

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-317
HOUSE BILL 843

AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Cedar Rock is enacted to read:

"CHARTER OF THE TOWN OF CEDAR ROCK.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Cedar Rock are a body corporate and politic under the name 'Town of Cedar Rock'. Under that name they shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"Section 1.2. **Map.** An official map of the Town, showing the current boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. A true copy of the official map shall be filed in the office of the Caldwell County Register of Deeds.

"CHAPTER II.

"TOWN BOUNDARIES.

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

BEGINNING on an existing 3/4 inch iron pipe, said BEGINNING POINT being located South 37 degrees 40 minutes 46 seconds West 4,373.01 feet from the N.C.G.S. Control Monument 'Blue Creek', and said BEGINNING POINT having the North Carolina Grid Coordinates of North 810,320.99 feet, East 1,273,413.09 feet; thence from the POINT OF BEGINNING and with the outside boundary of 'Cedar Rock Estates' for the following calls: North 70 degrees 50 minutes 38 seconds East 238.03 feet to an existing 5/8 inch iron pipe; South 18 degrees 14 minutes 17 seconds East 156.97 feet to an existing 4 inch iron pipe in concrete; North 88 degrees 41 minutes 16 seconds East 623.03 feet to an existing 1 inch iron pipe; South 87 degrees 29 minutes 50 seconds East 627.56 feet to an existing 1/2 inch iron pipe; South 03 degrees 43 minutes 52 seconds West 1,826.93 feet to the center of a 14 inch hickory tree; North 54 degrees 38 minutes 11 seconds East 522.13 feet to an existing 1/2 inch iron pipe; South 51 degrees 00 minutes 49 seconds East 106.79 feet to an existing 1/2 inch iron pipe; South 50 degrees 30 minutes 06 seconds East 231.20 feet to an existing 1/2 inch iron pipe;

South 31 degrees 16 minutes 23 seconds East 68.60 feet to an existing 1/2 inch iron pipe; South 00 degrees 15 minutes 16 seconds West 138.85 feet to an existing 1/2 inch iron pipe; South 09 degrees 24 minutes 41 seconds East 107.32 feet to an existing 1/2 inch iron pipe; South 43 degrees 30 minutes 17 seconds West 69.03 feet; South 02 degrees 15 minutes 30 seconds East 40.92 feet to an existing 1/2 inch iron pipe; South 02 degrees 40 minutes 26 seconds West 30.00 feet; South 87 degrees 23 minutes 34 seconds East 66.97 feet to a point of curve, with a curve concave to the southwest having a radius of 150.00 feet, an arc of 37.68 feet, and a chord of South 80 degrees 11 minutes 47 seconds East 37.58 feet to a point of tangency; South 73 degrees 00 minutes 00 seconds East 176.96 feet to a point of curve, with a curve concave to the northwest having a radius of 150.00, an arc of 92.48 feet , and a chord of North 89 degrees 20 minutes 14 seconds East 91.02 feet; North 71 degrees 40 minutes 28 seconds East 218.47 feet; South 09 degrees 06 minutes 50 seconds East 92.61 feet to a point of curve, with a curve concave to the southwest having a radius of 70.00 feet, an arc of 102.26 feet, and a chord of North 61 degrees 10 minutes 06 seconds West 93.41 feet to a point of tangency; South 77 degrees 00 minutes 00 seconds West 135.17 feet; South 61 degrees 32 minutes 06 seconds West 210.35 feet to a new 1/2 iron rod in the center of a branch; thence with the branch for the following calls: North 63 degrees 01 minutes 53 seconds West 19.38 feet; North 84 degrees 52 minutes 56 seconds West 37.74 feet; South 53 degrees 44 minutes 43 seconds West 13.37 feet; South 81 degrees 12 minutes 54 seconds West 31.74 feet; South 51 degrees 07 minutes 19 seconds West 33.65 feet; South 63 degrees 58 minutes 59 seconds West 43.73 feet; North 88 degrees 07 minutes 22 seconds West 42.99 feet; South 44 degrees 55 minutes 55 seconds West 17.93 feet; South 69 degrees 07 minutes 25 seconds West 68.67 feet; North 86 degrees 52 minutes 52 seconds West 19.07 feet; South 60 degrees 37 minutes 00 seconds West 52.83 feet; South 37 degrees 58 minutes 33 seconds West 67.68 feet to a new 1/2 inch iron rod; North 71 degrees 54 minutes 38 seconds West 47.90 feet; North 87 degrees 51 minutes 11 seconds West 40.94 feet; South 65 degrees 28 minutes 08 seconds West 88.14 feet; North 76 degrees 32 minutes 31 seconds West 24.52 feet; South 25 degrees 04 minutes 23 seconds West 55.61 feet; South 38 degrees 00 minutes 34 seconds West 33.32 feet; South 52 degrees 06 minutes 23 seconds West 81.97 feet; South 50 degrees 29 minutes 02 seconds West 51.95 feet to a new 1/2 inch iron pipe in the branch; South 55 degrees 08 minutes 07 seconds East 61.08 feet; South 34 degrees 28 minutes 26 seconds East 86.12 feet; South 35 degrees 27 minutes 16 seconds East 77.74 feet; South 32 degrees 46 minutes 52 seconds East 67.55 feet; South 23 degrees 50 minutes 35 seconds East 63.51 feet; South 11 degrees 50 minutes 57 seconds East 67.12 feet; South 06 degrees 16 minutes 22 seconds East 68.09 feet; South 07 degrees 07 minutes 21 seconds West 107.78 feet to the forks of the branch; thence continuing with a branch South 12 degrees 51 minutes 27 seconds East 48.43 feet to a new 1/2 inch iron rod; thence leaving the branch South 51 degrees 07 minutes 11 seconds East 271.59 feet to a new 1/2 inch iron rod; thence South 04 degrees 44 minutes 20 seconds West 200.00 feet to a new 1/2 inch iron rod; thence North 90 degrees 00 minutes 00 seconds East 198.45 feet to a new 1/2 inch iron rod at a point of curve; thence with a curve concave to the northeast having a radius of 50.00 feet, an arc of 117.81 feet, and a chord of South 86 degrees 20 minutes

