

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 317
Finance Committee Substitute Adopted 5/14/03
House Committee Substitute Favorable 7/15/03

Short Title: Cabarrus Annexation Moratorium.

(Local)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS
3 INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED
4 PRIMARILY OUTSIDE THE COUNTY AND TO ADD TERRITORY TO THE
5 ECONOMIC DEVELOPMENT ZONE WHERE THERE IS A MORATORIUM
6 ON ANNEXATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Except for an annexation agreement pursuant to Part 6 of
9 Article 4A of Chapter 160A, no municipality located primarily outside of Cabarrus
10 County may adopt any annexation ordinance, resolution of consideration, or resolution
11 of intent under Article 4A of Chapter 160A of the General Statutes as to the following
12 described territory in Cabarrus County:

- 13 (1) That territory located west of the Rocky River.
14 (2) That territory located south of Highway 24/27 and east of the Rocky
15 River.

16 **SECTION 2.** Section 1 of S.L. 2000-7 reads as rewritten:

17 **"Section 1.** No annexation ordinance shall be adopted under Part 2 or 3 of Article
18 4A of Chapter 160A of the General Statutes nor any incorporation act shall be enacted
19 by the General Assembly as to any or all of the following described territory prior to
20 June 30, 2010:

21 Tract 1:

22 Beginning at a nail and cap in the intersection of centerlines for US Highway #601
23 and NC State Road #1119 (Wallace Road), a corner of the Midland Industrial Park
24 (Deed recorded in the Cabarrus County Register of Deeds in Deed Book 1758 Page
25 235), said beginning point being located N33°-13'-32"E-3,864.92' from NCGS
26 Monument "Kiser"(Grid Coordinates: N536,271.92 feet; E1,546,207.01 feet)
27 (Combined Grid Factor = 0.999851569); thence from the point of the beginning and
28 with the property line of Midland Industrial Park and the centerline of US Highway

1 #601 the following (4) courses and distances, (1) S33°-31'-36"W - 23.13' to a railroad
2 spike, (2) S32°-35'-59"W - 29.95' to a nail and cap, (3) S32°-44'-27"W - 574.41' to a
3 point, (4) S32°-58'-24"W - 1719.80' to a point in the centerline of US Highway #601,
4 the northeast corner of Corning Incorporated (Deed recorded in the Cabarrus County
5 Register of Deeds in Deed Book 1758 Page 240); thence with the Corning Incorporated
6 Property Line the following (9) courses and distances, (1) S32°-58'-24"W - 229.80' to a
7 nail and cap, (2) N66°-03'-45"W - 50.23' to a 5/8" rebar, (3) S32°-56'-23"W - 1,628.41'
8 to a concrete monument, (4) S32°-21'-17"W - 35.84' to a concrete monument, (5)
9 S32°-55'-31"W - 591.41' to a concrete monument, (6) S64°-25'-16"E - 49.59' to a 5/8"
10 rebar, (7) with the arc of a circular curve to the left, having a radius of 3,127.0' a
11 distance of 551.05', and a chord distance and bearing S27°-59'-25"W - 550.34' to a
12 point, (8) S21°-55'-46"W - 215.04' to a point, (9) S21°-35'-34"W - 369.74' to a point in
13 the centerline of US Highway #601, the northeast corner of the property owned by
14 Midland Industrial Park (Deed recorded in the Cabarrus County Register of Deeds in
15 Deed Book 1793 Page 22); thence with the centerline of US Highway #601 and the
16 property line of the Midland Industrial Park the following (2) courses and distances (1)
17 S21°-34'-23"W - 233.73' to a point, (2) S21°-27'-48"W - 700.05' to a point in the
18 centerline of US Highway #601; thence N71°-52'-10"W (passing irons at 50.22' and
19 436.37') for a total of 823.33' to an iron pin, said iron pin being the northeast corner of
20 the property owned by Midland Industrial Park (Deed recorded in Cabarrus County
21 Register of Deeds in Deed Book 1686 Page 313); thence with the property line of
22 Midland Industrial Park the following (6) courses and distances (1) S21°-33'-31"W -
23 17.42' to an iron pin, (2) S27°-16'-50"W - 1134.60' to iron pin, (3) N72°-14'-53"W -
24 154.76' to an iron pin, (4) N 52°-37'-30"W 1021.85' to a railroad iron, (5)
25 N45°-59'-15"W - 228.96' to an iron pin, (6) N36°-35'-34"E - 739.91' to a nail, said nail
26 being the southwest corner of the property owned by Midland Industrial Park (Deed
27 recorded in the Cabarrus County Register of Deeds in Deed Book 1793 Page 22); thence
28 with the property line of Midland Industrial Park N16°-09'-42"E - 1,126.41' to a 1 1/2"
29 OT Iron Pipe, said 1 1/2" OT Iron Pipe being the southwest corner of the property
30 owned by Corning Incorporated (Deed recorded in Cabarrus County Register of Deeds
31 in Deed Book 1758 Page 240); thence with the property line of Corning Incorporated
32 the following (8) courses and distances (1) N16°-32'-58"E - 1,166.94' to an iron pin, (2)
33 N06°-09'-53"E - 154.65' to an iron pin, (3) S78°-05'-55"E - 918.49' to an iron pin, (4)
34 N03°-11'-46"W - 606.49' to a concrete monument, (5) N03°-11'-50"W - 455.25' to a
35 concrete monument, (6) S75°-17'-59"E - 698.98' to concrete monument, (7)
36 N28°-19'-00"E - 839.70' to a concrete monument, (8) N28°-26'-05"E - 182.50' to an iron
37 pin, said iron pin being the southwest corner of the property owned by the BOC Group,
38 Inc. (Deed recorded in the Cabarrus County Register of Deeds in Deed Book 2476 Page
39 13); thence with the property line of The BOC Group, Inc. property the following (2)
40 courses and distances (1) N28°-43'-57"E - 21.15' to an iron pipe, (2) N30°-08'-05"E -
41 1,107.12' to an iron pin, said iron pin being the southwest corner of the property owned
42 by Midland Industrial Park (Deed recorded in the Cabarrus County Register of Deeds in
43 Deed Book 1758 Page 235); thence with the property line of Midland Industrial Park
44 N30°-08'-05"E - 498.50' to a railroad spike in the centerline of NC State Road #1119

1 (Wallace Road), said railroad spike being a point in the southern property line of
2 McGee Brothers, Inc., (Deed recorded in the Cabarrus County Register of Deeds in
3 Deed Book 2097 Page 237) thence with the McGee Brothers, Inc. Property line and the
4 centerline of Wallace Road $S74^{\circ}-55'-16''W$ - 28.98' to a nail and cap in the centerline of
5 Wallace Road, said nail and cap being the southeast corner of the property owned by
6 McGee Brothers, Inc. (Deed recorded in Cabarrus County Register of Deeds in Deed
7 Book 1845 Page 30) thence with the property line of McGee Brothers, Inc. the
8 following (2) courses and distances (1) $S75^{\circ}-55'-53''W$ - 116.87' to a nail and cap in the
9 centerline of Wallace Road, (2) $N01^{\circ}-59'-43''W$ - 580.41' to an iron, said iron being the
10 southwest corner of the property owned by McGee Brothers, Inc. (Deed recorded in
11 Cabarrus County Register of Deeds in Deed Book 1870 Page 281) thence with the
12 following (2) courses and distances (1) $N01^{\circ}-59'-43''W$ - 907.00' to an iron, (2)
13 $N01^{\circ}-59'-43''W$ - 569.70' to an iron, said iron being a corner in the southern property
14 line of the property owned by McGee Brothers, Inc. (Deed recorded in Cabarrus County
15 Register of Deeds in Deed Book 1870 Page 277) thence with the property line of
16 McGee Brothers, Inc. the following (4) courses and distances (1) $S82^{\circ}-37'-48''W$ -
17 537.64' to an iron pin, (2) $N64^{\circ}-33'-35''W$ - 261.87' to an iron Pipe, (3) $N62^{\circ}-37'-54''E$ -
18 332.08' to an iron pipe, (4) $N49^{\circ}-08'-49''W$ - 526.15' to a pk nail in the centerline of the
19 Norfolk Southern Railroad, said pk being located 930.00 feet west of Mile Post 369 as
20 measured along said Railroad centerline and being a corner of the property owned by
21 Midland Industrial Park (Deed recorded in the Cabarrus County Register of Deeds in
22 Deed Book 498 Page 7) thence with the property line of Midland Industrial Park the
23 following (6) courses and distances (1) $N49^{\circ}-08'-49''W$ - 169.61' to an iron pin, (2)
24 $N32^{\circ}E$ - 1254' to a stone, (3) $N22^{\circ}E$ 1683' to a large Black Oak, (4) $S58^{\circ}E$ - 511.5' to a
25 stone, (5) $S30^{\circ}W$ - 66' to a stone, (6) $S33^{\circ}E$ - 1864' to an iron stake, said iron stake
26 being a corner of the property owned by Midland Industrial Park (Deed recorded in the
27 Cabarrus County Register of Deeds in Deed Book 1877 Page 245) thence with the
28 property line of Midland Industrial Park the following (3) courses and distances (1)
29 $N51^{\circ}-38'E$ - 427.3' to an iron stake on the south bank of the north fork of Muddy Creek,
30 (2) $S72^{\circ}-28'E$ - 360.2' to an iron stake located 25" north from the channel of Muddy
31 Creek, (3) $S21^{\circ}-52'W$ - 272.8" to an axle on the bank of Muddy Creek, said axle being a
32 corner of the property owned by Midland Industrial Park (Deed recorded in the
33 Cabarrus County Register of Deeds in Deed Book 563 Page 52) thence with the
34 property line of Midland Industrial Park the following (3) courses and distances (1)
35 $S73^{\circ}-14'-10''E$ - 1245.10' to an iron pin, (2) $S19^{\circ}-31'-28''W$ - 247.88' to a pk nail in the
36 centerline of a paved drive, (3) $N73^{\circ}-15'-32''W$ - 637.28' to a point in the centerline of
37 Muddy Creek (passing an iron pin at 622.51'), said point being a corner of the property
38 owned by Midland Industrial Park (Deed recorded in the Cabarrus County Register of
39 Deeds in Deed Book 1877 Page 245) thence down the centerline of Muddy Creek and
40 the property line of Midland Industrial Park the following (11) courses and distances (1)
41 $S07^{\circ}-56'-54''E$ - 85.40' to a point, (2) $S11^{\circ}-54'-39''E$ - 54.25' to a point, (3)
42 $S19^{\circ}-40'-09''E$ - 59.15' to a point, (4) $S38^{\circ}-30'-32''E$ - 105.00' to a point, (5)
43 $S01^{\circ}-50'-11''W$ - 67.10' to a point, (6) $S07^{\circ}-27'-46''E$ - 133.88' to a point, (7)
44 $S01^{\circ}-14'-09''E$ - 97.95' to a point, (8) $S25^{\circ}-18'-49''W$ - 129.28' to a point, (9)

1 S08°-39'-17"W - 60.00' to a point, (10) S11°-23'- 11"W - 187.54' to a point, (11)
2 S39°-54'-47"E - 75.37' to a pk nail in the centerline of the Norfolk Southern Railway
3 track and the centerline of Muddy Creek, said pk nail being a corner of the property
4 owned by Midland Industrial Park (Deed recorded in the Cabarrus County Register of
5 Deeds in Deed Book 531 Page 338) thence down the centerline of Muddy Creek and
6 with the property line of the Midland Industrial Park to the intersection of the centerline
7 of US Highway #601; thence with the centerline of US Highway #601 to the point of
8 beginning, containing 608.63 acres plus or minus.

9 Tract 2:

10 Lying and being in Number Ten (10) Township, Cabarrus County, North Carolina,
11 and adjoining the property of Homer J. Wallace, Marvin Widenhouse and Edward F.
12 Wallace, and being a part of the J.F. Wallace Estate, and described as follows:

13 BEGINNING at an iron stake near the south edge of a County Road leading to U.S.
14 Highway No. 601, a corner of Homer J. Wallace in the line of Edward F. Wallace (said
15 iron stake being S. 80-40 W. 197.0 feet from an iron stake, a corner of R.A. Brooks,
16 Homer J. Wallace and Edward F. Wallace), and running thence with the line of Homer
17 J. Wallace, N. 0-26 W. 2090.4 feet to an iron stake; thence S. 77-43 W. 42.0 feet to a
18 stone, an old corner of Marvin Widenhouse; thence with the line of Marvin
19 Widenhouse, S. 84-29 W. 365.3 feet to an iron stake, a new corner; thence a new line, S.
20 0-26 E. (passing an iron stake at 2077.3 feet) 2112.3 feet to an iron stake in the south
21 edge of the County Road and in the line of Edward F. Wallace; thence with his line, N.
22 80-40 E. 407.0 feet to the BEGINNING, containing 19.45 acres, more or less, but
23 EXCEPTING OUT OF SAID TRACT, a three (3) acre tract conveyed in 1985 from the
24 Grantor to Loni Garmon Marshall and husband Robert Alan Marshall."

25 **SECTION 3.** Section 1 of this act is effective when it becomes law and
26 expires June 30, 2005. The remainder of this act is effective when it becomes law.