

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1633
Committee Substitute Favorable 9/3/98
Committee Substitute #2 Favorable 9/9/98
Senate Finance Committee Substitute Adopted 9/17/98

Short Title: Spruce Pine Boundary Correction.

(Local)

Sponsors:

Referred to:

May 28, 1998

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN
2 ANNEXATION TO THE TOWN OF SPRUCE PINE AND TO CLARIFY THE
3 BOUNDARIES OF THE TOWN OF MOCKSVILLE BY ANNEXING AN AREA
4 WHOLLY SURROUNDED BY THE CORPORATE LIMITS, SOME OF WHICH
5 AN ACCURATE SURVEY HAS NOW SHOWN TO HAVE BEEN ANNEXED IN
6 1895 BUT NOT RECOGNIZED AS PART OF THE TOWN UNTIL A RECENT
7 SURVEY.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. (a) The corporate limits of the Town of Spruce Pine are reduced by
11 excluding any parcels which had not been billed for ad valorem taxes in 1997 which
12 were billed in 1998, as a result of a new survey discovering that these parcels were in
13 the area annexed by Chapter 27, Private Laws of 1921.

14 (b) Notwithstanding subsection (a) of this section, the owners of any of such
15 parcels may make written request to the Clerk of the Town of Spruce Pine that their
16 parcel remain in the corporate limits. Said request must be made no later than 15
17 February 1999. Upon receipt of such request or requests the Town of Spruce Pine may
18 by ordinance provide for all or part of those parcels (and any streets, roads and rights-
19 of-way used by those parcels for access) to be and remain within the corporate limits of
20 the Town of Spruce Pine. Upon the adoption of said ordinance those parcels included
21 within the Ordinance together with the streets, roads and rights-of-way included therein

1 shall be included within the corporate limits of the Town of Spruce Pine. Any such
2 Ordinance shall be adopted on or before June 30, 1999.

3 (c) Except as provided by Section 2 of this act, this section becomes effective
4 February 11, 1921, except that the areas covered by ordinance adopted under subsection
5 (b) of this section shall be considered to have been in the corporate limits only from and
6 after June 30, 1999.

7 Section 2. (a) Notwithstanding Section 1 of this act, the Town Council of the
8 Town of Spruce Pine may submit to an election of the registered voters living within the
9 corporate limits of the Town of Spruce Pine, including those registered voters within the
10 entire area described in Chapter 27, Private Laws of 1921, the question of whether or
11 not the corporate limits of that town shall remain as set out in Chapter 27, Private Laws
12 of 1921.

13 Any such election shall be called by resolution of the Town Council adopted
14 on or before February 15, 1999, and shall be conducted on a date no later than June 15,
15 1999. The election shall be held in accordance with general law, except if the election
16 is conducted at the same time as the 1998 general election, for the election called under
17 this section:

18 (1) In applying G.S. 163-33(8), "10 days" is substituted for "20 days", and
19 "10-day" is substituted for "20-day".

20 (2) If absentee ballots are otherwise allowed by law, the Town Council
21 may provide that absentee ballots shall not be used.

22 (b) The question on the ballot shall be:

23 **"[] YES [] NO**

24 Shall the corporate limits of the Town of Spruce Pine as established by Chapter 27,
25 1921 Private Laws of North Carolina, be changed by deleting from the corporate limits
26 all those parcels of real property which had not been billed for ad valorem taxes in 1997
27 which were billed in 1998, as a result of a new survey discovering that these parcels
28 were in the area annexed by Chapter 27, Private Laws of 1921?"

29 (c) Should the Town Council of the Town of Spruce Pine fail to call for such
30 special election by the February 15, 1999, deadline provided by subsection (a) of this
31 section, or should the election be held and the majority of votes be cast "YES" on the
32 question, then Section 1 of this act becomes effective in accordance with its terms.

33 (d) Should the election be held and the majority of votes are not cast "YES",
34 then Section 1 of this act is repealed and is of no effect, and the corporate limits of the
35 Town of Spruce Pine shall remain as described in Chapter 27, Private Laws of 1921,
36 except as changed by other acts of the General Assembly or in accordance with law.

37 Section 2.1. (a) The corporate limits of the Town of Mocksville are extended by
38 including the following described areas: All of Twinbrook Acres Subdivision, as shown
39 in Plat Book 5, Page 51, Davie County Registry (including right-of-way) which on
40 September 1, 1998, was entirely surrounded by the corporate limits of the Town.

41 (b) This section becomes effective June 30, 1999, and any area described in
42 subsection (a) of this section which might have also been annexed by Chapter 172,
43 Private Laws of 1895 shall be considered to be in the corporate limits of the Town only
44 from and after June 30, 1999.

1 Section 3. This act is effective when it becomes law.