

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2019**

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**HOUSE BILL 286**

Short Title: Fayetteville ETJ & Annexation of Shaw Heights. (Local)

Sponsors: Representatives Floyd, Richardson, and Lucas (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: State and Local Government, if favorable, Rules, Calendar, and Operations of the House

March 7, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF FAYETTEVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER THE SHAW HEIGHTS AREA AND TO SUBSEQUENTLY ANNEX THE AREA.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Notwithstanding the provisions of G.S. 160A-360, the City of Fayetteville may exercise the planning and development powers authorized in Article 19 of Chapter 160A of the General Statutes, the City's Charter, and the City's Code of Ordinances in the following described area:

BEGINNING at the northwest corner of Lot 11 in Block E of plat entitled A.D. McKenzie Lands Shaws Heights 90 Lots as recorded in Plat Book 12, Page 11, Cumberland County Registry, and running thence with the northern line of Lot 11, same line also being the current City of Fayetteville boundary, N 84° 34' 24" E 118.46 feet to a point; thence crossing Bonnie Doone Road (now known as Shaw Road) in a northerly direction and continuing along the eastern line of Lot 1 of plat entitled Property of Brooks Peele as recorded in Plat Book 14, Page 9, Cumberland County Registry and also being the City of Fayetteville boundary, N 05° 25' 36" W 359.84 feet to the northeast corner of Lot 1; thence with the northern line of Lot 1 also being the City of Fayetteville boundary, S 84° 34' 24" W 75.40 feet to the northwest corner of Lot 1; thence with the City of Fayetteville boundary N 03° 51' 52" E 3065.72 feet to a point; thence with the City of Fayetteville boundary S 54° 34' 24" W 94.00 feet to a point; thence with the City of Fayetteville boundary N 26° 26' 36" W 867.90 feet to a concrete monument in the northeastern most corner of the plat entitled Property of Public Works Commission as recorded in Plat Book 17, Page 34 of the Cumberland County Registry and also being in the boundary with the Fort Bragg Military Reservation; thence with the boundary of the Fort Bragg Military Reservation N 52° 05' 24" E 2376.04 feet to a point in the western right-of-way of the CSX railway; thence with the CSX railway right-of-way S 34° 23' 36" E 713.51 feet to a point; thence N 65° 38' 00" E 3659.45 feet to a point in the Fort Bragg Military Reservation boundary; thence continuing with the said boundary S 35° 43' 41" E 548.87 feet to a point; a point; thence S 35° 39' 28" E 199.85 feet to a point; thence with the Fort Bragg Military Reservation boundary N 66° 09' 58" E 46.93 feet to the northwest corner of Lot 525 as shown on the plat entitled Addition of Lots 525, 529, & 530 Section Nine Tiffany Pines recorded in Plat Book 63, Page 23 of the Cumberland County Registry; thence continuing along the City of Fayetteville boundary and crossing Graystone Road with the western lines of Lots 525, 527, 528, and a portion of 529, S 44° 17' 41" E 495.30 feet to



1 a point; thence along the southern line of lots 529-530 of the aforementioned plat and continuing  
2 thence with the southern lines of Lots 531-537 as shown in that plat entitled Revision Tiffany  
3 Pines Section Nine as recorded in Plat Book 56 Page 24 of the Cumberland County Registry and  
4 continuing thence S 71° 47' 00" E 809.56 feet to the southeastern corner of Lot 537; thence along  
5 the southern line of Lot 538 and a portion of Lot 539, N 54° 04' 22" E 240.32 feet to a point;  
6 thence continuing with the southern line of Lot 539 and Lots 540-541, N 38° 48' 43" E 206.90  
7 feet to the southeastern corner of Lot 541; thence along the southern City of Fayetteville property  
8 line as described in Deed Book 5008 Page 11, Cumberland County Registry, S 50° 25' 17" E  
9 129.96 feet to a point; thence along the southwestern line of the City of Fayetteville property as  
10 described in Deed Book 5008 Page 16, S 43° 59' 09" W 223.16 feet to a point; thence along the  
11 southern line of the aforesaid property, S 72° 34' 17" E 130.00 feet to an intersecting corner in  
12 the western line of Lot 128 as shown on plat entitled Addition to Section One Tiffany Pines and  
13 recorded in Plat Book 46, Page 2, Cumberland County Registry; thence S 20° 09' 01" W 34.98  
14 feet to the southwestern corner of Lot 128; thence along the western line of Lots 30-32 as shown  
15 in that plat entitled Tiffany Pines Section One and recorded in Plat Book 41 Page 43, Cumberland  
16 County Registry, with the following courses and distances: S 25° 10' 01" W 95.02 feet to the  
17 southwest corner of Lot 30; thence S 23° 58' 01" W 95.00 feet to the northwestern corner of Lot  
18 32; thence S 24° 34' 01" W 64.44 feet to a point; thence S 02° 29' 01" W 99.35 feet to a the  
19 southwest corner of Lot 32; thence S 04° 25' 50" W 57.64 feet to a point of tangency in the  
20 northern line of Lot 44; thence with the northern line of Lot 44, S 64° 08' 01" W 64.66 feet to  
21 the northwestern corner of said lot; thence along the western line of the same lot, S 26° 03' 55"  
22 E 50.00 feet to an iron pipe in the northeastern corner of the Barnhill Contracting Company  
23 property as shown on that plat entitled Property of Cumberland Paving Company n/k/a Barnhill  
24 Contracting Company as recorded in Plat Book 133, Page 129, Cumberland County Registry;  
25 thence along the northern line of the same property for the following courses and distances: S  
26 65° 34' 24" W 661.28 feet to an iron pipe; thence S 40° 59' 00" E 15.96 feet to an existing steel  
27 post; thence S 10° 45' 15" W 641.24 feet to an existing concrete monument; thence S 41° 22' 42"  
28 W 328.82 feet to an iron pipe; thence S 56° 41' 38" W 366.81 feet to an iron pipe; thence S 54°  
29 25' 39" W 148.89 feet to an existing iron stake; thence along the eastern line of Lot 45 as shown  
30 in that plat entitled Northpoint Village and recorded in Plat Book 42, Page 57, Cumberland  
31 County Registry, N 34° 55' 41" W 135.00 feet to the northeastern corner of Lot 45; thence along  
32 the southern margin of Shaw Road, an 80 foot right-of-way, N 55° 04' 19" E 25.00 feet to a point;  
33 thence crossing Shaw Road and continuing thence N 34° 55' 41" W 210.00 feet to the  
34 northeastern corner of Lot 40; thence N 23° 51' 41" W 9.99 feet to a point in the southeastern  
35 line of Lot 30; thence N 39° 00' 19" E 127.59 feet to a point on the eastern line of Lot 29; thence  
36 N 35° 53' 19" E 70.00 feet to a point in the eastern line of Lot 29; thence N 26° 27' 41" W 175.58  
37 feet to the northeastern corner of Lot 28; thence along the northern line of Lots 28,27,15,14,and  
38 13, N 64° 04' 41" W 411.21 feet to the northernmost corner of Lot 13; thence along the  
39 northwestern line of Lots 9-13, S 55° 04' 19" W 390.93 feet to a point in the western line of Lot  
40 9; thence S 25° 57' 19" W 228.94 feet to the southwestern corner of Lot 8 said point also being  
41 in the northern right-of-way margin of Meharry Drive; thence with the northern margin of  
42 Meharry Drive, a 60 foot right-of-way, having a curve to the left, a radius of 560.52 feet, an arc  
43 length of 60.05 feet, a chord bearing of N 68° 25' 31" W, and a chord length of 60.02 feet to a  
44 point; thence crossing the right-of-way of Meharry Drive, S 25° 56' 19" W 191.47 feet to the  
45 southwestern corner of Lot 7, also being the northernmost most corner of Lot 149 as shown on  
46 that plat entitled University Estates Section 3 and recorded in Plat Book 38, Page 65, Cumberland  
47 County Registry; thence N 87° 48' 41" W 131.25 feet to the northernmost corner of Lot 148;  
48 thence S 70° 34' 19" W 141.83 to a point in the northern line of Lot 146; thence S 54° 44' 19" W  
49 649.03 feet to westernmost corner of Lot 141; thence S 29° 45' 12" E 701.76 feet to the

1 northwestern corner of a lot conveyed to James W. McNeill and wife Dagmar, Deed Book 3318  
2 Page 456, Cumberland County Registry, thence along the southern margin of Shaw Road having  
3 a curve to the right and a radius of 1671.48 feet, an arc length of 98.99 feet, a chord bearing of  
4 N 69° 14' 31" E, and a chord length of 98.98 feet to a point of tangency; thence following a curve  
5 to the right having a radius of 25.00 feet, an arc length of 38.46 feet, a chord bearing S 68° 22'  
6 58" E, and a chord length of 34.78 feet to a point; thence along the western margin of Edmeston  
7 Drive S 24° 18' 39" E 41.33 feet to a point; thence following a curve to the left having a radius  
8 of 569.41 feet, an arc length of 105.26 feet, a chord bearing S 29° 36' 24" E, and a chord length  
9 of 105.11 feet to the northernmost corner of Lot 12 of that plat entitled University Estate Section  
10 I and recorded in Plat Book 37, Page 7, Cumberland County Registry; thence along the  
11 northwestern line of Lots 11 and 12, S 55° 05' 24" W 235.00 feet to the westernmost corner of  
12 Lot 11; thence N 34° 58' 29" W 44.24 feet to the northernmost corner of the Colonial Pipeline  
13 Company property described in Deed Book 1035, Page 269, Cumberland County Registry;  
14 thence along the northwestern of the aforementioned property, S 68° 18' 55" W 200.78 feet to  
15 the northernmost corner of the Motiva Enterprises, LLC property as described in Deed Book  
16 4974, Page 550, Cumberland County Registry; thence along the northwestern line of the  
17 aforementioned property S 67° 21' 18" W 195.85 feet to a point in the CSX railroad right-of-way;  
18 thence following the CSX railroad right-of-way N 34° 43' 36" W 587.95 feet to a point; thence  
19 crossing the CSX railroad right-of-way S 57° 44' 02" W 228.76 feet to a point in the western  
20 right-of-way of Murchison Road, also known as NC Highway 210; thence following the western  
21 margin of Murchison Road, S 31° 41' 07" E 338.05 feet to the northern margin of Shaw Road,  
22 also known as SR 1437; thence following the northern margin of Shaw Road S 43° 44' 24" W  
23 190.23 feet to a point; thence N 46° 26' 15" W 10.45 feet to a point; thence S 43° 44' 24" W  
24 440.49 feet to a point; thence crossing the right-of-way of Shaw Road in a southeasterly direction  
25 S 46° 15' 36" E 718.94 feet to the northeastern corner of Lot 32, Plat Book 29, Page 4,  
26 Cumberland County Registry; thence along the American Mobile Home Supply property as  
27 shown on that plat entitled Survey for American Mobile Home Supply and recorded in Plat Book  
28 100, Page 71, Cumberland County Registry S 43° 34' 30" W 355.93 feet to the westernmost  
29 corner; thence S 46° 27' 58" E 277.62 feet to the southeastern corner ; thence S 32° 13' 00" E  
30 142.70 feet to a point of tangency; thence a following a curve to the left having a radius of 20.00  
31 feet, an arc length of 31.33 feet, a chord bearing S 77° 04' 31" E, and a chord length of 28.22  
32 feet to a point in the northern margin of Hogan Street (formerly Alpine Street); thence S 31° 59'  
33 33" W 112.28 feet to a point of tangency in the southern margin of Hogan Street, also being the  
34 northern line of Lot 58 as shown on that plat entitled Madonna Estates Section One as recorded  
35 in Plat Book 36 Page 15, Cumberland County Registry; thence following a curve to the right,  
36 having a radius of 257.40 feet, an arc length of 127.43 feet, a chord bearing S 76° 53' 34" W, and  
37 a chord length of 126.13 feet to a point; thence N 87° 01' 27" W 89.45 feet to a point of tangency;  
38 thence following a curve to the left having a radius of 384.14 feet, an arc length of 262.34 feet, a  
39 chord bearing S 74° 43' 16" W and a chord length of 257.28 feet to the northwestern corner of  
40 Lot 81 as shown on aforesaid plat and continuing thence along the western line of lots 81-92  
41 with the following bearings and distances: S 32° 14' 36" E 136.53 feet to the southwestern corner  
42 of Lot 81; thence N 57 15' 21" E 5.00 feet to a the northwestern corner of Lot 82; thence S 32°  
43 44' 36" E 130.00 feet to the southwestern corner of Lot 82; thence S 57° 15' 28" W 5.00 feet to  
44 a point in the northwestern right-of-way of Prosser Court; thence S 32° 44' 36" E 464.84 feet to  
45 the southwest corner of Lot 85; thence S 35° 21' 24" W 210.82 feet to the southwest corner of  
46 Lot 88; thence S 50° 53' 24" W 93.41 feet to the southwest corner of Lot 89; thence S 17° 18' 24"  
47 W 136.41 feet to a point of tangency in the northern right-of-way of Utopia Court; thence  
48 following a curve to the left having a radius of 305.97 feet, an arc length of 43.74 feet, a chord  
49 bearing N 76° 55' 03" W, and a chord length of 43.70 feet to a point in the northern margin of

1 Utopia Court; thence crossing Utopia Court and continuing thence S 08° 56' 24" W 185.43 feet  
2 to the southwestern corner of Lot 91; thence N 79° 27' 36" W 66.98 feet to the northwestern  
3 corner of Lot 92; thence S 16° 29' 24" W 150.00 feet to a point in the northern margin of Alpine  
4 Street, said point also being the southwestern corner of Lot 92; thence S 73° 30' 36" E 42.92 feet  
5 to a point; thence crossing Alpine Street and continuing thence S 16° 29' 24" W 194.23 feet to  
6 the southwestern corner of Lot 62; thence following the southwestern line of the Public Works  
7 Commission property as shown on Plat Book 98, Page 147, Cumberland County Registry, N 74°  
8 01' 37" W 759.64 feet to a concrete monument; thence N 58° 25' 48" W 534.75 feet to an iron  
9 stake in the eastern line of Lot 100 as shown in that plat entitled Julie Heights Subdivision Section  
10 Four as recorded in Plat Book 32, Page 25 of the Cumberland County Registry and continuing  
11 thence S 43° 48' 24" W 627.89 feet to the southernmost corner of Lot 92 Julie Heights Section  
12 Four of the aforementioned plat; thence N 83° 11' 36" W 459.96 feet to a concrete monument;  
13 thence N 46° 09' 53" W 310.99 feet to a concrete monument; thence N 87° 29' 36" W 399.80 feet  
14 to a concrete monument; thence N 58° 10' 36" W 350.10 feet to a concrete monument; thence N  
15 23° 26' 04" W 398.18 feet to the POINT OF BEGINNING, and containing approximately 637.23  
16 acres more or less. This description is intended to cover all of the non-annexed parcels that are  
17 currently surrounded by the City of Fayetteville and Fort Bragg Military Reservation boundaries  
18 within the area described above. Less and excepting Area I and Area II, which were annexed by  
19 the City of Fayetteville in Ordinance No. 77-10-201, adopted on October 24, 1977, and  
20 Ordinance No. 2013-06-543, adopted on June 10, 2013, respectively, and are more particularly  
21 described as follows:

22 Area I

23 BEGINNING at a point in the northern margin of Shaw Road, a 60 foot right-of-way at its  
24 intersection with the western margin of Gregory Street a 50 foot right-of-way, running thence for  
25 a first call, with the northern margin of Shaw Road, South 44 degrees West 254.40 feet to a point;  
26 thence North 35 degrees 10 minutes West 883.60 feet to a point in the southern margin of Tammy  
27 Street, a 50 foot right-of-way; thence with the southern margin of Tammy Street, North 54  
28 degrees 50 minutes East 250 feet to a point in the western margin of Gregory Street; thence with  
29 the western margin of Gregory Street South 35 degrees 10 minutes East 418 feet to a point: thence  
30 with the southern line of Lot 10 of Shaw Heights subdivision as shown in Plat Book 12, Page 11,  
31 Cumberland County Registry, South 49 degrees 22 minutes West 125.6 feet to a point; thence  
32 with the eastern line of Lot 2 of said Shaw Heights subdivision South 35 degrees 10 minutes East  
33 253.90 feet to a point; thence North 49 degrees 22 minutes East 125.6 feet to the western margin  
34 of Gregory Street, thence with said street margin South 35 degrees 10 minutes East 176 feet to  
35 the BEGINNING, and containing 4.13 acres more or less, and being all of Lots Nos. 2, 10, 11  
36 and a portion of Lot No. 1, of the Shaw Heights Subdivision as shown in Plat Book 12, Page 11,  
37 recorded in the Cumberland County Registry; conveyed to Albert O. McCauley and Kenneth F.  
38 McDonald by deeds recorded in Book 2148, Page 93, Book 2377, Page 747, and Book 2491,  
39 Page 282, Cumberland County Registry.

40 Area II

41 BEGINNING at a point in the Eastern right-of-way margin of Holland Street, said point also  
42 being the northwest corner of Lot 19, Block "A", as shown on a plat entitled, "DIVISION OF  
43 LOTS 17 & 18, BLOCK "A" OF SHAW HEIGHTS," duly recorded in Book of Plats 94, Page  
44 163, Cumberland County Registry, and continuing thence North 54 degrees 42 minutes 40  
45 seconds East 95.06 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 20.00  
46 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 80.00 feet to a point; thence  
47 South 35 degrees 10 minutes 00 seconds East 484.987 feet to a point; thence South 50 degrees  
48 11 minutes 26 seconds West 100.33 feet to a point; thence South 49 degrees 08 minutes 00  
49 seconds 95.53 feet to a point; thence North 35 degrees 10 minutes 00 seconds West 502.19 feet

1 to the POINT AND PLACE OF BEGINNING, and containing 2.21 Acres more or less. The total  
2 size of the area annexed in this Section, excepting Areas I and II, is 630.89 acres, more or less.

3 **SECTION 1.(b)** If the City of Fayetteville exercises the extraterritorial powers  
4 authorized in subsection (a) of this Section, the City shall provide a means of proportional  
5 representation on the City's planning board for the residents of Shaw Heights in the manner  
6 provided by G.S. 160A-362.

7 **SECTION 1.(c)** This section becomes effective June 30, 2019.

8 **SECTION 2.** Effective June 30, 2022, the property described in Section 1 of this act  
9 is added to the corporate limits of the City of Fayetteville. Property in the territory described in  
10 Section 1 of this act as of January 1, 2022, is subject to municipal taxes for taxes imposed for  
11 taxable years beginning on or after July 1, 2022.

12 **SECTION 3.** This act is effective when it becomes law.