

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1137
Finance Committee Substitute Adopted 6/15/98

Short Title: Wesley Chapel Incorporated.

(Local)

Sponsors:

Referred to:

May 18, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE VILLAGE OF WESLEY CHAPEL.

3 The General Assembly of North Carolina enacts:

4 Section 1. A Charter for the Village of Wesley Chapel is enacted as follows:

5 **"CHARTER OF VILLAGE OF WESLEY CHAPEL.**

6 **"CHAPTER I.**

7 **"INCORPORATION AND CORPORATE POWERS.**

8 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village
9 of Wesley Chapel, which area is described in Section 2.1 of this Charter, are a body
10 corporate and politic under the name 'Village of Wesley Chapel.' Under that name they
11 have all the powers, duties, rights, privileges, and immunities conferred and imposed on
12 cities by the general law of North Carolina.

13 **"CHAPTER II.**

14 **"CORPORATE BOUNDARIES.**

15 "Sec. 2.1. **Village Boundaries.** Until modified in accordance with the law, the
16 boundaries of the Village of Wesley Chapel are as follows:

17 **BEGINNING** at a point in the centerline of Wesley Chapel-Stouts Road (SR
18 1377) that intersects with the northwestern extension of the northern property boundary
19 line of parcel 001 as shown on tax map 7-096; thence southeasterly with said property

1 boundary line approximately 3,630 feet to the centerline of the East Fork Twelve Mile
2 Creek; thence southerly with said creek to a point being the centerline of Goldmine Road
3 (SR 1162); thence with the centerline of Goldmine Road in an easterly direction to the
4 intersection of the extension of the centerline of Birmingham Lane; thence with the
5 centerline of Birmingham Lane in a southerly direction to the northeast corner of the
6 property boundary line of parcel 26-A as shown on tax map 7-096; thence southeastward
7 approximately 300 feet to the northeast corner of the property boundary line of parcel 26
8 as shown on tax map 7-096; thence southwestward approximately 250 feet to the
9 centerline of Birmingham Lane; thence southeastward along the centerline of
10 Birmingham Lane approximately 800 feet to the extension of the southeast corner
11 property boundary line of parcel 4-F as shown on tax map 7-096; thence southwestward
12 with said property boundary line approximately 1,020 feet and then westward with said
13 property boundary line approximately 1,204 feet to the centerline of East Fork Twelve
14 Mile Creek; thence following the southwesterly direction of said creek approximately
15 2,517 feet with the intersection of N.C. Highway 84; thence following the southerly
16 direction of said creek approximately 1,650 feet to a point being the northernmost corner
17 property boundary line of parcel 7-A as shown on tax map 6-006; thence easterly
18 approximately 333 feet to a point being the northernmost corner of property boundary
19 line of parcel 9 as shown on tax map 6-006; thence southeasterly then southwesterly and
20 then northwesterly with said parcel until it intersects with the centerline of Potter Road
21 (SR 1162); thence southward on said road approximately 247 feet to the intersection of
22 the extension of the centerline of Parkside Drive; thence westward with the centerline of
23 said road approximately 412 feet to a point being the northernmost property boundary
24 corner of parcel 41 as shown on tax map 6-027; thence southeasterly with the eastern
25 property boundary line of said parcel approximately 825 feet to a point being the
26 easternmost property boundary line of parcel 31 as shown on tax map 6-027; thence
27 southwesterly with the southern property boundary line of said parcel approximately 810
28 feet to a point being the southernmost property boundary line of parcel 28 as shown on
29 tax map 6-027; thence northwesterly with the western property boundary line of said
30 parcel approximately 1,155 feet to a point being the southernmost property boundary line
31 of parcel 11 as shown on tax map 6-027; thence northerly and then southwesterly with
32 said parcel approximately 1,002 feet to a point being the northeastern corner property
33 boundary line of parcel 5-A as shown on tax map 6-027; thence southeasterly with said
34 parcel approximately 736 feet to the intersection with the centerline of the East Fork
35 Twelve Mile Creek; thence southwestward with said creek approximately 4,785 feet to a
36 point being the centerline of Chambwood Road (SR 1336); thence northeasterly with the
37 centerline of Chambwood Road approximately 2,475 feet to a point being the
38 southernmost property boundary line of parcel 42 as shown on tax map 6-027; thence
39 northwesterly with the southern property line of said parcel approximately 1,155 feet to a
40 point being the intersection with the southern boundary line of parcel 4-C as shown on
41 tax map 6-027; thence westerly with the southern property line of said parcel
42 approximately 1,072 feet and then northwesterly with the western property line of said
43 parcel approximately 1,815 feet to a point being the northernmost property boundary line

