

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

4

SENATE BILL 1514
Finance Committee Substitute Adopted 7/1/98
House Committee Substitute Favorable 8/5/98
House Committee Substitute #2 Favorable 8/27/98

Short Title: Hemby Bridge/Harnett Annexation.

(Local)

Sponsors:

Referred to:

May 28, 1998

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF HEMBY BRIDGE, AND
CONCERNING ANNEXATION IN HARNETT COUNTY.

The General Assembly of North Carolina enacts:

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

"CHARTER OF TOWN OF HEMBY BRIDGE.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Hemby Bridge, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name 'Town of Hemby Bridge.' 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 Hemby Bridge are as follows:

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

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

1 Funderburk at 233' marker connects with and includes property of Lawrence Funderburk
2 continuing 1,016 to center of Crooked Creek and connecting to property of Steve Dunn
3 and East up center of Creek 123' to include property of Betty Knece then E. in center of
4 Creek 1,064' to include property of Edwin Dury then 825' E. in center of Creek then out
5 of Creek bank and 973' to flint rock to include property of William Humble then 300' to
6 metal stake to include Delano Trull property then E. 102' to Stanley Edwards' property
7 and at metal pipe continuing NE 300' and connecting to Typar property, then 1,564' to
8 iron rod at Maurice Rowell's property and 650' E to include property of Sam Edwards
9 then at metal pipe 436' to include Tommy Edwards' property, then 299' to include Jamie
10 Haney's property at this point 20 degrees SE and 185' to metal pipe and 1,155' E to
11 include property of Ted Edwards and at metal rod NE 75 degrees and 2,640' to include
12 Tract No. 7015002 of Linda Blackmore's property, which is center of Goose Creek using
13 center of Creek as boundary and N. 577' to include property of Danny Myers, Creek
14 travels 306' N. then turns and 165' E. then 204' NE then 112' to center of Mill Grove Rd.
15 (1525). Boundary turns E. on Mill Grove Rd. and connects with property of Kenneth
16 Dorton continuing E. on Mill Grove Rd. to include property of William Lemond then
17 165' E. to include property of Bertie Lemond then 330' to center of Lawyers Rd. (1004)
18 then 400' to include property of William Lemond again then from nail in center of Rd.
19 668' to include property of Danny Myers Tract No. 2, then 82' to include property of
20 Debrah Dorton then N. 165' to include property of Kenneth Dorton then 160' N. to
21 include property of Dennis Dorton then 120 degrees W. and 295' to large metal rod then
22 NW 367' to metal rod then W. 165' then S. 255' to metal axle at back of Danny Myers'
23 property than at metal axle 195' to metal rod at back of William Lemond's property then
24 247' to center of Goose Creek enclosing third Tract of Kenneth Dorton's property,
25 continuing S. 739' down Goose Creek to center of Mill Grove Rd., then using center of
26 Mill Grove Rd. (1525) as boundary continuing W. 1,980' down front of Linda Blackmore
27 property to nail in center of Rd., including property of Luther Wetherington property,
28 then 165' to include Greg and Kim Mullis' property, then 990' to include property of King
29 Heirs, then 330' to include property of Steve Turner, then 123' to include James Crump's
30 property, then 295' to include Larry King's property, then 315' to include Helen Gibson's
31 property then 136' to include Jerry Cooper's land still using center of Mill Grove as
32 boundary 110' then 82' to include property of Kenneth and Wanda Rayley, then 82' to
33 include property of Sue Gordon then 82' to include Clayton Barnes' property then 82' to
34 include James Harris' property, then 82' to include property of Leon and Shelby Dial,
35 then 82' to include property of Robert Bemis, then 82' to include property of Edward
36 Kanis, then 82' to include property of Gary and Sandra Antigo, then 82' to include
37 property of James Dickerson, then 82' to include Garland Thomas property, then 82' to
38 include James Baker property, then 82' to include property of Murry Family Partnership,
39 then 82' to include property of Albert Mattock, then 82' to include property of Hal
40 Oswalt, then 82' to include property of William Reinke, then 82' to include property of
41 Lyndel McIver. Then crossing Beacons Hills Rd. to iron pipe at back corner of Randall
42 Johnson property also included, then continuing on S. 102' to include property of Edward
43 Hartis, then 102' to include Leonard Benfield, then 102' to include property of Ray and

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

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.
10 In addition, no annexation ordinance may be adopted as to any territory described in
11 Section 2.1 of the Charter of the Town of Hemby Bridge from the date this act becomes
12 law until the results of the election conducted under Section 2 of this act are certified, and
13 any time 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. No municipality may annex any or all of the following described
27 territory in Harnett County pursuant to Part 2 or 3 of Article 4A of Chapter 160A of the
28 General Statutes:

29 BEGINNING at the southeastern corner of the intersection of NC Hwy. 421 and SR 2075
30 (Club Rd.) and running in an easterly direction along the southern margin of NC Hwy.
31 421 to the southeastern corner of the intersection of NC Hwy. 421 and SR 1542 (Johnson
32 Farm Rd.); thence in a northerly direction running along the eastern margin of SR 1542 to
33 the southeastern corner of the intersection of the property of Campbell University and SR
34 1542; thence in a northeasterly direction to the southwestern corner of the Campbell
35 University athletic practice fields; thence in a northeasterly direction running along the
36 western boundary of the said practice fields to the northwestern corner of said practice
37 fields; thence in a southeasterly direction running along the northern boundary of said
38 practice fields to the northeastern corner of said practice fields; thence in a westerly
39 direction running along the eastern boundary of said practice fields to the northwest
40 corner of the intersection of said practice fields and SR 1521 (Gregory Cr.); thence in an
41 easterly direction running along the northern margin of SR 1521 to the northwestern
42 corner of the intersection of SR 1521 and SR 1535 (Main St./Mitchell Rd.); thence in a
43 southerly direction running along the western margin of SR 1535 to the southwestern

1 corner of the intersection of SR 1535 and SR 2002 (Kivett Rd.); thence in an easterly
2 direction running along the southern margin of SR 2002 to the southwestern corner of the
3 intersection of SR 2002 and SR 2084 (Leslie Campbell Rd.); thence in a southwesterly
4 direction running along the northern margin of SR 2084 to the northeastern corner of the
5 intersection of SR 2084; SR 2054 (Marshbanks St.), and SR 1535; thence in a
6 southeasterly direction running along the eastern margin of SR 2054 to the southeastern
7 corner of the intersection of SR 2054 and Pine Cone Rd.; thence in a southwesterly
8 direction running along the southern margin of Pine Cone Rd. in the southeastern corner
9 of the intersection of Pine Cone Rd. and Mae Byrd St.; thence in a southeasterly direction
10 approximately 369 feet running along the eastern margin of Mae Byrd St. to a point;
11 thence in a westerly direction to the southwestern corner of the intersection of NC Hwy.
12 421 and SR 2057 (Hatcher St.); thence in a southerly direction running along the western
13 margin of SR 2057 to the northwestern corner of the intersection of SR 2057 and SR
14 2000 (Wade Stewart Cr.); thence in a westerly direction running along the northern
15 margin of SR 2000 to the southwestern corner of the intersection of SR 2000 and Wade
16 Stewart Ext.; thence in a southwesterly direction to the eastern bank of Buies Creek;
17 thence in a southerly direction running along the eastern bank of Buies Creek and the
18 exterior property lines of Campbell University and Norman A. Wiggins to the northern
19 bank of the Cape Fear River; thence in a northwesterly direction running along the
20 northern bank of the Cape Fear River to the northeastern corner of the intersection of the
21 boundary of Campbell University property and the Cape Fear River; thence in a
22 northeasterly direction along the exterior property lines of Campbell University to the
23 southeastern corner of the intersection on SR 2075 and NC Hwy. 421, the point of
24 BEGINNING.

25 And being the same area shown on plat by Joyner Piedmont Surveying entitled
26 "CAMPBELL UNIVERSITY RESERVE" and dated August 20, 1998. Said plat is by
27 reference incorporated in and made a part hereof.

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