

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 251*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S251-PCS35373-RN-46

Short Title: Faison/ETJ Powers.

(Local)

Sponsors:

Referred to:

February 23, 2009

A BILL TO BE ENTITLED

AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE
POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA
EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE
LIMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Chapter 596 of the 1991 Session Laws reads as
rewritten:

"Sec. 2. In addition to the authority provided in G.S. 160A-360, the Town of Faison may
exercise the powers granted in Article 19 of Chapter 160A of the General Statutes in an area
beginning at the Town corporate limits at State Highway 403 West, extending one-half mile on
each side of the center line of State Highway 403, extending in a westerly direction to and
stopping at the midpoint of state highway 403, one-half mile west of the Interstate Highway 40
western right-of-way boundary. However, the Town of Faison may not exercise the powers
granted in Article 19 of Chapter 160A of the General Statutes in the following described area:

Located in Piney Grove Township, Sampson County, North Carolina: TRACT 1: Bowman
Tract:

BEGINNING at a point in the intersection of North Carolina Highway No. 403 with North
Carolina Secondary Road No. 1731; witnessed by a stone marker in the Northwestern edge of
the right-of-way of said roads; said intersection being located 2.8 miles as measured in a
Westwardly direction along North Carolina Highway No. 403 from Faison, North Carolina, and
running thence from the aforementioned point, the beginning corner, and with the center of
North Carolina Highway No. 403, North 75 degrees 36 min. West 4.45 chs., North 77 degrees
58 min. West 4.19 chs., and North 83 degrees 04 min. West 3.53 chs., to a point in the center of
said North Carolina Highway No. 403 witnessed by a stone marker in the Northern edge of the
right-of-way; thence leaving the center of said highway and running with the center line of an
old tram road, North 38 degrees 20 min. West 72.70 chs. to a stone marker in the center of said
tram road; thence leaving the old tram road, South 69 degrees 58 min. East 78.69 chs. to a stone
marker in a ditch; thence South 69 degrees 58 minutes East 1.00 chs. to a point in the center of
the aforementioned North Carolina Secondary Road No. 1731 witnessed by a stone marker in
the Northwestern edge of the right-of-way; thence with the center of said North Carolina
Secondary Road No. 1731, South 23 degrees 18 min. West 2.86 chs., and South 29 degrees 33
min. West 33.92 chs. to the beginning, containing 173.5 acres, more or less, and being the same
tract of land surveyed for Riegel Paper Corporation in March, 1961 by Charles V. Brooks, III,



* S 2 5 1 - P C S 3 5 3 7 3 - R N - 4 6 *

1 Registered Surveyor, plat of which survey is on record in Map Book 5 at Page 32 of the
2 Sampson County Registry. And being the same property as was conveyed in a deed from
3 Eleanor I. Bowman and husband, Eugene E. Bowman, to Riegel Paper Corporation dated May
4 10, 1961, recorded in Book 721 at page 506, Sampson County Registry; LESS AND EXCEPT
5 that certain 17.99 acres conveyed by Federal Paper Board Company, Inc. to the Department of
6 Transportation by instrument recorded September 14, 1992 in Book 1145 at Page 624,
7 Sampson County Registry, but TOGETHER WITH all of Grantor's right, title and interest in
8 and to all access rights retained in said instrument as described therein.

9 This description is taken from the deed from SP Forests L.L.C. to Sampson County
10 recorded in Sampson County in Book 1720 at page 806."

11 **SECTION 2.** Section 1 of this act shall be effective upon the adoption by Sampson
12 County of a zoning ordinance zoning the property exempted by Section 1 of this act from the
13 Town of Faison's extraterritorial jurisdiction. The ordinance must zone the subject property to
14 use for light industrial, distribution, light manufacturing, and commercial purposes and also
15 must be approved by ordinance of the Town of Faison. The approved county zoning ordinance
16 shall not be changed without the further approval by the Town of Faison by ordinance. If
17 approval of an ordinance by the county and city does not occur by July 1, 2010, this act expires.

18 **SECTION 3.** This act is effective when it becomes law, subject to the provisions of
19 Section 2 of this act.