

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 222
HOUSE BILL 405

AN ACT TO INCORPORATE THE CITY OF NORTHWEST.

The General Assembly of North Carolina enacts:

Section 1. A charter for the City of Northwest is enacted to read:

"CHARTER OF THE CITY OF NORTHWEST.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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

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

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **City Boundaries.** Until modified in accordance with the law the boundaries of the City of Northwest are as follows:

CITY OF NORTHWEST

The following description was prepared by scale method from a map entitled 'Composite Boundary Map of the City of Northwest and Environs', dated November 1992, and prepared by Arnold W. Carson, RLS, from tax maps of a portion of Brunswick County and a map entitled 'Boundary Survey of Sandy Creek, NC, Extraterritorial Jurisdiction', said map being recorded in Map Cabinet W, Page 178 of the Brunswick County Registry.

Beginning at a point, said point being the southwest corner of tax parcel 14-9, said point also being located in the northerly right-of-way line of US Highway 74-76; thence,

1. running in a Northeastward direction 2,950'+/- leaving said right-of-way line and along the westerly lines of tax parcels 14-9, 14-12.03, and 15-34 to the northwest corner of parcel 15-34; thence,
2. running in a Southeastward direction 1,900'+/- along the northerly lines of parcels 15-34 and 15-32 to the western most corner of parcel 15-23; thence,
3. running in a Northeastward direction 400'+/- along the westerly line of tax parcel 15-23 to the southern most corner of parcel 15-21; thence,

4. running in a Northwestward direction 1,400'+/- along the southwesterly line of parcel 15-21 to a point in the southerly line of parcel 15-15; thence,
5. running in a Westward direction 400'+/- along the said southerly line to the southerly most corner of said parcel 15-15; thence,
6. running in a Northwestward direction 300'+/- to the westerly most corner of parcel 15-15; thence,
7. running in a Northeastward direction 600'+/- to the southwest corner of parcel 15-16.01; thence,
8. running in a Northeastward direction 100'+/- along the westerly line of said parcel to the southwest corner of parcel 15-14; thence,
9. running in a Northeastward direction 250'+/- along the westerly line of said parcel to the southwest corner of parcel 15-6.01; thence,
10. running in a Northeastward direction 400'+/- along the westerly line of said parcel to a point in the southerly line of parcel 15-3; thence,
11. running in a Southwestward direction 50'+/- to the southwest corner of said parcel; thence,
12. running in a Northward direction 850'+/- along the westerly line of said parcel to the southwest corner of parcel 15-1; thence,
13. running in a Northward direction 900'+/- along the westerly line of said parcel to a point in the southerly right-of-way line of S.R. 1419; thence,
14. running in a Northwestward direction 7,300'+/- along said southerly right-of-way line to the northwest corner of parcel 8-27; thence,
15. running in a Northward direction perpendicular to said right-of-way line 60'+/- to a point in the northerly right-of-way line of S.R. 1419; thence,
16. running in a Westward direction 500'+/- along said right-of-way line to a southwest corner of parcel 8-23; thence,
17. running in a Northeastward direction 200'+/- leaving said right-of-way line and along the division line between said parcel and parcel 14-1 to a point in the southerly right-of-way line of the Seaboard Coast Line Railroad right-of-way; thence,
18. running in a Northward direction perpendicular to said right-of-way line 200'+/- along said division line to a point in the northerly right-of-way line of said right-of-way; thence,
19. running in a Northwestward direction 1,100'+/- along said right-of-way line to a point in the westerly line of parcel 8-23; thence,
20. running in a Northward direction 1,100'+/- along said westerly line to the northeast corner of parcel 14-1; thence,
21. running in a Westward direction 400'+/- along the northerly line of said parcel to the northeast corner of parcel 8-22; thence,
22. running in a Southward direction 1,000'+/- along the easterly lines of parcels 8-22, 8-21.01, and 8-21 and crossing said railroad right-of-way to a point in the southerly right-of-way line of said railroad; thence,
23. running in a Northwestward direction 400'+/- along said right-of-way to the northeast corner of parcel 8-1; thence,

24. running in a Southward direction 500'+/- along the easterly line of said parcel to a point in the northerly right-of-way line of S.R. 1419; thence,
25. running in a Westward direction 500'+/- along said right-of-way line to the southwest corner of said parcel; thence,
26. running in a Northward direction 400'+/- leaving said right-of-way line and along the westerly line of said parcel to a point; thence,
27. running in a Northeastward direction 100'+/- along said line of said parcel to a point; thence,
28. running in a Northward direction 100'+/- to the northwest corner of said parcel; thence,
29. running in a Southeastward direction 250'+/- along the northerly line of said parcel to a point in the westerly right-of-way line of S.R. 1420; thence,
30. running in a Northeastward direction 100'+/- along said right-of-way line to a point where said right-of-way line intersects with the southern right-of-way line of said railroad right-of-way; thence,
31. running in a Northwestward direction 700'+/- along said railroad right-of-way line to a point in the county line between Brunswick and Columbus Counties; thence,
32. running in a Northeastward direction 3,100'+/- leaving said right-of-way line and along said county line to the northerly most corner of parcel 8-12; thence,
33. running in a Southward direction 400'+/- along the easterly line of said parcel to a point in Fox Grape Branch; thence,
34. running in an Eastward direction 7,400'+/- up the run of said branch as it meanders to a point in the easterly line of S.R. 1421 (Goose Neck Road); thence,
35. running in a Northward direction 1,500'+/- along said easterly right-of-way line to the northwest corner of parcel 8-40; thence,
36. running in an Eastward direction 3,400'+/- along the northerly line of said parcel and parcel 9-11.03 to the southwest corner of parcel 9-15.01; thence,
37. running in a Northeastward direction 400'+/- to the southwest corner of parcel 5-3.02; thence,
38. running in a Northward direction 2,200'+/- along the westerly line of said parcel and parcels 5-3.01 and 5-3.04 to the northwest corner of parcel 5-3.04; thence,
39. running in an Eastward direction 1,300'+/- along the northerly line of said parcel and along a line of parcel 5-3 to a corner of parcel 5-3; thence,
40. running in a Northward direction 100'+/- along the line of parcel 5-3 to the northerly most corner of said parcel; thence,
41. running in an Eastward direction 750'+/- along the northerly lines of said parcel and parcel 5-5 to the northeast corner of parcel 5-5; thence,
42. running in a Northward direction 550'+/- along the westerly line of parcel 5-7 to the northerly most corner of parcel 5-7; thence,
43. running in an Eastward direction 1,400'+/- along the line of said parcel and crossing the right-of-way of S.R. 1422 to a point in the eastern right-of-way line of said S.R. 1422 (Blue Banks Avenue); thence,

44. running in a Northeastward direction 2,700'+/- along said right-of-way line to the northwest corner of parcel 5-12.02 said point also being in the run of Grist Mill Branch; thence,
45. running in an Eastward direction 3,000'+/- along the northerly lines of parcels 5-12.02, 5-14.01, 5-14, and 5-15 (said northerly lines also being the run of said branch as it meanders) to the northeast corner of parcel 5-15; thence,
46. running in a Southward direction 2,400'+/- along the easterly lines of parcels 5-15 and 5-9 to a corner of parcel 5-9; thence,
47. running in a Westward direction 800'+/- along the line of parcel 5-9 to a corner of said parcel; thence,
48. running in a Southward direction 1,400'+/- along a line of said parcel to the southeast corner of said parcel located in the northerly line of parcel 5-7; thence,
49. running in an Eastward direction 1,700'+/- along the said northerly line of said parcel to the northeast corner of said parcel; thence,
50. running in a Southwestward direction 1,300'+/- along the easterly line of said parcel to a point in the northerly line of parcel 9-117.01; thence,
51. running in a Northwestward direction 100'+/- along the division line of parcels 5-7 and 9-117.01 to the northern most corner of parcel 9-117.01; thence,
52. running in a Southwestward direction 3,900'+/- along the easterly lines of parcels 5-7, 9-88, and 9-80 to the southeast corner of 9-80 (said point being in the run of Double Run Branch); thence,
53. running in a Northwestward direction 400'+/- up the run of said branch as it meanders to the northerly most corner of parcel 9-75; thence,
54. running in a Southwestward direction 3,300'+/- along the easterly lines of parcels 9-75, 9-74, 9-73, 9-71, and 9-69 to the westerly most corner of parcel 9-99; thence,
55. running in a Northeastward direction 900'+/- along the northerly line of parcel 9-98 to the northeast corner of said parcel; thence,
56. running in a Southeastward direction 2,000'+/- along the easterly line of said parcel and crossing the right-of-way of S.R. 1426 to a point in the southern right-of-way line of said right-of-way; thence,
57. running in a Westward direction 1,600'+/- along said right-of-way line to the northeasterly corner of parcel 15-73; thence,
58. running in a Southward direction 500'+/- along the easterly line of said parcel to a point in the northerly right-of-way line of the Seaboard Coast Line Railroad right-of-way; thence
59. running in a Southeastward direction 3,350'+/- along said right-of-way line to a point in the run of Rattlesnake Branch; thence,
60. running in a Southward direction 1,900'+/- up the run of said branch as it meanders to the northerly most corner of parcel 15-52; thence,
61. running in a Southeastward direction 2,100'+/- along the northeasterly lines of parcels 15-52 and 15-49 to the easterly most corner of parcel 15-49; thence,
62. running in a Southwestward direction 2,900'+/- along the easterly line of said parcel to the westerly corner of parcel 15-48; thence,

