

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 286
Committee Substitute Favorable 4/29/19**

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

Sponsors:

Referred to:

March 7, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF FAYETTEVILLE TO EXERCISE
EXTRATERRITORIAL JURISDICTION OVER THE SHAW HEIGHTS 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 Pines Section Nine as recorded in Plat Book 56 Page 24 of the



1 Cumberland County Registry and continuing thence S 71° 47' 00" E 809.56 feet to the
2 southeastern corner of Lot 537; thence along the southern line of Lot 538 and a portion of Lot
3 539, N 54° 04' 22" E 240.32 feet to a point; thence continuing with the southern line of Lot 539
4 and Lots 540-541, N 38° 48' 43" E 206.90 feet to the southeastern corner of Lot 541; thence
5 along the southern City of Fayetteville property line as described in Deed Book 5008 Page 11,
6 Cumberland County Registry, S 50° 25' 17" E 129.96 feet to a point; thence along the
7 southwestern line of the City of Fayetteville property as described in Deed Book 5008 Page 16,
8 S 43° 59' 09" W 223.16 feet to a point; thence along the southern line of the aforesaid property,
9 S 72° 34' 17" E 130.00 feet to an intersecting corner in the western line of Lot 128 as shown on
10 plat entitled Addition to Section One Tiffany Pines and recorded in Plat Book 46, Page 2,
11 Cumberland County Registry; thence S 20° 09' 01" W 34.98 feet to the southwestern corner of
12 Lot 128; thence along the western line of Lots 30-32 as shown in that plat entitled Tiffany Pines
13 Section One and recorded in Plat Book 41 Page 43, Cumberland County Registry, with the
14 following courses and distances: S 25° 10' 01" W 95.02 feet to the southwest corner of Lot 30;
15 thence S 23° 58' 01" W 95.00 feet to the northwestern corner of Lot 32; thence S 24° 34' 01" W
16 64.44 feet to a point; thence S 02° 29' 01" W 99.35 feet to the southwest corner of Lot 32; thence
17 S 04° 25' 50" W 57.64 feet to a point of tangency in the northern line of Lot 44; thence with the
18 northern line of Lot 44, S 64° 08' 01" W 64.66 feet to the northwestern corner of said lot; thence
19 along the western line of the same lot, S 26° 03' 55" E 50.00 feet to an iron pipe in the northeastern
20 corner of the Barnhill Contracting Company property as shown on that plat entitled Property of
21 Cumberland Paving Company n/k/a Barnhill Contracting Company as recorded in Plat Book 133,
22 Page 129, Cumberland County Registry; thence along the northern line of the same property for
23 the following courses and distances: S 65° 34' 24" W 661.28 feet to an iron pipe; thence S 40°
24 59' 00" E 15.96 feet to an existing steel post; thence S 10° 45' 15" W 641.24 feet to an existing
25 concrete monument; thence S 41° 22' 42" W 328.82 feet to an iron pipe; thence S 56° 41' 38" W
26 366.81 feet to an iron pipe; thence S 54° 25' 39" W 148.89 feet to an existing iron stake; thence
27 along the eastern line of Lot 45 as shown in that plat entitled Northpoint Village and recorded in
28 Plat Book 42, Page 57, Cumberland County Registry, N 34° 55' 41" W 135.00 feet to the
29 northeastern corner of Lot 45; thence along the southern margin of Shaw Road, an 80 foot
30 right-of-way, N 55° 04' 19" E 25.00 feet to a point; thence crossing Shaw Road and continuing
31 thence N 34° 55' 41" W 210.00 feet to the northeastern corner of Lot 40; thence N 23° 51' 41" W
32 9.99 feet to a point in the southeastern line of Lot 30; thence N 39° 00' 19" E 127.59 feet to a
33 point on the eastern line of Lot 29; thence N 35° 53' 19" E 70.00 feet to a point in the eastern line
34 of Lot 29; thence N 26° 27' 41" W 175.58 feet to the northeastern corner of Lot 28; thence along
35 the northern line of Lots 28, 27, 15, 14, and 13, N 64° 04' 41" W 411.21 feet to the northernmost
36 corner of Lot 13; thence along the northwestern line of Lots 9-13, S 55° 04' 19" W 390.93 feet
37 to a point in the western line of Lot 9; thence S 25° 57' 19" W 228.94 feet to the southwestern
38 corner of Lot 8 said point also being in the northern right-of-way margin of Meharry Drive;
39 thence with the northern margin of Meharry Drive, a 60 foot right-of-way, having a curve to the
40 left, a radius of 560.52 feet, an arc length of 60.05 feet, a chord bearing of N 68° 25' 31" W, and
41 a chord length of 60.02 feet to a point; thence crossing the right-of-way of Meharry Drive, S 25°
42 56' 19" W 191.47 feet to the southwestern corner of Lot 7, also being the northernmost corner of
43 Lot 149 as shown on that plat entitled University Estates Section 3 and recorded in Plat Book 38,
44 Page 65, Cumberland County Registry; thence N 87° 48' 41" W 131.25 feet to the northernmost
45 corner of Lot 148; thence S 70° 34' 19" W 141.83 to a point in the northern line of Lot 146;
46 thence S 54° 44' 19" W 649.03 feet to westernmost corner of Lot 141; thence S 29° 45' 12" E
47 701.76 feet to the northwestern corner of a lot conveyed to James W. McNeill and wife Dagmar,
48 Deed Book 3318 Page 456, Cumberland County Registry, thence along the southern margin of
49 Shaw Road having a curve to the right and a radius of 1671.48 feet, an arc length of 98.99 feet,

1 a chord bearing of N 69° 14' 31" E, and a chord length of 98.98 feet to a point of tangency; thence
2 following a curve to the right having a radius of 25.00 feet, an arc length of 38.46 feet, a chord
3 bearing S 68° 22' 58" E, and a chord length of 34.78 feet to a point; thence along the western
4 margin of Edmeston Drive S 24° 18' 39" E 41.33 feet to a point; thence following a curve to the
5 left having a radius of 569.41 feet, an arc length of 105.26 feet, a chord bearing S 29° 36' 24" E,
6 and a chord length of 105.11 feet to the northernmost corner of Lot 12 of that plat entitled
7 University Estate Section I and recorded in Plat Book 37, Page 7, Cumberland County Registry;
8 thence along the northwestern line of Lots 11 and 12, S 55° 05' 24" W 235.00 feet to the
9 westernmost corner of Lot 11; thence N 34° 58' 29" W 44.24 feet to the northernmost corner of
10 the Colonial Pipeline Company property described in Deed Book 1035, Page 269, Cumberland
11 County Registry; thence along the northwestern of the aforementioned property, S 68° 18' 55"
12 W 200.78 feet to the northernmost corner of the Motiva Enterprises, LLC property as described
13 in Deed Book 4974, Page 550, Cumberland County Registry; thence along the northwestern line
14 of the aforementioned property S 67° 21' 18" W 195.85 feet to a point in the CSX railroad
15 right-of-way; thence following the CSX railroad right-of-way N 34° 43' 36" W 587.95 feet to a
16 point; thence crossing the CSX railroad right-of-way S 57° 44' 02" W 228.76 feet to a point in
17 the western right-of-way of Murchison Road, also known as NC Highway 210; thence following
18 the western margin of Murchison Road, S 31° 41' 07" E 338.05 feet to the northern margin of
19 Shaw Road, also known as SR 1437; thence following the northern margin of Shaw Road S 43°
20 44' 24" W 190.23 feet to a point; thence N 46° 26' 15" W 10.45 feet to a point; thence S 43° 44'
21 24" W 440.49 feet to a point; thence crossing the right-of-way of Shaw Road in a southeasterly
22 direction S 46° 15' 36" E 718.94 feet to the northeastern corner of Lot 32, Plat Book 29, Page 4,
23 Cumberland County Registry; thence along the American Mobile Home Supply property as
24 shown on that plat entitled Survey for American Mobile Home Supply and recorded in Plat Book
25 100, Page 71, Cumberland County Registry S 43° 34' 30" W 355.93 feet to the westernmost
26 corner; thence S 46° 27' 58" E 277.62 feet to the southeastern corner; thence S 32° 13' 00" E
27 142.70 feet to a point of tangency; thence following a curve to the left having a radius of 20.00
28 feet, an arc length of 31.33 feet, a chord bearing S 77° 04' 31" E, and a chord length of 28.22 feet
29 to a point in the northern margin of Hogan Street (formerly Alpine Street); thence S 31° 59' 33"
30 W 112.28 feet to a point of tangency in the southern margin of Hogan Street, also being the
31 northern line of Lot 58 as shown on that plat entitled Madonna Estates Section One as recorded
32 in Plat Book 36 Page 15, Cumberland County Registry; thence following a curve to the right,
33 having a radius of 257.40 feet, an arc length of 127.43 feet, a chord bearing S 76° 53' 34" W, and
34 a chord length of 126.13 feet to a point; thence N 87° 01' 27" W 89.45 feet to a point of tangency;
35 thence following a curve to the left having a radius of 384.14 feet, an arc length of 262.34 feet, a
36 chord bearing S 74° 43' 16" W, and a chord length of 257.28 feet to the northwestern corner of
37 Lot 81 as shown on aforesaid plat and continuing thence along the western line of Lots 81-92
38 with the following bearings and distances: S 32° 14' 36" E 136.53 feet to the southwestern corner
39 of Lot 81; thence N 57° 15' 21" E 5.00 feet to a the northwestern corner of Lot 82; thence S 32°
40 44' 36" E 130.00 feet to the southwestern corner of Lot 82; thence S 57° 15' 28" W 5.00 feet to a
41 point in the northwestern right-of-way of Prosser Court; thence S 32° 44' 36" E 464.84 feet to
42 the southwest corner of Lot 85; thence S 35° 21' 24" W 210.82 feet to the southwest corner of
43 Lot 88; thence S 50° 53' 24" W 93.41 feet to the southwest corner of Lot 89; thence S 17° 18' 24"
44 W 136.41 feet to a point of tangency in the northern right-of-way of Utopia Court; thence
45 following a curve to the left having a radius of 305.97 feet, an arc length of 43.74 feet, a chord
46 bearing N 76° 55' 03" W, and a chord length of 43.70 feet to a point in the northern margin of
47 Utopia Court; thence crossing Utopia Court and continuing thence S 08° 56' 24" W 185.43 feet
48 to the southwestern corner of Lot 91; thence N 79° 27' 36" W 66.98 feet to the northwestern
49 corner of Lot 92; thence S 16° 29' 24" W 150.00 feet to a point in the northern margin of Alpine

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

19 Area I

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

37 Area II

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