

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-94
SENATE BILL 691

AN ACT TO INCORPORATE THE TOWN OF BERMUDA RUN AND TO
SIMULTANEOUSLY DISSOLVE THE BERMUDA CENTER SANITARY
DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. In accordance with G.S. 130A-81(1a), the Town of Bermuda Run is incorporated and the Bermuda Center Sanitary District is simultaneously dissolved. The incorporation and dissolution are not subject to referendum.

Section 2. A Charter for the Town of Bermuda Run is enacted to read:

"CHARTER OF THE TOWN OF BERMUDA RUN.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Bermuda Run are a body corporate and politic under the name 'Town of Bermuda Run'. The Town of Bermuda Run has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the boundaries of the Town of Bermuda Run are as follows:

Being the following tracts and parcels of land located in Davie County, North Carolina, and being more particularly described as follows:

TRACT 1:

BEGINNING at an iron pin located in the western right-of-way line of N.C. Hwy. 801, said iron pin being the southeast corner of the property owned, now or formerly, by Thad J. Bingham (Deed Book 155, Page 348) running thence with the western right-of-way line of N.C. Hwy. 801 South 08° 10' 24" East 1912.47 feet to an iron pin; thence leaving the right-of-way line of N.C. Hwy. 801, South 72° 59' 35" West 15.00 feet to an iron pin marking the northeast corner of Lot 1 Hidden Creek; thence with the northern line of Lot 1, South 72° 59' 35" West 224.95 feet to an iron pin at the northwest corner of Lot 1 and the northeast corner of Lot 2 Hidden Creek; thence with the northern line of Lots 2 and 3 Hidden Creek, South 66° 20' 15" West 360.27 feet to an iron pin located at the northwest corner of Lot 3 and the northernmost corner of Lot 4 Hidden Creek; thence with the northwest lines of Lots 4 and 5 Hidden Creek, South 35° 56' 00" West 303.72 feet to an iron pin located at the westernmost corner of Lot 5 Hidden Creek and

in the northeast line of Hyfield Drive; thence crossing Hyfield Drive and with the northwest lines of Lots 6, 7 and 8 Hidden Creek, South 47° 14' 57" West 399.60 feet to an iron pin located at the northwest corner of Lot 8 and the northeast corner of Lot 9 Hidden Creek; thence with the eastern lines of Lots 34, 35, 36, 37, 38, 39 and 40 Hidden Creek (and crossing Creekside Drive between Lots 37 and 38) North 10° 45' 05" West 920.73 feet to an iron pin; thence with the northeast lines of Lots 40, 41, 42 and 43 Hidden Creek, North 41° 21' 21" West 493.44 feet to an iron pin at the northernmost corner of Lot 43 Hidden Creek, said iron pin also being in the southeast line of Seldem Farm Lane; thence with the southeast line of Seldem Farm Lane, North 48° 46' 18" East 40.00 feet to an iron pin; thence crossing Seldem Farm Lane and with the northeast line of Lot 44 Hidden Creek, North 41° 22' 04" West 260.00 feet to an iron pin; thence with the northwest lines of Lots 44, 45, 46 and 57 Hidden Creek (and crossing Talwood Drive between Lots 45 and 46) South 48° 39' 39" West 630.21 feet to an iron pin; thence South 26° 20' 51" East 144.72 feet to an iron pin located in the northern line of Creekside Drive; thence with the line of Creekside Drive on a curve to the left having a radius of 59.00 feet, a length of 131.81 feet, a chord bearing and distance of South 29° 12' 34" West 106.06 feet to a point; thence leaving the right-of-way line of Creekside Drive, South 55° 12' 28" West 105.00 feet to an iron pin; thence South 04° 47' 21" East 510.00 feet to an iron pin located at the northeast corner of the property owned, now or formerly, by Ralph and Renai Holland (Deed Book 176, Page 558); thence with the northern line of said Holland, North 87° 21' 41" West 596.11 feet to an iron pin located in the eastern line of property owned, now or formerly, by Oak Valley Associates (Deed Book 169, Page 331); thence with the eastern line of Oak Valley, North 04° 11' 45" East 1830.87 feet to a post located in the southern line of property owned, now or formerly, by Ervin and Eva Wilson (Deed Book 42, Page 468); thence with the southern line of said Wilson, North 73° 05' 24" East 38.74 feet to a concrete post located at Wilson's southeast corner; thence with the eastern line of Wilson and continuing with the eastern line of property owned, now or formerly, by William and Peggy Long (see Estate File 90E-127), North 02° 42' 46" East 593.04 feet to a concrete post located at the northeast corner of Long and located in the southern line of property owned, now or formerly, by Roy L. Potts (Deed Book 112, Page 274); thence with the southern line of Potts, South 87° 31' 30" East 950.91 feet to an iron pin located at the southeast corner of Roy L. Potts and at the southwest corner of Thad J. Bingham (Deed Book 155, Page 348); thence with the southern line of Bingham, South 86° 34' 27" East 1351.89 feet to the point and place of BEGINNING and containing approximately 116.501 acres, more or less, as shown on the survey prepared by Marvin S. Cavanaugh & Associates dated March 27, 1998, Drawing No. 98-40B, reference to which is hereby made for a more particular description.

TRACT 2:

All of the property in Davie County, North Carolina, located:

- (A) West of the Yadkin River;
- (B) South of the center line of U.S. Hwy. 158;
- (C) East of the centerline of N.C. Hwy. 801; and
- (D) North of a line described as follows:

BEGINNING at an iron pin located at the intersection of the eastern line of N.C. Hwy. 801 and the northern line of Lybrook Drive (S.R. 1660) and running with the northern line of Lybrook Drive and the southern line of Jamesway Subdivision, North 80° 55' 58" East approximately 1,346 feet to the southwest corner of property owned by John C. Brendle (Deed Book 120, Page 448); thence with the western line of Brendle and Philip McKenzie (Deed Book 94, Page 503), in a northerly direction approximately 815 feet; thence continuing with the line of McKenzie in a easterly direction of 42 feet; thence continuing with the western line of McKenzie in a northerly direction approximately 262 feet to the southern line of Jamesway Subdivision; thence with the northern line of McKenzie, South 78° 58' 16" East 158.01 feet; thence South 04° 21' 19" East 55.69 feet; thence in a southeasterly direction with the northeast line of McKenzie approximately 87 feet to the western line of Highlands at Bermuda Run Subdivision (Plat Book 6, Page 17 and 18); thence in a southerly direction approximately 1,527 feet with the western line of Lots 20, 19, 18, 17, 16, 15, 14 and 13 to a point located in the northern line of Lots 13 Raintree Estates; thence with the northern line of said Lot 13 Raintree Estates and the southern line of Lot 13 of the Highlands Subdivision, South 75° 29' 22" East 77.63 feet to an iron pin; thence with the center of a branch in an easterly direction with the southern lines of Lots 13 and 12 Highlands Subdivision, and the northerly line of Gary Honbarrier (Deed Book 142, Page 640), approximately 475 feet to the southeast corner of Lot 12 Highlands; thence South 61° 55' 26" East 38.12 feet to a point; thence south 23° 38' 27" East 238.04 feet to a point; thence South 23° 35' 52" East 44.80 feet to a monument; thence South 85° 37' 48" East 304.96 feet to a stone and North 74° 32' 02" East 540.71 feet to an iron located on the western bank of the Yadkin River, it being the intention to include, without limitation, all the property conveyed to: (1) WFBRC, LLC at Book 201, Page 445; Bermuda Village, Inc. at Book 117, Page 197; William A. Burnette at Deed Book 130, Page 233, Deed Book 158, Page 828 and Book 162, Page 775; and all property shown on the following plats recorded in the Davie County Registry: (1) Highlands at Bermuda Run (Plat Book 6, Pages 17 and 18); (2) River Hill (Plat Book 5, Page 212 and 213); (3) Jamesway at Bermuda Run (Plat Book 6, Pages 46, 47 and 48); (4) Hamilton Court (Plat Book 5, Pages 195, 203, 207 and 224); (5) Pembroke Ridge (Plat Book 5, Page 145); (6) St. George Place (Plat Book 5, Page 192); (7) Bermuda Run Golf and Country Club (Plat Book 4, Pages 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 103, 116, 148, 156; Book 5, Pages 2, 13, 15, 24, 28, 31, 32, 34, 36, 39, 43, 44, 45, 46, 86, 94, 100) and (8) Warwick Place (Plat Book 5, Page 171).

Less and except, however, that certain property located Southeast of the intersection of U.S. Hwy. 158 and North Carolina Hwy. 801 and being shown on Davie County Tax Map D-8-8, and designated as parcels C-2, C-3, C-4, C-5, C-5.01, C-7, C-8 and D-8.

TRACT 3:

All property located within the right-of-way of N.C. Hwy. 801 to the extent such segment of the right-of-way is bounded on the west by Tract 1 above AND on the east by Tract 2 above.

"Section 2.2. **Electoral District Boundaries.** Until modified in accordance with the law, the boundaries of the five electoral districts of the Town of Bermuda Run are as follows:

- (1) Bermuda Village District consisting of residents of Bermuda Village.
- (2) South District consisting of residents of Hamilton Court, Pembroke Ridge, St. George, River Hills, Jamesway, Highland Hills, and Warwicke subdivisions.
- (3) Multifamily district consisting of residents of the Maisonettes, Spy Glass Hill, Golfview, and the Lakes subdivision.
- (4) West district consisting of all residents of Juniper Circle, Fairway Villas, Fescue Drive, Ivy Circle, Helli Circle, and Rotunda Circle, and the residents of Riverbend Drive, from Address 675 to Address 1056.
- (5) East district consisting of all the residents not included in any other district.

The Town Council shall set and change the boundaries of and add or delete electoral districts by resolution.

"CHAPTER III.

"GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Bermuda Run shall be the Town Council, which shall have five members, and the Mayor.

"Section 3.2. **Manner of Electing Council.** The qualified voters of each of the five electoral districts in the Town shall nominate one or more individuals and then elect one member of the Town Council. An individual must reside in the district to be eligible for nomination and election to the Council from a district and for service on the Council as the member for a district.

"Section 3.3. **Term of Office of Council Members.** Members of the Council shall be elected to four-year terms. In 1999, five members of the Council shall be elected. The three persons receiving the highest number of votes shall be elected for four-year terms, and the two persons receiving the next highest number of votes shall be elected for two-year terms. In 2001 and biennially thereafter, all members whose terms expire in those years shall be elected for four-year terms.

"Section 3.4. **Election of Mayor and Term of Office.** In 1999 and quadrennially thereafter, the qualified voters of the entire Town shall nominate and elect the Mayor, who shall serve a four-year term. The Mayor shall have the right to vote only to break tie votes of the Council. In determining a quorum, the Mayor shall be treated as a member of the Council.

"CHAPTER IV.

"ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Town officers shall be nominated and elected on a nonpartisan basis as provided in G.S. 163-294.

"Section 4.2. **Date of Election.** Elections shall be conducted in accordance with Chapter 163 of the General Statutes with the first election of Town officers to be held in November, 1999.

"CHAPTER V.
"ADMINISTRATION.

"Section 5.1. **Town to Operate Under Council-Manager Form.** The Town of Bermuda Run will operate under the Council-Manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Officers and Employees.** The Council may appoint such officers and employees as may be necessary, and they shall serve at the pleasure of the Council. The Council shall fix all salaries, prescribe bonds, and require such oaths as they may deem necessary.

"Section 5.3. **Town Clerk.** The Council may appoint a Town Clerk who shall keep the records of the Council and perform other duties as may be required by general law or the Council.

"Section 5.4. **Assignment of Duties.** The Council may assign additional functions or duties to offices, departments, or agencies. Where positions are not incompatible, the Council may confer the powers and duties of two or more offices created or authorized by this Charter to one person.

"Section 5.5. **Transitional Government.** Until the Mayor and members of the Town Council are elected and qualified in accordance with this Charter and the laws of this State, the following persons shall serve on the Town's interim governing body: Clyde J. Gardner, Mayor, Robert W. Griffin, Charles H. Quinn, Bob L. Cornish, Edwin J. Titsworth, and John H. Ferguson. Vacancies on the Interim Council shall be filled by appointment by the remaining members of the Interim Council. A vacancy in the office of Interim Mayor shall be filled by appointment by the Bermuda Run Incorporation Committee.

"CHAPTER VI.
"SPECIAL PROVISIONS.

"Section 6.1. **Annexation.** The Town of Bermuda Run shall not annex any property without the vote or consent of a majority of the residents of any such property.

"Section 6.2. **Property Taxes.** The Town of Bermuda Run shall not increase its property tax rates in excess of fifteen cents (\$0.15) per one hundred dollars (\$100.00) of valuation without the vote or consent of a majority of the residents of the Town in accordance with G.S. 160A-209(f)."

Section 3. From and after July 1, 1999, the citizens and property in the Town of Bermuda Run shall be subject to municipal taxes levied for the fiscal year beginning July 1, 1999, and for that purpose, the Town shall obtain from Davie County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1999. The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the Act insofar as is practical.

Section 4. The incorporation of the Town of Bermuda Run and the simultaneous dissolution of the Bermuda Center Sanitary District shall become effective

at 12:00 noon on the first day of the first calendar month starting at least seven days after this act becomes law. The Bermuda Center Sanitary District shall take all actions necessary to effect this transfer of the assets and liabilities of the Sanitary District to the Town of Bermuda Run by three days before its dissolution.

Section 5. The transitional provisions of G.S. 130A-81(5) a. through g. shall apply to the Town of Bermuda Run and the Bermuda Center Sanitary District.

Section 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of May, 1999.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives