

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 830
SENATE BILL 429

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CAROLINA
BEACH BY A REFERENDUM OF THE PEOPLE.

The General Assembly of North Carolina enacts:

Section 1. (a) The Municipal Board of Elections for the Town of Carolina Beach, New Hanover County, is hereby authorized to call and conduct a special election on such date as it shall determine for the purpose of submitting to the registered voters for the area hereinafter described, the question whether or not that area described hereinafter shall hereafter constitute the corporate limits of the Town of Carolina Beach. On the election day, the polls shall be open from 6:30 a.m. until 7:30 p.m. The Municipal Board of Elections for the Town of Carolina Beach in conducting the election required to be held herein shall follow the procedure as outlined in this act and Articles 23 and 24 of Chapter 163 of the General Statutes of North Carolina (Volume III D 1972 Replacement) relating to municipal elections where not in conflict with this act.

(b) The Municipal Board of Elections for the Town of Carolina Beach shall determine from the voter registration records of the New Hanover County Board of Elections those persons, who are registered voters, presently residing within the area proposed to become the corporate limits of the Town of Carolina Beach under the provisions of this act.

The Municipal Board of Elections for the Town of Carolina Beach shall secure from the New Hanover County Board of Elections a duplicate registration certificate on all of the voters described hereinbefore, and each such certificate shall be marked, "Verified from County Records", and all such voters shall be eligible to vote in such election. The Town of Carolina Beach shall reimburse New Hanover County for all actual expense by New Hanover County in effecting such verification.

(c) Not later than 30 days prior to the date on which the registration books are required to be closed, the Municipal Board of Elections for the Town of Carolina Beach shall cause public notice to be published in a newspaper having general circulation in the area of New Hanover County, North Carolina, described in this bill, and such Board shall cause to be posted at such public places as the Board may choose, a notice stating the time, the polling place, and the purpose of the special election; the names of the registrar and judges of election; and the dates, hours, and places of registration.

(d) In the special election, those voters who favor the extension of the corporate limits of the Town of Carolina Beach as described hereinafter shall vote a ballot upon which shall be printed the words: "FOR New Corporate Limits of the Town

of Carolina Beach", and those voters who are opposed to the extension of the corporate limits of the Town of Carolina Beach shall vote a ballot upon which shall be printed the words: "AGAINST New Corporate Limits of the Town of Carolina Beach".

Sec. 2. If a majority of the votes cast in such special election shall be cast "AGAINST New Corporate Limits of the Town of Carolina Beach", then the limits of the Town shall remain as they are on the effective date of this act until changed pursuant to general law or special act.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR New Corporate Limits of the Town of Carolina Beach", then the corporate limits of the Town of Carolina Beach shall be as described in Section 4 of this act and as filed with the Municipal Board of Elections for the Town of Carolina Beach, from and after the date upon which a certificate of election shall have been issued by the Chairman of the Municipal Board of Elections of the Town of Carolina Beach in accordance with G.S. 163-301.

Sec.4. If a majority of votes cast in the special election described in Sections 1, 2 and 3 of this act shall be cast "FOR New Corporate Limits of the Town of Carolina Beach", then the corporate limits of the Town of Carolina Beach shall be as follows until changed in accordance with law: BEGINNING at an iron stake at low-water mark of the Atlantic Ocean at a line between what is known as Wilmington Beach and Carolina Beach on the Atlantic Ocean, and running thence northwardly along the low-water mark of the Atlantic Ocean to a point (2,165) feet north of the northeast corner of Lot No. 10 in Block 27, as described on map of Carolina Beach, and running thence westwardly three hundred and fifty (350 feet to Myrtle Grove Sound, running thence westwardly across Myrtle Grove Sound to the Western Shore of said Myrtle Grove Sound to a stone 'US', said stone being located at the southeast intersection of Myrtle Grove Sound and Snow's Cut as shown in Map Book 3, page 19, in the office of the Register of Deeds of New Hanover County, running thence southwardly along said western shore of said Myrtle Grove Sound at low-water mark to the point where the northern line of Goldsboro Avenue intersects the western side of Myrtle Grove Sound at low-water mark as shown on a map of Carolina Beach as recorded in the records of New Hanover County, Map Book 2, page 106, as prepared by J. L. Becton, Civil Engineer, January - September, 1913; thence westwardly along a northern line of Goldsboro Avenue and C. A. Baches's line and a western extension thereof to the northern line of Harper Avenue; thence northwestwardly along the northern line of said Harper Avenue to Ocean City Boulevard, also known as Dow Road and Secondary Road No. 1534; and running thence southwardly along the western right-of-way of said Dow Road, formerly Ocean City Boulevard of Federal Point Road, to the southern right-of-way of Sumter Avenue; thence east down the southern right-of-way of Sumter Avenue, approximately 960 feet to the northwest corner of lot one, in block 116 of Carolina Beach, said point being where the U. S. Army Sunny Point Terminal buffer zone property line intersects Sumter Avenue; and running thence southwardly along said Sunny Point Terminal buffer zone property line to intersection with the northern property line of the Eythl-Dow Chemical Company, as recorded in Record Book 794, page 146, New Hanover County Register of Deeds office; and running thence south 87

degrees, 44 minutes east approximately 2,400 feet to the Atlantic Ocean; and running thence northwardly along the low-water mark of the Atlantic Ocean to the point of beginning at the line between what is known as Wilmington Beach and Carolina Beach.

Sec. 5. The town shall from and after the effective date of the annexation, provide within the annexed area all town services, other than utility services, on substantially the same basis and in the same manner as such services are provided within the rest of the town. The town shall provide for extension of major water mains and major sewer lines into the area annexed, if necessary, so that property owners therein will be able to secure public water and sewer services according to the policies in effect in the town for extending water and sewer lines to individual lots or subdivisions. If the town must, at its own expense, extend its major water mains and major sewer lines into the area before property owners therein can, according to town policies, make connection to such lines, then the town shall cause construction of such mains and lines to begin within one year following the effective date of the annexation.

Sec. 6. The property newly annexed by this act shall not be subject to ad valorem taxation by the Town of Carolina Beach for fiscal year 1974-75, but it shall be subject to ad valorem taxation by the Town of Carolina Beach for fiscal year 1975-76 and succeeding fiscal years.

Sec. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 8. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1974.