

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 286
Mar 6, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10141-LMx-7

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

Sponsors: Representatives Floyd and Richardson (Primary Sponsors).

Referred to:

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 a point; thence along the southern line of lots 529-530 of the aforementioned plat and continuing thence with the southern lines of Lots 531-537 as shown in that plat entitled Revision Tiffany



1 Pines Section Nine as recorded in Plat Book 56 Page 24 of the Cumberland County Registry and
2 continuing thence S 71° 47' 00" E 809.56 feet to the southeastern corner of Lot 537; thence along
3 the southern line of Lot 538 and a portion of Lot 539, N 54° 04' 22" E 240.32 feet to a point;
4 thence continuing with the southern line of Lot 539 and Lots 540-541, N 38° 48' 43" E 206.90
5 feet to the southeastern corner of Lot 541; thence along the southern City of Fayetteville property
6 line as described in Deed Book 5008 Page 11, Cumberland County Registry, S 50° 25' 17" E
7 129.96 feet to a point; thence along the southwestern line of the City of Fayetteville property as
8 described in Deed Book 5008 Page 16, S 43° 59' 09" W 223.16 feet to a point; thence along the
9 southern line of the aforesaid property, S 72° 34' 17" E 130.00 feet to an intersecting corner in
10 the western line of Lot 128 as shown on plat entitled Addition to Section One Tiffany Pines and
11 recorded in Plat Book 46, Page 2, Cumberland County Registry; thence S 20° 09' 01" W 34.98
12 feet to the southwestern corner of Lot 128; thence along the western line of Lots 30-32 as shown
13 in that plat entitled Tiffany Pines Section One and recorded in Plat Book 41 Page 43, Cumberland
14 County Registry, with the following courses and distances: S 25° 10' 01" W 95.02 feet to the
15 southwest corner of Lot 30; thence S 23° 58' 01" W 95.00 feet to the northwestern corner of Lot
16 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
17 southwest corner of Lot 32; thence S 04° 25' 50" W 57.64 feet to a point of tangency in the
18 northern line of Lot 44; thence with the northern line of Lot 44, S 64° 08' 01" W 64.66 feet to
19 the northwestern corner of said lot; thence along the western line of the same lot, S 26° 03' 55"
20 E 50.00 feet to an iron pipe in the northeastern corner of the Barnhill Contracting Company
21 property as shown on that plat entitled Property of Cumberland Paving Company n/k/a Barnhill
22 Contracting Company as recorded in Plat Book 133, Page 129, Cumberland County Registry;
23 thence along the northern line of the same property for the following courses and distances: S
24 65° 34' 24" W 661.28 feet to an iron pipe; thence S 40° 59' 00" E 15.96 feet to an existing steel
25 post; thence S 10° 45' 15" W 641.24 feet to an existing concrete monument; thence S 41° 22' 42"
26 W 328.82 feet to an iron pipe; thence S 56° 41' 38" W 366.81 feet to an iron pipe; thence S 54°
27 25' 39" W 148.89 feet to an existing iron stake; thence along the eastern line of Lot 45 as shown
28 in that plat entitled Northpoint Village and recorded in Plat Book 42, Page 57, Cumberland
29 County Registry, N 34° 55' 41" W 135.00 feet to the northeastern corner of Lot 45; thence along
30 the southern margin of Shaw Road, an 80 foot right-of-way, N 55° 04' 19" E 25.00 feet to a point;
31 thence crossing Shaw Road and continuing thence N 34° 55' 41" W 210.00 feet to the
32 northeastern corner of Lot 40; thence N 23° 51' 41" W 9.99 feet to a point in the southeastern
33 line of Lot 30; thence N 39° 00' 19" E 127.59 feet to a point on the eastern line of Lot 29; thence
34 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
35 feet to the northeastern corner of Lot 28; thence along the northern line of Lots 28,27,15,14,and
36 13, N 64° 04' 41" W 411.21 feet to the northernmost corner of Lot 13; thence along the
37 northwestern line of Lots 9-13, S 55° 04' 19" W 390.93 feet to a point in the western line of Lot
38 9; thence S 25° 57' 19" W 228.94 feet to the southwestern corner of Lot 8 said point also being
39 in the northern right-of-way margin of Meharry Drive; thence with the northern margin of
40 Meharry Drive, a 60 foot right-of-way, having a curve to the left, a radius of 560.52 feet, an arc
41 length of 60.05 feet, a chord bearing of N 68° 25' 31" W, and a chord length of 60.02 feet to a
42 point; thence crossing the right-of-way of Meharry Drive, S 25° 56' 19" W 191.47 feet to the
43 southwestern corner of Lot 7, also being the northernmost most corner of Lot 149 as shown on
44 that plat entitled University Estates Section 3 and recorded in Plat Book 38, Page 65, Cumberland
45 County Registry; thence N 87° 48' 41" W 131.25 feet to the northernmost corner of Lot 148;
46 thence S 70° 34' 19" W 141.83 to a point in the northern line of Lot 146; thence S 54° 44' 19" W
47 649.03 feet to westernmost corner of Lot 141; thence S 29° 45' 12" E 701.76 feet to the
48 northwestern corner of a lot conveyed to James W. McNeill and wife Dagmar, Deed Book 3318
49 Page 456, Cumberland County Registry, thence along the southern margin of Shaw Road having

1 a curve to the right and a radius of 1671.48 feet, an arc length of 98.99 feet, a chord bearing of
2 N 69° 14' 31" E, and a chord length of 98.98 feet to a point of tangency; thence following a curve
3 to the right having a radius of 25.00 feet, an arc length of 38.46 feet, a chord bearing S 68° 22'
4 58" E, and a chord length of 34.78 feet to a point; thence along the western margin of Edmeston
5 Drive S 24° 18' 39" E 41.33 feet to a point; thence following a curve to the left having a radius
6 of 569.41 feet, an arc length of 105.26 feet, a chord bearing S 29° 36' 24" E, and a chord length
7 of 105.11 feet to the northernmost corner of Lot 12 of that plat entitled University Estate Section
8 I and recorded in Plat Book 37, Page 7, Cumberland County Registry; thence along the
9 northwestern line of Lots 11 and 12, S 55° 05' 24" W 235.00 feet to the westernmost corner of
10 Lot 11; thence N 34° 58' 29" W 44.24 feet to the northernmost corner of the Colonial Pipeline
11 Company property described in Deed Book 1035, Page 269, Cumberland County Registry;
12 thence along the northwestern of the aforementioned property, S 68° 18' 55" W 200.78 feet to
13 the northernmost corner of the Motiva Enterprises, LLC property as described in Deed Book
14 4974, Page 550, Cumberland County Registry; thence along the northwestern line of the
15 aforementioned property S 67° 21' 18" W 195.85 feet to a point in the CSX railroad right-of-way;
16 thence following the CSX railroad right-of-way N 34° 43' 36" W 587.95 feet to a point; thence
17 crossing the CSX railroad right-of-way S 57° 44' 02" W 228.76 feet to a point in the western
18 right-of-way of Murchison Road, also known as NC Highway 210; thence following the western
19 margin of Murchison Road, S 31° 41' 07" E 338.05 feet to the northern margin of Shaw Road,
20 also known as SR 1437; thence following the northern margin of Shaw Road S 43° 44' 24" W
21 190.23 feet to a point; thence N 46° 26' 15" W 10.45 feet to a point; thence S 43° 44' 24" W
22 440.49 feet to a point; thence crossing the right-of-way of Shaw Road in a southeasterly direction
23 S 46° 15' 36" E 718.94 feet to the northeastern corner of Lot 32, Plat Book 29, Page 4,
24 Cumberland County Registry; thence along the American Mobile Home Supply property as
25 shown on that plat entitled Survey for American Mobile Home Supply and recorded in Plat Book
26 100, Page 71, Cumberland County Registry S 43° 34' 30" W 355.93 feet to the westernmost
27 corner; thence S 46° 27' 58" E 277.62 feet to the southeastern corner ; thence S 32° 13' 00" E
28 142.70 feet to a point of tangency; thence a following a curve to the left having a radius of 20.00
29 feet, an arc length of 31.33 feet, a chord bearing S 77° 04' 31" E, and a chord length of 28.22
30 feet to a point in the northern margin of Hogan Street (formerly Alpine Street); thence S 31° 59'
31 33" W 112.28 feet to a point of tangency in the southern margin of Hogan Street, also being the
32 northern line of Lot 58 as shown on that plat entitled Madonna Estates Section One as recorded
33 in Plat Book 36 Page 15, Cumberland County Registry; thence following a curve to the right,
34 having a radius of 257.40 feet, an arc length of 127.43 feet, a chord bearing S 76° 53' 34" W, and
35 a chord length of 126.13 feet to a point; thence N 87° 01' 27" W 89.45 feet to a point of tangency;
36 thence following a curve to the left having a radius of 384.14 feet, an arc length of 262.34 feet, a
37 chord bearing S 74° 43' 16" W and a chord length of 257.28 feet to the northwestern corner of
38 Lot 81 as shown on aforesaid plat and continuing thence along the western line of lots 81-92
39 with the following bearings and distances: S 32° 14' 36" E 136.53 feet to the southwestern corner
40 of Lot 81; thence N 57° 15' 21" E 5.00 feet to a the northwestern corner of Lot 82; thence S 32°
41 44' 36" E 130.00 feet to the southwestern corner of Lot 82; thence S 57° 15' 28" W 5.00 feet to
42 a point in the northwestern right-of-way of Prosser Court; thence S 32° 44' 36" E 464.84 feet to
43 the southwest corner of Lot 85; thence S 35° 21' 24" W 210.82 feet to the southwest corner of
44 Lot 88; thence S 50° 53' 24" W 93.41 feet to the southwest corner of Lot 89; thence S 17° 18' 24"
45 W 136.41 feet to a point of tangency in the northern right-of-way of Utopia Court; thence
46 following a curve to the left having a radius of 305.97 feet, an arc length of 43.74 feet, a chord
47 bearing N 76° 55' 03" W, and a chord length of 43.70 feet to a point in the northern margin of
48 Utopia Court; thence crossing Utopia Court and continuing thence S 08° 56' 24" W 185.43 feet
49 to the southwestern corner of Lot 91; thence N 79° 27' 36" W 66.98 feet to the northwestern

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

20 Area I

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

38 Area II

39 BEGINNING at a point in the Eastern right-of-way margin of Holland Street, said point also
40 being the northwest corner of Lot 19, Block "A", as shown on a plat entitled, "DIVISION OF
41 LOTS 17 & 18, BLOCK "A" OF SHAW HEIGHTS," duly recorded in Book of Plats 94, Page
42 163, Cumberland County Registry, and continuing thence North 54 degrees 42 minutes 40
43 seconds East 95.06 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 20.00
44 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 80.00 feet to a point; thence
45 South 35 degrees 10 minutes 00 seconds East 484.987 feet to a point; thence South 50 degrees
46 11 minutes 26 seconds West 100.33 feet to a point; thence South 49 degrees 08 minutes 00
47 seconds 95.53 feet to a point; thence North 35 degrees 10 minutes 00 seconds West 502.19 feet
48 to the POINT AND PLACE OF BEGINNING, and containing 2.21 Acres more or less. The total
49 size of the area annexed in this Section, excepting Areas I and II, is 630.89 acres, more or less.

50 **SECTION 1.(b)** If the City of Fayetteville exercises the extraterritorial powers
51 authorized in subsection (a) of this Section, the City shall provide a means of proportional

1 representation on the City's planning board for the residents of Shaw Heights in the manner
2 provided by G.S. 160A-362.

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

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

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