

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 593

Short Title: Bogue Incorporated.

(Local)

Sponsors: Representatives Preston and Snowden (Co-sponsors).

Referred to: Local and Regional Government I.

March 28, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF BOGUE.

3 The General Assembly of North Carolina enacts:

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

5 "CHARTER OF THE TOWN OF BOGUE.

6 "CHAPTER 1.

7 "INCORPORATION AND CORPORATE POWERS.

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

12 "CHAPTER II.

13 "CORPORATE BOUNDARIES.

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

16 **BEGINNING** at a point on the east line of the Town of Cape Carteret corporate
17 boundary which beginning point is the intersection of the east line of Bayshore Park
18 Subdivision with the south line of Hunting Bay Drive as shown on plats of Bayshore Park
19 Subdivision and Section III of Hunting Bay Subdivision as recorded in Map Book 4,
20 Page 35, Map Book 5, Page 65, and Map Book 25, Page 64, Carteret County Registry;

1 running thence along the east line of Bayshore Park in a southerly direction 1,200 feet
2 more or less to the southwestern most corner of Lot 14, Section III, Hunting Bay
3 Subdivision (Map Book 25, Page 64); thence in an easterly direction along the south line
4 of Lots 12, 13 and 14, Section III, Hunting Bay, 400 feet, more or less, to the southeast
5 corner of Lot 12, Section III, Hunting Bay; thence along the west boundary of Sections
6 III and I of Hunting Bay in a southerly direction to the north line of Park Avenue at the
7 southwest corner of Lot 20, Section I, Hunting Bay (Map Book 14, Page 88); thence
8 crossing Park Avenue in a southerly direction and continuing along the west boundary of
9 Section I of Hunting Bay to the northwest corner of the Hunting Bay recreational area as
10 shown on a plat recorded in Map Book 14, Page 88; thence continuing in a southerly and
11 southeasterly direction with the recreational area lot to the high water mark of Bogue
12 Sound; thence with the eastern boundary of Hunting Bay and Bogue Sound in a
13 northerly, easterly, and northeasterly direction to the southwest corner of the United
14 States Marine Corps Air Field 'Bogue'; thence in an easterly direction with the south
15 boundary the United States Marine Corps property known as Bogue Air Field and along
16 the high water mark of Bogue Sound in a northeasterly and easterly direction to Goose
17 Creek; thence in a northerly, northwesterly, northeasterly, and easterly direction with the
18 high water mark of Goose Creek to the southwestern most corner of Goose Creek
19 Subdivision as shown on a plat of the same recorded in Map Book 4, Page 10, Carteret
20 County Registry; thence with the high water mark of Goose Creek along the south line of
21 Goose Creek Subdivision in an easterly direction to the southeast terminus of Taylor
22 Drive; thence continuing in an easterly and northeasterly direction along Goose Creek
23 and the eastern prong thereof to the northeast corner of the Dunn property at the south
24 line of Highway 24; thence in a westerly direction along the south line of North Carolina
25 Highway 24 250 feet more or less to the southern extension of the east line of the John L.
26 Russell Subdivision (Map Book 13, Page 64); thence along the east line of the John L.
27 Russell Subdivision 420 feet more or less to the south line of State Road 1118; thence in
28 a westerly direction along the south line of State Road 1118 1,800 feet more or less to a
29 branch which is an extension of the westernmost prong of Goose Creek; thence along the
30 west prong of Goose Creek in a northerly direction along the east line of F. E. Tootle
31 (Book 304, Page 263) and Robert H. Davenport (Book 495, Page 130) to the easternmost
32 corner of Stonegate Estates; thence in a northwesterly and westerly direction to the east
33 line of Croatan National Forest; thence due north along the east line of Herbert and L. B.
34 Page 660 feet more or less to a point which would intersect with the W. B. McLean
35 Estate north line if extended easterly; thence in a due west direction along the north line
36 of the W. B. McLean Estate to the northernmost corner of the L. B. Page property (Book
37 633, Page 64); thence in a southwesterly direction along the north lines of L. B. Page, W.
38 B. McLean (Book 628, Page 66), and Paxton M. Holz (Book 629, Page 418) to the
39 northwest corner of Paxton M. Holz; thence along the Holz west line to the north line of
40 Section A of Quail Wood Acres Subdivision (Map Book 15, Page 55) and the easterly
41 extension of the same; thence in a southwesterly direction along the north line of Section
42 A of Quail Wood Acres Subdivision 700 feet more or less to the northwest corner of Lot
43 5, Section A, Quail Wood Acres Subdivision the present city limits of Cape Carteret;

1 thence due south 1,000 feet more or less along the west line of Section A of Quail Wood
2 Acres Subdivision and the Cape Carteret limits to the southeast corner of Lot 4, Section
3 B, Fox Forest Subdivision (Map Book 11, Page 19); thence in a northwesterly direction
4 with the Town limits and along the east lines of Lots 1, 2, 3 and 4, Section B, Fox Forest
5 Subdivision, to the northeast corner of Lot 1, Section B, Fox Forest Subdivision (Map
6 Book 11, Page 19); thence with the Town limits in a southwesterly direction along the
7 boundary line between Section B of Fox Forest Subdivision and Parcel 1 of Star Hill Golf
8 and Country Club (Map Book 17, Page 72), to the southwest corner of Lot 3, Section A,
9 Fox Forest Subdivision (Map Book 9, Page 53); thence in a southeasterly, easterly, and
10 southerly direction with the present corporate boundaries of the Town of Cape Carteret
11 and along the property line of W. B. McLean and L. W. Mercer to the north line of North
12 Carolina Highway 24; thence with the north line of Highway 24 600 feet more or less to
13 the southeast corner of Bruce Riggs d/b/a Mid-Atlantic Diesel; thence continuing with the
14 corporate limits of the Town of Cape Carteret in a southerly direction along the property
15 lines of Gary Capalbo (Book 642, Page 264), Whitney Leake, and W. A. Shackelford to
16 the point of beginning.

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

22 "CHAPTER III.

23 "GOVERNING BODY.

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

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

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

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

35 "CHAPTER IV.

36 "ELECTIONS.

37 "Sec. 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a
38 nonpartisan basis and the results determined by the plurality method as provided by G.S.
39 163-292.

40 "CHAPTER V.

41 "ADMINISTRATION.

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

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

6 Sec. 3. From and after the effective date of this act, the citizens and property
7 in the Town of Bogue shall be subject to municipal taxes levied for the year beginning
8 January 1, 1995, and for that purpose the Town shall obtain from Carteret County a
9 record of property in the area herein incorporated which was listed for taxes as of January
10 1, 1995, and the businesses in the Town shall be liable for privilege license tax from the
11 effective date of the privilege license tax ordinance. The Town may adopt a budget
12 ordinance for fiscal year 1995-96 without following the timetable in the Local
13 Government Budget and Fiscal Control Act.

14 Sec. 4. At a date in September of 1995 established by the Carteret County
15 Board of Commissioners, the Carteret County Board of Elections shall conduct a special
16 election for the purpose of submission to the qualified voters of the area described in
17 Section 2.1 of the Charter of the Town of Bogue, the question of whether or not such area
18 shall be incorporated as the Town of Bogue. Registration for the election shall be
19 conducted in accordance with G.S. 163-288.2.

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

21 "FOR AGAINST
22 **INCORPORATION OF THE TOWN OF BOGUE**".

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

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

31 Sec. 8. This act is effective upon ratification.