25 seconds East 92.39 feet to a new 1/2 inch iron rod at a point of compound curve; thence with a curve concave to the northwest having a radius of 277.50 feet, an arc of 212.40 feet, and a chord of South 03 degrees 05 minutes 05 seconds West 207.25 feet to a new 1/2 inch iron rod at a point of tangency; thence South 25 degrees 01 minutes 11 seconds West 91.90 feet to a new 1/2 inch iron rod at a point of curve; thence with a curve concave to the southeast having a radius of 127.50 feet, an arc of 37.92 feet and a chord of South 18 degrees 25 minutes 19 seconds West 37.38 feet to a point of tangency; thence South 09 degrees 54 minutes 09 seconds West 95.67 feet to a point of curve; thence with a curve concave to the southeast having a radius of 188.59 feet, an arc of 39.36 feet, and a chord of South 69 degrees 30 minutes 08 seconds West 39.29 feet to a point of compound curve; thence with a curve concave to the southeast having a radius of 356.12 feet, an arc of 253.57 feet, and a chord of South 28 degrees 45 minutes 22 seconds West 248.25 feet to a point of tangency; thence South 08 degrees 21 minutes 27 seconds West 153.29 feet to a point of curve; thence with a curve concave to the northwest having a radius of 155.00 feet, an arc of 135.15 feet, and a chord of South 33 degrees 20 minutes 15 seconds West 130.91 feet; thence North 85 degrees 46 minutes 03 seconds West 928.26 feet to an existing 1/2 inch iron pipe; thence North 85 degrees 46 minutes 03 seconds West 300.00 feet to a new 1/2 inch iron rod; thence South 09 degrees 26 minutes 57 seconds West 1,072.65 feet to a new 1/2 inch iron rod; thence North 84 degrees 52 minutes 23 seconds West 706.50 feet to a new 3/4 inch iron point on top of a ridge; thence South 68 degrees 43 minutes 00 seconds West 648.42 feet to a new 3/4 inch iron pipe at a branch; thence South 30 degrees 04 minutes 47 seconds West 990.00 feet to a P.K. Nail set in an X marked on a large rock; thence South 38 degrees 45 minutes 00 seconds West 577.50 feet; thence South 07 degrees 45 minutes 00 seconds West 1,320.00 feet; thence North 22 degrees 00 minutes 00 seconds West 1,815.00 feet; thence North 32 degrees 30 minutes 00 seconds West 369.60 feet; thence North 58 degrees 45 minutes 00 seconds West 297.00 feet; thence North 20 degrees 30 minutes 00 seconds West 1,690.90 feet; thence North 17 degrees 00 minutes 00 seconds West 957.00 feet; thence North 05 degrees 00 minutes 00 seconds West 115.40 feet; thence North 75 degrees 32 minutes 00 seconds West 51.81 feet; thence North 00 degrees 51 minutes 00 seconds West 313.40 feet; thence North 68 degrees 10 minutes 00 seconds East 53.55 feet; thence North 00 degrees 30 minutes 00 seconds East 272.50 feet; thence North 24 degrees 00 minutes 00 seconds East 396.00 feet; thence North 29 degrees 30 minutes 00 seconds East 396.00 feet; thence North 40 degrees 00 minutes 00 seconds East 165.00 feet; thence North 38 degrees 23 minutes 00 seconds West 770.00 feet to a point in the center of N.C. Highway #18; thence with the center of the highway for the following calls: North 74 degrees 34 minutes 00 seconds East 1,143.56 feet; North 72 degrees 46 minutes 00 seconds East 280.00 feet; North 71 degrees 19 minutes 00 seconds East 400.00 feet; North 71 degrees 37 minutes 00 seconds East 600.00 feet; North 71 degrees 15 minutes 00 seconds East 700.00 feet; North 60 degrees 25 minutes 00 seconds East 130.00 feet; North 47 degrees 00 minutes 00 seconds East 130.00 feet; North 51 degrees 00 minutes 00 seconds East 130.00 feet; North 61 degrees 00 minutes 00 seconds East 130.00 feet; North 67 degrees 30 minutes 00 seconds East 130.00 feet; North 74 degrees 20 minutes 00 seconds East 180.00 feet

