

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 93  
HOUSE BILL 118

AN ACT TO INCORPORATE THE TOWN OF SUNSET BEACH IN BRUNSWICK  
COUNTY, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Sunset Beach in Brunswick County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Sunset Beach, and same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Sunset Beach shall be as follows:

Tract One: Beginning at an iron pipe in the center of a newly constructed road leading into a landing on the Intracoastal Waterway, for a tie line begin at the Old Barge Landing Apron on the Intracoastal Waterway, the terminus point of the Grissettown to Seaside Road at the edge of the said Intracoastal Waterway, and in the center of the said road at said landing, and run thence with the center of said road the following courses and distances: North 8 degrees 10 minutes West 4.94 chains, North 2 degrees 20 minutes East 2 chains, North 15 degrees 15 minutes East 2 chains, North 11 degrees 00 minutes East 1.77 chains, North 13 degrees 50 minutes East 8 chains, North 11 degrees 15 minutes East 2 chains, North 5 degrees 15 minutes East 1.67 chains, North 00 degrees 5 minutes West 1.83 chains, South 85 degrees 30 minutes West .46 chains, the edge of said Grissettown to Seaside Road; thence South 89 degrees 50 minutes West 14.22 chains, a stake in the run of Indigo Branch; thence down the run of said branch the following courses and distances: South 23 degrees 20 minutes West 1.88 chains, South 14 degrees 40 minutes East 3.88 chains, South 7 degrees 25 minutes West 4.23 chains, South 31 degrees 45 minutes East 4.23 chains; thence South 74 degrees 15 minutes West 2.42 chains, the edge of Indigo Branch; thence South 77 degrees 40 minutes West 10.84 chains, the iron stake referred to as being located in the center of the newly constructed road in the point of beginning, and also being further identified as the terminus point of the tie line, and from said beginning point run thence South 1 degree 45 minutes West, with the center of said newly built road, a distance of 11.50 chains, a point near the Intracoastal Waterway; thence South 80 degrees 40 minutes West 19.96 chains; thence South 80 degrees 25 minutes West 8.94 chains; thence South

82 degrees 45 minutes West 22.66 chains; thence South 77 degrees 45 minutes West 26.21 chains; thence South 50 degrees 25 minutes West 16.51 chains; thence South 78 degrees 05 minutes West 16.61 chains; thence South 81 degrees 00 minutes West 11.58 chains; thence North 81 degrees 15 minutes West 8.83 chains; thence North 52 degrees 35 minutes West 13.26 chains; thence South 5 degrees 30 minutes West 17.55 chains, an iron pipe at the edge of the Intracoastal Waterway; thence with the Intracoastal Waterway South 75 degrees 10 minutes West 6.70 chains; thence continuing with said Intracoastal Waterway South 76 degrees 05 minutes West 16 chains; thence again with the said Intracoastal Waterway South 84 degrees 15 minutes West 64 chains, an iron pipe in the edge of the said Intracoastal Waterway; thence North 21 degrees 15 minutes West 2.23 chains; thence North 21 degrees 15 minutes West 9.98 chains; thence South 83 degrees 05 minutes East 8 chains; thence North 69 degrees 50 minutes East 21.32 chains; thence North 37 degrees 50 minutes East 5.67 chains; thence North 7 degrees 15 minutes West 8.55 chains; thence North 12 degrees 55 minutes East 6.56 chains; thence North 59 degrees 10 minutes East 8.13 chains; thence North 61 degrees 40 minutes East 4.09 chains; thence South 70 degrees 45 minutes East 13.57 chains; thence North 62 degrees 45 minutes East 14 chains; thence South 75 degrees 00 minutes East 3.24 chains; thence South 88 degrees 40 minutes East 12.87 chains; thence South 58 degrees 50 minutes East 4.48 chains; thence South 24 degrees 15 minutes East 3.29 chains; thence South 47 degrees 45 minutes East 5.74 chains; thence South 70 degrees 45 minutes East 20.99 chains; thence North 77 degrees 10 minutes East 18.24 chains; thence North 7 degrees 10 minutes East 8.04 chains; thence North 77 degrees 50 minutes East 9.12 chains; thence North 78 degrees 45 minutes East 2.81 chains; thence North 76 degrees 15 minutes East 4 chains; thence North 78 degrees 20 minutes East 4 chains; thence North 78 degrees 00 minutes East 6 chains; thence North 77 degrees 40 minutes East 10 chains; thence North 77 degrees 15 minutes East 6 chains; thence North 77 degrees 20 minutes East 6.77 chains; thence North 77 degrees 50 minutes East 6.98 chains; thence North 77 degrees 25 minutes East 9.88 chains; thence North 76 degrees 45 minutes East 3 chains; thence North 78 degrees 10 minutes East 6.53 chains; thence North 77 degrees 50 minutes East 6 chains; thence North 77 degrees 55 minutes East 12.54 chains; thence North 77 degrees 40 minutes East 3.16 chains, the place and point of beginning, containing 383.21 acres, more or less, as surveyed by W. B. Hill, Jr., in May, 1956, and thereafter transposed on a map entitled "A conveyance to Mannon Gore by International Paper Company," and being further identified as parts of the Metcalf and Brooks tracts.

Tract Two: Beginning at a point in the northern right-of-way line of the Intracoastal Waterway where the western right-of-way line of a county maintained road known as the Park Road (said road having a width of 60 feet) intersects said Waterway right-of-way line, said point also being located South 1 degree 45 minutes West 826.09 feet from the intersection of the southern right-of-way line of Shore Line Drive (having a width of 60 feet) with the western right-of-way line of said Park Road; thence from said beginning point North 1 degree 45 minutes East 187.41 feet to a stake; thence North 54 degrees 15 minutes West 16.2 feet; thence North 24 degrees 24 minutes West 100 feet; thence North 13 degrees 54 minutes West 90 feet; thence South 69 degrees 15

minutes West 100 feet; thence South 89 degrees 04 minutes West 122 feet; thence South 2 degrees 02 minutes East 186 feet; thence South 59 degrees 46 minutes West 200 feet; thence South 79 degrees 30 minutes West 100 feet; thence North 87 degrees 47 minutes West 164 feet; thence South 58 degrees 13 minutes West 90 feet; thence South 24 degrees 15 minutes East 230 feet to a point on the northern right-of-way line of the Intracoastal Waterway; thence with said right-of-way line South 76 degrees 15 minutes East 730.87 feet to the beginning, containing 5 acres, more or less.

Tract Three: All of the lands lying South of Tracts One and Two described above, but having as its southern boundary line the center of the channel of the Intracoastal Waterway, and its northern boundary the southern lines of Tracts One and Two described above, and with its eastern and western boundaries the same as Tracts One and Two described above, projected.

Tract Four: Beginning at a point on the mainland, represented by an iron rod, which said point is South  $77\frac{3}{4}$  degrees West 2795 feet from an iron rod on the mainland, located South  $24\frac{1}{4}$  degrees East from the Brooks Chimney on the George E. Brooks residence, which said iron rod is the one and the same referred to in the deed dated March 29, 1927, from J. F. Somersette to J. W. Brooks, as recorded in Book 46, at Page 228, office of the Register of Deeds for Brunswick County, North Carolina, wherein it is referred to as "an iron rod located on the mainland just East of Tubbs Landing and immediately southward of the present residence of George E. Brooks," and from said beginning point run thence South  $24\frac{1}{4}$  degrees East to the low water mark on the Atlantic Ocean; thence with the low water mark of the Atlantic Ocean in a southwesterly direction to the dividing line between Lots 7 and 8 of the William Frink subdivision of 1860 and 1868, as appears of record in Deed Book T at Page 412, Office of the Register of Deeds for Brunswick County, North Carolina; thence with the dividing line of Lots 7 and 8 in said subdivision, as it meanders, to the mainland; thence with the mainland in an easterly direction to the place and point of beginning.

Tract Five: Beginning at a point on the mainland, represented by an iron pipe, in the division line between Lots 8 and 9 of the William Frink subdivision, as appears of record in Deed Book T at Page 412, Office of the Register of Deeds for Brunswick County, North Carolina, and being the one and same point as referred to in said division as "the mainland," and running thence in a southeasterly direction with the dividing line between said Lots 8 and 9 to the low water mark on the Atlantic Ocean; thence with the low water mark on the Atlantic Ocean, in a southwesterly direction to the southwest corner of said Lot 9 in said division, now known as a common corner with Ralph Price; thence with the western line of said Lot 9 and the line now of the said Ralph Price, due North to the said mainland; thence with the mainland in an easterly direction to the place and point of beginning.

Tract Six: Beginning at a point on the mainland represented by an iron pipe in the division line between Lots 7 and 8 of the William Frink subdivision, as appears of record in Deed Book T at Page 412, Office of the Register of Deeds for Brunswick County, North Carolina, and being the one and same point as referred to in said subdivision as "the mainland," and running thence in a southeasterly direction with the dividing line between Lots 7 and 8 to the low water mark on the Atlantic Ocean; thence

with the low water mark on the Atlantic Ocean in a southwesterly direction to the southwest corner of said Lot 8 and the southeast corner of Lot 9 in said division; thence with the dividing line between said Lots 8 and 9 in a northwesterly direction to the mainland; thence with the mainland in an easterly direction to the place and point of beginning.

Sec. 3. The governing body of the Town of Sunset Beach shall consist of a mayor and five (5) commissioners, who shall be initially appointed by the Governor of North Carolina and selected as follows:

A. Upon a petition signed by at least ten (10) qualified voters (as herein defined) of the Town of Sunset Beach being presented to the Chairman of the Board of Elections of Brunswick County, he shall within ten (10) days after receipt of said petition appoint a town clerk to serve until the duly selected and appointed board of commissioners selects some person to act as town clerk. Said clerk so appointed by the Chairman of the Board of Elections of Brunswick County shall do all things necessary for holding an election for the selection of commissioners of said town. Said election to be held in the same manner as the regular election as hereinafter set forth with the following exceptions:

B. Said acting clerk shall within thirty (30) days next succeeding his appointment prepare a registration book of the freeholders within the herein defined corporate limits and at the same time leave said registration book open for the registration of residents as herein defined.

C. Any qualified voter desiring to become a candidate for the office of commissioner shall within said above-specified thirty (30) day period file with said clerk his petition for said office.

D. The clerk shall on or before the 45th day of his appointment forward a ballot with the names of all persons so filing for the office of commissioner to every freeholder at his or her last known address and to each registered legal resident of said town. Said ballot shall in every respect conform to the requirements herein set out for a regular election. Said qualified voters shall return their ballot to the Chairman of the Board of Elections of Brunswick County on or before six o'clock P.M. on the 61st day of said clerk's appointment.

E. At 7:30 o'clock P.M. on the 61st day of said clerk's appointment, said ballots shall be opened and tabulated by the Chairman of the Board of Elections of Brunswick County as provided in cases of regular elections. Whereupon the Clerk of the Town of Sunset Beach and the Chairman of the Board of Elections of Brunswick County shall immediately forward to the Governor of North Carolina, the result of said balloting, including the names of all candidates for office and the number of votes which each candidate received, and the Governor shall consider for appointment to fill said offices the six (6) persons receiving the highest number of votes for a term of office of two (2) years or until the first day of June in the next succeeding odd-numbered year, whichever is the shorter time.

F. Said appointees shall within fifteen (15) days after notification by the Governor of North Carolina of their appointment be sworn in to the office of Commissioner of the Town of Sunset Beach as herein provided and then and there

organize and possess all of the powers of Chapter 160 of the General Statutes not inconsistent with this Act and shall from their number select a mayor of said town.

Sec. 4. In the last week of May of the next succeeding odd-numbered year after the initial selection and appointment as herein provided, the Governor of the State of North Carolina shall appoint six (6) commissioners for the Town of Sunset Beach, who shall be sworn in as such commissioners as soon after such appointment as is possible, by any person authorized to administer oaths and shall take office on June 1st, the date upon which their respective terms begin; provided, the Governor shall appoint only those persons who shall be recommended to him and who shall be selected as follows:

A. On or before the first day of April of the next succeeding odd-numbered year and biennially thereafter, any qualified voter desiring to become a candidate for Commissioner of the Town of Sunset Beach shall file with the clerk of said town his petition for said office.

B. On or before the 15th day of April of the next succeeding odd-numbered year and biennially thereafter, there shall be forwarded by the Clerk of the Town of Sunset Beach, a ballot to every freeholder at his or her last known address and to each registered legal resident of said town, a ballot containing the names of the persons so filing for the above-stated offices. The ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Brunswick County in a sealed envelope not later than six o'clock P.M., on the Tuesday following the first Monday in May of the next succeeding odd-numbered year, and biennially thereafter, said ballots to be then opened and tabulated at 7:30 o'clock P.M., on said Tuesday, in the Office of the Clerk of the Town of Sunset Beach by the Chairman of the Brunswick County Board of Elections, said opening being public. The six (6) persons receiving the highest number of votes for the office of commissioner shall be recommended for said office and shall serve for a term of four (4) years or until their successors are duly appointed and qualified: Provided, however, that at the municipal election to be held in May of the next succeeding odd-numbered year after the election set out in Section 3 above, the three (3) commissioners appointed who receive the largest number of votes shall serve for a term of four (4) years each and the other three commissioners appointed shall each serve for a term of two (2) years. Thereafter, all commissioners duly appointed shall serve for a four-year term each or until their successors are duly appointed and qualified.

Said commissioners shall elect from their number one (1) person to be mayor, who shall serve for a term of two (2) years, or until his successor is duly appointed and qualified: Provided that upon the death or resignation of any member of the board of commissioners or mayor, the board of commissioners shall have the power to fill said vacancy until the next municipal election and subsequent appointment by the Governor of North Carolina.

When the ballots have been opened and tabulated as hereinabove provided, the Clerk of the Town of Sunset Beach and the Chairman of the Board of Elections of Brunswick County shall immediately forward to the Governor of the State of North

Carolina the result of said balloting. The persons so appointed by the Governor shall constitute the governing body of said town and shall possess and be vested with all the powers and duties of governing bodies of cities and towns in this State.

For the purpose of holding office or casting ballots for town officers, a legal resident shall be considered to be a freeholder, or any person whose residence is in the Town of Sunset Beach six (6) months or more out of the year, thirty (30) days of which immediately precedes the day fixed for election of town officers. After the first municipal election as provided in Section 3 of this Act, the Clerk of the Town of Sunset Beach shall maintain a book for the registration of freeholders and legal residents of said town, which book shall be open for registration of freeholders or legal residents during the months of July and August of each year and during the month of March in years in which there is to be an election as provided herein. The registration book shall contain, as to each person registering, such person's name, address at his legal residence, and a description of any property owned by such person in the Town of Sunset Beach. After the first election of municipal officers and the subsequent election held in the next succeeding odd-numbered year, no person shall be eligible to vote in said municipal election unless registered as herein provided.

Sec. 5. The Chairman of the Board of Elections of Brunswick County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifteen dollars (\$15.00) for supervising the opening and tabulating the ballots. Said amount shall be paid by the Town of Sunset Beach and said town is hereby authorized, empowered, and directed to pay such other necessary expenses as may be incurred in carrying out the provisions of this Act.

Sec. 6. After the election and subsequent appointment of the first governing body of said town, said body shall be vested with the right of levying taxes as of the first of the next calendar year after their election and subsequent appointment and shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns, but in no event shall the tax rate imposed be in excess of one dollar (\$1.00) per one hundred dollars (\$100.00) valuation of property.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1963.