

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1679

Short Title: Incorporate Ossipee.

(Local)

Sponsors: Representatives Allred, Cole, and Teague (Primary Sponsors).

Referred to: Finance.

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE INCORPORATION OF THE VILLAGE OF
2 OSSIPEE AND THE SIMULTANEOUS DISSOLUTION OF THE OSSIPEE
3 SANITARY DISTRICT.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** In accordance with G.S. 130A-81(1), the Town of Ossipee is
7 incorporated and the Ossipee Sanitary District is simultaneously dissolved.

8 **SECTION 2.** A Charter for the Town of Ossipee is enacted to read:

9 "CHARTER FOR THE TOWN OF OSSIPEE.

10 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

15 "ARTICLE II. CORPORATE BOUNDARIES.

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

18 A certain tract or parcel of land in Boone Station Township, Alamance County, North
19 Carolina, and described as follows:

20 BEGINNING at a point in the center line of Shepherd Road (SR No. 1554) and being
21 the southwest corner of Lot No. 8 of Tax Map 3, Block 50, running thence in a northerly
22 direction along the western line of said lot No. 8 approximately 2230 feet to a point in
23 the center of Reedy Fork Creek; running thence along the center line of Reedy Fork in
24 an easterly direction as it meanders approximately 2700 feet to a point in the center of
25 the new location of Old N. C. Highway No. 87; thence continuing along the centerline
26 of Reedy Fork Creek in a southeasterly direction as it meanders approximately 1450
27 feet to a point in the east right of way line of N.C. Highway No. 87; running thence
28 along the east, right of way line of N.C. Highway No. 87 in a southerly direction 1190
29 feet to a point and corner with Lot No. 8A of Tax Map 3, Block 52; running thence with

1 the north line of Lot No. 8A in a northeasterly direction 210 feet to a point comer with
2 Lot No. 8A; running thence with the east line of Lot Nos. 8A and 8 in a southerly
3 direction 396 feet to a point comer with Lot No. 8 and in the line of Lot No. 10 of Tax
4 Map 3, Block 52; running thence along the line of Lot No. 10 in a northeasterly
5 direction 272.79 feet to a point comer with Lot No. 10; thence along the east line of Lot
6 Nos. 10 and 12 in a southerly direction 664.58 to a point and corner between Lot Nos.
7 12 and 13 of Tax Map 3, Block 52; running thence along the east line of Lot No. 13 in a
8 southeast direction 384 feet to a point comer with Lot No. 13 and in the line of Lot No.
9 16B of Tax Map 3, Block 52; running thence along the line between Lot Nos. 13 and
10 16B in a southwesterly direction 84 feet to a point in the line Lot No. 13 and comer
11 between Lot Nos. 16A and 16B; running thence along the western line of Lot No. 16B
12 and the eastern line of Lot Nos. 16A, 44, 45, 46 and 16 in a southeasterly direction
13 approximately 641 feet to a point and corner between Lot Nos. 16 and 15; running
14 thence along the line between Lot Nos. 15 and 16B in a southeast direction 100 feet to a
15 point corner between Lot Nos. 15 and 16B and in the line of Lot No. 16C of Tax Map 3,
16 Block 52 and also being Lot No. 1 of the "Mattie Ireland Heirs Property," a plat of
17 which is recorded in Plat Book 42, at page 74 in the Alamance County Register of
18 Deeds office; thence crossing said Lot No. 16C of Tax Map 3, Block 52 in a southeast
19 direction approximately 25 feet to a point in the southern line of said Lot No. 16C and
20 the northern line of Lot No. 17 of Tax Map 3, Block 52; running thence along the
21 southern line of Lot No. 1 of the Mattie Ireland Heirs Property, a plat of which is
22 recorded in Plat Book 42, at page 74 and the northern line of Lot No. 17 of Tax Map 3,
23 Block 52 the following courses and distances: N 72° 58'04 " E approximately 460 feet to
24 an iron pipe; thence N 65° 14'42" E 376.89 feet to an iron pipe; thence N 88° 07' 10" E
25 1074.05 feet to an iron pipe; thence N 65° 27'03" E 474.34 feet to an iron pipe; thence S
26 57° 06' 16" E 538.36 feet to an iron pipe corner with Lot No. 2 of the Mattie Ireland
27 Heirs Property and Lot No. 17 of Tax Map 3, Block 52; running thence along the line of
28 said Lot No. 17 and Lot Nos. 2 and 3 of the Mattie Ireland Property S 01° 04'44" E
29 304.49 feet to an iron pipe in the line of Lot No. 3 of the Mattie Ireland Heirs Property
30 and being the southeast comer of Lot No. 17 of Tax Map 3, Block 52 and the northeast
31 comer of Lot No. 34 of Tax Map 3, Block 52A; running thence along the line between
32 Lot No. 34 of Tax Map 3, Block 52A and Lot No. 3 of the Mattie Ireland Heirs Property
33 S 02° 17'07" W 194.16 feet to a rock corner between said Lot No. 3 and in the line of
34 Lot No. 34 of Tax Map 3, Block 52A and the northwest corner of Lot No. 19 of Tax
35 Map 3, Block 52; running thence along the western line of Lot No. 19 of Tax Map 3,
36 Block 52 in a southern direction approximately 2180 feet to a point corner between Lot
37 Nos. 18D and 19 of Tax Map 3, Block 52; running thence along the northern line of Lot
38 No. 19 of Tax Map 3, Block
39 52 in a westerly direction approximately 1175 to a point in the centerline of N.C.
40 Highway No. 87; thence crossing N.C. Highway No. 87 and along the southern line of
41 Lot Nos. 18H and 18F in a westerly direction approximately 955 feet to a point corner
42 with Lot No. 18F of Tax Map 3, Block 52; thence with the line of Lot No. 18F in a
43 southwesterly direction 410.82 feet to a point; thence continuing along the line of Lot
44 No. 18F in a westerly direction 1000.84 feet to a point in the line of said Lot No. 18F

1 and corner with Lot No. 1 of Tax Map 3, Block 52; running thence along the western
2 line of Lot No. 18F in a northwest direction 270 feet to a point; thence continuing along
3 the western line of 18F in a northerly direction approximately 1,490 feet to a point in
4 the line of Lot No. 18F and being the southeast comer of Lot No. 41 of Tax Map 3,
5 Block 52; running thence along the southern line of Lot No. 41 in a westerly direction
6 approximately 730 feet to a point in the centerline of Elon-Ossipee Road; running
7 thence along the centerline of Elon-Ossipee Road in a northwesterly direction
8 approximately 630 feet to a point comer with Lot No. 34 of Tax Map 3 Block 52;
9 running thence along the south line of Lot No. 34 in a westerly direction 1268.82 feet to
10 a point in the line of Lot No. 1A of Tax Map 3, Block 50; running thence along the
11 western line of Lot Nos. 34 and 5E, of Tax Map 3, Block 52 in a northerly direction
12 approximately 850 feet to a point and comer with Lot No. 1A of Tax Map 3, Block 50;
13 running thence along the northern line of Lot No 1A in a westerly direction
14 approximately 1204 feet to a point in the centerline of Gibsonville-Ossipee Road;
15 running thence along the centerline of Gibsonville-Ossipee Road in a northeasterly
16 direction approximately 1,300 feet to a point at the intersection of Gibsonville-Ossipee
17 Road and Shepherd Road; running thence along the centerline of Shepherd Road in a
18 westerly direction approximately 650 feet to the POINT OF BEGINNING and
19 containing 573.74 acres, more or less.

20 "ARTICLE III. GOVERNING BODY.

21 "Section 3.1. **Structure of the Governing Body; Number of Members.** The
22 governing body of the Town of Ossipee shall be the Town Council which shall have
23 five members.

24 "Section 3.2. **Manner of Electing Council.** The qualified voters of the entire Town
25 shall elect the members of the Town Council and, except as provided in this section,
26 they shall serve four-year terms. In 2003, the three candidates receiving the highest
27 number of votes shall be elected to four-year terms and the two candidates receiving the
28 next highest number of votes shall be elected to two-year terms. In 2005, and
29 quadrennially thereafter, two members shall be elected to four-year terms. In 2007, and
30 quadrennially thereafter, three members shall be elected to four-year terms.

31 "Section 3.3. **Manner of Electing Mayor; Term of Office.** The Mayor shall be
32 appointed by the Town Council from among its own membership for a two-year term.
33 The Mayor shall have the right to vote on all questions that come through the Council.
34 The Mayor shall have no right to break a tie vote in which the Mayor participated.

35 "Section 3.4. **Residence of Members of Governing Body.** All members of the
36 governing body, whether elected or appointed, shall be registered voters who reside
37 within the corporate limits of the Town of Ossipee in order to qualify to take, hold, and
38 continue in office.

39 "Section 3.5. **Filling of Vacancies.** Vacancies occurring for any reason on the Town
40 Council shall be filled by appointment by the remaining members of the Council for the
41 remainder of the unexpired term.

42 "ARTICLE IV. ELECTIONS.

43 "Section 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a
44 nonpartisan basis and the results determined by a plurality of votes cast, as provided in

1 G.S. 163-292. The first municipal election shall be in 2003. Elections shall be
2 conducted by the Alamance County Board of Elections unless otherwise provided in
3 accordance with G.S. 163-285.

4 "ARTICLE V. ADMINISTRATION.

5 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Ossipee
6 will operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter
7 160A of the General Statutes. The Mayor shall have the same voting rights and
8 privileges and shall be subject to the same voting limitations and requirements as are
9 Council members under the general law.

10 "Section 5.2. **The Incorporation of the Town of Ossipee and Simultaneous**
11 **Dissolution of the Ossipee Sanitary District.** The incorporation of the Town of
12 Ossipee and simultaneous dissolution of the Ossipee Sanitary District shall become
13 effective on the second Monday of the month following the day results of the 2002
14 election are certified. The Ossipee Sanitary District shall take all actions necessary to
15 effect the transfer of the assets and liabilities of the Sanitary District to the Town of
16 Ossipee."

17 **SECTION 3.** The organizational meeting of the Town Council of the Town
18 of Ossipee shall be held at 7:00 P.M. on the second Monday of the month following
19 when the results of the 2002 election are certified. The transitional provisions of G.S.
20 130A-81(5)a. through g. shall apply to the Town of Ossipee and the Ossipee Sanitary
21 District. The members of the Board of the Ossipee Sanitary District shall be the
22 members of the Town Council until the organizational meeting following the 2003
23 municipal election when all their terms shall expire. They shall elect one of their
24 members to be Mayor until the organizational meeting following the 2003 municipal
25 election.

26 **SECTION 4.** From and after the effective date of this act, the citizens and
27 property in the Town of Ossipee shall be subject to municipal taxes levied for the fiscal
28 year beginning July 1, 2003, and for that purpose the Town shall obtain from Alamance
29 County a record of property in the area herein incorporated which is listed for taxes as
30 of January 1, 2003. The Town may adopt a budget ordinance for fiscal year 2002-2003
31 without following the timetable in the Local Governmental Budget and Fiscal Control
32 Act, but shall follow the sequence of actions in the spirit of the act insofar as is
33 practical. This act does not affect the property tax levy for the 2002-2003 fiscal year for
34 the Ossipee Sanitary District.

35 **SECTION 5.** The Alamance County Board of Elections shall conduct an
36 election on the date of the general election in 2002 for the purpose of submission to the
37 qualified voters for the area described in Section 2.1 of the Charter of the Town of
38 Ossipee, the question of whether or not the area shall be incorporated as the Town of
39 Ossipee. Registration for the election shall be conducted in accordance with G.S.
40 163-288.2.

41 **SECTION 6.** In the election, the question on the ballot shall be:

42 "[] FOR [] AGAINST
43 Incorporation of the Town of Ossipee".

1 **SECTION 7.** In the election, if a majority of the votes are cast "For the
2 Incorporation of the Town of Ossipee", Sections 1 through 4 of this act shall become
3 effective on the date that the Alamance County Board of Elections certifies the results
4 of the election. Otherwise, Sections 1 through 4 of this act shall have no force and
5 effect.

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