to a point in the center of the road; thence leaving the road South 42 degrees 30 minutes 00 seconds East 120.00 feet to a point in the center of Lower Creek; thence with the center of Lower Creek for four calls: North 63 degrees 32 minutes 00 seconds East 136.00 feet; North 73 degrees 39 minutes 00 seconds East 140.00 feet; North 56 degrees 15 minutes 00 seconds East 73.00 feet; North 88 degrees 19 minutes 00 seconds East 137.00 feet; thence North 11 degrees 05 minutes 00 seconds East, leaving the creek 145.93 feet; thence South 18 degrees 30 minutes 00 seconds East 254.28 feet; thence South 18 degrees 43 minutes 00 seconds West 395.30 feet; thence South 69 degrees 08 minutes 52 seconds West 66.71 feet; thence South 61 degrees 28 minutes 34 seconds East 305.43 feet to an existing 3/4 inch iron pipe; thence North 70 degrees 40 minutes 49 seconds East 70.00 feet to the POINT OF BEGINNING containing 731.94 acres plus or minus.

"CHAPTER III.

"GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Numbers of Members.** The Council shall be composed of five members to be elected by all the qualified voters of the Town for terms of four years, or until their successors are elected and qualified.

"Section 3.2. **Mayor-Council Plan.** The Town of Cedar Rock shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the Town for a term of four years. The Mayor shall be the official head of the Town government and shall preside at meetings of the Council and shall have the right to vote on all matters before the Council.

"Section 3.4. **Meetings.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 3.5. **Quorum; Voting Requirements.** Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"CHAPTER IV.

"ELECTIONS.

"Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 4.2. **Election of Council Members.** Elections shall be conducted by the Caldwell County Board of Elections, unless otherwise provided in accordance with G.S. 163-285. In 1997, the three persons who receive the highest number of votes shall serve four-year terms, and the two persons receiving the next highest number of votes shall serve two-year terms. The terms will continue to be staggered, with ensuing council members being elected for four-year terms.

"Section 4.3. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"Section 4.4. **Special Filing Period.** The Caldwell County Board of Elections shall establish a special candidate filing period for the 1997 municipal elections."

Section 2. The provisions of G.S. 160A-63 shall not apply to the Town of Cedar Rock until after the first election of the Town Council.

Section 3. From and after the effective date of this act, the citizens and property in the Town of Cedar Rock shall be subject to municipal taxes levied for the year beginning July 1, 1997, and for that purpose the Town shall obtain from Caldwell County a record of property in the area herein incorporated that was listed for taxes as of January 1, 1997, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1997-98 without following the timetable in the Local Government Budget and Fiscal Control Act.

Section 4. The Caldwell County Board of Elections shall conduct an election on a date set by the Board, to be not less than 60 nor more than 120 days after this act becomes law, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Town of Cedar Rock the question of whether or not the area shall be incorporated as the Town of Cedar Rock. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

Section 5. In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

Incorporation of the Town of Cedar Rock."

Section 6. In the election, if a majority of the votes are cast "For incorporation of the Town of Cedar Rock", Sections 1 through 3 of this act shall become effective on the date that the Caldwell County Board of Elections certifies the results of the election. Otherwise, those sections shall have no force and effect.

Section 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of July, 1997.

s/ Dennis A. Wicker
President of the Senate

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