

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 534

Short Title: Pleasant Garden Incorporated.

(Local)

Sponsors: Senator Shaw of Guilford.

Referred to: Rules and Operations of the Senate.

March 27, 1997

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A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN.
The General Assembly of North Carolina enacts:

Section 1. A Charter of the Town of Pleasant Garden is enacted as follows:

"THE CHARTER OF THE TOWN OF PLEASANT GARDEN.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Pleasant Garden are a body corporate and politic under the name 'Town of Pleasant Garden'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2-1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Pleasant Garden are as follows:
BEGINNING at a point in the southern right-of-way line of Ritters Lake Road (S.R. 3325) at its intersection with the western line of Fentress Township with Sumner Township, and running; thence, along the southern right-of-way line of said Ritters: Lake Road, eastwardly approximately 8440 feet to a point;

1 thence, along the western line of tax parcel ACL-3-152-540-9, southeastwardly
2 approximately 500 feet to a point;
3 thence, along the western line of tax parcels ACL-3-152-540-46 and 47, southwardly
4 approximately 1750 feet to a point;
5 thence, along the southern line of tax parcels ACL-3-152-540-47, 8, and 7,
6 northeastwardly approximately 2140 feet to a point;
7 thence, along the eastern line of tax parcel ACL-3-152-540-7, northeastwardly
8 approximately 150 feet to a point;
9 thence, along the southern line of tax parcels ACL-3-152-540-41, 42, and 43, eastwardly
10 approximately 2275 feet to a point;
11 thence, along the western right-of-way line of Alliance Church Road (N.C. Highway 22),
12 northwardly approximately 500 feet to a point;
13 thence, crossing said Alliance Church Road, northeastwardly approximately 200 feet to a
14 point in the northern right-of-way line of a proposed new road connecting Alliance
15 Church Road with U. S. Highway 421;
16 thence, along the northern right-of-way line of said connector road, northeastwardly
17 approximately 1350 feet to a point;
18 thence, along the southwestern right-of-way line of U. S. Highway 421, southeastwardly
19 approximately 14,400 feet to a point in the centerline of Hagan-Stone Park Road (S.R.
20 3411);
21 thence, along the centerline of Hagan-Stone Park Road (S.R. 3411), southwardly
22 approximately 2,500 feet to a point;
23 thence, along the southern line of tax parcel ACL-9-579-411-39, westwardly
24 approximately 350 feet to a point;
25 thence, along a line of the Pleasant Garden Fire District and across tax parcel ACL-9-
26 579-411-19, southwardly approximately 175 feet to a point in the northern line of tax
27 parcel ACL-9-579-411-43;
28 thence, along the northern line of said tax parcel ACL-9-579-411-43, eastwardly
29 approximately 300 feet to a point in the centerline of Hagan-Stone Park Road (S.R.
30 3411);
31 thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411),
32 southwestwardly and westwardly approximately 3,600 feet to a point;
33 thence, along the eastern line of tax parcel ACL-9-579-422-32, southwardly
34 approximately 1,750 feet to a point;
35 thence, along the southern line of said tax parcel ACL-9-579-422-32, westwardly
36 approximately 1,900 feet to a point;
37 thence, along a western line of said tax parcel ACL-9-579-422-32, northwardly
38 approximately 230 feet to a point;
39 thence, along a northern line of said tax parcel ACL-9-579-422-32 with Hagan-Stone
40 Park, eastwardly approximately 600 feet to a point;
41 thence, along a western line of said tax parcel ACL-9-579-422-32 with Hagan-Stone
42 Park, northwardly approximately 1,200 feet to a point in the centerline of Hagan-Stone
43 Park Road (S.R. 3411);

1 thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411) northeastwardly
2 approximately 800 feet to a point;
3 thence, along the western line of tax parcels ACL-9-579-422-35 and 23, with Hagan-
4 Stone Park, northwardly approximately 1,530 feet to a point in the southern line of tax
5 parcel ACL-9-579-422-12;
6 thence, along the southern line of said tax parcel ACL-9-579-422-12 with Hagan-Stone
7 Park, westwardly approximately 480 feet to a point;
8 thence, along the western line of said tax parcel ACL-9-579-422-12 with Hagan-Stone
9 Park, northwardly approximately 1,350 feet to a point in the centerline of Tabernacle
10 Church Road (S.R. 3412);
11 thence, along the centerline of said Tabernacle Church Road (S.R. 3412) westwardly
12 approximately 150 feet to a point;
13 thence, along the eastern line of tax parcel ACL-9-579-422-11 with Hagan-Stone Park
14 southwardly approximately 1,300 feet to a point;
15 thence, along the southern line of tax parcels ACL-9-579-422-11 and 7 and ACL-9-579-
16 477-11, 15, 33, 35, and 26, with Hagan-Stone Park, westwardly approximately 2,100 feet
17 to a point;
18 thence, along the eastern line of tax parcel ACL-9-579-477-25 with Hagan-Stone Park
19 southwardly approximately 280 feet to a point;
20 thence, along the southern line of tax parcels ACL-9-579-477-25, 24, and 41 with Hagan-
21 Stone Park southwestwardly approximately 1,370 feet to a point;
22 thence, along the western line of tax parcel ACL-9-579-477-41 with Hagan-Stone Park,
23 northeastwardly approximately a 700 feet to a point, the southeast corner of tax parcel
24 ACL-9-579-477-40;
25 thence, along the southern line of tax parcels ACL-9-579-477-40 and 43 with Hagan-
26 Stone Park, westwardly approximately 1,350 feet to a point;
27 thence, along the eastern line of tax parcels ACL-9-579-477-43, ACL-3-156-482-2 and 5,
28 ACL-3-156-487-1 and 6 and ACL-9-579-478-8, southwardly approximately 3,800 feet to
29 a point in the centerline of Hagan-Stone Park Road (S.R. 3411);
30 thence, along the centerline of said Hagan-Stone Park Road (S.R. 3411) eastwardly
31 approximately 2,800 feet to a point;
32 thence, along the eastern line of tax parcel ACL-9-579-478-3 with Hagan-Stone Park,
33 southwardly approximately 125 feet to a point;
34 thence, along the northern line of tax parcel ACL-9-579-478-3 with Hagan-Stone Park,
35 eastwardly approximately 1,200 feet to a point;
36 thence, along the eastern side of tax parcel ACL-9-579-478-3 the following 5 courses:
37 (1) Southwardly approximately 500 feet to a point
38 (2) Eastwardly approximately 100 feet to a point
39 (3) Southwardly approximately 975 feet to a point
40 (4) Westwardly approximately 190 feet to a point
41 (5) Southwardly approximately 1,300 feet to a point in the centerline of Fieldview Road
42 (S.R. 3407);

1 thence, along the centerline of said Fieldview Road (S.R. 3407) southeastwardly and
2 eastwardly approximately 1,700 feet to a point;
3 thence, along the eastern line of tax parcel ACL-9-577-420-19, southwardly
4 approximately 620 feet to a point;
5 thence, along the southern line of tax parcel ACL-9-577-420-19, westwardly
6 approximately 300 feet to a point;
7 thence, along the eastern line of tax parcel ACL-9-577-420-21, southwardly
8 approximately 400 feet to a point;
9 thence, along the southern line of tax parcels ACL-9-577-420-21, 22, and 23, north
10 westwardly approximately 800 feet to a point;
11 thence, along the southern line of tax parcels ACL-9-577-420-9 and 26, southwestwardly
12 approximately 1450 feet to a point in the eastern line of tax parcel ACL-9-579-479N-4;
13 thence, along the eastern side of tax parcel ACL-9-579-479N-4, the following 3 courses:
14 (1) Southwardly approximately 200 feet to a point
15 (2) Eastwardly approximately 50 feet to a point
16 (3) Southwardly approximately 1,350 feet to a point, the southeast corner of said tax
17 parcel ACL-9-579-479N-4;
18 thence, along the southern line of tax parcel ACL-9-579-479N-4, westwardly
19 approximately 1,800 feet to a point;
20 thence, along the southern line of tax parcel ACL-3-158-479S-15, southwestwardly
21 approximately 280 feet to a point;
22 thence, along the eastern line of tax parcel ACL-3-158-479S-4, southwardly
23 approximately 200 feet to a point;
24 thence, along the southern line of said tax parcel ACL-3-158-479S-4, southwestwardly
25 approximately 380 feet to a point in the centerline of N.C. Highway 22;
26 thence, along the centerline of said N.C. Highway 22, southeastwardly approximately
27 600 feet to a point;
28 thence, along the southern line of tax parcels ACL-3-158-479S-3, 13, 12, and 17, ACL-3-
29 158-485-11, ACL-3-158-486S-15, 13, and 12, southwestwardly approximately 3,000 feet
30 to a point, the northeastern corner of tax parcel ACL-3-158-485-6;
31 thence, along the eastern line of said tax parcel ACL-3-158-485-6, southwardly
32 approximately 1,900 feet to a point;
33 thence, along the southern line of tax parcels ACL-3-158-485-6 and 9, westwardly
34 approximately 1,430 feet to a point in the centerline of Kearney Road (S.R. 3404);
35 thence, along the centerline of said Kearney Road (S.R. 3404), northwardly
36 approximately 300 feet to a point;
37 thence, along the southern line of tax parcels ACL-3-158-485-6 and ACL-3-158-546-2,
38 westwardly approximately 2,200 feet to a point;
39 thence, along a western line of tax parcel ACL-3-158-546-2, northwardly approximately
40 960 feet to a point;
41 thence, along the southern line of tax parcel ACL-3-158-546-2, westwardly
42 approximately 1,300 feet to a point;

1 thence, along the eastern line of tax parcels ACL-3-158-546-12, 13, 14, 21, 15, 16, 17,
2 18, 19, and 20, southwardly approximately 1,600 feet to a point;
3 thence, along the southern line of tax parcel ACL-3-158-546-20, westwardly
4 approximately 300 feet to a point in the centerline of Hunt Road (S.R. 3402);
5 thence, along the centerline of said Hunt Road (S.R. 3402), southward approximately 650
6 feet to a point;
7 thence, along the southern line of tax parcel ACL-3-158-546-3, westwardly
8 approximately 1,000 feet to a point;
9 thence, along the southern line of tax parcel ACL-3-158-546-7, North westwardly
10 approximately 630 feet to a point;
11 thence, along the western line of tax parcels ACL-3-158-546-7, and 30, northeastwardly
12 approximately 1,020 feet to a point;
13 thence, along the southern line of tax parcel ACL-91-6784-551-25 and the southern line
14 of Pleasant Grove Subdivision which is designated at B-Sub of block 551, tax map ACL-
15 91-6784, westwardly approximately 650 feet to a point, the northeast corner of tax parcel
16 ACL-91-6784-551-12;
17 thence, along the eastern line of said tax parcel ACL-91-6784-551-12, southwardly
18 approximately 500 feet to a point;
19 thence, along the southern line of said tax parcel ACL-91-6784-551-12, westwardly
20 approximately 520 feet to a point, the northeast corner of Center Subdivision;
21 thence, along eastern lines of said Center Subdivision, which is designated as A-Sub of
22 block 551, tax map ACL-91-6784, the following 5 courses;
23 (1) Southwestwardly approximately 500 feet to a point;
24 (2) Southeastwardly approximately 200 feet to a point;
25 (3) Southwestwardly approximately 600 feet to a point;
26 (4) North westwardly approximately 200 feet to a point;
27 (5) Southwestwardly approximately 300 feet to a point;
28 thence, along the southern line of said Center Subdivision, westwardly approximately
29 460 feet to a point in the centerline of Branson Mill Road (S.R. 3437);
30 thence, along the centerline of said Branson Mill Road (S.R. 3437), northeastwardly
31 approximately 100 feet to a point;
32 thence, along the southern line of tax parcel ACL-91-6784-550N-22, westwardly
33 approximately, 550 feet to a point in the eastern line of tax parcel ACL-91-6784-550N-1;
34 thence, along the eastern line of said tax parcel ACL-91-6784-550N-1, southwardly
35 approximately 75 feet to a point;
36 thence, along the southern line of tax parcels ACL-91-6794-550N-1 and 15, westwardly
37 approximately 350 feet to a point;
38 thence, along the eastern line of tax parcel ACL-91-6784-550N-14, southwardly
39 approximately 700 feet to a point;
40 thence, along the southern line of said tax parcel ACL-91-6784-550N-14, westwardly
41 approximately 950 feet to a point;

1 thence, along the western line of tax parcels ACL-91-6784-550N-14, 11, and 21 and
2 ACL-91-6784-551-2 and crossing Hodgin Valley Road (S.R. 3440), northwardly
3 approximately 2,000 feet to a point;
4 thence, along the northern line of tax parcels ACL-91-6784-551-2, 17, 5, and 14 and the
5 northern line of Center Subdivision, which is designated as A-Sub of block 551, ACL-91-
6 6784, westwardly approximately 2,170 feet to a point in the centerline of Branson Mill
7 Road (S.R. 3437);
8 thence, along the centerline of said Branson Mill Road (S.R. 3437), northeastwardly
9 approximately 1,100 feet to a point;
10 thence, along the southern line of tax parcel ACL-91-6784-551-18, northwestwardly
11 approximately 400 feet to a point;
12 thence, along the western line of tax parcels ACL-91-6784-551-18 and 8,
13 northwestwardly approximately 1,300 feet to a point;
14 thence, along the southern line of tax parcels ACL-91-6784-551-8, 24, and 22, westward
15 approximately 950 feet to a point;
16 thence, along the western line of tax parcels ACL-91-6784-551-22 and 23,
17 northwestwardly approximately 1,050 feet to a point;
18 thence, along the northern line of tax parcel ACL-91-6784-551-23, northeastwardly
19 approximately 350 feet to a point, the southwest corner of tax parcel ACL-91-6784-552S-
20 6;
21 thence, along the western line of said tax parcel ACL-91-6784-552S-6, northwardly
22 approximately 750 feet to a point;
23 thence, along the southern line of tax parcels ACL-91-6784-552S-6 and 5,
24 southwestwardly approximately 1,800 feet to a point in the eastern line of tax parcel
25 ACL-91-6784-611S-3;
26 thence, along the southeastern line of said tax parcel ACL-91-6784-611S-3 as it
27 meanders southwestwardly approximately 840 feet to a point;
28 thence, along the southern line of said tax parcel ACL-91-6784-611S-3, southwestwardly
29 approximately 620 feet to a point;
30 thence, along the southwestern line of said tax parcel ACL-91-6784-611S-3, as it
31 meanders northwestwardly approximately 875 feet to a point in the centerline of Robolo
32 Road (S.R. 3439);
33 thence, along the centerline of said Robolo Road (S.R. 3439) southwestwardly;
34 approximately 900 feet to its intersection with the western line of Davis Mill Road;
35 thence, along the western line of Davis Mill Road, northwardly approximately
36 7820 feet to a point in the northern line of tax parcel ACL-9-635-609-19;
37 thence, along the northern line of tax parcel ACL-9-635-609-19, southeastwardly
38 approximately 470 feet to a point in the westernline of Davis Mill Road (S.R. 3433);
39 thence, along the westernline of said Davis Mill Road (S.R. 3433), northeastwardly
40 approximately 3,050 feet to a point;
41 thence, along the southern line of Nocho Park Subdivision which is designated as B-Sub
42 of block 609, ACL-9-635, westwardly approximately 1,350 feet to a point;

1 thence, along the western line of said Nocho Park Subdivision, northwardly
2 approximately 1,350 feet to a point in the centerline of Sheraton Park (S.R. 3426);
3 thence, along the centerline of said Sheraton Park Road (S.R. 3426) westwardly
4 approximately 1440 feet to its intersection with the western line of Fentress Township
5 with Sumner Township;
6 thence, along the western line of Fentress Township with Sumner Township, northwardly
7 approximately 8180 feet to the point of BEGINNING.

8 "Sec. 2-2. **Annexation of Property.** (a) The right to annex properties into the
9 boundaries of the Town of Pleasant Garden in accordance with Article 4A of Chapter
10 160A of the General Statutes shall only apply to properties located south of the Town's
11 corporate limits and confined within the following boundaries: bounded on the east by
12 U.S. 421, running southwardly to Company Mill Road; thence along Company Mill Road
13 to Monnett Road; thence along Monnett Road to N.C. 22; thence along N.C. 22 to the
14 Guilford County line; and bounded on the west by the Fentress Township line beginning
15 at Ritters Lake Road and running southwardly to the west right-of-way line of Davis Mill
16 Road; thence Davis Mill Road to the Guilford County line.

17 Annexation of property into the boundaries of the Town of Pleasant Garden shall come
18 at the request of the owners of real property according to G.S. 160A-31 or G.S. 160A-
19 58.1. No property shall be annexed by the Town of Pleasant Garden involuntarily under
20 Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes.

21 (b) In the event the boundaries are to be modified, changed, altered, reduced or
22 extended through future action of the General Assembly by request of the Town Council,
23 the Town Clerk or other person designated by the Town Council shall notify the Mayor
24 and City Council of the City of Greensboro, in writing, prior to the convening of the next
25 ensuing session of the General Assembly in which a change in the boundaries is to be
26 considered and shall first seek the support of the City of Greensboro.

27 (c) G.S. 160A-58.1(b)(2) shall not apply to the City of Greensboro as it relates to
28 the Town of Pleasant Garden.

29 "CHAPTER III. 30 "GOVERNING BODY.

31 "Sec. 3-1. **Structure of the Governing Body; Number of Members.** The
32 governing body of the Town of Pleasant Garden is the Town Council which has five
33 members.

34 "Sec. 3-2. **Manner of Electing Council.** The qualified voters of the entire Town
35 nominate and elect the council.

36 "Sec. 3-3. **Term of Office of Council Members.** Members of the Council are
37 elected to four-year terms. In 1999, five members shall be elected to the Council. The
38 three members receiving the highest number of votes shall serve four-year terms. The
39 two receiving the next highest number of votes shall serve two-year terms. In 2001, and
40 quadrennially thereafter, two members shall be elected to the Council. In 2003, and
41 quadrennially thereafter, three members shall be elected to the Council.

42 "Sec. 3-4. **Mayor; Term of Office.** The Mayor shall be selected by the Council from
43 among its membership to serve at its pleasure.

"CHAPTER IV.**"ELECTIONS.**

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3 "Sec. 4-1. **Method.** Council members shall be elected on a nonpartisan primary basis
4 and the results determined in accordance with G.S. 163-294.

5 "Sec. 4-2. **Results.** Election results shall be determined by the Guilford County
6 Board of Elections according to Chapter 163 of the General Statutes.

"CHAPTER V.**"ADMINISTRATION.**

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9 "Sec. 5-1. **Mayor-Council Plan.** The Town of Pleasant Garden shall operate under
10 the Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the General
11 Statutes.

12 "Sec. 5-2. **Interim Council.** Notwithstanding Section 3-1 of this Charter, from the
13 effective date of this Charter until the organizational meeting of the Town Council after
14 the 1999 municipal election, the members of the Council shall be: Larry Still, Mary Ann
15 McNabb, Bill Wright, Jim Ayres, Betsy Lowder, Amy Parsons, Terry Lee, Ken Lentz,
16 Gene Kimel, Scott Nowlan, and Cynthia Spencer.

17 "Sec. 5-3. **Taxation and Funds.** (a) The Town of Pleasant Garden is eligible to
18 receive distributions of State funds during the fiscal year 1997-98.

19 (b) Notwithstanding G.S. 160A-209(d), except with the approval of the qualified
20 voters of the Town in a referendum under G.S. 160A-209, the Town may not levy ad
21 valorem taxes in excess of twenty cents (20¢) on the one hundred dollar (\$100.00)
22 valuation. This subsection does not limit taxation to pay the debt service on general
23 obligation indebtedness incurred by the Town in accordance with law."

24 Section 2. (a) From and after the effective date of this act, the citizens and property
25 in the Town of Pleasant Garden shall be subject to municipal taxes levied for the year
26 beginning July 1, 1997, and for that purpose the Town shall obtain from Guilford County
27 a record of property in the area herein incorporated which was listed for taxes as of
28 January 1, 1997; and the businesses in the Town shall be liable for privilege license tax
29 from the effective date of the privilege license tax ordinance.

30 (b) If the effective date of this act is before July 1, 1997, the Town may adopt a
31 budget ordinance for fiscal year 1996-97 without following the timetable in the Local
32 Government Budget and Fiscal Control Act, but shall follow the sequence of actions in
33 the spirit of the act insofar as is practical. The Town may adopt a budget ordinance for
34 fiscal year 1997-98 without following the timetable in the Local Government Budget and
35 Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar
36 as is practical. For fiscal year 1997-98, ad valorem taxes may be paid at par or face
37 amount within 90 days of adoption of the budget ordinance, and thereafter in accordance
38 with the schedule in G.S. 105-360 as if the taxes had been due and payable on September
39 1, 1997.

40 Section 3. (a) The Guilford County Board of Elections shall conduct an election on
41 a date set by the Guilford County Board of Elections for the purpose of submission to the
42 qualified voters of the area described in Section 2.1 of the Charter of the Town of
43 Pleasant Garden, the question of whether or not such area shall be incorporated as the

1 Town of Pleasant Garden. The date of the election shall be not more than 90 days after
2 the date of approval of this act under section 5 of the Voting Rights Act of 1965.
3 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

4 (b) In the election, the question on the ballot shall be:

5 **"[] FOR [] AGAINST**
6 **INCORPORATION OF THE TOWN OF PLEASANT GARDEN".**

7 Section 4. In the election, if a majority of the votes are cast "FOR
8 incorporation of the Town of Pleasant Garden", Sections 1 and 2 of this act become
9 effective on the date of the certification of the results of the election. Otherwise, Sections
10 1 and 2 of this act have no force and effect.

11 Section 5. This act is effective when it becomes law.