker connects with and includes property of Lawrence Funderburk

1 continuing 1,016 to center of Crooked Creek and connecting to property of Steve Dunn
2 and East up center of Creek 123' to include property of Betty Knece then E. in center of
3 Creek 1,064' to include property of Edwin Dury then 825' E. in center of Creek then out
4 of Creek bank and 973' to flint rock to include property of William Humble then 300' to
5 metal stake to include Delano Trull property then E. 102' to Stanley Edwards' property
6 and at metal pipe continuing NE 300' and connecting to Typar property, then 1,564' to
7 iron rod at Maurice Rowell's property and 650' E to include property of Sam Edwards
8 then at metal pipe 436' to include Tommy Edwards' property, then 299' to include Jamie
9 Haney's property at this point 20 degrees SE and 185' to metal pipe and 1,155' E to
10 include property of Ted Edwards and at metal rod NE 75 degrees and 2,640' to include
11 Tract No. 7015002 of Linda Blackmore's property, which is center of Goose Creek using
12 center of Creek as boundary and N. 577' to include property of Danny Myers, Creek
13 travels 306' N. then turns and 165' E. then 204' NE then 112' to center of Mill Grove Rd.
14 (1525). Boundary turns E. on Mill Grove Rd. and connects with property of Kenneth
15 Dorton continuing E. on Mill Grove Rd. to include property of William Lemond then
16 165' E. to include property of Bertie Lemond then 330' to center of Lawyers Rd. (1004)
17 then 400' to include property of William Lemond again then from nail in center of Rd.
18 668' to include property of Danny Myers Tract No. 2, then 82' to include property of
19 Debrah Dorton then N. 165' to include property of Kenneth Dorton then 160' N. to
20 include property of Dennis Dorton then 120 degrees W. and 295' to large metal rod then
21 NW 367' to metal rod then W. 165' then S. 255' to metal axle at back of Danny Myers'
22 property than at metal axle 195' to metal rod at back of William Lemond's property then
23 247' to center of Goose Creek enclosing third Tract of Kenneth Dorton's property,
24 continuing S. 739' down Goose Creek to center of Mill Grove Rd., then using center of
25 Mill Grove Rd. (1525) as boundary continuing W. 1,980' down front of Linda Blackmore
26 property to nail in center of Rd., including property of Luther Wetherington property,
27 then 165' to include Greg and Kim Mullis' property, then 990' to include property of King
28 Heirs, then 330' to include property of Steve Turner, then 123' to include James Crump's
29 property, then 295' to include Larry King's property, then 315' to include Helen Gibson's
30 property then 136' to include Jerry Cooper's land still using center of Mill Grove as
31 boundary 110' then 82' to include property of Kenneth and Wanda Rayley, then 82' to
32 include property of Sue Gordon then 82' to include Clayton Barnes' property then 82' to
33 include James Harris' property, then 82' to include property of Leon and Shelby Dial,
34 then 82' to include property of Robert Bemis, then 82' to include property of Edward
35 Kanis, then 82' to include property of Gary and Sandra Antigo, then 82' to include
36 property of James Dickerson, then 82' to include Garland Thomas property, then 82' to
37 include James Baker property, then 82' to include property of Murry Family Partnership,
38 then 82' to include property of Albert Mattock, then 82' to include property of Hal
39 Oswald, then 82' to include property of William Reinke, then 82' to include property of
40 Lyndel McIver. Then crossing Beacons Hills Rd. to iron pipe at back corner of Randall
41 Johnson property also included, then continuing on S. 102' to include property of Edward
42 Hartis, then 102' to include Leonard Benfield, then 102' to include property of Ray and
43 Mary O'Shields, then 102' to include property of Herbert Himes, then 102' to include

1 property of Irene Leake, then 102' to include property of Enoch Glory, then 102' to
2 include James Helrigle property, then 102' to include property of D.P. and Arlene
3 Somotherman, continuing on 102' to include property of Sharon Hendrickson, then 102'
4 to include property of Danny Myers, then continuing on 30' to center of Hemby Wood
5 Dr. then 90 degrees S. to center of Mill Grove Rd. (1525) then 90 degrees E. and 742' to
6 center of Idlewild Rd. (1582) then 90 degrees N. on Idlewild Rd. and 1,320 to nail in
7 center of Rd. then 90 degrees E. and 225' to wooden stake at back corner of Darren
8 Linsey property to include his property and continue on NW 90' to include property of
9 Steven Revette, then 80' to include property of Virginia Matthews, then 80' to include
10 property of Wayne and Cindy Gordon, then 80' to include property of Donald Moyers,
11 then 80' to include property of Mary Jones, then 80' to include property of Mark Rowell,
12 then 80' to include property of Loreta Fowler, 80' to include David and Rita Hinson
13 property, 80' to include property of Ernestene Aliff, 80' to include Ken Bailey property, at
14 corner of Kent Bailey property 90 degrees W. and 20' to corner of Linda Compton's
15 property also included then 90 degrees N. and continuing on to cross Bridle Trail Rd. and
16 connecting to and including property of Aron McPhatter, then 80' to include Richard
17 Hodge's property, then 80' to include property of Roger McCover, then 80' to include
18 property of Danny and Sandra Hyatt, then 80' to include property of Glenn Lowery, then
19 80' to include property of Marvin Naylor, then 80' to include property of Elizabeth Price,
20 then 80' to include property of Ray Gorman, then 80' to include property of Betty
21 Johnson, then 80' to include property of Wanda Rogers, then 80' to include property of
22 Clayton Liles, then 90 degrees W. and 80' to corner of Mark McCall property, then 90
23 degrees N. and crossing Rockwell Dr. to include property of Emma Metheney, then 80' to
24 include property of Jimmy and Wendy Brown, then NW 165' to center of Idlewild Rd.,
25 then 90 degrees down center of Idelwild Rd. (1582) to nail in center of Rd, then 90
26 degrees E. and connect with and include property of J.R. and Kim Price, then continuing
27 on E. 335' to connect and include property of Philip and Carol Pressley, then 737' to
28 connect and include property of Mr. Swindler at large metal rod NW 1112 to connect and
29 include property of Gene and Lois Belk, continuing on 665' down Belk property line to
30 connect with, but not include, Woodrow-Crump Estate, then 90 degrees NW and 825' to
31 connect and include property of Douglas Dixon, then 210' N. to connect and include
32 property of J.C. McClain, then 165' to connect and include property of James and Frances
33 Crump. Then 409' N. to center of Stevens Mill Rd. (1524) to include Emmanuel Baptist
34 Church, then 90 degrees W. down center of Stevens Mill Rd. crossing Idlewild Rd.
35 (1582) 247' to include property of J. Springstead, continuing on NW on Stevens Mill Rd.
36 270' to include property of David and Fran McClain, then 440' to include property of J.C.
37 McClain, then 335' to include property of Carol Brands, then 879' to center of South Fork
38 of Crooked Creek and Stevens Mill Rd. which is back of property of Larry Love.
39 Notwithstanding the above description, whenever any boundary is described as the
40 centerline of any road, then the corporate limits of the town extend to the far right-of-way
41 of the road unless the remainder of the right-of-way is included within the corporate
42 limits of another town on the date this Charter becomes effective.

43

1 "CHAPTER III.
2 "GOVERNING BODY.

3 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
4 body of the Town of Hemby Bridge is the Board of Aldermen, which has five members.

5 "Sec. 3.2. **Temporary Officers.** Until the organizational meeting after the initial
6 election in 1999 provided for by Section 4.1 of this Charter, Bill Baucom, J.C. McClain,
7 and Phil Pressley are appointed members of the Board of Aldermen, and they shall
8 possess and may exercise the powers granted to the Board of Aldermen until their
9 successors are elected or appointed and qualify pursuant to this Charter. The Board of
10 Aldermen shall have three members until the organizational meeting after the 1999
11 municipal election.

12 "Sec. 3.3. **Manner of Electing Board of Aldermen; Term of Office.** The qualified
13 voters of the entire Town shall elect the members of the Board of Aldermen. In 1999,
14 five members of the Board of Aldermen are elected. The three persons receiving the
15 highest numbers of votes are elected to four-year terms, and the two persons receiving the
16 next highest numbers of votes are elected to two-year terms. In 2001 and quadrennially
17 thereafter, two persons are elected to four-year terms. In 2003 and quadrennially
18 thereafter, three persons are elected to four-year terms.

19 "Sec. 3.4. **Manner of Electing Mayor; Term of Office.** At its organizational
20 meeting after each election, the Board of Aldermen shall elect one of its members as
21 Mayor to serve at the pleasure of the Board of Aldermen.

22 "CHAPTER IV.
23 "ELECTIONS.

24 "Sec. 4.1. **Conduct of Town Elections.** Town officers shall be elected on a
25 nonpartisan election and runoff basis and results determined as provided in G.S. 163-293.

26 "CHAPTER V.
27 "ADMINISTRATION.

28 "Sec. 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Hemby
29 Bridge operates under the Mayor-Council plan as provided in Part 3 of Article 7 of
30 Chapter 160A of the General Statutes."

31 Section 2. This act does not affect the boundaries or taxing power of any fire
32 tax district. Notwithstanding G.S. 69-25.15 or any other provision of law, any area which
33 may be annexed by the Town of Hemby Bridge shall remain in the fire tax district.

34 Section 3. From and after the effective date of this act, the citizens and
35 property in the Town of Hemby Bridge shall be subject to municipal taxes levied for the
36 year beginning July 1, 1998, and for that purpose the Town shall obtain from Union
37 County a record of property in the area herein incorporated which was listed for taxes as
38 of January 1, 1998. The Town may adopt a budget ordinance for fiscal year 1998-99
39 without following the timetable in the Local Government Budget and Fiscal Control Act,
40 but shall follow the sequence of actions in the spirit of the act insofar as is practical. For
41 fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90 days
42 of adoption of the budget ordinance, and thereafter in accordance with the schedule in
43 G.S. 105-360 as if the taxes had been due and payable on September 1, 1998.

1 Section 3.1. Any annexation ordinance applicable to any territory described in
2 Section 2.1 of the Charter of the Town of Hemby Bridge is suspended as to its
3 applicability as to any of that territory from the date this act becomes law until the results
4 of the election conducted under Section 2 of this act are certified, and any statutes of
5 limitation as to such ordinance are tolled during that period. If a majority of the votes are
6 cast "For the Revival of the Charter of the Town of Hemby Bridge", then any such
7 ordinance shall not be effective as to any territory incorporated into the Town of Hemby
8 Bridge by this act, but if such ordinance also applies to any territory not within the
9 corporate limits of the Town of Hemby Bridge, it is validated as to such other territory. In
10 addition, no annexation ordinance may be adopted as to any territory described in Section
11 2.1 of the Charter of the Town of Hemby Bridge from the date this act becomes law until
12 the results of the election conducted under Section 2 of this act are certified, and any time
13 limits for action as to such ordinance are tolled during that period.

14 Section 3.2. On the date of the general election in 1998, the Union County
15 Board of Elections shall conduct a special election for the purpose of submission to the
16 qualified voters of the area described in Section 2.1 of the Charter of the Town of Hemby
17 Bridge, the question of whether such area shall be incorporated as the Town of Hemby
18 Bridge.

19 Section 3.3. In the election, the question on the ballot shall be:
20 " FOR AGAINST
21 Incorporation of the Town of Hemby Bridge".

22 Section 3.4. In the election, if a majority of the votes are cast "For the Revival
23 of the Charter of the Town of Hemby Bridge", Sections 1 through 3 of this act become
24 effective on the date that the Union County Board of Elections certifies the results of the
25 election. Otherwise, Sections 1 through 3 of this act have no force and effect.

26 Section 4. This act is effective when it becomes law.