

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 621*
Committee Substitute Favorable 8/2/89
Third Edition Engrossed 8/10/89

Short Title: Marvin Grove Incorporated.

(Local)

Sponsors:

Referred to:

March 15, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF MARVIN GROVE IN UNION
3 COUNTY, SUBJECT TO A REFERENDUM.
4 The General Assembly of North Carolina enacts:
5 Section 1. The following provisions of law constitute the Charter of the
6 Village of Marvin Grove in Union County:
7 "THE CHARTER OF THE VILLAGE OF MARVIN GROVE.
8 "CHAPTER I.
9 "INCORPORATION AND CORPORATE POWERS.
10 "Section 1.1. Incorporation and Corporate Powers. The inhabitants of the Village of
11 Marvin Grove, which area is described in Section 2.1 below are a body corporate and
12 politic under the name 'Village of Marvin Grove'.
13 Under that name they have all the powers, duties, rights, privileges, and immunities
14 conferred and imposed upon cities by the general law of North Carolina.
15 "CHAPTER II.
16 "CORPORATE BOUNDARIES.
17 "Sec. 2.1. Village Boundaries. Until modified in accordance with law, the
18 boundaries of the Village of Marvin Grove are as follows: BEGINNING at a point in
19 the North Carolina-South Carolina State Line in the center line of Six Mile Creek, said
20 point also being corner of the Union County-Mecklenburg County line, thence in a
21 northeasterly direction with the meanderings of Six Mile Creek to a point in the center
22 line of Six Mile Creek, said point being a northeast corner of the Reunion Land Co.

1 property, thence with the Reunion Land Co. property as shown in Deed Book 394, page
2 461 Union County Registry S 3145 E 1192 ft to an iron stake, thence continuing the
3 Reunion Land Co. Property N 46-30 E 850 ft to an iron stake, thence S 15 E 1123 ft to
4 an iron stake being a corner of Reunion Land Co. and Lucky Realty property, thence
5 with Lucky Realty property as described in Union County Registry Deed Book 400
6 page 281 S 14-49 E 861.75 ft to a point common corner of the First Providence
7 Investors Co. property and the J.L. Crist, Jr. property, thence S 17-02-50 E 1178-53 ft to
8 a point, a corner of the Sam W. Craver property, thence with the property line two calls
9 and distances as follows: (1) S 44-23-20 W 1386.72 ft to a point; and (2) S 42-41-
10 20 ft 694.20 ft as described in Deed Book 337 page 771, to a point; thence S 42-41-20
11 W 20 W 161.56 ft to a point, thence S 85-15-45 W 475.92 ft to a point, a common
12 corner of the B.E. Ezzell property as described in Deed Book 271 Page 698, and Lucky
13 Realty property as recorded in the Union County Registry Book 400 page 281, thence
14 with a line of the Ezzell property S3-26-17W 2170.69 ft to a stone by a post oak which
15 is located at a corner of Tract 2 of the property of the Reunion Land Co. as recorded in
16 Union County Registry Book 394 page461, thence with a line of Reunion Land Co.
17 S49-13-39 W 578.73 ft to an iron in a line of the property conveyed to William E.
18 Ezzell by deed recorded in the Union County Registry Book 271 page 692, thence with
19 a line of the said Ezzell property N 30-09-20 W 619.43 ft to an iron located at the SE
20 corner of Lot 6 in Block C of Section 2 of Marvin Estates which is shown on the map
21 recorded in the Union County Public Registry in Plat Cabinet A, File A-33; thence
22 southwesterly in the following courses: (1) 521 ft to an old iron, (2) 396.23 ft to an old
23 iron, (3) 1417.46 ft to an old iron; thence in a northeasterly direction 292.73 ft to an old
24 iron, thence in a southerly direction 1171 ft to an iron and stone corner with Banks
25 Presbyterian Church property, thence 430.44 ft to an old stone corner, thence 685.92 ft
26 in an easterly direction to an iron and stone corner the above being the westerly
27 boundaries of the W.E. Ezzell property as described in Union County Registry Book
28 271 page 692; thence 369 ft south to a point in the center line of the intersection of
29 NCSR 1307 and NCSR 1315 (Waxhaw-Marvin and New Town Roads), thence in an
30 easterly direction with the center line of NCSR 1315 (New Town Road) to a point in the
31 center of the intersection of said road and NCSR 1309 (Crane Road), thence continuing
32 south with the center line of NCSR 1309 (Crane Road) to a nail which marks the
33 intersection of the center line of NCSR 1309 with the southerly line of the property of
34 one Crane (now or formerly) and the northerly boundary of Weddington Joint Venture
35 property as recorded in Union County Registry Book 411 page 460, thence S 86-39-16
36 E 1940.80 ft to an iron, thence S 65-30-16 E 616.40 ft to an iron; thence S 27-59-16 E
37 67.20 ft to a point in Tar Kiln Branch, thence along the northerly boundary of Lots 26,
38 25, and 24 of Beechwood-Phase II N 71-31-11 W 1178.98 ft as recorded in Union
39 County Plat Book B File 153B, to the northwest corner of Lot 10, Beechwood Phase
40 One, thence S 71-31-11 E 455 ft to an iron, thence S 02-55-27 W 980.23 ft, being the
41 easterly boundary of Lots 10, 9, 8, 7, Beechwood Phase I, thence S 41-16-26 W 1080.77
42 ft being the SE boundaries of Lots 6, 5, 4 Beechwood Phase I, thence S 42-15-20 W
43 375.00 ft, being the SE boundary of Lot 1, as recorded in Union County Registry Plat
44 Book B File 128B, to a point in the center line of NCSR 1307 (Bonds Grove Church

1 Road), thence in an easterly direction with the center line of NCSR 1307 to a point in
2 the center of the intersection of said road and NC 16 (Providence Road South), thence
3 continuing south with the center line of NC 16 to a nail and cap set in the center line of
4 NC 16, which nail and cap is located in the line of the property of Lloyd M. Bradshaw,
5 and goes thence with the northerly boundary of the Union County Sewer Treatment
6 property S 79-25-26 W 1057.17 ft to an old iron, S 77-49-46 W 502.42 ft, S 77-52-19
7 W 387.70 ft, S 77-54-35 W 473.41 ft, S 77-32-11 W 280.46 ft, S 77-26-47 W 333.94 ft
8 to an old iron, thence south 00-15-00 E 271.81 ft to the centerline of Still Branch in the
9 line of Sophie R. Goans property as recorded in Union County Registry Book 87E page
10 420, thence with Goans northern boundary eastwards to a point in the center line of Still
11 Branch; thence with the center line of Still Branch southwardly to its confluence with
12 Twelve Mile Creek, thence down the center line of Twelve Mile Creek to the center line
13 of the bridge over Twelve Mile Creek at its intersection with NCSR 1301 (Waxhaw-
14 Marvin Road), thence following the center line of NCSR 1301 in a northerly direction
15 to an iron at the SE corner of the William C. Sugg Jr. property, thence 1300 ft in a
16 westerly direction, being the southern boundary of the the said Sugg property as
17 described in Union County Registry book 333, page 155, to the SE corner of the
18 William C. and Ernestine Sugg property, thence S 84-11-03 W 535.58 ft to an iron,
19 thence S 84-32-38 W 500.4 ft to an iron at the NE corner of the Charlotte Rifle and
20 Pistol Club, thence with the line of the Charlotte Rifle and Pistol Club property S 86-17-
21 38 W 3310.59 Ft to an old iron located on the North Carolina-South Carolina State
22 Line; thence in a northwesterly direction with said North Carolina-South Carolina State
23 Line to a point in the center of NCSR 1310 (Henry Nesbitt Road), thence along the
24 center line of NCSR 1310 in an easterly direction to a point in the intersection of NCSR
25 1310 and NCSR 1307 (Waxhaw-Marvin Road), thence north with the center line of said
26 NCSR 1307 to a point being the SW corner of the H.W. Gamble property as recorded in
27 Union County Registry Deed Book 82 page 479 and the NW corner of the William S.
28 Small property, thence northeast 1914 ft along the southern boundary of the said H.W.
29 Gamble property to a point in the center of Cochrane Branch, thence in a northwesterly
30 direction along the centerline of said branch to a point in the branch being the
31 intersection of the branch with the Nancy Rankin property as recorded in Union County
32 Registry Deed Book 409 page 662, thence 790 ft in a southwesterly direction to an iron
33 stake in the property line of Jane Gamble Murray as recorded in Union County Registry
34 Book 288 page 256, thence N 13-44-55 E 719.19 ft to a stone being a common corner
35 with the Charles McGee property and the Marjorie Ezzell Fincher property as recorded
36 in Book 271 page 689, thence running N 70-36-15 W 10 ft to a point located in the
37 center channel of Cochrane Branch, thence with the center channel of said branch in a
38 northwesterly direction along the eastern boundary of the Charles McGee property as
39 described in Book 277 page 148 to an iron in the center of Cochrane Branch at the SE
40 corner of the Charles and Patricia McGee property, thence continuing 813 ft in the
41 center channel of the said branch to a spike in the branch being the common corner of
42 the McGee and the Walter Galbraith property as described in Book 404 page 934,
43 thence N 72-38-16 W 743.12 ft to an iron, thence N 76-29-46 W 311.83 ft to a R.R.
44 spike in the center of NCSR 1307, being the NE corner of the property of Bill Howard

1 as recorded in Union County Registry Plat C File 63, thence across said NCSR 1307 S
2 86-53-29 E 745.71 ft to a pin, thence N 64-35-00 E 493.94 ft to the center of the North
3 Carolina-South Carolina State Line, thence north along the said North Carolina-South
4 Carolina State Line to the BEGINNING.

5 **"CHAPTER III.**

6 **"GOVERNING BODY.**

7 "Sec. 3.1. Structure of Governing Body; Number of Members. The governing body
8 of the Village of Marvin Grove is the Village Council, which has six members, and the
9 Mayor.

10 "Sec. 3.2. Manner of Electing Village Council. The qualified voters of the entire
11 Village elect the members of the Village Council.

12 "Sec. 3.3. Term of Office of Village Council. Three members of the Council are
13 elected in 1991 and biennially thereafter for four-year terms.

14 "Sec. 3.4. Manner of Electing Mayor; Term of Office. The qualified voters of the
15 entire village elect the Mayor. He is elected to a two-year term of office in 1991 and
16 biennially thereafter.

17 **"CHAPTER IV.**

18 **"ELECTIONS.**

19 "Sec. 4.1. Conduct of Village Elections. Village Officers shall be elected on a
20 nonpartisan basis and the results determined by a plurality as provided in G.S. 163-292.

21 **"CHAPTER V.**

22 **"ADMINISTRATION.**

23 "Sec. 5.1. Village to Operate Under Mayor-Council Plan. The Village of Marvin
24 Grove operates under the Mayor-Council plan as provided in General Statutes Chapter
25 160A, Article 7, Part 3."

26 Sec. 2. From and after the effective date of the incorporation, the citizens and
27 property in the Village of Marvin Grove shall be subject to municipal taxes levied for
28 the year beginning July 1, 1989, and for that purpose the Village shall obtain from
29 Union County a record of property in the area herein incorporated which was listed for
30 taxes as of January 1, 1989, and the businesses in the Village shall be liable for privilege
31 license tax from the effective date of the privilege license tax ordinance.

32 Sec. 2.1. The Village of Marvin Grove shall not hold an election for Village
33 Council and Mayor in 1989. Tom Robertson is appointed Mayor to serve until the
34 organizational meeting after the 1991 election. He shall call the initial meeting of the
35 Village Council. Wallace Getz, Ann Ayala, Gordon Suhre, Charles Williams, Lawrence
36 Lewis, and John Tannery are appointed to serve as members of the Village Council. At
37 the initial meeting of the Village Council, three of them shall be chosen by lot to serve
38 until the organizational meeting after the 1991 election, and three of them shall be
39 chosen by lot to serve until the organizational meeting after the 1993 election.

40 Sec. 2.2. Under no circumstance shall any part of Mecklenburg County be
41 subject to the planning, zoning, subdivision, or code enforcement jurisdiction of the
42 town of Marvin Grove.

43 Sec. 3. Interim budget. The Village Council may adopt a budget ordinance
44 for the 1989-90 fiscal year, following their qualifications for office, without having to

1 comply with the budget preparation and adoption timetable set out in the Local
2 Government Budget and Fiscal Control Act. If property taxes are levied for the 1989-
3 90 fiscal year, taxes may be paid at par on face amounts within 90 days of adoption of
4 the budget, and thereafter according to the schedule in G.S. 105-360 as if the taxes had
5 been due on September 1, 1989.

6 Sec. 4. Special election for approval. (a) The Union County Board of Elections
7 shall conduct an election on November 7, 1989, for the purpose of submission to the
8 qualified voters of the area described in Section 2.1 of the Charter of Marvin Grove, the
9 question of whether or not such area shall be incorporated as Marvin Grove.
10 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

11 (b) In the special election, the form of the ballot shall be:

12 FOR Incorporation of the Village of Marvin Grove.

13 AGAINST Incorporation of the Village of Marvin Grove."

14 Sec. 5. If the majority of the votes cast in the special election shall not be
15 cast "FOR Incorporation of the Village of Marvin Grove", then the Charter of the
16 Village of Marvin Grove, as set forth in Sections 1 through 3 of this act, shall have no
17 force and effect.

18 Sec. 6. If a majority of the votes cast in the special election shall be cast
19 "FOR Incorporation of the Village of Marvin Grove", then the Charter of the Village of
20 Marvin Grove, as set forth in Sections 1 through 3 of this act, shall be in full force and
21 effect from and after the date upon which a certificate of election shall have been issued
22 by the Chairman of the Union County Board of Elections in accordance with the
23 procedures of G.S. 163-301.

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