63. running in a Southeastward direction 300'+/- along the southwesterly line of said parcel to a corner of parcel 15-49; thence,
64. running in a Southwestward direction 1,500'+/- along the division line between parcels 15-49 and 15-43 to a point in the northeasterly right-of-way line of S.R. 1419; thence,
65. running in a Southeastward direction 300'+/- along said right-of-way line to a point where said right-of-way line intersects with the northerly right-of-way line intersects with the northerly right-of-way line of US Highway 74-76; thence,
66. running in a Westward direction 5,100'+/- along the said northerly right-of-way line to a point in the corporate limits line of the Town of Sandy Creek said point also being the southeast corner of parcel 15-35.01; thence,
67. running in a Northeastward direction 220'+/- along said corporate limits to the northeast corner of said parcel; thence,
68. running in a Northwestward direction 600'+/- along said corporate limits in the northerly lines of parcels 15-35.01, 15-35, and 15-35.02 to the northerly most corner of parcel 15-35.02; thence,
69. running in a Northeastward direction 100'+/- along said corporate limits and the easterly line of parcel 14-12.06 to the easterly most corner of said parcel; thence,
70. running in a Northwestward direction 1,000'+/- along said corporate limits and the northerly lines of said parcel and parcel 14-12.01 to the northerly most corner of parcel 14-12.01; thence,
71. running in a Northward direction 400'+/- along said corporate limits and a line of parcel 14-12.02 to a point; thence,
72. running in a Northwestward direction 550'+/- along said corporate limits and the northerly lines of said parcel and parcels 14-12.05 and 14-12.04 to the northwest corner of parcel 14-12.04; thence,
73. running in a southwestward direction 900'+/- along said corporate limits and the easterly line of parcels 14-12.03 and 14-12.07 to a point in the northerly right-of-way line of US Highway 74-76; thence,
74. running in a Northwestward direction 1,300'+/- along said right-of-way line to the Point of Beginning, containing 4,000 acres +/- as determined by planimeter and scale methods.

It is the intent that the corporate limits of the City of Northwest follow the appropriate actual property line(s) of the parcels referred to in this description as described in the deeds or maps of the individual tracts as recorded in the Brunswick County Registry or filed with the Clerk of Court's Office of Brunswick County.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the City of Northwest is the City Council, which has five members, and the Mayor.

"Sec. 3.2. **Manner of Electing Council.** The qualified voters of the entire City elect the members of the Council. To be eligible for election, a person must reside in the City.

"Sec. 3.3. **Term of Office of Council Members.** Members of the Council are elected to four-year terms except that of those elected at the initial election in 1993, the three highest vote getters who are elected shall serve for four-year terms and the next two highest vote getters shall serve for two-year terms. In 1995 and quadrennially thereafter, two members of the Council shall be elected for four-year terms. In 1997 and quadrennially thereafter, three members of the Council shall be elected for four-year terms.

