

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 865
Committee Substitute Favorable 10/30/01
Senate Finance Committee Substitute Adopted 11/20/01**

Short Title: Calabash Annexation/Holden Beach.

(Local)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

1
2 AN ACT CONCERNING A VOLUNTARY SATELLITE ANNEXATION OF
3 CERTAIN DESCRIBED PROPERTY IN BRUNSWICK COUNTY TO ALLOW
4 THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, AND HOLDEN
5 BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES
6 OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND
7 HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, TO
8 MAKE A TECHNICAL CORRECTION IN THE CHARTER OF THE TOWN OF
9 OAK ISLAND, AND TO PROVIDE ADDITIONAL PROCEDURES FOR
10 STREET AND SIDEWALK ASSESSMENTS IN THE TOWN OF OCEAN ISLE
11 BEACH.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 160A-58.1(b)(2) does not apply to the annexation of any
14 or all of the following described property in Brunswick County:

TRACT ONE

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17
18 Beginning at ¾" rebar, said rebar located in the eastern right-of-way of State Road
19 1164, said rebar also being located south 40 degrees 31 minutes west 447.75' from a
20 P.K. Nail located in the intersection of State Road 1164 with State Road 1165, thence
21 leaving the beginning corner and running with the eastern right-of-way of Brunswick
22 Electric Membership Corporation easement line north 06 degrees 41 minutes 53
23 seconds east 695.32' to an existing 1" iron pipe, thence running north 06 degrees 33
24 minutes 15 seconds east 200' to a ¾" rebar, thence running north 83 degrees 26 minutes
25 45 seconds west 299.50' to a point in the eastern right-of-way of State Road 1165,
26 thence running with eastern right-of-way of State Road 1165 north 06 degrees 33
27 minutes 46 seconds east 287.25' to a point, thence north 05 degrees 44 minutes 10
28 seconds east 140.79' to an existing 1" iron pipe, thence leaving said right-of-way line

1 south 87 degrees 06 minutes 10 seconds east 790.78' to an existing 1" iron pipe, thence
2 north 02 degrees 53 minutes 50 seconds east 400' to a 1" iron pipe located in Hobson
3 Meares' southern property line, thence running Hobson Meares' southern property line
4 south 87 degrees 06 minutes 10 seconds east 2836.47' to an existing 1" iron pipe, thence
5 north 61 degrees 50 minutes 38 seconds east 327.20' to an existing 1 ½" iron pipe this
6 being a corner in Odell Williamson Old Stone #4 Tract, thence leaving Hobson Meares'
7 line and running north 46 degrees 10 minutes 15 seconds east 2384.35' to a ¾" rebar,
8 thence continuing north 46 degrees 10 minutes 15 seconds east a distance of 22.27' to
9 the centerline of an existing canal, thence running with said canal these various courses
10 and distances with centerline north 56 degrees 57 minutes 39 seconds east 193.72' to a
11 point north 80 degrees 54 minutes 52 seconds east 79.22' to a point south 86 degrees 17
12 minutes 40 seconds east 57.57' to a point south 58 degrees 19 minutes 36 seconds east
13 107.27' to a point south 37 degrees 15 minutes 20 seconds east 172.29' to a point south
14 63 degrees 16 minutes 05 seconds east 110.67' to a point south 31 degrees 16 minutes
15 33 seconds east 123.42' to a point north 58 degrees 39 minutes 34 seconds east 132.25'
16 to a point north 81 degrees 35 minutes 30 seconds east 95.53' to a point south 68
17 degrees 57 minutes 49 seconds east 175.52' to a point south 40 degrees 42 minutes 49
18 seconds east 85.58' to a point south 04 degrees 04 minutes 30 seconds west 78.31' to a
19 point south 42 degrees 52 minutes 23 seconds east 227.12' to a point south 37 degrees
20 30 minutes 04 seconds east 105.33' to a point south 43 degrees 49 minutes 5 seconds
21 east 220.67' to a point south 23 degrees 38 minutes 48 seconds east 79.29' to a point
22 south 50 degrees 16 minutes 38 seconds west 431.62' to a point south 32 degrees 24
23 minutes 04 seconds west 392.01' to a point south 62 degrees 52 minutes 45 seconds
24 west 152.85' to a point south 51 degrees 13 minutes 09 seconds west 149.72' to a point
25 south 29 degrees 39 minutes 45 seconds west 370.67', thence leaving said canal and
26 running south 45 degrees 30 minutes 30 seconds east 12' to a ¾" rebar, thence
27 continuing south 45 degrees 30 minutes 30 seconds east 951.99' to a ¾" rebar, thence
28 running south 00 degrees 00 minutes west 772.22' to a ¾" rebar, thence running south
29 71 degrees 48 minutes 01 seconds west 1347.01' to a ¾" rebar, thence south 86 degrees
30 05 minutes 54 seconds west 1717.73' to an existing ¾" rebar, said corner being the
31 northeast corner of Coastal Carolina Presbytery property, thence running with church
32 property south 85 degrees 55 minutes 35 seconds west 435.60' to an existing ¾" rebar,
33 thence leaving the church property line and running south 85 degrees 55 minutes 35
34 seconds west 1089.18' to a ¾" rebar, thence south 75 degrees 33 minutes 42 seconds
35 west 1627.23' to a ¾" rebar located in the eastern right-of-way line of State Road 1164,
36 thence running with said right-of-way line north 30 degrees 42 minutes 51 seconds west
37 to a ¾" rebar, said rebar being the beginning corner, said property containing 402.5
38 acres more or less and being a part of Odell Williamson property recorded in deed book
39 611, page 411 and also deed book 630, page 592. Bearings are magnetic in relation to
40 map cabinet Q, Pages 65, 186, and 187.