1 of parcel 4-B as shown on tax map 6-027; thence northwesterly with the western property
2 boundary line of parcel 8-B as shown on tax map 6-048 approximately 853 feet to a point
3 being the southeastern property boundary line of parcel 20 as shown on tax map 6-045;
4 thence westerly with said parcel approximately 786 feet and then northwesterly with said
5 parcel approximately 509 feet to a point being the intersection of the extension of said
6 line northwestward and the centerline of N. C. Highway 84; thence easterly with the
7 centerline of N. C. Highway 84 approximately 577 feet to a point being the intersection
8 of said centerline and the southeastward extension of the western property boundary line
9 of parcel 16 as shown on tax map 6-045, thence northwesterly then southeasterly and
10 then northwesterly with said parcel approximately 620 feet to a point being the
11 northwestern most property boundary line of parcel 11 as shown on tax map 6-045;
12 thence northwesterly approximately 1,155 feet to a point being the northeast corner of
13 parcel 7-B as shown on tax map 6-045; thence southerly and then northwesterly with said
14 parcel approximately 1,017 feet to a point being the southwestern most property
15 boundary line of parcel 15-A as shown on tax map 6-045; thence northerly with said
16 parcel approximately 247 feet to a point being the southeastern most property boundary
17 line of parcel 22-B as shown on tax map 6-045; thence westerly and then northerly with
18 said parcel approximately 660 feet to a point being the intersection with the southern
19 property boundary line of parcel 24 as shown on tax map 6-045; thence westerly then
20 northerly with said parcel approximately 577 feet to a point being the intersection with
21 the centerline of Underwood Road (SR 1377); thence southeasterly with the centerline of
22 said road approximately 1,139 feet to a point being the extension of the western property
23 boundary line of parcel 16 as shown on tax map 6-045; thence northerly and then
24 southeasterly with said parcel to a point being the intersection of the centerline of Little
25 Twelve Mile Creek; thence northerly with said creek approximately 2,145 feet to a point
26 being the intersection with Potter Road (SR 1346); thence northerly with said creek
27 approximately 1,520 feet to a point being a corner in the southwestern property boundary
28 line of parcel 2 as shown on tax map 6-021; thence northeasterly, then northerly, then
29 westerly, and then northerly with said property line to a point being the southern property
30 boundary line of parcel 3 as shown on tax map 6-021; thence westerly with said parcel
31 approximately 330 feet to a point being the corner of the southwest property boundary
32 line of said parcel; thence northeasterly approximately 1,815 feet to a point being the
33 intersection with the southwestward property boundary line of parcel 5 as shown on tax
34 map 7-120; thence northwesterly then northeasterly and then southeasterly with said
35 property line to a point being the northernmost corner property boundary line of parcel 7
36 as shown on tax map 7-120; thence with the extension of said property boundary line to
37 the centerline of Hawfield Road (SR 1354); thence southeasterly with the centerline of
38 said road approximately 2,145 feet to the intersection with the centerline of Wesley
39 Chapel-Stouts Road (SR 1377); thence northeasterly with the centerline of said road
40 approximately 1,980 feet to the point and place of BEGINNING. Excluded from this
41 description are Tracts IV, V, and VI annexed to the Town of Indian Trail under Part 4 of
42 Article 4A of Chapter 160A of the General Statutes by Annexation Ordinance 40 adopted
43 May 25, 1998, more particularly described as follows:

1 TRACT IV:

2 BEGINNING at a point where the centerline of the right-of-way of S.R. 1162 (known
3 as Goldmine Road) intersects the centerline of the right-of-way of S.R. 1377 (known as
4 Wesley Chapel-Stouts Road) (the right-of-way for each road being 60 feet wide), and
5 running from said beginning point with the center of the right-of-way of S.R. 1377 as
6 follows: (1) N 44-22-25 E 148.77 feet to a point; (2) N 40-39-45 E 528.84 feet to a point,
7 a corner of Lot 8 of Houston Farm Subdivision, Phase III (Plat Cabinet B, File 306-A,
8 Union County Registry); thence with the southwestern boundary of Lot 8 of said
9 subdivision, South 35-01-09 E 231.18 feet to a point, a corner of Lot 9 of Houston Farm
10 Subdivision, Phase III; thence with southwest boundary of Lot 9 of said subdivision, S
11 34-51-04 E 249.94 feet to a point in the center of the right-of-way of S.R. 1162; thence
12 with the center of the right-of-way of S.R. 1162 as follows: (1) S 82-52-40 W 134.60 feet
13 to a point; (2) S 80-44-44 W 558.83 feet to a point; (3) S 80-32-27 W 39.54 feet to the
14 point of BEGINNING, and containing 3.54 acres, more or less, as shown on copy of map
15 of survey prepared by F. Donald Lawrence & Associates, P.A., NCRLS, dated October
16 27, 1986, and recorded in Plat Cabinet B, at Page 306-A, Union County Registry.

17 TRACT V:

18 BEGINNING at a point where the centerline of the right-of-way of S.R. 1162 (known as
19 Goldmine Road) intersects with the centerline of the right-of-way of S.R. 1377 (known as
20 Wesley Chapel-Stouts Road), and running from said beginning point with the centerline
21 of the right-of-way of S.R. 1162 as follows: (1) S 80-32-25 W 320.00 feet to a point; (2)
22 S 80-33-44 W 591.51 feet to a point; (3) S 75-37-55 W 89.30 feet to a point; (4) S 47-08-
23 50 W 60.77 feet to a point; (5) S 11-11-50 W 64.16 feet to a point near the center of the
24 intersection of S.R. 1162 and S.R. 1355; thence N 15-46-08 W 35.86 feet to a point
25 within the right-of-way of S.R. 1162; thence N 32-02-38 W 181.80 feet to a point in the
26 center of the right-of-way of S.R. 1355; thence with the center of the right-of-way of S.R.
27 1355 as follows: (1) N 29-11-30 W 293.99 feet to a point; (2) N 32-02-58 W 431.58 feet
28 to a point; (3) N 32-38-20 W 364.15 feet to a point in the center of said road right-of-
29 way; thence N 45-02-45 E 3329.74 feet to a point in the southwestern boundary of the
30 right-of-way of S.R. 1354 (known as Hawfield Road); thence within the right-of-way of
31 S.R. 1354 (but not the centerline thereof), S 36-43-29 E 1656.35 feet to the point where
32 the centerline of S.R. 1354 intersects the centerline of the right-of-way of S.R. 1377;
33 thence with the center of the right-of-way of S.R. 1377 as follows: (1) S 51-43-45 W
34 98.35 feet to a point; (2) S 47-36-55 W 68.82 feet to a point; (3) S 41-39-39 W 102.57
35 feet to a point; (4) S 38-38-51 W 105.59 feet to a point; (5) S 38-07-38 W 270.65 feet to a
36 point; (6) S 39-00-58 W 103.56 feet to a point; (7) S 40-22-09 W 110.27 feet to a point;
37 (8) S 40-39-45 W 1471.25 feet to a point; (9) S 44-22-25 W 148.77 feet to the point of
38 BEGINNING, and containing 129.06 acres, more or less, as shown on copy of
39 unrecorded map of survey prepared by F. Donald Lawrence & Associates, P.A., NCRLS,
40 dated March 6, 1986.

41 TRACT VI:

42 Beginning at a point in the centerline of Goldmine Road (S.R. 1162) the common corner
43 of Lot #12 and #11 of Houston Farms, Phase I as shown on plat recorded in Plat Cabinet

1 A, File 101-A, Union County Registry. Thence with the centerline of said road as
2 follows: 1st N12-56-05W 122.27', 2nd N13-03-20W 105.36', 3rd N07-14-55W 76.96',
3 4th N11-11-50W 64.16', 5th N47-08-50W 60.77', 6th N76-37-55E 80.30', 7th N80-33-
4 40E 419.44' to a point in the centerline of said road, the common corner of Lot #11 and
5 #10, thence S33-44-00W 358.84' to an iron stake the common corner of Lot #10, #11,
6 #12, thence S53-00-00W 366.35' to the point and place of BEGINNING, being all of Lot
7 #11 and containing 3.34 acres.

8 "CHAPTER III.

9 "GOVERNING BODY.

10 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
11 body of Village of Wesley Chapel is the Village Council, which has four members and
12 the Mayor.

13 "Sec. 3.2. **Temporary Officers.** Until the initial election in 1999 provided for by
14 Section 4.1 of this Charter, Al Black is appointed Mayor, and Allen Callahan, Mike
15 Hafey, Ron Lawrence, and Beverly Williams are appointed members of the Village
16 Council, and they shall possess and may exercise the powers granted to the Mayor and
17 Town Council until their successors are elected or appointed and qualify pursuant to this
18 Charter.

19 "Sec. 3.3. **Manner of Electing Village Council; Term of Office.** The qualified
20 voters of the entire Village shall elect the members of the Village Council. Except as
21 provided by this section, members are elected to a four-year term of office. In 1999, the
22 two candidates receiving the highest numbers of votes are elected to a four-year term, and
23 the two candidates receiving the next highest number of votes are elected to two-year
24 terms. In 2001 and each two years thereafter, two members are elected for a four-year
25 term.

26 "Sec. 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of the
27 entire Village shall elect the Mayor. The Mayor shall be elected in 1999 and each two
28 years thereafter for a two-year term.

29 "CHAPTER IV.

30 "ELECTIONS.

31 "Sec. 4.1. **Conduct of Village Elections.** Village officers shall be elected on a
32 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

33 "CHAPTER V.

34 "ADMINISTRATION.

35 "Sec. 5.1. **Village to Operate under Mayor-Council Plan.** The Village of Wesley
36 Chapel operates under the Mayor-Council plan as provided in Part 3 of Article 7 of
37 Chapter 160A of the General Statutes."

38 Section 2. From and after the effective date of this act, the citizens and
39 property in Village of Wesley Chapel shall be subject to municipal taxes levied for the
40 year beginning July 1, 1998, and for that purpose the Village shall obtain from Union
41 County a record of property in the area herein incorporated which was listed for taxes as
42 of January 1, 1998. The Village may adopt a budget ordinance for fiscal year 1998-99
43 without following the timetable in the Local Government Budget and Fiscal Control Act,

1 but shall follow the sequence of actions in the spirit of the act insofar as is practical. For
2 fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90 days
3 of adoption of the budget ordinance, and thereafter in accordance with the schedule in
4 G.S. 105-360 as if the taxes had been due and payable on September 1, 1998. If this act
5 is ratified before July 1, 1998, the Village may adopt a budget ordinance for fiscal year
6 1997-98 without following the timetable in the Local Government Budget and Fiscal
7 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is
8 practical, but no ad valorem taxes may be levied for the 1997-98 fiscal year.

9 Section 3. This act includes within the boundary of the Village of Wesley
10 Chapel some areas annexed by the Town of Indian Trail under Annexation Ordinance 30
11 adopted January 13, 1998, and Annexation Ordinance 36 adopted February 17, 1998. To
12 the extent that this act conflicts with those ordinances, this act prevails. This act does not
13 affect the validity of those ordinances as to any territory not included within the
14 boundaries of the Village of Wesley Chapel, and those ordinances are validated as to
15 such other territory.

16 Section 4. This act is effective when it becomes law.