

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 691*
Finance Committee Substitute Adopted 4/8/99

Short Title: Bermuda Run Incorporation.

(Local)

Sponsors:

Referred to:

April 1, 1999

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

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.

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

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

5 TRACT 1:

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

1 and continuing with the eastern line of property owned, now or formerly, by William and
2 Peggy Long (see Estate File 90E-127), North 02° 42' 46" East 593.04 feet to a concrete
3 post located at the northeast corner of Long and located in the southern line of property
4 owned, now or formerly, by Roy L. Potts (Deed Book 112, Page 274); thence with the
5 southern line of Potts, South 87° 31' 30" East 950.91 feet to an iron pin located at the
6 southeast corner of Roy L. Potts and at the southwest corner of Thad J. Bingham (Deed
7 Book 155, Page 348); thence with the southern line of Bingham, South 86° 34' 27" East
8 1351.89 feet to the point and place of BEGINNING and containing approximately
9 116.501 acres, more or less, as shown on the survey prepared by Marvin S. Cavanaugh &
10 Associates dated March 27, 1998, Drawing No. 98-40B, reference to which is hereby
11 made for a more particular description.

12 TRACT 2:

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

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

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

1 828 and Book 162, Page 775; and all property shown on the following plats recorded in
2 the Davie County Registry: (1) Highlands at Bermuda Run (Plat Book 6, Pages 17 and
3 18); (2) River Hill (Plat Book 5, Page 212 and 213); (3) Jamesway at Bermuda Run (Plat
4 Book 6, Pages 46, 47 and 48); (4) Hamilton Court (Plat Book 5, Pages 195, 203, 207 and
5 224); (5) Pembroke Ridge (Plat Book 5, Page 145); (6) St. George Place (Plat Book 5,
6 Page 192); (7) Bermuda Run Golf and Country Club (Plat Book 4, Pages 79, 80, 81, 82,
7 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 103, 116, 148, 156; Book 5,
8 Pages 2, 13, 15, 24, 28, 31, 32, 34, 36, 39, 43, 44, 45, 46, 86, 94, 100) and (8) Warwick
9 Place (Plat Book 5, Page 171).

10 Less and except, however, that certain property located Southeast of the intersection of
11 U.S. Hwy. 158 and North Carolina Hwy. 801 and being shown on Davie County Tax
12 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.

13 TRACT 3:

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

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

- 20 (1) Bermuda Village District consisting of residents of Bermuda Village.
- 21 (2) South District consisting of residents of Hamilton Court, Pembroke
22 Ridge, St. George, River Hills, Jamesway, Highland Hills, and
23 Warwicke subdivisions.
- 24 (3) Multifamily district consisting of residents of the Maisonettes, Spy
25 Glass Hill, Golfview, and the Lakes subdivision.
- 26 (4) West district consisting of all residents of Juniper Circle, Fairway
27 Villas, Fescue Drive, Ivy Circle, Helli Circle, and Rotunda Circle, and
28 the residents of Riverbend Drive, from Address 675 to Address 1056.
- 29 (5) East district consisting of all the residents not included in any other
30 district.

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

33 "CHAPTER III.

34 "GOVERNING BODY.

35 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing
36 body of the Town of Bermuda Run shall be the Town Council, which shall have five
37 members, and the Mayor.

38 "Section 3.2. **Manner of Electing Council.** The qualified voters of each of the five
39 electoral districts in the Town shall nominate one or more individuals and then elect one
40 member of the Town Council. An individual must reside in the district to be eligible for
41 nomination and election to the Council from a district and for service on the Council as
42 the member for a district.

1 "Section 3.3. **Term of Office of Council Members.** Members of the Council shall
2 be elected to four-year terms. In 1999, five members of the Council shall be elected. The
3 three persons receiving the highest number of votes shall be elected for four-year terms,
4 and the two persons receiving the next highest number of votes shall be elected for two-
5 year terms. In 2001 and biennially thereafter, all members whose terms expire in those
6 years shall be elected for four-year terms.

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

12 "CHAPTER IV.

13 "ELECTIONS.

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

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

19 "CHAPTER V.

20 "ADMINISTRATION.

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

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

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

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

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

43 "CHAPTER VI.

"SPECIAL PROVISIONS.

1
2 "Section 6.1. **Annexation.** The Town of Bermuda Run shall not annex any property
3 without the vote or consent of a majority of the residents of any such property.

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

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

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

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

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