

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 286
HOUSE BILL 593

AN ACT TO INCORPORATE THE TOWN OF BOGUE AND CONCERNING THE
TOWN OF CHADWICK ACRES.

The General Assembly of North Carolina enacts:

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

"CHARTER OF THE TOWN OF BOGUE.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

"CHAPTER II.

"CORPORATE BOUNDARIES.

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

BEGINNING at a point on the east line of the Town of Cape Carteret corporate boundary which beginning point is the intersection of the east line of Bayshore Park Subdivision with the south line of Hunting Bay Drive as shown on plats of Bayshore Park Subdivision and Section III of Hunting Bay Subdivision as recorded in Map Book 4, Page 35, Map Book 5, Page 65, and Map Book 25, Page 64, Carteret County Registry; running thence along the east line of Bayshore Park in a southerly direction 1,200 feet more or less to the southwestern most corner of Lot 14, Section III, Hunting Bay Subdivision (Map Book 25, Page 64); thence in an easterly direction along the south line of Lots 12, 13 and 14, Section III, Hunting Bay, 400 feet, more or less, to the southeast corner of Lot 12, Section III, Hunting Bay; thence along the west boundary of Sections III and I of Hunting Bay in a southerly direction to the north line of Park Avenue at the southwest corner of Lot 20, Section I, Hunting Bay (Map Book 14, Page 88); thence crossing Park Avenue in a southerly direction and continuing along the west boundary of Section I of Hunting Bay to the northwest corner of the Hunting Bay recreational area as shown on a plat recorded in Map Book 14, Page 88; thence continuing in a southerly and southeasterly direction with the recreational area lot to the high water mark of Bogue Sound; thence with the eastern boundary of Hunting Bay and Bogue Sound in a northerly, easterly, and northeasterly direction to the southwest corner of the United States Marine Corps Air Field 'Bogue'; thence in an easterly direction with the south boundary of the United States Marine Corps property known as Bogue Air

Field and along the high water mark of Bogue Sound in a northeasterly and easterly direction to Goose Creek; thence in a northerly, northwesterly, northeasterly, and easterly direction with the high water mark of Goose Creek to the southwestern most corner of Goose Creek Subdivision as shown on a plat of the same recorded in Map Book 4, Page 10, Carteret County Registry; thence continuing northwesterly and northerly down the center of the west prong of Goose Creek and along the east line of Okla Taylor to North Carolina Highway 24; thence crossing North Carolina Highway 24 and continuing with the branch of the west prong of Goose Creek in a northerly direction and along the east line of Okla Taylor to the south line of State Road 1118; thence crossing State Road 1118 and continuing with the branch of the west prong of Goose Creek in a northerly direction along the east line of F.E. Toodle (book 304, pg. 263) and Robert H. Davenport (book 494, pg. 130), to the easternmost corner of Stonegate Estates Subdivision; thence with the boundary perimeters of Stonegate Estates Subdivision in a northerly, northwesterly, southerly, westerly, and southerly direction along the outside perimeters of the Stonegate Estate Subdivision to the north line of State Road 1118; thence with the north line of State Road 1118 in a westerly direction to the southeast corner of the Bethlehem Methodist Church Cemetary, and continuing in a northerly, westerly and southerly directions along the perimeter of the Bethlehem Methodist Church Cemetary to the north line State Road 1118; thence in a westerly direction with the north line of State Road 1118 approximately 400 feet to the common corner between the Croatan National Forest and the William V. Pritchett property at the north line of State Road 1118; thence along the common boundary of Croatan National Forest and the properties of William V. Pritchett and George Tootle in a northerly direction to the common corner of the W. B. McLean Estate and the Croatan National Forest; thence in a westerly and southwestly direction along the south line of the W. B. McLean Estate Property and along the north lines of the Smith and Ahern properties approximately 2500 feet more or less to the common corner of the W. B. McLean estate and the property line of L. B. and Herbert Page (formerly Croatan National Forest Property); thence with the L.B. and Herbert Page property lines in a southerly direction to the north boundary of Lake Arthur Subdivision; thence in a westerly direction along the north line of the Lake Arthur Subdivision to the common corner of the L.B. and Herbert Page property and the north boundary of the Lake Arthur subdivision; thence along the common boundary between the property of L.B. Page, Herbert Page and Joel Taylor, in a northwesterly direction to the W.B. McLean south line; thence in a westerly direction approximately 300 feet to the northwest corner of Joel Taylor (now or formerly); thence in a southeasterly direction along the west line of the W.B. McLean Estate (Book 628, Page 66) to the southeast corner of the W.B. McLean Estate; thence continuing westerly along the south line of W.B. McLean and Paxton M. Holz (Book 629, Page 418) to the north line of section A of Quail Wood Acres Subdivision (Map Book 15, Page 55) and the easterly extention of the same; thence along the east line of Quail Wood Subdivision southerly to the Southeast corner of Quail Wood Subdivision; thence Westerly along the south line of Quail Wood Subdivision to the east line of Fox Forest Subdivision; thence Southerly with Fox Forest Subdivision to North Carolina Highway 24, the eastern limits of the Town of Cape

Carteret; thence Southerly and crossing Highway 24 and with the Cape Carteret limits to the point of beginning; and excluding Fox Forest and Quail Wood Subdivisions herewith.

"Sec. 2.2. **Survey.** The Town Board is authorized to cause to be completed a survey of the above described property by a registered land surveyor or engineer and to adopt the survey by resolution as the official map of the boundaries of the Town. Upon adoption and recordation of the same in the Carteret County Register of Deeds, the same shall become the official plat or map of the Town boundaries.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Bogue is the Town Council which shall have five members.

"Sec. 3.2. **Manner of Electing Board.** The qualified voters of the entire Town shall elect the members of the Council.

"Sec. 3.3. **Term of Office of Council Members.** Members of the Town Council are elected to four-year terms, except at the initial election in 1995, the three highest vote getters shall be elected to four-year terms, and the next two highest vote getters shall be elected to two-year terms.

"Sec. 3.4. **Selection of Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. A Mayor shall be elected in 1995 and biennially thereafter for a two-year term.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a nonpartisan basis and the results determined by the plurality method as provided by G.S. 163-292.

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. **Mayor-Council Plan.** The Town of Bogue operates under the Mayor-Council Plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes."

Sec. 2. Until members of the Town Council are elected in 1995 and qualify in accordance with the Town Charter and the law of North Carolina, Harold L. Shipp, P.M. Russell, Charles Wilton, William D. Guthrie, Sr., and Gene Riggs shall serve as members of the Town Council. They shall appoint a Mayor to serve until a Mayor is elected and qualifies.

Sec. 3. From and after the effective date of this act, the citizens and property in the Town of Bogue shall be subject to municipal taxes levied for the year beginning January 1, 1995, and for that purpose the Town shall obtain from Carteret County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1995, 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 1995-96 without following the timetable in the Local Government Budget and Fiscal Control Act.

Sec. 4. At a date in September of 1995 established by the Carteret County Board of Commissioners, the Carteret 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 Bogue, the question of whether or not such area shall be incorporated as the Town of Bogue. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

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

"[] FOR [] AGAINST
Incorporation of the Town of Bogue".

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

Sec. 7. If a majority of the voters approve the incorporation of Bogue, the election of the Town Council and the Mayor shall take place at an election held on November 7, 1995. The Carteret County Board of Elections shall establish a special candidate filing period in lieu of that provided by Chapter 163 of the General Statutes.

Sec. 7.1. The area described as the corporate limits of the Town of Chadwick Acres in Chapter 1014 of the Session Laws of 1961 shall be considered an incorporated municipality for the purposes of G.S. 160A-36(b)(3) and G.S. 160A-48(b)(3).

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives