

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 691*

Short Title: Bermuda Run Incorporation.

(Local)

Sponsors: Senator Cochrane.

Referred to: Rules and Operations of the Senate.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT TO INCORPORATE THE TOWN OF BERMUDA RUN AND TO
2 SIMULTANEOUSLY DISSOLVE THE BERMUDA CENTER SANITARY
3 DISTRICT.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. In accordance with G.S. 130A-81(1a), the Town of Bermuda Run is
7 incorporated and the Bermuda Center Sanitary District is simultaneously dissolved. The
8 incorporation and dissolution are not subject to referendum.

9 Section 2. A Charter for the Town of Bermuda Run is enacted to read:

10 **"CHARTER OF THE TOWN OF BERMUDA RUN.**

11 **"CHAPTER I.**

12 **"INCORPORATION AND CORPORATE POWERS.**

13 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town
14 of Bermuda Run are a body corporate and politic under the name 'Town of Bermuda
15 Run'. The Town of Bermuda Run has all the powers, duties, rights, privileges, and
16 immunities conferred and imposed on cities by the general law of North Carolina.

17 **"CHAPTER II.**

18 **"CORPORATE BOUNDARIES.**

19 "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the
20 boundaries of the Town of Bermuda Run are as follows:

1 Being the following tracts and parcels of land located in Davie County, North
2 Carolina, and being more particularly described as follows:

3 TRACT 1:

4 BEGINNING at an iron pin located in the western right-of-way line of N.C. Hwy.
5 801, said iron pin being the southeast corner of the property owned, now or formerly, by
6 Thad J. Bingham (Deed Book 155, Page 348) running thence with the western right-of-
7 way line of N.C. Hwy. 801 South 08° 10' 24"East 1912.47 feet to an iron pin; thence
8 leaving the right-of-way line of N.C. Hwy. 801, South 72° 59' 35"West 15.00 feet to an
9 iron pin marking the northeast corner of Lot 1 Hidden Creek; thence with the northern
10 line of Lot 1, South 72° 59' 35"West 224.95 feet to an iron pin at the northwest corner of
11 Lot 1 and the northeast corner of Lot 2 Hidden Creek; thence with the northern line of
12 Lots 2 and 3 Hidden Creek, South 66° 20' 15"West 360.27 feet to an iron pin located at
13 the northwest corner of Lot 3 and the northernmost corner of Lot 4 Hidden Creek; thence
14 with the northwest lines of Lots 4 and 5 Hidden Creek, South 35° 56' 00"West 303.72
15 feet to an iron pin located at the westernmost corner of Lot 5 Hidden Creek and in the
16 northeast line of Hyfield Drive; thence crossing Hyfield Drive and with the northwest
17 lines of Lots 6, 7 and 8 Hidden Creek, South 47° 14' 57"West 399.60 feet to an iron pin
18 located at the northwest corner of Lot 8 and the northeast corner of Lot 9 Hidden Creek;
19 thence with the eastern lines of Lots 34, 35, 36, 37, 38, 39 and 40 Hidden Creek (and
20 crossing Creekside Drive between Lots 37 and 38) North 10° 45' 05"West 920.73 feet to
21 an iron pin; thence with the northeast lines of Lots 40, 41, 42 and 43 Hidden Creek, North
22 41° 21' 21"West 493.44 feet to an iron pin at the northernmost corner of Lot 43 Hidden
23 Creek, said iron pin also being in the southeast line of Seldem Farm Lane; thence with
24 the southeast line of Seldem Farm Lane, North 48° 46' 18"East 40.00 feet to an iron pin;
25 thence crossing Seldem Farm Lane and with the northeast line of Lot 44 Hidden Creek,
26 North 41° 22' 04"West 260.00 feet to an iron pin; thence with the northwest lines of Lots
27 44, 45, 46 and 57 Hidden Creek (and crossing Talwood Drive between Lots 45 and 46)
28 South 48° 39' 39"West 630.21 feet to an iron pin; thence South 26° 20' 51"East 144.72
29 feet to an iron pin located in the northern line of Creekside Drive; thence with the line of
30 Creekside Drive on a curve to the left having a radius of 59.00 feet, a length of 131.81
31 feet, a chord bearing and distance of South 29° 12' 34"West 106.06 feet to a point; thence
32 leaving the right-of-way line of Creekside Drive, South 55° 12' 28"West 105.00 feet to an
33 iron pin; thence South 04° 47' 21"East 510.00 feet to an iron pin located at the northeast
34 corner of the property owned, now or formerly, by Ralph and Renai Holland (Deed Book
35 176, Page 558); thence with the northern line of said Holland, North 87° 21' 41"West
36 596.11 feet to an iron pin located in the eastern line of property owned, now or formerly,
37 by Oak Valley Associates (Deed Book 169, Page 331); thence with the eastern line of
38 Oak Valley, North 04° 11' 45"East 1830.87 feet to a post located in the southern line of
39 property owned, now or formerly, by Ervin and Eva Wilson (Deed Book 42, Page 468);
40 thence with the southern line of said Wilson, North 73° 05' 24"East 38.74 feet to a
41 concrete post located at Wilson's southeast corner; thence with the eastern line of Wilson
42 and continuing with the eastern line of property owned, now or formerly, by William and
43 Peggy Long (see Estate File 90E-127), North 02° 42' 46"East 593.04 feet to a concrete

1 post located at the northeast corner of Long and located in the southern line of property
2 owned, now or formerly, by Roy L. Potts (Deed Book 112, Page 274); thence with the
3 southern line of Potts, South 87° 31' 30"East 950.91 feet to an iron pin located at the
4 southeast corner of Roy L. Potts and at the southwest corner of Thad J. Bingham (Deed
5 Book 155, Page 348); thence with the southern line of Bingham, South 86° 34' 27"East
6 1351.89 feet to the point and place of BEGINNING and containing approximately
7 116.501 acres, more or less, as shown on the survey prepared by Marvin S. Cavanaugh &
8 Associates dated March 27, 1998, Drawing No. 98-40B, reference to which is hereby
9 made for a more particular description.

10 TRACT 2:

11 All of the property in Davie County, North Carolina, located:

- 12 (A) West of the Yadkin River;
13 (B) South of the center line of U.S. Hwy. 158;
14 (C) East of the centerline of N.C. Hwy. 801; and
15 (D) North of a line described as follows:

16 BEGINNING at an iron pin located at the intersection of the eastern line of
17 N.C. Hwy. 801 and the northern line of Lybrook Drive (S.R. 1660) and running with the
18 northern line of Lybrook Drive and the southern line of Jamesway Subdivision, North
19 80° 55' 58"East approximately 1,346 feet to the southwest corner of property owned by
20 John C. Brendle (Deed Book 120, Page 448); thence with the western line of Brendle and
21 Philip McKenzie (Deed Book 94, Page 503), in a northerly direction approximately 815
22 feet; thence continuing with the line of McKenzie in a easterly direction of 42 feet;
23 thence continuing with the western line of McKenzie in a northerly direction
24 approximately 262 feet to the southern line of Jamesway Subdivision; thence with the
25 northern line of McKenzie, South 78° 58' 16"East 158.01 feet; thence South 04° 21'
26 19"East 55.69 feet; thence in a southeasterly direction with the northeast line of
27 McKenzie approximately 87 feet to the western line of Highlands at Bermuda Run
28 Subdivision (Plat Book 6, Page 17 and 18); thence in a southerly direction approximately
29 1,527 feet with the western line of Lots 20, 19, 18, 17, 16, 15, 14 and 13 to a point
30 located in the northern line of Lots 13 Raintree Estates; thence with the northern line of
31 said Lot 13 Raintree Estates and the southern line of Lot 13 of the Highlands Subdivision,
32 South 75° 29' 22"East 77.63 feet to an iron pin; thence with the center of a branch in an
33 easterly direction with the southern lines of Lots 13 and 12 Highlands Subdivision, and
34 the northerly line of Gary Honbarrier (Deed Book 142, Page 640), approximately 475
35 feet to the southeast corner of Lot 12 Highlands; thence South 61° 55' 26"East 38.12 feet
36 to a point; thence south 23° 38' 27"East 238.04 feet to a point; thence South 23° 35'
37 52"East 44.80 feet to a monument; thence South 85° 37' 48"East 304.96 feet to a stone
38 and North 74° 32' 02"East 540.71 feet to an iron located on the western bank of the
39 Yadkin River, it being the intention to include, without limitation, all the property
40 conveyed to: (1) WFBRCC, LLC at Book 201, Page 445; Bermuda Village, Inc. at Book
41 117, Page 197; William A. Burnette at Deed Book 130, Page 233, Deed Book 158, Page
42 828 and Book 162, Page 775; and all property shown on the following plats recorded in
43 the Davie County Registry: (1) Highlands at Bermuda Run (Plat Book 6, Pages 17 and

1 18); (2) River Hill (Plat Book 5, Page 212 and 213); (3) Jamesway at Bermuda Run (Plat
2 Book 6, Pages 46, 47 and 48); (4) Hamilton Court (Plat Book 5, Pages 195, 203, 207 and
3 224); (5) Pembroke Ridge (Plat Book 5, Page 145); (6) St. George Place (Plat Book 5,
4 Page 192); (7) Bermuda Run Golf and Country Club (Plat Book 4, Pages 79, 80, 81, 82,
5 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 103, 116, 148, 156; Book 5,
6 Pages 2, 13, 15, 24, 28, 31, 32, 34, 36, 39, 43, 44, 45, 46, 86, 94, 100) and (8) Warwick
7 Place (Plat Book 5, Page 171).

8 Less and except, however, that certain property located Southeast of the intersection of
9 U.S. Hwy. 158 and North Carolina Hwy. 801 and being shown on Davie County Tax
10 Map D-8-8, and designated as parcels C-2, C-3, C-4, C-5, C-5.01, C-7, C-8 and D-8.

11 TRACT 3:

12 All property located within the right-of-way of N.C. Hwy. 801 to the extent such segment
13 of the right-of-way is bounded on the west by Tract 1 above AND on the east by Tract 2
14 above.

15 "Section 2.2. **Electoral District Boundaries.** Until modified in accordance with the
16 law, the boundaries of the four electoral districts of the Town of Bermuda Run are as
17 follows:

- 18 (1) Bermuda Village District consisting of residents of Bermuda Village.
- 19 (2) South District consisting of residents of Hamilton Court, Pembroke
20 Ridge, St. George, River Hills, Jamesway, Highland Hills, and
21 Warwicke subdivisions.
- 22 (3) Multifamily District consisting of residents of the Maisonettes, FairWay
23 Villas, Spy Glass Hill, Golfview, and the Lakes subdivisions.
- 24 (4) North District consisting of all of the residents of Bermuda Run not
25 included in the other Districts as set forth above.

26 The Town Council shall set and change the boundaries of and add or delete electoral
27 districts by resolution.

28 "CHAPTER III. 29 "GOVERNING BODY.

30 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
31 body of the Town of Bermuda Run shall be the Town Council, which shall have four
32 members, and the Mayor.

33 "Section 3.2. **Manner of Electing Council.** The qualified voters of each of the four
34 electoral districts in the Town shall nominate one or more individuals and then elect one
35 member of the Town Council. An individual must reside in the district to be eligible for
36 nomination and election to the Council from a district and for service on the Council as
37 the member for a district.

38 "Section 3.3. **Term of Office of Council Members.** Members of the Council shall
39 be elected to four-year terms. In 1999, four members of the Council shall be elected.
40 The two persons receiving the highest number of votes shall be elected for four-year
41 terms, and the two persons receiving the next highest number of votes shall be elected for
42 two-year terms. In 2001, and biennially thereafter, two members of the Council shall be
43 elected for four-year terms.

1 "Section 3.4. **Election of Mayor and Term of Office.** In 1999 and quadrennially
2 thereafter, the qualified voters of the entire Town shall nominate and elect the Mayor,
3 who shall serve a four-year term. The Mayor shall have the right to vote only to break tie
4 votes of the Council. In determining a quorum, the Mayor shall be treated as a member
5 of the Council.

6 "CHAPTER IV.

7 "ELECTIONS.

8 "Section 4.1. **Conduct of Town Elections.** Town officers shall be nominated and
9 elected on a nonpartisan basis as provided in G.S. 163-294.

10 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with
11 Chapter 163 of the General Statutes with the first election of Town officers to be held in
12 November, 1999.

13 "CHAPTER V.

14 "ADMINISTRATION.

15 "Section 5.1. **Town to Operate Under Council-Manager Form.** The Town of
16 Bermuda Run will operate under the Council-Manager form of government as provided
17 in Part 2 of Article 7 of Chapter 160A of the General Statutes.

18 "Section 5.2. **Officers and Employees.** The Council may appoint such officers and
19 employees as may be necessary, and they shall serve at the pleasure of the Council. The
20 Council shall fix all salaries, prescribe bonds, and require such oaths as they may deem
21 necessary.

22 "Section 5.3. **Town Clerk.** The Council may appoint a Town Clerk who shall keep
23 the records of the Council and perform other duties as may be required by general law or
24 the Council.

25 "Section 5.4. **Assignment of Duties.** The Council may assign additional functions or
26 duties to offices, departments, or agencies. Where positions are not incompatible, the
27 Council may confer the powers and duties of two or more offices created or authorized
28 by this Charter to one person.

29 "Section 5.5. **Transitional Government.** Until the Mayor and members of the Town
30 Council are elected and qualified in accordance with this Charter and the laws of this
31 State, the following persons shall serve on the Town's interim governing body: Clyde J.
32 Gardner, Mayor, Robert W. Griffin, Charles H. Quinn, Bob L. Cornish, and Edwin J.
33 Titsworth. Vacancies on the Interim Council shall be filled by appointment by the
34 remaining members of the Interim Council. A vacancy in the office of Interim Mayor
35 shall be filled by appointment by the Bermuda Run Incorporation Committee.

36 "CHAPTER VI.

37 "SPECIAL PROVISIONS.

38 "Section 6.1. **Annexation.** The Town of Bermuda Run shall not annex any property
39 without the vote or consent of a majority of the residents of any such property.

40 "Section 6.2. **Property Taxes.** The Town of Bermuda Run shall not increase its
41 property tax rates in excess of fifteen cents (\$0.15) per one hundred dollars (\$100.00) of
42 valuation without the vote or consent of a majority of the residents of the Town in
43 accordance with G.S. 160A-209(f)."

1 Section 3. From and after July 1, 1999, the citizens and property in the Town
2 of Bermuda Run shall be subject to municipal taxes levied for the fiscal year beginning
3 July 1, 1999, and for that purpose, the Town shall obtain from Davie County a record of
4 property in the area herein incorporated which was listed for taxes as of January 1, 1999.
5 The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the
6 timetable in the local Government Budget and Fiscal Control Act, but shall follow the
7 sequence of actions in the spirit of the Act insofar as is practical.

8 Section 4. The incorporation of the Town of Bermuda Run and the
9 simultaneous dissolution of the Bermuda Center Sanitary District shall become effective
10 at 12:00 noon on the first day of the first calendar month starting at least seven days after
11 this act becomes law. The Bermuda Center Sanitary District shall take all actions
12 necessary to effect this transfer of the assets and liabilities of the Sanitary District to the
13 Town of Bermuda Run by three days before its dissolution.

14 Section 5. The transitional provisions of G.S. 130A-81(5) a. through g. shall
15 apply to the Town of Bermuda Run and the Bermuda Center Sanitary District.

16 Section 6. This act is effective when it becomes law.