

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-143
SENATE BILL 1514

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:

Beginning at the Center of Stevens Mill Road (1524) and the South fork of Crooked Creek and running E. using the center of Crooked Creek as outside boundary of Proposed Town of Hemby Bridge including property of Larry Love and running 1,051' East down Crooked Creek to property of Manuel Hicks, continuing on 620' down center of Crooked Creek. Creek bends 55 degrees N and runs 858' connecting with and including property of James and Vera McBride then 90 degrees W. and 295' then 90 degrees S. and continuing down center of Creek 2,640' continuing floodplain that connects with Lot 78 at end of Woody Grove Rd. belonging to Sharon McInnis and SE 315' which is Lot 79 belonging to Nelson and Doris Howlett, containing all homes on Woody Grove Rd., and all homes on Hillcrest Circle. Crooked Creek continues and connects with Lot 50 on Hillcrest Circle belonging to Earl McCoy and continuing S. 165' to property of Doris Button which is Lot 49, continuing S. 165' to Lot 48 belonging to Archie and Rachel Townsend, then to Lot 47 belonging to Jacqueline Oliver and 165' to Lot 46 belonging to Brian and Sara Cook, continuing and including Lot 45 belonging to Enrico Gallinaro, then 165' and including Lot 44 belonging to Holt McAdams, then 165' and including Lot 43, Richard Hicks then 165' to Lot 42, Joseph Young. Continuing S. down Crooked Creek including property of Theodore and Demetra

Karres continuing on 83' and including property of Lemuel Cannon to S. 83' to include property of Dolly McKee, then 83' to include property of Dolly McKee, then 83' to include property of J.C. McClain, then 248' including property of Carolina Water Service then 453' to include property of Southern Fabric Exchange, then 83' to property of Sonny and Judy Richardson, then turning out of Creek 90 degrees South and 126' to Center of Indian Trail Fairview Road and connecting to and including property of W.R. McQuay then 90 degrees W. to nail in center of Rd (1520) connecting with and including property of Curtis and Libby Williams then 85' to include property of Charles Conner then 83' W. to include property of Jimmy Stroupe then 83' to include property of Elaine Wooten then 83' to include property of Garnet and Clifton Jones then 83' to include property of Jesse Carson, then 83' to include property of James and Mildred Rowell then 83' to include property of Bob Carpenter. Then 42' crossing and including right-of-way drive belonging to George and Colleen Sherin and 165' to include property of Donald Deese then 83' to include property of Terry King. Continuing W. on Indian Trail Fairview (1520) to include property of Christine Horne then 248' to include property of Ethel Brooks then 165' to include property of N.C. Telephone Co., then 372' to include property of Billy Stegall then 381' to include property of Ruby Williams then 151' to include property of Ethel Brooks then 572' to include property of Jody Stegall continuing W. 165' to include property of Billy and Barbara Thompson then 148' to include property of Don and Catherine Baucom, then 147' to include property of Harrison Spencer then 295' to include property of Charles and Shirley Honey, then 413' to include property of Harold Sherrin then 250' to include property of Robert and Connie Gillespie then 173' to include property of James Robinson continuing 150' to include property of Carol and Billie Cunningham then crossing 3rd Avenue (1566) and continuing W. 248' to include property of Marilyn R. Layman then crossing 2nd Avenue and continuing W. 248' to center of 1st Avenue then 90 degrees S. and 165' to include property of Lee and Carolyn Mayberry, then 90 degrees and 248' crossing back over 2nd Avenue then 269' to center of 3rd Avenue to a nail in center of Rd. and include property of James Taylor then 82' to include property of William Threadgill. Third Avenue intersects with Carole Ave. in an Easterly direction and continues 185' to include property of Wilson Johnson continuing center of Carole Ave. (1587) past Reid Rd. (1557) 248' to a nail in center of Rd. to include property of Dennis Hawkins continuing on to include property of Doug McLain continuing on to include property of Leroy Shillmore also marked by nail in center of Rd. continuing center of Carole Ave. 412' to include property of Ray Stegall next nail will mark and include property of David Swanner, then 90 degrees E. to back of property belonging to Nathlee Strickland continuing 92' to wooden stake to include property of Elizabeth Harris, then 92' to metal post to include property of Mae Conder, continuing E. to metal stake to include David Howell's property, then 100' to metal stake to include Jeff and Wanda McSheehan's property next metal stake will mark and include property of Carl Cassados continuing E. to include property of Michele Klass 200' to next stake to include property of Daniel and Gloria Smith 100' to metal stake to include property of Alfred Helms at their metal stakes 120 degrees SW and 884' to metal fence post then 80 degrees E. and 445' to metal pipe then 40 degrees S. and 142' to metal pipe to include property of Bruce and

Linda Simpson continuing SE 1,167' to include property of Norma Simpson continuing E. 536' to metal rod to include property of Charles and Janice Byrum, at metal rod 90 degrees NE and 712' to include property of Scott and Wendy McGuirt then 30 degrees E and 165' to metal pipe then 90 degrees S and 594' to include property of Joe and Kathryn Byrum continuing on and crossing Faith Church Rd. (1518) to connect with metal stake at corner of Dennis and Kathy Helms' property then 80 degrees NE and 701' to metal rod to include property of Helen Snyder continuing NE 247' to the center of Secrest Short Cut Rd. (1501) then 90 degrees N and 245' to center of Faith Church Rd. (1518) then 90 degrees E in center of Rd. to include property of Charles and Janice Byrum from nail in center of Faith Church Rd. 659' to include property of Ervin Barr then 660' to include property of Harold Pressley then 178' to include property of Frank Owens continuing 299' down Faith Church Rd. to include property of Dale Pressley then 344' to include Carl Helms' property at this spike in Rd. Rd bends N. and 165' to include property of Philip Simpson, then continues on 580' to include Ralph Boullet property, then 165' to include Sandra Long's property then 1,359' to include Stan and Patricia Pressley's property. Road bends West and continues 102' to include Lawrence Martin property then 82' to include Donald Brize property, continuing NW on Faith Church Rd. to include Marlen Moore's property then 90 degrees N and 300' to include Dennis Price's property continue 206' to include Floyd Price property then 136' to include Paul McLain property, then 150' to include Paul and Linda Voglewed property, then 140' to Robert and Joan Thompson's property then 536' to center of Indian Trail Fairview Rd. and which includes Charles Burgess property, then 90 degrees W in center of Indian Trail Fairview Rd. and 194' to nail in center of Rd. then 200' to include property of Thomas and Martha Dushak, then from nail 300' to include property of James and Myrtle Benton continuing W. 167' to nail in center of Rd. 90 degrees N. and 233' to include property of Charles Funderburk at 233' marker connects with and includes property of Lawrence Funderburk continuing 1,016 to center of Crooked Creek and connecting to property of Steve Dunn and East up center of Creek 123' to include property of Betty Knece then E. in center of Creek 1,064' to include property of Edwin Dury then 825' E. in center of Creek then out of Creek bank and 973' to flint rock to include property of William Humble then 300' to metal stake to include Delano Trull property then E. 102' to Stanley Edwards' property and at metal pipe continuing NE 300' and connecting to Typar property, then 1,564' to iron rod at Maurice Rowell's property and 650' E to include property of Sam Edwards then at metal pipe 436' to include Tommy Edwards' property, then 299' to include Jamie Haney's property at this point 20 degrees SE and 185' to metal pipe and 1,155' E to include property of Ted Edwards and at metal rod NE 75 degrees and 2,640' to include Tract No. 7015002 of Linda Blackmore's property, which is center of Goose Creek using center of Creek as boundary and N. 577' to include property of Danny Myers, Creek travels 306' N. then turns and 165' E. then 204' NE then 112' to center of Mill Grove Rd. (1525). Boundary turns E. on Mill Grove Rd. and connects with property of Kenneth Dorton continuing E. on Mill Grove Rd. to include property of William Lemond then 165' E. to include property of Bertie Lemond then 330' to center of Lawyers Rd. (1004) then 400' to include property of William Lemond again then from nail in center of Rd. 668' to

include property of Danny Myers Tract No. 2, then 82' to include property of Debrah Dorton then N. 165' to include property of Kenneth Dorton then 160' N. to include property of Dennis Dorton then 120 degrees W. and 295' to large metal rod then NW 367' to metal rod then W. 165' then S. 255' to metal axle at back of Danny Myers' property than at metal axle 195' to metal rod at back of William Lemond's property then 247' to center of Goose Creek enclosing third Tract of Kenneth Dorton's property, continuing S. 739' down Goose Creek to center of Mill Grove Rd., then using center of Mill Grove Rd. (1525) as boundary continuing W. 1,980' down front of Linda Blackmore property to nail in center of Rd., including property of Luther Wetherington property, then 165' to include Greg and Kim Mullis' property, then 990' to include property of King Heirs, then 330' to include property of Steve Turner, then 123' to include James Crump's property, then 295' to include Larry King's property, then 315' to include Helen Gibson's property then 136' to include Jerry Cooper's land still using center of Mill Grove as boundary 110' then 82' to include property of Kenneth and Wanda Rayley, then 82' to include property of Sue Gordon then 82' to include Clayton Barnes' property then 82' to include James Harris' property, then 82' to include property of Leon and Shelby Dial, then 82' to include property of Robert Bemis, then 82' to include property of Edward Kanis, then 82' to include property of Gary and Sandra Antigo, then 82' to include property of James Dickerson, then 82' to include Garland Thomas property, then 82' to include James Baker property, then 82' to include property of Murry Family Partnership, then 82' to include property of Albert Mattock, then 82' to include property of Hal Oswalt, then 82' to include property of William Reinke, then 82' to include property of Lyndel McIver. Then crossing Beacons Hills Rd. to iron pipe at back corner of Randall Johnson property also included, then continuing on S. 102' to include property of Edward Hartis, then 102' to include Leonard Benfield, then 102' to include property of Ray and Mary O'Shields, then 102' to include property of Herbert Himes, then 102' to include property of Irene Leake, then 102' to include property of Enoch Glory, then 102' to include James Helrigle property, then 102' to include property of D.P. and Arlene Somotherman, continuing on 102' to include property of Sharon Hendrickson, then 102' to include property of Danny Myers, then continuing on 30' to center of Hemby Wood Dr. then 90 degrees S. to center of Mill Grove Rd. (1525) then 90 degrees E. and 742' to center of Idlewild Rd. (1582) then 90 degrees N. on Idlewild Rd. and 1,320 to nail in center of Rd. then 90 degrees E. and 225' to wooden stake at back corner of Darren Linsey property to include his property and continue on NW 90' to include property of Steven Revette, then 80' to include property of Virginia Matthews, then 80' to include property of Wayne and Cindy Gordon, then 80' to include property of Donald Moyers, then 80' to include property of Mary Jones, then 80' to include property of Mark Rowell, then 80' to include property of Loreta Fowler, 80' to include David and Rita Hinson property, 80' to include property of Ernestene Aliff, 80' to include Ken Bailey property, at corner of Kent Bailey property 90 degrees W. and 20' to corner of Linda Compton's property also included then 90 degrees N. and continuing on to cross Bridle Trail Rd. and connecting to and including property of Aron McPhatter, then 80' to include Richard Hodge's property, then 80' to include property of Roger McCover, then 80' to include property of Danny and Sandra Hyatt, then 80' to

include property of Glenn Lowery, then 80' to include property of Marvin Naylor, then 80' to include property of Elizabeth Price, then 80' to include property of Ray Gormon, then 80' to include property of Betty Johnson, then 80' to include property of Wanda Rogers, then 80' to include property of Clayton Liles, then 90 degrees W. and 80' to corner of Mark McCall property, then 90 degrees N. and crossing Rockwell Dr. to include property of Emma Metheney, then 80' to include property of Jimmy and Wendy Brown, then NW 165' to center of Idlewild Rd., then 90 degrees down center of Idlewild Rd. (1582) to nail in center of Rd, then 90 degrees E. and connect with and include property of J.R. and Kim Price, then continuing on E. 335' to connect and include property of Philip and Carol Pressley, then 737' to connect and include property of Mr. Swindler at large metal rod NW 1112 to connect and include property of Gene and Lois Belk, continuing on 665' down Belk property line to connect with, but not include, Woodrow-Crump Estate, then 90 degrees NW and 825' to connect and include property of Douglas Dixon, then 210' N. to connect and include property of J.C. McClain, then 165' to connect and include property of James and Frances Crump. Then 409' N. to center of Stevens Mill Rd. (1524) to include Emmanuel Baptist Church, then 90 degrees W. down center of Stevens Mill Rd. crossing Idlewild Rd. (1582) 247' to include property of J. Springstead, continuing on NW on Stevens Mill Rd. 270' to include property of David and Fran McClain, then 440' to include property of J.C. McClain, then 335' to include property of Carol Brands, then 879' to center of South Fork of Crooked Creek and Stevens Mill Rd. which is back of property of Larry Love. Notwithstanding the above description, whenever any boundary is described as the centerline of any road, then the corporate limits of the town extend to the far right-of-way of the road unless the remainder of the right-of-way is included within the corporate limits of another town on the date this Charter becomes effective.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Hemby Bridge is the Board of Aldermen, which has five members.

"Sec. 3.2. **Temporary Officers.** Until the organizational meeting after the initial election in 1999 provided for by Section 4.1 of this Charter, Bill Baucom, J.C. McClain, and Phil Pressley are appointed members of the Board of Aldermen, and they shall possess and may exercise the powers granted to the Board of Aldermen until their successors are elected or appointed and qualify pursuant to this Charter. The Board of Aldermen shall have three members until the organizational meeting after the 1999 municipal election.

"Sec. 3.3. **Manner of Electing Board of Aldermen; Term of Office.** The qualified voters of the entire Town shall elect the members of the Board of Aldermen. In 1999, five members of the Board of Aldermen are elected. The three persons receiving the highest numbers of votes are elected to four-year terms, and the two persons receiving the next highest numbers of votes are elected to two-year terms. In 2001 and quadrennially thereafter, two persons are elected to four-year terms. In 2003 and quadrennially thereafter, three persons are elected to four-year terms.

"Sec. 3.4. **Manner of Electing Mayor; Term of Office.** At its organizational meeting after each election, the Board of Aldermen shall elect one of its members as Mayor to serve at the pleasure of the Board of Aldermen.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** Town officers shall be elected on a nonpartisan election and runoff basis and results determined as provided in G.S. 163-293.

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Hemby Bridge operates under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

Section 2. This act does not affect the boundaries or taxing power of any fire tax district. Notwithstanding G.S. 69-25.15 or any other provision of law, any area which may be annexed by the Town of Hemby Bridge shall remain in the fire tax district.

Section 3. From and after the effective date of this act, the citizens and property in the Town of Hemby Bridge shall be subject to municipal taxes levied for the year beginning July 1, 1998, and for that purpose the Town shall obtain from Union County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1998. The Town may adopt a budget ordinance for fiscal year 1998-99 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. For fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1998.

Section 3.1. Any annexation ordinance applicable to any territory described in Section 2.1 of the Charter of the Town of Hemby Bridge is suspended as to its applicability as to any of that territory from the date this act becomes law until the results of the election conducted under Section 2 of this act are certified, and any statutes of limitation as to such ordinance are tolled during that period. If a majority of the votes are cast "For Incorporation of the Town of Hemby Bridge", then any such ordinance shall not be effective as to any territory incorporated into the Town of Hemby Bridge by this act, but if such ordinance also applies to any territory not within the corporate limits of the Town of Hemby Bridge, it is validated as to such other territory. In addition, no annexation ordinance may be adopted as to any territory described in Section 2.1 of the Charter of the Town of Hemby Bridge from the date this act becomes law until the results of the election conducted under Section 2 of this act are certified, and any time limits for action as to such ordinance are tolled during that period.

Section 3.2. On the date of the general election in 1998, the Union County Board of Elections shall conduct a special election for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of

Hemby Bridge, the question of whether such area shall be incorporated as the Town of Hemby Bridge.

Section 3.3. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Incorporation of the Town of Hemby Bridge".

Section 3.4. In the election, if a majority of the votes are cast "For the Revival of the Charter of the Town of Hemby Bridge", Sections 1 through 3 of this act become effective on the date that the Union County Board of Elections certifies the results of the election. Otherwise, Sections 1 through 3 of this act have no force and effect.

Section 4. No municipality may annex any of the following described territory in Harnett County pursuant to Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes unless the entire area is annexed:

BEGINNING at the southeastern corner of the intersection of NC Hwy. 421 and SR 2075 (Club Rd.) and running in an easterly direction along the southern margin of NC Hwy. 421 to the southeastern corner of the intersection of NC Hwy. 421 and SR 1542 (Johnson Farm Rd.); thence in a northerly direction running along the eastern margin of SR 1542 to the southeastern corner of the intersection of the property of Campbell University and SR 1542; thence in a northeasterly direction to the southwestern corner of the Campbell University athletic practice fields; thence in a northeasterly direction running along the western boundary of the said practice fields to the northwestern corner of said practice fields; thence in a southeasterly direction running along the northern boundary of said practice fields to the northeastern corner of said practice fields; thence in a westerly direction running along the eastern boundary of said practice fields to the northwest corner of the intersection of said practice fields and SR 1521 (Gregory Cr.); thence in an easterly direction running along the northern margin of SR 1521 to the northwestern corner of the intersection of SR 1521 and SR 1535 (Main St./Mitchell Rd.); thence in a southerly direction running along the western margin of SR 1535 to the southwestern corner of the intersection of SR 1535 and SR 2002 (Kivett Rd.); thence in an easterly direction running along the southern margin of SR 2002 to the southwestern corner of the intersection of SR 2002 and SR 2084 (Leslie Campbell Rd.); thence in a southwesterly direction running along the northern margin of SR 2084 to the northeastern corner of the intersection of SR 2084; SR 2054 (Marshbanks St.), and SR 1535; thence in a southeasterly direction running along the eastern margin of SR 2054 to the southeastern corner of the intersection of SR 2054 and Pine Cone Rd.; thence in a southwesterly direction running along the southern margin of Pine Cone Rd. in the southeastern corner of the intersection of Pine Cone Rd. and Mae Byrd St.; thence in a southeasterly direction approximately 369 feet running along the eastern margin of Mae Byrd St. to a point; thence in a westerly direction to the southwestern corner of the intersection of NC Hwy. 421 and SR 2057 (Hatcher St.); thence in a southerly direction running along the western margin of SR 2057 to the northwestern corner of the intersection of SR 2057 and SR 2000 (Wade Stewart Cr.); thence in a westerly direction running along the northern margin of SR 2000 to the southwestern corner of the intersection of SR 2000 and Wade Stewart Ext.; thence in a southwesterly direction to

the eastern bank of Buies Creek; thence in a southerly direction running along the eastern bank of Buies Creek and the exterior property lines of Campbell University and Norman A. Wiggins to the northern bank of the Cape Fear River; thence in a northwesterly direction running along the northern bank of the Cape Fear River to the northeastern corner of the intersection of the boundary of Campbell University property and the Cape Fear River; thence in a northeasterly direction along the exterior property lines of Campbell University to the southeastern corner of the intersection on SR 2075 and NC Hwy. 421, the point of BEGINNING.

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

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

In the General Assembly read three times and ratified this the 15th day of September, 1998.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives