

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**D**

**SENATE DRS55244-LMx-125 (5/11)**

Short Title: Incorporate Wallburg.

(Local)

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Sponsors: Senator Bingham.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

The General Assembly of North Carolina enacts:

**SECTION 1.** A Charter for the Town of Wallburg is enacted to read:

"CHARTER OF THE TOWN OF WALLBURG.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Wallburg are a body corporate and politic under the name 'Town of Wallburg'. The Town of Wallburg has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Wallburg are as follows:

Beginning at a point in the centerline intersection of Secondary Road #1730 (Wallburg/Union Cross Road) and running thence in an easterly direction following the Forsyth County/Davidson County line to the northwest corner of PIN# 6862-02-69-9020; thence along the western boundary of PIN# 6862-02-69-9020; thence in a southerly direction along the western boundary of PIN # 6862-02-78-0144; thence in a southerly direction along the western boundary of PIN # 6862-02-77-0331 and easterly direction along the southern boundary of PIN # 6862-02-77-0331; thence in a northerly direction along the western boundary of PIN # 6862-02-86-4846 and easterly along the northern boundary of the following three parcels, (1) PIN # 6862-02-86-4846, (2) PIN # 6862-02-86-7823, (3) PIN # 6862-02-96-3711; thence in a southerly direction along the eastern boundary of the following two parcels, (1) PIN # 6862-02-96-3711, (2) PIN # 6862-02-96-2045 to the northern boundary of PIN # 6862-02-95-4143; thence in a westerly, southerly, and easterly direction along PIN # 6862-02-95-4143 to the centerline intersection of Secondary Road # 1733 (Georgetown Road); thence along the

1 eastern and southern boundary of PIN # 6862-04-84-9252 to the northeast corner of  
2 PIN # 6862-04-74-2013 and in a southerly direction along the eastern boundary and  
3 westerly along the southern boundary of PIN # 6862-04-74-2013 to the northeast corner  
4 of PIN # 6862-04-73-8146; thence in a southerly direction along the PIN #  
5 6862-04-73-8146 to the northern boundary of PIN # 6862-04-72-8400; thence in an  
6 easterly direction along the northern boundary and in a southerly direction along the  
7 eastern boundary of PIN # 6862-04-72-8400 and in a southerly direction along the  
8 eastern boundary of the following 4 parcels, (1) PIN # 6862-04-92-2009, (2) PIN #  
9 6862-04-81-6713, (3) PIN # 6862-04-81-3468, (4) PIN # 6862-04-81-4199 to the  
10 southwest corner of PIN # 6862-04-91-6241; thence in an easterly direction along the  
11 southern boundary and in a northerly direction along the eastern boundary of PIN #  
12 6862-04-91-6241 to the northwest corner of PIN # 6872-03-00-2722; thence in an  
13 easterly and southerly direction along the northern and eastern boundary of PIN #  
14 6872-03-00-2722 to the centerline intersection of Secondary Road # 1741  
15 (Wallburg-High Point Road) and running thence in an easterly direction, along the  
16 centerline of Wallburg-High Point Road to the northeast corner of PIN #  
17 6871-01-19-5161; thence in a southerly direction along the eastern boundary and  
18 westerly along the southern boundary of PIN # 6871-01-19-5161 and westerly along the  
19 southern boundary of PIN # 6871-01-18-0987 to the boundary of PIN #  
20 6871-01-08-8339; thence in a southerly direction along the eastern boundary of PIN #  
21 6871-01-08-8339 and southerly along the eastern boundary and westerly along the  
22 southern boundary of PIN # 6871-01-08-6182; thence in a westerly direction along the  
23 southern boundary of the following 4 parcels, (1) PIN # 6871-01-08-2334, (2) PIN #  
24 6861-02-98-9167, (3) PIN # 6861-02-98-8359, (4) PIN # 6861-02-98-7437 and  
25 northerly along the western boundary of PIN # 6861-02-98-6556 and continuing in a  
26 northerly direction along the eastern boundary of PIN # 6861-02-88-7858 to the  
27 centerline intersection of Secondary Road # 1741 (Wallburg-High Point Road); thence  
28 continuing on from the centerline intersection of Wallburg-High Point Road in a  
29 northerly direction along the eastern boundary of PIN # 6862-04-80-2633 to the  
30 southern boundary of PIN # 6862-04-81-4199; thence in a westerly direction along the  
31 northern boundary of PIN # 6862-04-80-2633 to the centerline intersection of  
32 Secondary Road #1741 (Wallburg-High Point Road) and thence from the center line  
33 intersection of Wallburg-High Point Road in a westerly and southerly direction along  
34 the northern and western boundary of PIN # 6862-04-80-2633 and continuing westerly  
35 to the northwest corner of PIN # 6861-02-69-2593; thence continuing westerly,  
36 southerly and easterly along the boundary of PIN # 6861-02-69-2593 to the southwest  
37 corner of PIN # 6862-04-80-2633; thence in an easterly direction along the southern  
38 boundary of PIN # 6862-04-80-2633 and PIN # 6861-02-89-1437 to the boundary of  
39 PIN # 6861-02-88-7858 and continuing in a southerly direction along the western  
40 boundary of the following 3 parcels, (1) PIN # 6861-02-88-7858, (2) PIN #  
41 6861-02-87-2956, (3) PIN # 6861-02-87-2574 to the boundary of PIN #  
42 6861-02-76-6889; thence in a easterly and southerly along the northern and eastern  
43 boundary of PIN # 6861-02-76-6889 and continuing southerly along the eastern  
44 boundary of the following 4 parcels, (1) PIN # 6861-02-86-4378, (2) PIN #

1 6861-02-86-4264, (3) PIN # 6861-02-86-5006, (4) PIN # 6861-02-85-2672 and westerly  
2 along the southern boundary and northerly on the western boundary of PIN #  
3 6861-02-85-2672 to the southeast corner of PIN # 6861-02-75-8237; thence in a  
4 westerly direction along the southern boundary of the following 3 parcels, (1) PIN #  
5 6861-02-75-8237, (2) PIN # 6861-02-75-126, (3) PIN # 6861-02-65-3377 and  
6 continuing in a northerly direction along the western boundary of PIN #  
7 6861-02-65-3377 to the centerline intersection of Secondary Road # 1749 (Stoney  
8 Ridge Road); thence in a westerly direction along the centerline intersection of Stoney  
9 Ridge Road to the northeast corner of PIN # 6861-01-45-9232; thence in a southerly and  
10 westerly direction along the eastern and southern boundary of PIN # 6861-01-45-9232;  
11 thence in a southerly direction along the eastern boundary the following 2 parcels, (1)  
12 PIN # 6861-03-44-6877, (2) PIN # 6861-03-44-7508 to the centerline intersection of  
13 Secondary Road # 2995 (Johnson Road); thence continuing in a westerly direction to  
14 the centerline intersection of North NC Hwy 109; thence southerly direction on North  
15 NC Hwy 109 to the northeast corner of PIN # 6861-03-43-2478; thence westerly and  
16 southerly direction along the northern and western boundary of PIN # 6861-03-43-2478  
17 and southerly along the western boundary of PIN # 6861-03-42-3828; thence southerly  
18 direction along the eastern boundary of the following 10 parcels, (1) PIN #  
19 6861-03-32-7590, (2) PIN # 6861-03-32-8365, (3) PIN # 6861-03-32-8292, (4) PIN #  
20 6861-03-32-9132, (5) PIN # 6861-03-31-9977, (6) PIN # 6861-03-41-0802, (7) PIN #  
21 6861-03-41-0720, (8) PIN # 6861-03-41-0427, (9) PIN # 6861-03-41-0185, (10) PIN #  
22 6861-03-40-1971 to the centerline intersection of Secondary Road #2964 (Oak Street);  
23 thence in a southerly direction to southeast corner of PIN # 6861-03-40-0675; thence in  
24 a westerly direction along the southern boundary of PIN # 6861-03-40-0675; thence in a  
25 westerly and then northerly direction along the boundary of PIN # 6861-03-30-9773 and  
26 thence in a northerly direction along the boundary of PIN # 6861-03-30-9849 to the  
27 centerline intersection of Secondary Road # 1997 (Eden Park Drive); continuing in a  
28 westerly direction along the southern boundary of PIN # 6861-03-30-6879 to the  
29 southeast corner of PIN # 6861-03-21-8461; thence in a northerly and westerly direction  
30 along the eastern and northern boundary of PIN # 6861-03-21-8461 continuing in a  
31 westerly and northerly direction along the boundary of PIN # 6861-03-22-2156; thence  
32 continuing in a northerly direction along the western boundary of the following 7  
33 parcels, (1) PIN # 6861-03-22-1365, (2) PIN # 6861-03-22-1418, (3) PIN #  
34 6861-03-22-0584, (4) PIN # 6861-03-22-0584, (5) PIN # 6861-03-22-0657, (6) PIN #  
35 6861-03-22-0716, (7) PIN # 6861-03-12-9848 to the centerline intersection of  
36 Secondary Road # 1751 (Shady Grove Church Road) and thence continuing in a  
37 westerly direction on Shady Grove Church Road to the southeast corner of PIN #  
38 6851-04-93-7638; thence in a northerly direction along the eastern boundary of PIN #  
39 6851-04-93-7638; thence in a westerly direction along the southwestern of PIN #  
40 6851-04-94-6468 to the southeast corner of PIN # 6851-02-95-0214; thence in a  
41 northerly and easterly direction along the eastern boundary of PIN # 6851-02-95-0214;  
42 thence in a southeasterly direction along the southwestern boundary of PIN #  
43 6861-03-24-0560 to the centerline intersection of Secondary Road # 1751 (Shady Grove  
44 Church Road); thence continuing in an easterly direction on Shady Grove Church Road

1 to the southwestern corner of PIN # 6861-03-34-3400; thence in a northerly direction  
2 along the western boundary of PIN # 6861-03-34-3400; thence in a westerly and  
3 northerly direction along the western boundary of PIN # 6861-03-33-1685 to the  
4 boundary of PIN # 6861-01-35-4668; thence in an easterly, northerly and westerly  
5 direction along the southern, eastern and northern boundary of PIN # 6861-01-35-4668  
6 to the southwestern corner of PIN # 6861-01-36-8115; thence in a northerly direction  
7 along the western boundary of the following 3 parcels, (1) PIN # 6861-01-36-8115, (2)  
8 PIN # 6861-01-36-9371, (3) PIN # 6861-01-36-9523; thence in an easterly direction  
9 along the northern boundary of PIN # 6861-01-36-9523 to the southwestern corner of  
10 PIN # 6861-01-46-0617; thence in a northerly and easterly direction along the western  
11 and northern boundary of PIN # 6861-01-46-0617 to the centerline intersection of North  
12 NC Hwy 109; thence continuing in a northerly direction on North NC Hwy 109 to the  
13 southeast corner of PIN # 6861-01-39-6482; thence in a northerly direction along the  
14 eastern boundary of PIN # 6861-01-39-6482; thence in a northerly, westerly and  
15 easterly direction along the eastern boundary of PIN # 6862-03-32-0247; thence in a  
16 northwesterly direction along the northern boundary of PIN # 6862-03-32-0247 to the  
17 southeast corner boundary of PIN # 6862-03-34-4226; thence continuing in a westerly  
18 and southerly direction along the northern and western boundary of PIN #  
19 6862-03-34-4226; thence in a southerly and westerly direction along the northern  
20 boundary of PIN # 6862-03-32-0247 to the centerline intersection of Secondary Road  
21 #1773 (Motsinger Road); thence continuing in a southerly direction on Motsinger Road  
22 to the southwest corner of PIN # 6862-03-12-2667; thence continuing in a northerly,  
23 westerly, southerly and easterly direction along the eastern, northern and western  
24 boundary of PIN # 6852-04-72-6540 to the centerline intersection of Secondary Road  
25 #1700 (Friendship-Ledford Road); thence continuing in a southerly direction on  
26 Friendship-Ledford Road to the northeast corner of PIN # 6851-01-28-4557; thence in a  
27 westerly and northerly direction along the northern boundary of PIN # 6851-01-28-4557  
28 to the eastern boundary of PIN # 6852-03-11-0324; thence in a northerly direction along  
29 the eastern boundary of PIN # 6852-03-11-0324 to centerline intersection of Secondary  
30 Road #1711 (Gumtree Road); thence continuing across Gumtree Road to the southwest  
31 corner of PIN # 6852-03-23-1651; thence in a northerly and northeasterly direction  
32 along the western and northern boundary of PIN # 6852-03-23-1651 to the centerline  
33 intersection of Secondary Road #1700 (Friendship-Ledford Road); thence continuing  
34 across Friendship-Ledford Road in a northeasterly direction along the southeastern  
35 boundary of the following 3 parcels, (1) PIN # 6852-03-24-2274, (2) PIN #  
36 6852-03-24-6800, (3) PIN # 6852-03-24-8961 to the southeast corner boundary of PIN  
37 # 6852-01-25-8744; thence continuing in a northerly and easterly direction along the  
38 eastern boundary of PIN # 6852-01-25-8744 to the centerline intersection of Secondary  
39 Road #1711 (Gumtree Road); thence in a northeasterly direction on Gumtree Road to  
40 the northeast corner of PIN # 6852-01-16-7536; thence in a westerly direction along the  
41 northern boundary of PIN # 6852-01-16-7536 to the northeast corner of PIN #  
42 6852-01-06-2193; thence in a westerly and southern direction along the northern and  
43 western boundary of PIN # 6852-01-06-2193 to the centerline intersection of Secondary  
44 Road #1700 (Friendship-Ledford Road); thence continuing north on Friendship-Ledford

1 Road to southeast corner boundary of PIN # 6842-02-97-6174; thence in westerly  
2 direction along the southern boundary of PIN # 6842-02-97-6174; thence in a northerly  
3 direction along the western boundary of the following 6 parcels, (1) PIN #  
4 6842-02-97-6217, (2) PIN # 6842-02-97-6400, (3) PIN # 6842-02-97-5578, (4) PIN #  
5 6842-02-97-5745, (5) PIN # 6842-02-97-5817, (6) PIN # 6842-02-98-8101 to the  
6 centerline intersection of Secondary Road #1708 (Mt. Vernon Church Road); thence in  
7 a northeasterly direction along Mt. Vernon Church Road to the southwest corner  
8 boundary of PIN # 6842-02-98-8101; thence in a northerly direction along the western  
9 boundary of PIN # 6842-02-98-8101; thence in a northerly and easterly direction along  
10 the western and northern boundary of PIN # 6842-02-98-7532; thence in a easterly and  
11 northerly direction along the southern and eastern boundary of PIN # 6852-01-09-2040  
12 to the southeast corner of the southern boundary of PIN # 6852-01-09-9621; thence  
13 continuing in an easterly and northerly direction along the southern and eastern  
14 boundary of PIN # 6852-01-09-9621 to centerline intersection of Secondary Road  
15 #1709 (Rex Road); thence continuing in a northerly direction on Rex Road to the  
16 Forsyth/Davidson County line; thence following the Forsyth/Davidson County line in an  
17 easterly direction to the centerline intersection of Secondary Road #1730  
18 (Wallburg/Union Cross Road) which is the beginning.

19 All references to the PIN # herein are references to Davidson county tax map system as  
20 of March 17, 2003. A copy shall be maintained in the records of the town of Wallburg.

21 "Section 2.2. **Annexation.** (a) The Town of Wallburg shall not extend its boundaries  
22 into Forsyth County by annexation pursuant to Article 4A of Chapter 160A of the  
23 General Statutes.

24 (b) The Town of Wallburg shall not extend its boundaries in Davidson County by  
25 annexation east of the line shown on the map dated March 16, 2004, entitled "Proposed  
26 Town of Wallburg," as prepared by the City of High Point Department of Planning and  
27 Development. That line begins at the place where Abbots Creek Church Road (S.R.  
28 1734) intersects the Forsyth/Davidson County line; then south along Abbots Creek  
29 Church Road to its intersection with Moore Road (S.R. 1745); then west and south  
30 along Moore Road to its intersection with Mock Road (S.R. 1744); then south along  
31 Mock Road to its intersection with Old Greensboro Road (S.R. 1756); then west and  
32 south along Old Greensboro Road to N.C. Highway 109.

33 (c) G.S. 160A-58.1(b)(2) does not apply to the Town of Kernersville as it relates  
34 to the Town of Wallburg.

35 "ARTICLE III. GOVERNING BODY.

36 "Section 3.1. **Structure of Governing Body; Number of Members.** The governing  
37 body of the Town of Wallburg is the Mayor and Town Council, which shall have five  
38 members.

39 "Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial  
40 election in 2005 provided for by Section 4.1 of this Charter, Jack Craven is hereby  
41 appointed Mayor and Ronnie Bailey, Zane Hedgecock, Sue Martin, Daphne Rogers, and  
42 Mark Swaim are appointed Council Members of the Town of Wallburg, and they shall  
43 possess and exercise the powers granted to the governing body until their successors are  
44 elected or appointed and qualified pursuant to this Charter. If any person named in this

1 section is unable to serve, the remaining temporary officers shall, by majority vote,  
2 appoint a person to serve until the initial municipal election is held in 2005.

3 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified  
4 voters of the entire Town shall elect the members of the Town Council and, except as  
5 provided in this section, they shall serve four-year terms. In 2005, the two candidates  
6 receiving the highest numbers of votes shall be elected to four-year terms and the three  
7 candidates receiving the next highest numbers of votes shall be elected to two-year  
8 terms. In 2007, and quadrennially thereafter, three members shall be elected to four-year  
9 terms. In 2009, and quadrennially thereafter, two members shall be elected to four-year  
10 terms.

11 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified  
12 voters of the entire Town shall elect the Mayor. In 2005, and quadrennially thereafter,  
13 the Mayor shall be elected for a term of four years. The Mayor shall be the official head  
14 of Town government and shall preside at all meetings of the Council, shall have the  
15 right to vote only when there is an equal division on any question or matter before the  
16 Council, and shall exercise the powers and duties conferred by law or as directed by the  
17 Council.

18 "ARTICLE IV. ELECTIONS.

19 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a  
20 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

21 "ARTICLE V. ADMINISTRATION.

22 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town shall  
23 operate under the Mayor-Council form of government as provided in Part 3 of Article 7  
24 of Chapter 160A of the General Statutes.

25 "Section 5.2. **Town Attorney.** The Council shall appoint a Town Attorney licensed  
26 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent  
27 the Town, advise Town officials, and perform other duties as required by law or as  
28 directed by the Town Council. The Town Attorney shall serve at the pleasure of the  
29 Town Council.

30 "Section 5.3. **Town Clerk.** The Council shall appoint a Town Clerk who shall  
31 perform duties as required by law or as directed by the Town Council. The Town Clerk  
32 shall serve at the pleasure of the Council.

33 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

34 "Section 6.1. **Commencement of Tax Collection.** From and after the effective date  
35 of this act, the citizens and property in the Town of Wallburg shall be subject to  
36 municipal taxes levied for the year beginning July 1, 2004, and for that purpose the  
37 Town shall obtain from Davidson County a record of property in the area herein  
38 incorporated which was listed for property taxes as of January 1, 2004.

39 "Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year  
40 2004-2005 without following the timetable in the Local Government Budget and Fiscal  
41 Control Act, but shall follow the sequence of actions in the spirit of the act insofar as  
42 practical. For fiscal year 2004-2005, ad valorem taxes may be paid at par or face  
43 amount within 90 days of adoption of the budget ordinance and thereafter in accordance  
44 with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to

1 July 1, 2004, the Town may adopt a budget ordinance for fiscal year 2003-2004 without  
2 following the timetable in the Local Government Budget and Fiscal Control Act, but  
3 shall follow the sequence of actions in the spirit of the act insofar as practical. No ad  
4 valorem taxes may be levied for the 2003-2004 fiscal year.

5 "Section 6.3. **Ad Valorem Taxes.** The Town Council shall not increase the ad  
6 valorem tax rate more than \$0.10/\$100.00 valuation above the ad valorem tax rate  
7 established on the date of incorporation of the Town of Wallburg without the vote or  
8 consent of a majority of the qualified voters of the Town of Wallburg. The election on  
9 the question of increasing the ad valorem tax rate shall be conducted in accordance with  
10 G.S. 160A-209."

11 **SECTION 2.** The Davidson County Board of Elections shall conduct an  
12 election on a date set by the Board, to be not less than 60 nor later than 120 days after  
13 this act becomes law, for the purpose of submission to the qualified voters for the area  
14 described in Section 2.1 of the Charter of the Town of Wallburg the question of whether  
15 or not the area shall be incorporated as the Town of Wallburg. Registration for the  
16 election shall be conducted in accordance with G.S. 163-288.2.

17 **SECTION 3.** In the election, the question on the ballot shall be:

18  FOR  AGAINST

19 Incorporation of the Town of Wallburg."

20 **SECTION 4.** In the election, if a majority of the votes are cast "For the  
21 Incorporation of the Town of Wallburg", Section 1 of this act shall become effective on  
22 the date that the Davidson County Board of Elections certifies the results of the election.  
23 Otherwise, Section 1 of this act shall have no force and effect.

24 **SECTION 5.** This act is effective when it becomes law.