

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 323

Committee Substitute Favorable 6/6/89

Local Government & Regional Affairs Senate Committee Substitute Adopted 6/27/89

Fourth Edition Engrossed 6/30/89

Short Title: Calabash/Carolina Shores.

(Local)

Sponsors:

Referred to:

February 22, 1989

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE A CERTAIN AREA INTO THE TOWN OF CALABASH, SUBJECT TO A REFERENDUM, AND CONCERNING HEIGHT LIMITATIONS IN THE TOWN OF HOLDEN BEACH.

The General Assembly of North Carolina enacts:

Section 1. The following described area is annexed to the Town of Calabash:

TRACT A

BEGINNING at a point said point being located in the northern right-of-way line of N.C. 179 (formerly S.R. 1163) a 60' RW and also being located where the northern right-of-way line of N.C. 179 is intersected by the eastern right-of-way line of S.R. 1168 (60' RW). Thence running with and along the northern right-of-way line of N.C. 179, South 77 degrees 13 minutes 47 seconds West, 331.67 feet; thence with a curve to the right (values Delta 20 degrees 33 minutes 39 seconds, R=1732.95') South 87 degrees 30 minutes 37 seconds West, a chord of 618.54 feet: Thence north 82 degrees 12 minutes 34 seconds West, 1022.14 feet; thence with a curve to the left (values Delta 13 degrees 28 minutes 52 seconds, R=1667.02) North 88 degrees 44 minutes 26 seconds west, a chord of 391.32 feet. Thence South 84 degrees 18 minutes 34 seconds west, 21.93 feet to the South Carolina State Line. Thence running with the N. C. and S. C. State line North 44 degrees 43 minutes 03 seconds West 2088.59 feet: thence leaving state line and running north 25 degrees 56 minutes 40 seconds East 655.02 feet; thence North 64 degrees 13 minutes 18 seconds West, 103.78 feet to a point in the eastern right-of-way

1 line of U. S. 17; thence running with eastern line of U. S. 17 North 25 degrees 57  
2 minutes 42 seconds, 4027.30 feet to an iron pipe. (This line crossing S.R. 1168).  
3 Thence North 60 degrees 20 minutes 57 seconds East, 108.09 feet: Thence South 30  
4 degrees 37 minutes 22 seconds East, 367.29 feet; thence North 60 degrees 22 minutes  
5 31 seconds East, 1191.43 feet; thence North 30 degrees 50 minutes 31 seconds West,  
6 365.67 feet; thence North 60 degrees 12 minutes 51 seconds East, 1349.56 feet to an  
7 iron pipe; thence South 87 degrees 47 minutes 50 seconds West, 463.98 feet; thence the  
8 following courses and distances.

9 North 11 degrees 31 minutes 38 seconds West 1134.70 feet  
10 North 27 degrees 00 minutes 33 seconds East, 98.85 feet  
11 North 18 degrees 04 minutes 38 seconds West, 84.06 feet  
12 North 41 degrees 02 minutes 22 seconds East, 45.85 feet  
13 North 07 degrees 50 minutes 01 seconds East, 53.86 feet  
14 North 37 degrees 32 minutes 34 seconds East, 95.88 feet  
15 North 45 degrees 49 minutes 04 seconds East, 49.35 feet  
16 North 25 degrees 53 minutes 27 seconds East, 40.45 feet  
17 North 00 degrees 07 minutes 41 seconds West, 70.30 feet  
18 North 63 degrees 40 minutes 41 seconds East, 90.02 feet  
19 North 36 degrees 26 minutes 44 seconds East, 105.05 feet to the western right-of-way  
20 line of S.R. 1167, 60' RW; thence North 54 degrees 45 minutes 07 seconds East 30.00  
21 feet to the centerline of S.R. 1167; thence running with centerline of S.R. 1167 South 35  
22 degrees 14 minutes 53 seconds East, 1335.78 feet; thence with a curve to the right  
23 (values Delta 17 degrees 08 minutes 42 seconds, R=954.93 feet) South 26 degrees 40  
24 minutes 32 seconds East, a chord of 284.68 feet; thence continuing with said centerline  
25 and running South 18 degrees 06 minutes 12 seconds East, 1374.96 feet; thence leaving  
26 said centerline and running South 62 degrees 58 minutes 47 seconds West, 678.48 feet.  
27 Thence South 60 degrees 09 minutes 04 seconds West, 720.74 feet; thence South 30  
28 degrees 33 minutes 19 seconds East, 2954.21 feet; thence South 60 degrees 36 minutes  
29 40 seconds West, 452.61 feet; thence South 30 degrees 14 minutes 30 seconds East,  
30 1506.91 feet to an iron pipe; thence North 87 degrees 00 minutes 46 seconds west,  
31 779.48 feet to an iron pipe; thence South 82 degrees 04 minutes 15 seconds west,  
32 439.56 feet to an iron pipe; Thence South 85 degrees 32 minutes 33 seconds West,  
33 250.00 feet to an iron pipe; thence South 85 degrees 32 minutes 33 seconds West,  
34 762.30 feet to the Eastern right-of-way line of S.R. 1168 (60' RW) thence with said  
35 right-of-way line South 03 degrees 49 minutes 14 seconds East 323.50 feet to the  
36 beginning point. Said Tract A containing 613 acres more or less.

#### TRACT B

#### ACREAGE ESTATES LAND

39 BEGINNING at an iron pipe in the Eastern right-of-way line of S.R. 1167 (Persimmon  
40 Road). Said beginning iron also being the Southwestern corner of Section C, Acreage  
41 Estates as recorded in Map Book 15, Page 54, Brunswick County Register of Deeds  
42 Office in Bolivia, North Carolina. Thence running South 78 degrees 12 minutes 01  
43 seconds West 30.01 feet to the centerline of S.R. 1167; thence with the centerline of  
44 S.R. 1167, North 13 degrees 22 minutes 05 seconds West, 795.55 feet; thence north 19

1 degrees 33 minutes 16 seconds west, 240.35 feet; thence continuing with centerline of  
2 S.R. 1167 north 30 degrees 30 minutes 28 seconds west, 1584.44 feet thence leaving the  
3 centerline of S.R. 1167 and running North 49 degrees 50 minutes 55 seconds East,  
4 88.89 feet; thence running these various courses and distances with and along Little  
5 Singletree Swamp:  
6 North 12 degrees 01 minutes 46 seconds East, 310.06 feet  
7 North 07 degrees 53 minutes 49 seconds East, 217.53 feet;  
8 North 06 degrees 44 minutes 59 seconds West, 111.09 feet;  
9 North 21 degrees 06 minutes 56 seconds East, 139.44 feet;  
10 North 76 degrees 19 minutes 57 seconds East, 143.24 feet;  
11 North 53 degrees 37 minutes 54 seconds East, 253.73 feet;  
12 North 12 degrees 53 minutes 37 seconds West, 246.25 feet;  
13 North 05 degrees 58 minutes 10 seconds East, 128.21 feet;  
14 North 47 degrees 11 minutes 43 seconds East, 349.98 feet;  
15 North 42 degrees 21 minutes 42 seconds East, 144.68 feet;  
16 North 13 degrees 02 minutes 50 seconds East, 390.02 feet;  
17 North 29 degrees 45 minutes 27 seconds West, 171.04 feet;  
18 North 33 degrees 45 minutes 43 seconds East, 231.37 feet;  
19 North 15 degrees 00 minutes 04 seconds East, 162.79 feet;  
20 to an iron pipe. Thence running South 26 degrees 07 minutes 00 seconds East, 617.12  
21 feet to an iron pipe, thence South 25 degrees 27 minutes 50 seconds East, 1659.80 feet  
22 to an iron pipe; thence South 25 degrees 34 minutes 50 seconds East, 1627.72 feet to an  
23 iron pipe; thence South 25 degrees 34 minutes 45 seconds East, 1105.79 feet to an iron  
24 pipe; thence South 25 degrees 42 minutes 45 seconds East, 1598.56 feet to an iron pipe;  
25 thence South 25 degrees 36 minutes 55 seconds East, 2522.36 feet to the centerline of  
26 S.R. 1165; thence running with centerline of S.R. 1165, South 42 degrees 44 minutes 55  
27 seconds West, 942.04 feet; thence leaving centerline of S.R. 1165 and running North 25  
28 degrees 16 minutes 15 seconds west, 530.72 feet to an iron pipe; thence North 25  
29 degrees 51 minutes 15 seconds West, 1527.06 feet to an iron pipe; thence North 26  
30 degrees 27 minutes 19 seconds West, 332.57 feet to an iron pipe; Thence North 26  
31 degrees 44 minutes 14 seconds West, 163.86 feet to an iron pipe; Thence North 26  
32 degrees 54 minutes 19 seconds West, 541.04 feet to an iron pipe; thence North 26  
33 degrees 01 minutes 19 seconds West, 234.02 feet to an iron pipe; thence North 26  
34 degrees 32 minutes 19 seconds West, 1362.51 feet to a concrete monument; thence  
35 South 78 degrees 15 minutes 31 seconds West, 423.64 feet to a concrete monument;  
36 Thence South 78 degrees 12 minutes 01 seconds West, 774.52 feet to the beginning  
37 iron. Said Tract B containing 264 acres more or less.

38 Sec. 2. (a) The existing corporate limits of the Town of Calabash is District  
39 #1. The area described in Section 1 of this act is District #2.

40 (b) Candidates for the Board of Commissioners shall reside in and represent the  
41 districts according to the apportionment plan provided by subsection (c) of this section,  
42 but all members shall be elected by all the qualified voters of the Town of Calabash.

43 (c) Two seats are apportioned to District #1, and five seats are apportioned to  
44 District #2.

1 (d) In 1989, two members shall be elected for District #1. The person receiving  
2 the highest number of votes is elected to a four-year term, and the person receiving the  
3 next highest number of votes is elected to a two-year term. In 1991 and quadrennially  
4 thereafter, one person is elected to a four-year term. In 1993 and quadrennially  
5 thereafter, one person is elected to a four-year term.

6 (d1) In 1989, five persons shall be elected for District #2. The three persons  
7 receiving the highest numbers of votes are elected to four-year terms, and the two  
8 persons receiving the next highest numbers of votes are elected to two-year terms. In  
9 1991 and quadrennially thereafter, two persons are elected to four-year terms. In 1993  
10 and quadrennially thereafter, three persons are elected to four-year terms.

11 (e) The Mayor shall be elected in 1989 and quadrennially thereafter by the  
12 qualified voters of the entire town for a four-year term.

13 (f) Effective at the organizational meeting after the 1989 election, the Board  
14 of Commissioners of the Town of Calabash is expanded from five to seven members.

15 Sec. 3. Sections 1 and 2 of this act shall become effective only if approved  
16 separately by the qualified voters of the Town of Calabash and the qualified voters in  
17 the area described in Section 1 of this act. The referendum shall be conducted by the  
18 Brunswick County Board of Elections on August 22, 1989. Notwithstanding G.S. 163-  
19 33(8), notice of the election shall be given at least 14 days prior to the date on which the  
20 registration books or records are closed for the election. The Brunswick County Board  
21 of Elections shall identify the qualified voters in the area described in Section 1 of this  
22 act in accordance with G.S. 163-288.2.

23 Sec. 4. The question on the ballot shall be:

24 "[ ] FOR Consolidation of Carolina Shores Village into the Town of  
25 Calabash

26 [ ] AGAINST Consolidation of Carolina Shores Village into the Town of  
27 Calabash".

28 Sec. 5. In such election, if a majority of the votes in the Town of Calabash,  
29 and a majority of the votes in the area described in Section 1 of this act are cast "FOR  
30 Consolidation of Carolina Shores Village into the Town of Calabash", then effective  
31 August 31, 1989, Sections 1 and 2 of this act are effective. Otherwise, they have no  
32 force and effect.

33 Sec. 6. Notwithstanding G.S. 163-294.2, the candidate filing period for the  
34 1989 municipal elections in the Town of Calabash shall open at 12:00 noon on the last  
35 Friday in August and close at 12:00 noon on the second Friday in September. If  
36 Sections 1 and 2 of this act become effective, then any person identified as a qualified  
37 voter in the area described in Section 1 of this act in accordance with G.S. 163-288.2  
38 shall be entitled to be a candidate after the filing period opens, even though that is prior  
39 to the August 31, 1989, effective date of the annexation.

40 Sec. 6.1. Section 3 of Chapter 1019, Session Laws of 1987, as amended by  
41 Section 3 of Chapter 456, Session Laws of 1989, is amended by adding the following  
42 immediately before the period at the end: ", but as to the Town of Holden Beach,  
43 Section 1 of this act applies only to areas within the corporate limits of the Town as of  
44 June 26, 1989".

1           Sec. 7. This act is effective upon ratification.