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TRACT TWO

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2 Beginning at a ¾" rebar, said rebar being the southeastern corner of Tract One, thence
3 running south 18 degrees 11 minutes 59 seconds east 500' to a ¾" rebar located in the
4 northern right-of-way line of State Road 1163, thence running west said right-of-way
5 line south 71 degrees 48 minutes 01 seconds west 150' to a ¾" rebar, thence leaving said
6 right-of-way line and running north 18 degrees 11 minutes 49 seconds west 500' to a ¾"
7 rebar located in southern property line of Tract One, thence running with southern
8 property line of Tract One north 71 degrees 48 minutes 01 seconds east 150' to a ¾"
9 rebar, said corner being the beginning corner said tract containing 1.72 acres more or
10 less. Bearings are magnetic in relation to Map Cabinet Q, Pages 65, 186, and 187.

11
12 It is hereby understood that this parcel of land may be used only as a right-of-way to
13 construct a road for anything related to the purpose of egress and ingress or any other
14 purpose related to Tract One of the deed. It is also understood that the Grantor may use
15 the said road for the purpose of egress and ingress to his property or his assigns.

16
17 The above described tracts are more particularly described in that certain plat dated
18 September 27, 1991, entitled "Plat of Survey of Property Owned by Odell Williamson,
19 et [sic] ux" as prepared by Jan K. Dale, R. L. S., and recorded in Plat Book W, Page 200
20 in the Brunswick County Registry, reference to which is made to aid this description.

21 **SECTION 2.** Section 3 of S.L. 2001-36 reads as rewritten:

22 **"SECTION 3.** This act applies only to Carolina Beach, Carteret County, Dare
23 County, and the Towns of Atlantic Beach, Emerald Isle, Holden Beach, Indian Beach,
24 Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Pine Knoll
25 Shores, Surf City, Topsail Beach, and Wrightsville Beach."

26 **SECTION 2.1.** Section 5.2 of the Charter of the Town of Oak Island, being
27 S.L. 1999-66, reads as rewritten:

28 "Sec. 5.2. **Voting.** Election of the Mayor and Town Council member shall be by the
29 nonpartisan plurality election method prescribed by ~~G.S. 163-192,~~ G.S. 163-292, and
30 shall be conducted as provided by General Statutes."

31 **SECTION 2.2.** Chapter 887 of the 1959 Session Laws, being the Charter of
32 the Town of Ocean Isle Beach, is amended by adding the following new sections to
33 read:

34 "Section 10.1. **Assessments for Street Improvements; Petition Unnecessary.**

35 In addition to any authority granted by general law, the Council may order street
36 improvements and to assess the costs thereof against abutting property in accordance
37 with the provisions of this section.

38 The Board of Commissioners may order street improvements and assess the total
39 costs thereof against abutting property, exclusive of the costs incurred at street
40 intersections, according to one or more of the assessment bases set forth in Article 10 of
41 Chapter 160A of the General Statutes without the necessity of a petition, if the Board

1 makes a finding of fact that the street improvement project does not exceed 2,500 linear
2 feet, and that any of the following apply:

- 3 (1) The street or part thereof is unsafe for vehicular traffic or creates a
4 safety or health hazard and it is in the public interest to make such
5 improvements; or
- 6 (2) It is in the public interest to connect two streets or portions of a street
7 already improved; or
- 8 (3) It is in the public interest to widen a street, or part thereof, which is
9 already improved.

10 Assessments for widening any street or portion of a street without a petition shall be
11 limited to the cost of widening and otherwise improving such street in accordance with
12 street classification and improvement standards established by the Town, as applied to
13 the particular street or part thereof.

14 For the purpose of this section, the term 'street improvement' shall include grading,
15 regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of
16 right-of-way and construction or reconstruction of curbs, gutters and street drainage
17 facilities.

18 "Section 10.2. **Assessments for Sidewalk Improvements; Petition Unnecessary.**
19 In addition to any authority granted by general law, the Board of Commissioners may,
20 without the necessity of a petition, order sidewalk improvements or repairs according to
21 standards and specifications of the Town, and assess the total costs thereof against
22 abutting property, according to one or more of the assessment bases set forth in Article
23 10 of Chapter 160A of the General Statutes provided that regardless of the assessment
24 basis or bases employed, the Board of Commissioners may order the costs of sidewalk
25 improvements made only on one side of a street to be assessed against property abutting
26 both sides of such street.

27 "Section 10.3. **Procedure; Effect of Assessment.** In ordering street and sidewalk
28 improvements without a petition and assessing the costs thereof under authority of
29 Sections 10.1 and 10.2 of this Charter, the Board of Commissioners shall comply with
30 the procedures required by Article 10 of Chapter 160A of the General Statutes except
31 those provisions relating to petitions of property owners and sufficiency thereof. The
32 effect of the act of levying assessments under authority of those sections shall be the
33 same as if assessments were levied under authority of Article 10 of Chapter 160A of the
34 General Statutes."

35 **SECTION 3.** This act is effective when it becomes law.