"Sec. 3.4. **Election of Mayor; Term of Office.** The qualified voters of the entire City of Northwest shall elect the Mayor in 1993 and biennially thereafter for a two-year term. In the event of a vacancy, the Council shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term, but if the vote is tied, the Clerk of Superior Court of Brunswick County shall break the tie.

"CHAPTER IV.

"ELECTIONS.

"Sec. 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292. Elections shall be conducted by the Brunswick County Board of Elections.

"CHAPTER V.

"ADMINISTRATION.

"Sec. 5.1. The City of Northwest shall operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. **Mayor.** The Mayor may:

- (1) Suspend for misconduct until the next City Council Meeting the City Clerk, Chief of Police, City Treasurer or any other employee of the City. If the City Council fails to sustain the suspension, the person or persons so suspended shall be automatically reinstated as of the date of the action by the City Council.
- (2) Call special meetings of the City Council.
- (3) Impose a curfew; during a riot or general civil disorders pursuant to the Laws of the State of North Carolina.
- (4) Vote at meetings of the City Council in the event of a tie.

"Sec. 5.3. **Powers and Duties of Council Members.** The City Council may make ordinances and regulations for the general good, health, and safety of the residents of the city and specifically shall have the following powers in accordance with general law:

- (1) To hire a City Clerk, Police Chief, Treasurer, Tax Collector, City Attorney, and any other employee of the City and to establish salaries and wages for the same.
- (2) To provide for a uniform method of paving public streets, alleys, and sidewalks.
- (3) To provide for a water and sewer system for the City.
- (4) To provide for the collection of garbage, trash, and other refuse within the City limits.
- (5) To provide for fire and police protection for the inhabitants of the City.

- (6) To regulate the construction, repair, and maintenance of houses, buildings, and other man-made structures in the City limits.
- (7) To promulgate minimum housing and building codes and regulations or adopt similar regulations promulgated by the State of North Carolina.
- (8) To establish a Public Library.
- (9) To provide for and maintain Public Parks.
- (10) To levy and collect taxes.
- (11) To impose and collect fines and civil penalties for violations of City Ordinances and Regulations.
- (12) To regulate the charges and fares of taxicabs, buses, and other vehicles for hire.
- (13) To regulate the operation of motor vehicles within the City limits by speed regulations and traffic control signals.
- (14) To license and regulate solicitors, merchants, peddlers, pool halls, taverns, and bars.
- (15) To establish salaries for the Mayor and the City Council persons pursuant to the Laws of the State of North Carolina.
- (16) No member of the Council shall be excused from voting on any matter not involving his own official conduct or his financial interest.
- (17) Any other powers not in conflict with the Constitution of the United States of America, and the Constitution of the State of North Carolina which are given to cities under the General Statutes of North Carolina.

"CHAPTER VI.

"SEVERABILITY.

"Sec. 6.1. **Severability.** If any provisions of this Charter are modified or declared invalid by a court of competent jurisdiction or superseded by an act of the General Assembly, all other provisions of this Charter shall remain in force and effect."

Sec. 2. Until the organizational meeting of the City Council of Northwest following the 1993 municipal election, Ms. Elsie Peterson, Mr. James Robinson, Mr. Artis R. Bryant, and Mr. Sylvester Ballard shall serve as members of the City Council. In the event of a vacancy, the Council shall appoint a qualified person to fill such vacancy until the organizational meeting, but if the vote is tied, the Clerk of Superior Court of Brunswick County shall break the tie. The initial meeting of the City Council shall be called by the clerk to the Brunswick County Board of Commissioners. The interim governing body shall, at its first meeting, elect from among its members a chairman who shall have the powers of a Mayor provided by general law. The City Council shall remain at four members until the organizational meeting after the first election.

Sec. 3. From and after the effective date of this act, the citizens and property in the City of Northwest shall be subject to municipal taxes levied for the year beginning July 1, 1993, and for that purpose the City shall obtain from Brunswick County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1993; and the businesses in the town shall be liable for privilege license

tax from the effective date of the privilege license tax ordinance. The City may adopt a budget ordinance for fiscal year 1993-94 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1993-94, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1993. The City of Northwest is eligible to receive distributions of State funds during fiscal year 1993-94.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives