

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 936
HOUSE BILL 1494

AN ACT TO INCORPORATE THE WALKERTOWN SANITARY DISTRICT INTO
A MUNICIPALITY TO BE KNOWN AS THE TOWN OF WALKERTOWN,
AND TO SIMULTANEOUSLY DISSOLVE THE WALKERTOWN SANITARY
DISTRICT, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The inhabitants in the area hereinafter described are hereby constituted a body politic and corporate under the name of the "Town of Walkertown" and are hereby vested with all the powers, rights, privileges, immunities, and authority granted by the Constitution and general laws of this State upon municipalities and especially Chapter 160A of the General Statutes.

Section 1.1. Notwithstanding the provision of Section 1 hereinabove of this act and the provisions of G.S. 160A-209(d), and the rate limitation set out in G.S. 160A-209(d), the Town Council may levy property taxes only up to a combined rate of forty cents (40c) on the one hundred dollar (\$100.00) appraised value of property subject to taxation, without an approving vote of the qualified voters as provided in G.S. 160A-209(e), G.S. 160A-209(f), or in Chapter 159 of the General Statutes. Any tax levy approved by the qualified voters as provided in G.S. 160A-209(e), G.S. 160A-209(f), or Chapter 159 of the General Statutes, shall not count for the purposes of rate limitation imposed herein.

Sec. 1.2. Notwithstanding general law and any provisions in this act to the contrary, the Mayor and other Council members shall receive such compensation as the governing body shall from time to time fix by ordinance.

Sec. 2. The corporate boundaries of the Town of Walkertown shall be: BEGINNING at a point in the center of the Norfolk & Western Railroad, said point being South 71° 00' West, 250.0 feet from the intersection of said Railroad and the centerline of N.C. Highway No. 66, said intersection being at an underpass situated about 0.9 miles westwardly from the Railroad Depot at Walkertown; running thence North 19° 00' West on a line at right angles to the centerline of the said Railroad, 335.0 feet, more or less, to a point that is 30.0 feet northwardly from and at right angles to the centerline of said Highway No. 66; thence North 79° 00' East 560 feet, more or less, to a point that is 230 feet northwardly from and at right angles to South Salem Street (Old Salem Road); thence North 70° 00' East 800 feet, more or less, to a point that is 230 feet northwardly from the centerline of South Salem Street and 230 feet westwardly from and at right angles to Shirley Drive; thence on a line 230 feet westwardly from and parallel to said Shirley Drive North 04° 00' East 850 feet, more or less, to a point;

thence North $86^{\circ} 00'$ West 60 feet, more or less, to a point; thence North $05^{\circ} 50'$ East 471 feet, more or less, to a point; thence North $84^{\circ} 45'$ East 582 feet, more or less, to a point; thence South $05^{\circ} 50'$ West 477 feet, more or less, to a point; thence North $86^{\circ} 00'$ West 60 feet, more or less, to a point, said point being approximately 230 feet east of the centerline of Shirley Drive; thence on a line 230 feet east of and parallel to said Shirley Drive South $04^{\circ} 00'$ West 750 feet, more or less, to a point that is 230 feet northwardly from and at right angles to South Salem Street (SR No. 1986); thence with said line parallel to SR No. 1986 North $82^{\circ} 00'$ East 1400 feet, more or less, to a point that is 250 feet northwardly from and at right angles to the centerline of Norfolk & Western Railroad; thence North $15^{\circ} 45'$ West 475 feet, more or less, to a point that is 230 feet southwardly from the centerline of Leight Street extended westwardly; thence North $01^{\circ} 45'$ East 460 feet to a point that is 230 feet northwardly from the centerline of said Leight Street extended; thence on a line that is 230 feet northwardly from and parallel to said Leight Street South $87^{\circ} 00'$ East 500 feet to a point that is 230 feet northwardly from the intersection of the centerlines of said Leight Street and Carmichael Street; thence along the centerline of Carmichael Street extended northwardly North $01^{\circ} 45'$ East 975 feet to a point that is on the centerline of Watkins Avenue extended westwardly; thence North $47^{\circ} 00'$ West 1200 feet to a point; thence North $43^{\circ} 00'$ East, crossing the Norfolk and Western Railroad and US Highway No. 311, 690 feet to a point; thence on a line 230 feet northeast of said US Highway 311 South $48^{\circ} 30'$ East 1085 feet to a point that is 150 feet northwest of the centerline of SR No. 1977 (Pine Hall Road); thence South $32^{\circ} 30'$ East 230 feet, more or less, to a point lying in the eastern margin of the right-of-way line of Pine Hall Road; thence along the eastwardly right-of-way line of Pine Hall Road North $29^{\circ} 00'$ East 220 feet, more or less, to a point in the eastwardly right-of-way line; thence South $86^{\circ} 00'$ East 250 feet, more or less, to a point; thence South $07^{\circ} 00'$ West 307 feet, more or less, to a point, said point being approximately 230 feet north of the centerline of Watkins Avenue; thence on a line 230 feet north of and parallel to the centerline of said Watkins Avenue East 750 feet, more or less, to a point in the eastern right-of-way line of Linville Street extended northward; thence with the said line of Linville Street North $03^{\circ} 00'$ East 234.41 feet to a point, that is the northwestern corner of tax lot 108-B, tax block 5171, Forsyth County; thence along the dividing line of tax blocks 5171 and 5162 South $85^{\circ} 13'$ East 810 feet to a point, this point being the southwestern corner of tax lot 6-E, tax block 5162; thence along the western line of tax lot 6-E, tax block 5162 North $7^{\circ} 15'$ East 200 feet to a point, being the northwestern corner of tax lot 6-E, tax block 5162; thence along the northern line of tax lot 6-E, tax block 5162, South $85^{\circ} 13'$ East 200 feet to a point on the dividing line of tax blocks 5162 and 5171; thence along said dividing line North $7^{\circ} 15'$ East 200 feet, more or less, to a point; thence across tax lot 204, tax block 5171, and along the dividing line of tax lots 204 and 207, tax block 5171, South $79^{\circ} 30'$ East 355 feet, more or less, to a point on the dividing line of tax blocks 5171 and 5166; thence along said dividing line and parallel with Phillips Road North $3^{\circ} 35'$ East 1239.4 feet to a point; thence along the dividing line of tax lot 85, tax block 5165, and tax lots "A" through "I" tax block 5166, the following three courses and distances: South $86^{\circ} 25'$ East 320 feet, to a point; thence South $3^{\circ} 35'$ West 825.7 feet, to a point;

thence South 73° 02' East 120 feet, to a point; thence across tax lot 85, tax block 5165, North 35° 10' East 495 feet, more or less, to a point, on the dividing line of tax lots 84 and 85, tax block 5165; thence across tax lot 84, tax block 5165, North 53° 50' East 250 feet, more or less, to a point in tax lot 84, tax block 5165; thence across tax lot 84, tax block 5165 and crossing Sullivantown Road SR 1992 South 25° 30' East 476 feet, more or less, to a point being the southeastern corner of tax lot 67-B, tax block 5166; thence along the dividing line of tax blocks 5166 and 5171 the following 2 courses and distances:

South 71° 00' West 44.05 feet to a point; thence South 30° 58' West 570 feet to a point; thence along the southeastern line of tax lot 40, tax block 5171, South 51° 14' West 165 feet, more or less, to a point; thence along the western line of tax lot 63, tax block 5166, South 8° 56' West 150 feet to a point; thence along the dividing line of tax blocks 5166 and 5171 South 28° 21' West 130 feet, more or less, to a point; thence along the northern line of tax block 5171A, better known as "James L. Hastings Sr. Subdivision", recorded in Plat Book 25, Page 131, in the Office of the Register of Deeds, Forsyth County, North Carolina; South 85° 39' East 645.89 feet to a point, being the northeastern corner of the "James L. Hastings, Sr. Subdivision"; thence along the southeastern line of the "James J. Hastings, Sr. Subdivision" South 38° 05' West 1200.12 feet, more or less, to a point being the southern corner of the "James J. Hastings, Sr. Subdivision"; thence along the southwestern line of the "James J. Hastings, Sr. Subdivision" North 51° 57' West 610.75 feet, more or less, to a point being the western corner of the "James J. Hastings, Sr. Subdivision"; thence along the southeastern line of tax lots 201 and 202, tax block 5171, South 38° 59' West 315 feet to a point; thence across tax lot 203, tax block 5171, South 6° 52' West 420 feet, more or less, to a point; thence along the eastern and southwestern lines of tax lot 52-F, tax block 5171, the following two courses and distances: South 13° 59' West 203 feet to a point; thence North 54° 00' West 290 feet, more or less, to a point that is 230 feet southeast of and at right angles to the centerline of Sullivantown Road SR 1992; thence on a line 230 feet southeastwardly of and parallel to said centerline of said Road, South 54° 00' West 1220 feet, more or less, to a point; thence South 06° 31' West 245 feet, more or less, to a point; thence South 83° 45' East 480 feet, more or less, to a point; thence South 06° 31' West 855 feet, more or less, to a point; thence South 83° 45' East 150.59 feet to a point; thence South 06° 31' West 100 feet, more or less, to a point; thence North 81° 00' East 1150 feet, more or less, to a point that is 230 feet east of the centerline of Lakawanna Drive, State Road No. 2051; thence on a line 230 feet east of and parallel to the centerline of Lakawanna Drive (SR 2051) South 01° 30' West 1850 feet, more or less, to a point, said point being 230 feet northeastwardly from the center of N.C. Highway No. 66; running thence on a line 230 feet north of and parallel of N.C. Highway No. 66 South 74° 00' East 550 feet, more or less, and South 70° 00' East 700 feet, more or less, to a point, the northwestern corner of lot No. 5 and the southwestern corner of lot No. 6, as shown on map of "The Hammacks" - Section No. 1, recorded in Plat Book 19, Page 9, in the Office of the Register of Deeds, Forsyth County, North Carolina; thence with the western line of "The Hammacks" - Section No. 1, North 05° 13' East 2253 feet to a point, the northwest corner of lot No. 21 and continuing to the

centerline of Avalee Avenue South $86^{\circ} 00'$ East 484 feet; thence with the centerline of said Avalee Avenue South $10^{\circ} 35'$ West 70 feet to a point, the intersection of the centerline of Avalee Avenue and the centerline of an unnamed street; thence with the centerline of said unnamed street South $79^{\circ} 25'$ East 280.0 feet to a point; thence with the eastern line of Lots No. 22 through No. 28, inclusive, "The Hammacks" - Section No. 1, South $10^{\circ} 25'$ West 730.0 feet to a point, the eastern corner between Lots No. 28 & 29, "The Hammacks" - Section No. 1 and being also the northwestern corner of Lot No. 21, as shown on map of "The Hammacks" - Section No. 2, said map recorded in Plat Book 21, page 84, in the Office of Register of Deeds, Forsyth County, North Carolina; thence with the northern line of said Lot No. 21 South $79^{\circ} 20'$ East 233.8 feet to a point; the northeast corner of Lot No. 22 in the western line of Martin Street; thence, crossing Martin Street and with the northern line of Lot No. 20, South $79^{\circ} 25'$ East 269.7 feet to a point, the northeast corner of said Lot No. 20; thence with the eastern boundary of "The Hammacks" - Section No. 2, South $11^{\circ} 33'$ West 1205.6 feet; South $45^{\circ} 19'$ East 354.2 feet and South $23^{\circ} 36'$ West 523.8 feet to a point, the intersection of the centerline of N.C. Highway No. 66 with the western right-of-way line of U.S. Highway No. 158; thence on a line 230.0 feet southeast of and parallel to the centerline of Martin Street South $74^{\circ} 10'$ West 2300.0 feet to a point in the western line of Lot No. 66, Block No. 5356 Salem Chapel Township, Forsyth County Tax Map as constituted; thence South $05^{\circ} 25'$ West 1050.0 feet to a point; thence South $76^{\circ} 25'$ West 236.54 feet to a point in the eastern right-of-way line of S.R. No. 2585 (Darrow Road); thence with the eastern right-of-way line of Darrow Road South $5^{\circ} 25'$ West 1414.48 feet to a point, said point being the point of intersection of the eastern right-of-way line of Darrow Road extended with the rear lot line of lots 1 and 3 through 20 inclusive of the M. E. Swain heirs' property as recorded in plat book 16, page 112, in the Office of the Register of Deeds, Forsyth County, North Carolina; thence crossing Darrow Road and along said lot line of said lots the following 2 courses and distances: North $89^{\circ} 12'$ West 775.31 feet to a point, South $89^{\circ} 33'$ West 1285.63 feet to a point, said point being the southwest corner of Lot No. 20 and the southeast corner of Lot No. 21 of the M. E. Swain heirs' property as recorded in plat book 12, page 201, in the Office of the Register of Deeds, Forsyth County, North Carolina; thence with the common line between lots 20 and 21 as recorded in said plat book 12, page 201, North $1^{\circ} 34'$ East 230.3 feet to a point in the southern right-of-way line of Swain Lane, said point being the northwest corner of Lot No. 20 and the northeast corner of Lot No. 21 of the M. E. Swain heirs' property as recorded in plat book 16, page 112; thence along the southern right-of-way line of Swain Lane North $89^{\circ} 05'$ West 173.02 feet to a point; thence crossing Swain Lane and along the common lot line between Lot Nos. 24 and 25 of the M. E. Swain heirs' property as recorded in plat book 16, page 112, North $1^{\circ} 34'$ East 262.67 feet to a point, said point being the common corner between said lots 24 and 25; thence along the rear lot line of lot 24 of the M. E. Swain heirs property as recorded in plat book 16, page 112, North $89^{\circ} 30'$ West 113.15 feet to a point in the western property line of the property of M. E. Swain heirs; thence with said property line North $02^{\circ} 45'$ East 652.3 feet to a point in said property line; thence North $86^{\circ} 00'$ West 308 feet, more or less, to a point; thence North $16^{\circ} 24'$ East 510 feet, more or less, to a point;

thence North $88^{\circ} 45'$ East 123 feet to the northwestern corner of the M. E. Swain heirs' property; thence with the northern property line of the M. E. Swain heirs' property South $87^{\circ} 48'$ East 1243.60 feet to the northeastern corner of said property; thence South $86^{\circ} 44'$ East 950.00 feet to a point; thence on a line 230 feet west of and parallel to the centerline of Darrow Road North $13^{\circ} 35'$ West 778 feet, more or less, to a point that is 230 feet south of the centerline of Dillon Street (SR 2386); thence on a line 230 feet south of and parallel to said Dillon Street South $76^{\circ} 25'$ West 400 feet to a point; thence North $13^{\circ} 35'$ West 460 feet to a point 230 feet north of the centerline of said Dillon Street; thence North $76^{\circ} 25'$ East 400.00 feet to a point, said point being 230 feet westwardly from the centerline of Darrow Road; thence on a line 230 feet west of and parallel to said Darrow Road North $13^{\circ} 35'$ West 500 feet, more or less, to a point 230 feet south of the centerline of Poindexter Street (SR 2475); thence on a line 230 feet south of and parallel to said Poindexter Street, North $87^{\circ} 00'$ West 670 feet, more or less, to a point; thence North $03^{\circ} 00'$ West 460 feet to a point, 230 feet north of the said centerline of Poindexter Street; thence on a line 230 feet north of and parallel to the centerline of Poindexter Street North $87^{\circ} 00'$ East 520 feet, more or less, to a point that is 230 feet west of and at right angles to the centerline of Darrow Road; thence on a line 230 feet west of and parallel to the centerline of said Darrow Road North $13^{\circ} 35'$ West 500 feet, more or less, to a point that is 230 feet south of and at right angles to N.C. Highway No. 66; thence on a line 230 feet south of and parallel to the centerline of said N.C. Highway No. 66 westwardly 1690 feet, more or less, to a point, said point being 230 feet south of the centerline of N.C. Highway No. 66 and said point also being on the eastern line of tax lot 47, tax block 2151, better known as the land of "Walkertown Shopping Center, Inc."; thence southerly 450 feet, more or less, to a point being the southeastern corner of the "Walkertown Shopping Center, Inc."; thence along the southern line of the land of the "Walkertown Shopping Center, INC.", and the land of Wilshire Development Co., Inc. of Winston-Salem as recorded in Deed Book 971, page 660, in the Office of the Register of Deeds, Forsyth County, North Carolina; westerly 1156.85 feet, more or less, to a point, said point being the south-western corner of the Wilshire Development Co., Inc. of Winston-Salem; thence along the western line of the Wilshire Development Co., Inc. of Winston-Salem northerly 450 feet, more or less, to a point; thence South $89^{\circ} 00'$ West 270 feet, more or less, to a point; thence on a line 230 feet west of and parallel to said Morris Street, North $01^{\circ} 00'$ West 275 feet, more or less, to a point that is 230 feet south of and at right angles to N.C. Highway No. 66; thence on a line 230 feet south of and parallel to the centerline of said N.C. Highway No. 66 South $80^{\circ} 00'$ West 400 feet, more or less, to a point that is 230 feet south of the centerline of N.C. Highway No. 66 and 230 feet southeast of and at right angles to the centerline of U.S. Highway No. 311; thence on a line 230 feet southeast of and parallel to the centerline of said U.S. Highway No. 311 South $43^{\circ} 00'$ West 850 feet, more or less, to a point; thence South $42^{\circ} 00'$ East 116 feet, more or less, to a point; thence North $86^{\circ} 00'$ West 346.8 feet more or less, to a point; thence South $1^{\circ} 30'$ West 552 feet to a point; thence North $88^{\circ} 30'$ West 286.4 feet to a point; thence South $44^{\circ} 38'$ West 365.7 feet to a point; thence North $45^{\circ} 21'$ West 220 feet to a point, said point being in the eastwardly right-of-way of U.S. Highway No. 311; thence along said right-of-way

North 44° 38' East 161 feet to a point; thence continuing along the eastwardly right-of-way line North 44° 30' East 760.5 feet, more or less, to a point; thence continuing along right-of-way North 44° 55' East 283 feet, more or less, to a point; thence at right angles to the said right-of-way line North 42° 00' West 30 feet to the centerline of U.S. Highway No. 311; thence with the centerline of said U.S. Highway No. 311 North 43° 00' East 50 feet to a point in said centerline; thence North 47° 00' West 230 feet to a point; thence on a line that is 230 feet northwest of and parallel to the centerline of said U.S. Highway No. 311 North 43° 00' East 500 feet, more or less, to a point that is 230 feet south of the centerline of N.C. Highway No. 66; thence on a line 230 feet southwestwardly from and parallel to the centerline of N.C. Highway No. 66 as it curves to the northwest 1535 feet, more or less, to the BEGINNING.

Sec. 3. The Town shall operate under the mayor-council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes. The Town Council shall consist of five members including a Mayor to be elected to staggered terms as is hereinafter provided. Beginning with the regular municipal election to be held in 1985, the Mayor shall be elected for terms of four years by all the qualified voters of the Town of Walkertown. Beginning with the regular municipal election to be held in 1985, the remaining four council members shall be elected by the qualified voters as follows: The two candidates receiving the highest number of votes shall be elected for a term of four years and the two candidates receiving the next highest number of votes shall be elected for a term of two years. Thereafter, as the terms of the members of the Town Council including the Mayor expire, their successors shall be elected for terms of four years. The Mayor may vote only to break a tie.

Sec. 4. The elections for municipal officers in the Town of Walkertown shall be conducted under the nonpartisan plurality method, and the results determined under G.S. 163-292. The elections shall be held and conducted by the Forsyth County Board of Elections, and except as otherwise provided herein, shall be held and conducted in accordance with Articles 23 and 24 of Chapter 163 of the General Statutes.

Sec. 5. A regular municipal election shall be held on Tuesday after the first Monday in November, 1985, and every two years thereafter for the election of the Mayor and other Town Council members as hereinabove provided. Vacancies occurring for any reason in the Town Council shall be filled for the unexpired term by appointment by the majority vote of the remaining members of the council including the Mayor. A vacancy in the office of Mayor shall be filled for the unexpired term by appointment by majority vote of the remaining members of the Town Council.

Sec. 6. The initial members of the Town Council shall be those three persons presently serving as the Board of Commissioners of the Walkertown Sanitary District and two additional persons who shall be appointed by the three persons presently serving on the Board of Walkertown Sanitary District. They shall serve until their successors are elected and qualified pursuant to this act. They shall appoint one of their members as Mayor, who shall serve until his successor is elected under this act.

Sec. 7. On August 22, 1984, at 12:00 noon, the Walkertown Sanitary District shall cease to exist as a body politic and corporate, and the Town of Walkertown shall

simultaneously be incorporated, and at that time all of the District's assets and liabilities shall be transferred to the Town of Walkertown as provided in G.S. 130A-81.

Sec. 8. The Walkertown Sanitary District shall take all actions necessary to effect this transfer of the assets and liabilities of the District to the Town of Walkertown by August 22, 1984, at 12:00 noon.

Sec. 9. From and after August 22, 1984, at 12:00 noon, the citizens and property in the Town of Walkertown shall be subject to municipal taxes levied for the fiscal year beginning August 22, 1984, and the Town shall obtain from the County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1984, and the businesses in the Town shall be liable for privilege license tax from the date of the privilege license tax ordinance.

Sec. 9.1. Notwithstanding the provisions of the general laws of North Carolina and any provisions of this act to the contrary, the Town Council may adopt a budget ordinance for the Town's first fiscal year extending from August 22, 1984, at 12:00 noon to June 30, 1985 (hereinafter referred to as 1984-85 fiscal year), following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. The Town Council may, not later than September 15, 1984, adopt an ad valorem tax on real and personal property for the 1984-85 fiscal year, and such taxes may be paid at par or face amount within the period of time from September 15, 1984, through January 6, 1985, and thereafter in accordance with the schedule in G.S. 105-360 as if such taxes had been due on September 1, 1984.

Sec. 9.2. Notwithstanding the provisions of the general laws of North Carolina and any provisions of this act to the contrary, if the Town Council shall adopt a 1984-85 budget ordinance which shall include an ad valorem tax on real and personal property for the 1984-85 fiscal year, then any ad valorem tax on real or personal property which shall have been adopted or levied by the Walkertown Sanitary District for fiscal year 1984-85 shall be null and void and shall not be collectible by the Town of Walkertown or any other corporate or governmental entity. If the Town Council shall adopt a 1984-85 budget ordinance which shall not include an ad valorem tax on real and personal property for the 1984-85 fiscal year, then any ad valorem tax on real or personal property which shall have been adopted or levied by the Walkertown Sanitary District for fiscal year 1984-85 shall be due and payable to the Town of Walkertown in accordance with Chapter 105 of the General Statutes as if the Town of Walkertown had adopted or levied such taxes.

Sec. 10. The current zoning ordinance in effect in Forsyth County shall remain in effect within the corporate limits of the Town of Walkertown until such time as the Town Council of the Town of Walkertown enacts a zoning ordinance pursuant to law. The Forsyth County Board of Commissioners shall have full authority to administer and enforce and shall administer and enforce the current ordinance or any amendment to said ordinance until such time that the Town Council shall enact a zoning ordinance pursuant to law.

Sec. 11. The organizational meeting of the Town Council of the Town of Walkertown shall be held on August 23, 1984, at 7:00 P.M.

Sec. 12. The Forsyth County Board of Elections shall call and conduct a referendum on the Tuesday after the second Monday in August, 1984, to submit to the qualified voters in the area described in Section 2 of this act the question whether such area shall be simultaneously dissolved as a sanitary district and incorporated as a municipal corporation known as the Town of Walkertown.

A registration of voters within the area shall be held in accordance with G.S. 163-288.2. The registration records shall be open for the period set out in G.S. 163-288.2. The referendum shall be conducted in accordance with G.S. 130A-81 and the provisions of this act.

If a majority of those voting in the referendum vote in favor of incorporating the Town of Walkertown and dissolving the Walkertown Sanitary District, then the Town of Walkertown shall be incorporated and the Walkertown Sanitary District shall be simultaneously dissolved on the date and time set forth in Section 7 of this act, and Sections 1 through 11 of this act shall be in full force and effect. If a majority of those voting in the referendum vote against incorporating the Town of Walkertown and dissolving the Walkertown Sanitary District, then Sections 1 through 11 of this act shall have no force and effect.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1984.