

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 705
Senate Finance Committee Substitute Adopted 6/18/03
Third Edition Engrossed 6/24/03**

Short Title: Matthews/Waxhaw Annexation.

(Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY
2 REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN
3 PROPERTIES INTO THE TOWN OF WAXHAW.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The corporate limits of the Town of Matthews are extended
7 to include the entire area remaining in its sphere of influence within Mecklenburg
8 County. As used in this act, "sphere of influence" means that area designated as such in
9 annexation agreements between the Town of Matthews and other municipalities under
10 Chapter 953 of the 1983 Session Laws, or under other general or local acts.

11 **SECTION 1.(b)** The Town of Matthews shall record in the office of the
12 Register of Deeds of Mecklenburg County a detailed map of the area annexed by this
13 act. The map shall also delineate any area for which annexation is deferred pursuant to
14 Section 1(c) of this act.

15 **SECTION 1.(c)** This section applies only to the Town of Matthews and
16 becomes effective June 30, 2003, except that as to land that is being taxed at present-use
17 value pursuant to G.S. 105-277.4 on the day this act is ratified, it becomes effective on
18 the same day as determined under G.S. 160A-49(f2) that it would have become
19 effective if the area had been annexed under Part 3 of Article 4A of Chapter 160A of the
20 General Statutes. The Town may, however, provide police, fire, and emergency medical
21 services to areas whose annexation has been deferred by this section.

22 **SECTION 2.(a)** The following described properties are added to the
23 corporate limits of the Town of Waxhaw:

TRACT 1.

24 LYING AND BEING in Sandy Ridge Township, Union County, North Carolina and
25 being more particularly described as follows:
26

27 To find the point or place of BEGINNING, commence at a point located at the
28 intersection of the centerline of N.C. Highway #16 and the centerline of the sixty-foot

1 (60') right-of-way of Cuthbertson Road (S.R. No. 1321) and proceed North 63-55-05
2 East a distance of 4193.55 feet to a railroad spike located on the centerline of the
3 aforesaid right-of-way of Cuthbertson Road, said railroad spike also being located on a
4 northern boundary line of that property owned by Rosly Pfister (now or formerly) as
5 described in that document recorded in Book 251 at Page 267 of the Union County
6 Public Registry, said railroad spike being the point or place of BEGINNING; running
7 thence from the point or place of BEGINNING along a portion of the aforesaid northern
8 boundary line of that property owned by Rosly Pfister South 69-30-00 West, passing a
9 3/4-inch iron rod located on the western margin of the aforesaid right-of-way of
10 Cuthbertson Road at a distance of 48.12 feet, a total distance of 809.62 feet to a 5/8-inch
11 iron rod in old stone pile located at a corner of that property owned by George E.
12 Holland and wife Joanne R. Holland (now or formerly); running thence along a northern
13 boundary line of that property owned by George E. Holland and wife, Joanne R.
14 Holland South 70-31-30 West a distance of 303.62 feet to an old 27-inch diameter
15 beech on east bank of the West Fork of Twelve Mile Creek, said beech also being
16 located at a corner of that property owned by Mrs. W. J. Lewis (now or formerly) as
17 described in that document recorded in Book 98 at Page 242, aforesaid Registry;
18 running thence along the boundary of the aforesaid property owned by Mrs. W. J. Lewis
19 North 04-13-50 West a distance of 159.68 feet to a point located in the creek channel of
20 the aforesaid West Fork of Twelve Mile Creek; running thence within the aforesaid
21 creek channel of the West Fork of Twelve Mile Creek and along the aforesaid boundary
22 of that property owned by Mrs. W. J. Lewis the following eleven (11) courses and
23 distances:

24 (1) North 18-41-10 East a distance of 307.71 feet to a point;
25 (2) North 27-05-20 West a distance of 141.60 feet to a point;
26 (3) North 19-32-00 West a distance of 164.90 feet to a point;
27 (4) North 07-42-30 West a distance of 166.13 feet to a point;
28 (5) North 08-27-00 East a distance of 114.94 feet to a point;
29 (6) North 24-26-40 West a distance of 289.60 feet to a point;
30 (7) North 41-49-20 West a distance of 250.93 feet to a point;
31 (8) North 46-18-40 West a distance of 200.33 feet to a point;
32 (9) North 21-22-40 West a distance of 242.32 feet to a point;
33 (10) North 37-21-30 West a distance of 661.79 feet to a point;
34 and (11) North 58-07-10 West a distance of 137.41 feet to a point; thence leaving the
35 aforesaid creek channel of the West Fork of Twelve Mile Creek and continuing along
36 the aforesaid boundary of that property owned by Mrs. W. J. Lewis the following four
37 (4) courses and distances: (1) North 84-59-00 West a distance of 59.23 feet to a 1-inch
38 iron rod (formerly a P.O. stump); (2) South 87-25-40 West a distance of 705.80 feet to a
39 3/4-inch iron in old stone pile; (3) North 19-24-00 West a distance of 413.43 feet to a
40 1-inch iron rod in stone pile (North 47 West a distance of 36 feet from spring); and (4)
41 North 58-17-30 East a distance of 774.01 feet to a 3/4-inch iron in mouth of spring
42 branch, said point also being located in the creek channel of Big Branch; running thence
43 within the aforesaid creek channel of Big Branch and continuing along the aforesaid
44 boundary of that property owned by Mrs. W. J. Lewis the following four (4) courses and

1 distances: (1) South 46-10-30 East a distance of 84.16 feet to a point; (2) South
2 77-41-50 East a distance of 168.53 feet to a point; (3) North 64-31-50 East a distance of
3 134.22 feet to a point; and (4) North 27-06-50 East a distance of 95.57 feet to a point
4 located in the aforesaid creek channel of the West Fork of Twelve Mile Creek; running
5 thence within the aforesaid creek channel of the West Fork of Twelve Mile Creek and
6 continuing along the aforesaid boundary of that property owned by Mrs. W. J. Lewis the
7 following seven (7) courses and distances:

8 (1) North 81-42-30 West a distance of 83.00 feet to a point;

9 (2) North 41-30-10 West a distance of 135.63 feet to a point;

10 (3) North 76-16-10 West a distance of 49.21 feet to a point;

11 (4) North 16-47-40 East a distance of 57.07 feet to a point;

12 (5) North 67-43-30 East a distance of 135.16 feet to a point;

13 (6) North 59-29-20 East a distance of 268.53 feet to a point; and

14 (7) North 82-57-50 East a distance of 117.06 feet to a 1/2-inch iron rod in large rock
15 outcropping in creek; thence leaving the aforesaid creek channel of the West Fork of

16 Twelve Mile Creek and continuing along the aforesaid boundary of that property owned
17 by Mrs. W. J. Lewis the following four (4) courses and distances: (1) South 70-13-00

18 East a distance of 520.85 feet to a 3/4-inch iron rod in stone pile; (2) North 12-21-20
19 East a distance of 454.27 feet to a 3/4-inch iron rod in stone pile (1-foot northwest of a

20 white maple); (3) North 62-06-30 East a distance of 322.50 feet to a 3/4-inch iron rod
21 with stones on bank on south side of drain; and (4) North 51-36-00 East a distance of

22 72.75 feet to the highest point on northernmost rock of rock outcropping in creek, said
23 point being located within the aforesaid creek channel of the West Fork of Twelve Mile

24 Creek; thence running within the aforesaid creek channel of the West Fork of Twelve
25 Mile Creek and continuing along the aforesaid boundary of that property owned by Mrs.

26 W. J. Lewis the following three (3) courses and distances: (1) North 11-55-00 West a
27 distance of 361.95 feet to a 5/8-inch iron rod in creek; (2) North 07-20-00 West a

28 distance of 350.47 feet to a 5/8-inch iron rod in creek; and (3) North 11-10-00 East a
29 distance of 260.36 feet to a 5/8-inch iron rod in creek; thence leaving the aforesaid creek

30 channel of the West Fork of Twelve Mile Creek and continuing along the aforesaid
31 boundary of that property owned by Mrs. W. J. Lewis North 02-39-00 West a distance

32 of 268.20 feet to a 3/4-inch iron rod in stone pile in old road bed; running thence South
33 65-50-40 East a distance of 1554.55 feet to a 5/8-inch iron rod in old stone pile at fence

34 corner, all or a part of which line adjoins a boundary of that property owned by W. J.
35 Lewis Heirs (now or formerly) as described in that document recorded in Book 109 at

36 Page 631, aforesaid Registry (Correction Deed referring to that document recorded in
37 Book 105 at Page 20, aforesaid Registry) and as shown on plat recorded in Plat Book 3

38 at Page 9, aforesaid Registry; thence continuing along the aforesaid boundary of that
39 property owned by W. J. Lewis Heirs the following two (2) courses and distances: (1)

40 South 18-31-30 West a distance of 1929.96 feet to an old 3/4-inch square shaft in stone
41 pile at fence corner; and (2) South 86-30-00 East, passing a 3/4-inch iron rod with

42 stones located on the western margin of the aforesaid right-of-way of Cuthbertson Road
43 at a distance of 891.88 feet, a total distance of 922.37 feet to a railroad spike located on

44 the centerline of the aforesaid right-of-way of Cuthbertson Road; thence continuing

1 along a portion of the aforesaid boundary of that property owned by W. J. Lewis Heirs
2 and a boundary line of that property owned by James A. Mullis and wife, Nancy F.
3 Mullis (now or formerly) as shown on that plat recorded in Plat Book 3 at Page 9,
4 aforesaid Registry the following four (4) courses and distances: (1) South 86-30-00
5 East, passing a 1/2 inch iron rod located on the eastern margin of the aforesaid
6 right-of-way of Cuthbertson Road at a distance of 30.49 feet, a total distance of 1669.81
7 feet to an old 3/4-inch square shaft; (2) North 25-23-30 West a distance of 305.26 feet
8 to an old 3/4-inch square shaft; (3) North 35-27-30 East a distance of 180.09 feet to an
9 old 1-inch strap iron; and (4) North 37-15-00 East a distance of 145.48 feet to an old
10 1-1/2-inch diameter iron pipe located at a southern corner of that property owned by
11 William E. Farmer and wife, Barbara L. Farmer (now or formerly) as described in that
12 document recorded in Book 363 at Page 525, aforesaid Registry; running thence along a
13 southeastern boundary line of the aforesaid property owned by William E. Farmer and
14 wife, Barbara L. Farmer and along the southeastern boundary line of those properties
15 owned by (1) Frank Forest (now or formerly) as described in that document recorded in
16 Book 363 at Page 598, aforesaid Registry, (2) Lyle Dean (now or formerly), (3) Lyle
17 Dean and wife, Winnie Mae D. Dean (now or formerly) as described in that document
18 recorded in Book 214 at Page 583, aforesaid Registry, and (4) Samuel B. Boatright and
19 wife, Velma S. Boatright as described in that document recorded in Book 137 at Page
20 491, aforesaid Registry North 35-33-40 East a distance of 1510.41 feet to a 3/4-inch
21 iron rod in old stone pile by a dead black Jack, said iron rod also being located at a
22 western corner of that property owned by Carole E. Bookhart (now or formerly) as
23 described in that document recorded in Will Book 83-E at Page 227 of the Office of the
24 Clerk of Superior Court of Union County; running thence along the boundary of the
25 aforesaid property owned by Carole E. Bookhart the following three (3) courses and
26 distances: (1) South 66-39-10 East a distance of 548.59 feet to a 3/4-inch iron rod in old
27 stone pile on west edge of old road; (2) South 07-29-40 East a distance of 827.67 feet to
28 a 3/4-inch iron rod by an old stone in fork of road (formerly a pine stump); (3) South
29 42-55-30 East a distance of 1006.06 feet to a 3/4-inch iron rod in stone pile located at
30 the northwesternmost corner of that property known as a "church lot" (no deed found);
31 running thence along the boundary of the aforesaid "church lot" the following three (3)
32 courses and distances: (1) South 02-42-30 East a distance of 387.88 feet to a 3/4-inch
33 iron rod (formerly a stone); (2) North 89-33-40 East a distance of 505.87 feet to a
34 3/4-inch iron rod in old stone pile; and (3) North 28-24-20 West a distance of 141.52
35 feet to a 3/4-inch iron rod in old stone pile located on a boundary line of the aforesaid
36 property owned by Carole E. Bookhart; running thence along the aforesaid boundary of
37 that property owned by Carole E. Bookhart the following three (3) courses and
38 distances: (1) South 88-36-10 East a distance of 536.81 feet to a 3/4-inch iron rod in old
39 stone pile; (2) South 27-03-40 West a distance of 127.80 feet to a 3/4-inch iron rod in
40 old stone pile; and (3) South 04-36-30 East a distance of 418.91 feet to a 3/4-inch iron
41 rod on north bank (formerly a stone) of the East Fork of Twelve Mile Creek, said iron
42 rod also being located at a corner of that property owned by Harry H. Williams (now or
43 formerly) as described in that document recorded in Book 414 at Page 917, aforesaid
44 Registry; running thence within the aforesaid creek channel of the East Fork of Twelve

1 Mile Creek and along the aforesaid boundary of that property owned by Harry H.
2 Williams and along the boundary of those properties owned by (1) Jack T. Hamilton
3 and wife, Paula B. Hamilton (now or formerly) as described in that document recorded
4 in Book 299 at Page 648 (Tract I), aforesaid Registry, and (2) William Carl Bennett as
5 described in that document recorded in Book 253 at Page 408, aforesaid Registry the
6 following fifteen (15) courses and distances:

7 (1) South 80-35-50 West a distance of 603.74 feet to a point;

8 (2) South 20-09-50 West a distance of 97.68 feet to a point;

9 (3) South 22-32-50 East a distance of 346.19 feet to a point;

10 (4) South 09-34-10 East a distance of 179.36 feet to a point;

11 (5) South 36-52-00 West a distance of 85.82 feet to an old 1-inch iron shaft located
12 at a western corner of that property owned by Harry Hood Williams (now or formerly)
13 as described in that document recorded in Book 213 at Page 567, aforesaid Registry;

14 (6) South 54-38-20 West a distance of 373.52 feet to a point;

15 (7) South 73-42-00 West a distance of 109.41 feet to a point;

16 (8) South 84-49-00 West a distance of 202.57 feet to a point;

17 (9) North 80-39-40 West a distance of 136.33 feet to a point;

18 (10) North 38-25-30 West a distance of 140.71 feet to a point;

19 (11) North 25-26-30 West a distance of 191.44 feet to a point;

20 (12) South 81-57-30 West a distance of 72.48 feet to a point;

21 (13) South 27-30-20 West a distance of 217.04 feet to a point;

22 (14) South 47-16-10 West a distance of 827.69 feet to a point;

23 and (15) South 37-49-20 West a distance of 114.60 feet to a point located at a corner of

24 that property owned by Mrs. Bleeka Boatright (now or formerly) as described in that
25 document recorded in Book 100 at Page 519, aforesaid Registry; thence running along

26 the boundary of the aforesaid property owned by Mrs. Bleeka Boatright the following

27 five (5) courses and distances: (1) North 47-48-50 West a distance of 33.87 feet to a

28 3/4-inch iron rod on north bank (formerly a stone) of the East Fork of Twelve Mile

29 Creek; (2) North 47-48-50 West a distance of 1282.39 feet to the highest point of two

30 old Negro head rocks; (3) North 48-06-10 West a distance of 392.62 feet to the highest

31 point of two old Negro head rocks; (4) South 43-59-30 West a distance of 543.38 feet to

32 a 3/4-inch iron rod in stone pile (formerly a P.O. stump); (5) South 69-30-00 West a

33 distance of 1553.68 feet to an axle (set) located at a corner of that property owned by

34 Rosly Pfister (now or formerly) as described in that document recorded in Book 251 at

35 Page 267, aforesaid Registry; running thence along a portion of a boundary line of that

36 property owned by Rosly Pfister South 69-30-00 West, passing a 3/4-inch iron rod

37 located on the eastern margin of the aforesaid right-of-way of Cuthbertson Road at a

38 distance of 333.14 feet, a total distance of 381.26 feet to a railroad spike located in the

39 centerline of the right-of-way of Cuthbertson Road, said railroad spike being located at

40 the point or place of BEGINNING and containing 462.828 acres as shown on that

41 certain survey entitled "Map Showing Boundary Survey for Cuthbertson Road Joint

42 Venture" dated September 3, 1976, last revised October 15, 1990, and prepared by

43 William A. Soiset, Registered Land Surveyor, RLS-1415, reference to which survey is

44 hereby made for a more particular description.

1 Note: All points in creek channel are referenced from 5/8-inch iron rods in stone piles
2 on survey traverse line, as indicated on the above-referenced survey.

3 TRACT 2.

4 LYING AND BEING in Sandy Ridge Township, Union County, North Carolina and
5 being more particularly described as follows:

6 To find the point or place of BEGINNING, commence at that point located at the
7 intersection of the centerline of the right-of-way of N.C. Highway #16 and the
8 centerline of the sixty-(60) foot right-of-way of Cuthbertson Road (S.R. No. 1321) and
9 proceed North 63-55-05 East a distance of 4193.55 feet to a railroad spike located on
10 the centerline of the aforesaid right-of-way of Cuthbertson Road, said railroad spike
11 also being located on a boundary line of that property owned by Harry DeLaney (now
12 or formerly) as described in that document recorded in Book 430 at Page 836 of the
13 Union County Public Registry; thence leaving the centerline of the aforesaid
14 right-of-way of Cuthbertson Road and continuing along the aforesaid boundary line of
15 that property owned by Harry DeLaney North 69-30-00 East, passing a 3/4-inch iron
16 rod located on the eastern margin of the aforesaid right-of-way of Cuthbertson Road at a
17 distance of 48.12 feet, a total distance of 381.26 feet to an axle (set), said axle (set)
18 being the point or place of BEGINNING; running thence from said beginning Point
19 along the aforesaid boundary line of that property owned by Harry Delaney the
20 following four (4) courses and distances: (1) North 69-30-00 East a distance of 1553.68
21 feet to a 3/4-inch rod in stone pile (found); (2) North 43-59-30 East a distance of 543.38
22 feet to the highest point of two old Negro head rocks; (3) South 48-06-10 East a
23 distance of 392.62 feet to the highest point of two old Negro head rocks; and (4) South
24 47-48-50 East, passing a 3/4-inch iron rod on North Bank (found) at a distance of
25 1282.39 feet, a total distance of 1316.26 feet to a point located in the centerline of the
26 East Fork of Twelve Mile Creek, said point also being located on the boundary of that
27 property owned by William Carl Bennett (now or formerly) as described in that
28 document recorded in Book 253 at Page 408, aforesaid Registry; running thence along
29 the centerline of the aforesaid East Fork of Twelve Mile Creek and along the boundary
30 of the aforesaid property owned by William Carl Bennett and the boundaries of Lots 22
31 and 21 of Eastfield Plantation as shown on that plat recorded in Plat Cabinet B at File
32 5A, aforesaid Registry the following seventeen (17) courses and distances:

- 33 (1) South 45-24-00 West a distance of 400.00 feet to a point;
34 (2) South 41-11-00 West a distance of 400.00 feet to a point;
35 (3) South 47-14-00 West a distance of 356.00 feet to a point;
36 (4) South 51-09-15 West a distance of 365.00 feet to a point;
37 (5) South 43-18-20 West a distance of 191.65 feet to a point;
38 (6) South 54-39-00 West a distance of 40.00 feet to a point;
39 (7) South 77-42-30 West a distance of 61.41 feet to a point;
40 (8) North 81-23-00 West a distance of 194.34 feet to a point;
41 (9) North 61-57-00 West a distance of 47.28 feet to a stone outcropping at west end
42 of remains of old dam;
43 (10) North 5-03-00 West a distance of 205.97 feet to a point;
44 (11) North 61-26-15 East a distance of 106.00 feet to a point;

1 ,(12) North 18-41-45 West a distance of 77.00 feet to a point;
2 (13) South 73-42-15 West a distance of 222.00 feet to a point;
3 (14) North 87-24-45 West a distance of 235.00 feet to a point;
4 (15) North 73-50-45 West a distance of 152.00 feet to a point;
5 (16) South 73-29-15 West a distance of 107.00 feet to a point;
6 and (17) South 45-29-15 West a distance of 75.43 feet to a point located on the
7 boundary of that property owned by Rosly Pfister (now or formerly) as described in that
8 document recorded in Book 251 at Page 267, aforesaid Registry; running thence along
9 the aforesaid boundary of that property owned by Rosly Pfister the following five (5)
10 courses and distances: (1) North 68-41-00 West a distance of 54.36 feet to a P.K. nail
11 (set) in fissure in large rock; (2) North 68-41-00 West a distance of 696.83 feet to a hole
12 (set) in large stone; (3) North 11-00-00 West a distance of 530.00 feet to a 3/4-inch iron
13 rod (set); (4) North 4-02-00 East a distance of 165.00 feet to a 3/4-inch iron rod (set);
14 and (5) North 17-00-00 West a distance of 202.81 feet to an axle (set), said axle being
15 located at the point or place of BEGINNING and containing 95.339 acres (total) as
16 shown on that certain survey entitled "Map Showing a Boundary Survey for
17 Cuthbertson Road Joint Venture" dated November 2, 1990, revised November 30, 1990,
18 and prepared by William A. Soiset, RLS-1415, reference to which survey is hereby
19 made for a more particular description.

20 Note: Bearings oriented with a line described in Deed Book 430, P. 836, as indicated
21 on the above-referenced survey.

22 **SECTION 2.(b)** This section applies only to the Town of Waxhaw and is
23 effective when it becomes law. If Senate Bill 452, 2003 Regular Session, becomes law,
24 the provisions of G.S. 160A-58.1(b)(2) as enacted by that act for application in Union
25 County do not apply to the property annexed by this section, and instead the general law
26 provisions of G.S. 160A-58.1(b)(2) will apply.

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