

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-76
SENATE BILL 1445**

AN ACT AUTHORIZING THE CITY OF GOLDSBORO AND THE GOLDSBORO-WAYNE AIRPORT AUTHORITY TO CONVEY BY PRIVATE NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Goldsboro may convey by private negotiation and sale, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in the following described property, known as the Goldsboro-Wayne Municipal Airport, to Wayne County:

BEGINNING at a point on the western right-of-way of Mt. Carmel Church Road and running southwesterly a distance of approximately 162 feet to the northwestern corner of 06-3612-17-7907; thence proceeding in a southwesterly direction a distance of approximately 612 feet to a point on the northern property line of 06-3612-07-5438; thence continuing along this line a distance of approximately 1,301 feet to the northwestern corner of 06-3612-06-0547; thence continuing along the line of 06-3612-06-0547 a distance of approximately 939 feet to a point on the northeastern corner of 06-3602-85-1420; thence from that point, continuing in a northwesterly direction a distance of approximately 783 feet to the northwestern corner of 06-3602-85-1420; thence continuing in a southwesterly direction a distance of approximately 1,051 feet to the northeastern property line of 06-3602-75-1582; thence extending in a northwesterly direction a distance of approximately 835 feet to the northwestern property line of 06-3602-75-1582; thence continuing in a southwesterly direction a distance of approximately 229 feet to the southwestern corner of 06-3602-75-1582; thence continuing in a southeasterly direction a distance of approximately 842 feet to a point near the northwestern corner of 06-3602-74-2736; thence extending in a southwesterly direction a distance of approximately 637 feet to a point on the property line of 06-3602-74-2736; thence turning and extending northwesterly a distance of approximately 1,003 feet to the northwestern corner of 06-3602-64-5889; thence extending in a southwesterly direction a distance of approximately 1,092 feet to the eastern right-of-way line of Airport Road; thence running in a southerly direction along the eastern right-of-way of Airport Road a distance of approximately 37 feet to the southwestern corner of 06-3602-64-5889; thence turning and extending northwesterly a distance of approximately 442 feet to a point on the southern property line of 06-3602-64-5889; then continuing in a southeasterly direction a distance of approximately 966 feet to a point on the southern property line of 06-3602-64-5889; thence continuing in a southerly direction a distance of approximately 547 feet to a point on the northern right-of-way of Aviation Road; thence turning and extending in a northeasterly direction a distance of approximately 388 feet to the southeastern corner of 06-3602-74-2736; thence turning and extending along the right-of-way terminus for Aviation Road a distance of approximately 68 feet to the northeastern property line of 06-3602-63-5707; thence turning and extending in a southwesterly direction a distance of approximately 1,325 feet to a point on the northwestern corner of 06-3602-63-5707; thence turning and proceeding in southwesterly direction a distance of approximately 109 feet to the western property line of 06-3602-63-5707; thence proceeding southeasterly a distance of approximately 1,331 feet to a point on the southern line of 06-3602-63-5707; thence turning and extending in a southwesterly direction a distance of approximately 989 feet; thence turning and extending in a southeasterly direction a distance of approximately 48 feet; thence turning and extending in a southwesterly direction a distance of approximately 915 feet to the southwestern property corner of 06-3602-62-7208; thence turning and extending in a



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southeasterly direction a distance of approximately 930 feet; thence turning and extending in a northerly direction a distance of approximately 60 feet; thence turning and following the southern property line of 06-3602-62-7208 in a southeasterly direction a distance of approximately 343 feet; thence extending in a northeasterly direction a distance of approximately 1,976 feet to a point on the eastern property line of 06-3602-72-4566; thence extending in a southeasterly direction a distance of 548 ft. to the eastern property line of 06-3602-72-1121; then turning and extending in a northwesterly direction a distance of approximately 536 ft. to a point on the eastern property line of 06-3602-62-7208; thence turning and extending in a northeasterly direction a distance of approximately 821 feet to the northeastern corner of 06-3602-62-7208; thence turning and extending in a westerly direction a distance of approximately 70 ft. to a point at the southeastern corner of 06-3602-84-3207; thence continuing in a northerly direction a distance of approximately 2,255 ft. to the southeastern property corner of 06-3602-95-7457; thence continuing in a northeasterly direction a distance of approximately 1,918 ft. to a point in the eastern property line of 06-3612-06-0547; thence continuing in a northeasterly direction a distance of approximately 1,271 ft. to the southwestern property corner of 06-3612-17-7907; thence continuing on the line a distance of approximately 203 ft. to the western right-of-way of Mt. Carmel Church Road; thence turning and extending a distance of approximately 755 ft. to the point of beginning and containing approximately 12,605,392 sq. ft., or 289.38 acres, more or less.

SECTION 1.(b) Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Goldsboro may convey by private negotiation and sale, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in any property not included in subsection (a) of this section and owned by the City of Goldsboro for the operation of the Goldsboro-Wayne Municipal Airport to Wayne County.

SECTION 2. The Goldsboro-Wayne Airport Authority shall convey all real and personal property owned by the Goldsboro-Wayne Airport Authority to Wayne County no later than July 15, 2010.

SECTION 3. The Goldsboro-Wayne Airport Authority shall assign all of its leases and contracts to Wayne County, and the assignment shall become effective July 15, 2010.

SECTION 4. Wayne County shall accept all liabilities of the Goldsboro-Wayne Airport Authority beginning July 15, 2010.

SECTION 5. Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws and S.L. 1998-20, reads as rewritten:

"Section 1. Airport or landing field, for the purposes of this and the Sections following, is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

"Sec. 2. The governing ~~bodies~~ body of the ~~City of Goldsboro, and of the~~ County of Wayne ~~are~~ is hereby authorized to ~~jointly~~ acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of ~~said~~ the County, and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be ~~jointly~~ owned or controlled by ~~said City and the~~ County.

"Sec. 3. Any lands acquired, owned, controlled, or occupied by ~~said City and the~~ County for the purposes enumerated in Section 2 hereof shall and are hereby declared to be acquired, owned, controlled and occupied for public purpose, and ~~said City and the~~ County shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

"Sec. 4. Private property needed by the ~~said City and~~ County for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if ~~said City and the~~ County ~~are~~ is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by law under which the ~~said City and~~ County ~~are~~ is authorized to acquire real property for public purposes, other than street purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price, or award, for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by ~~said City or by said~~ the County from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the

sale of bonds of ~~said City or of said~~the County as the governing bodies of ~~such City and~~the County shall determine.

"Sec. 5. The power to acquire lands by condemnation herein granted to the ~~said City and~~ County for the purpose of such airport or landing field shall embrace the power to acquire by condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or cemetery located or situate upon the lands found necessary to be acquired for such purpose; and in the event there are graves located upon such lands which may be necessary to be acquired by condemnation, it shall be lawful for ~~said City and~~the County, after thirty days' notice to the surviving husband or wife, or next of kin of the deceased buried therein, or the person in control of such graves, if any are known, and if not known, then after publishing a notice once a week for four (4) weeks in a newspaper published in Wayne County, to open any such graves, and to take therefrom any dead body, or part thereof buried therein, and anything interred therewith, and to remove and reinter the same in some other cemetery or suitable place in the same county to be selected by the next of kin, or the welfare officer of the County or by the Clerk of the Superior Court of said County in the order named. Due care shall be taken to do said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for reintering said remains. Due care shall also be taken to remove all tombstones and other markers from said graves, and to protect and replace all such tombstones or other markers so as to leave the new grave in as good condition as the former one. All of said work shall be done under the supervision and direction of the welfare officer of the County, if one, or his representatives, but if there is no welfare officer, then under the supervision and direction of the Clerk of the Superior Court of said County, or his representatives. All the expense connected with said work, including the actual expense of one of "next of kin" in attending to same, if one does attend, shall be borne by the ~~said City and~~County doing or causing same to be done.

"Sec. 6. The governing ~~bodies of said City and County and each of them are~~body of the County is hereby authorized to appropriate and use from the net proceeds derived by the ~~said City or~~County from the operation of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of any ~~airport in such proportion and upon such equal basis as may be determined upon by a joint board to be appointed by the governing bodies of the said City and County; provided~~ airport. However, nothing herein shall be construed to permit the governing ~~bodies of said City or~~body of the County to issue bonds under the provisions of this Act without a vote of the people.

"Sec. 7. The ~~joint board to be appointed by the governing bodies of the said City and~~body of the County shall be appointed as follows:

~~Said City shall be entitled to have three (3) representatives on said board and the representatives shall be appointed biennially by a majority of the governing body of the said City, at the first regular meeting in January. Said representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting of the governing body in the second January thereafter, when successors shall be appointed.~~

~~Said~~ The County shall be entitled to have ~~three (3)~~six representatives on ~~said the~~ board and the representatives shall be appointed biennially by a majority of the board of county commissioners of said County at the first regular meeting in January. ~~Said The~~ representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting of the board of county commissioners in the second January thereafter, when successors shall be appointed. The ~~said board so appointed by the governing bodies of the City and~~body of the County shall be known as the "~~Goldsboro Wayne Airport Authority~~". "Wayne County Airport Authority." Upon the occurrence of any vacancy on ~~said the~~ board, ~~said the~~ vacancy shall be filled within sixty (60) days after notice thereof by a majority of the governing body of the ~~City or County which has a vacancy within its representation.~~ County.

"Sec. 8. The ~~board, appointed as herein provided by the governing bodies of said City and~~County, The County shall act in an administrative capacity and it is hereby authorized and empowered:

(a) To establish, construct, control, lease, maintain, improve, operate and regulate joint airports and landing fields established under the provisions of this Act; to have complete authority over any airport or landing field ~~jointly~~ acquired, established, or constructed by ~~said City and County represented on said board.~~the County.

- (b) (1) To adopt, repeal, amend, readopt rules, regulations, laws and ordinances not inconsistent with this Act, for its own government, management and operation; and
- (2) To adopt, repeal, amend and readopt rules, regulations and ordinances with respect to traffic on and use of streets, alleys, driveways, roadways, parking areas, crosswalks and safety areas (not included in the public road system of the State of North Carolina) located within the territorial limits of the lands comprising the ~~Goldsboro Wayne Airport, Wayne County Airport~~, including by way of illustration but not in limitation of the authority herein granted, the establishment of routes of traffic, the regulation of speed, the location of parking areas, the regulation and prohibition of parking and standing in designated areas and on said streets, driveways, alleys and roadways, the prohibition of obstruction thereof, the prohibition of vehicles and pedestrians on the aprons, ramps, taxiways, runways and other designated parts of the Airport.
- (3) To adopt, repeal, amend and readopt rules, regulations, and ordinances with respect to the use of the Airport and its facilities by the public, including by way of illustration but not in limitation of the authority granted, the Terminal Building, the ramps, aprons, hangars, taxiways, runways, water plants and shops, and to prohibit the use of, occupation of, or trespass upon any part thereof.

(c) To lease real or personal property under the supervision of or administered by the ~~Authority, without the joinder in the lease agreements of the owning units of local government, to wit, the County of Wayne and the City of Goldsboro, County~~ for purposes that the ~~board County~~ considers advantageous or conducive to the development of the Airport and that are not inconsistent with the grants and agreements under which the Airport is ~~held by the owning units of local government held.~~ The term of a lease to the City of ~~Goldsboro, Wayne County, Goldsboro or Wayne Community College~~ may not exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.

(d) To contract with persons, firms or corporations for terms not to exceed twenty (20) years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities, not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(e) To operate, own, control, regulate, lease or grant to others the right to operate any airport premises, restaurants, apartments, hotels, motels, tracks, motion picture shows, cafes, soda fountains, or other businesses, amusements or concessions for a term not exceeding twenty (20) years, as may appear to said ~~Authority County~~ advantageous or conducive to the development of said Airport.

(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the Airport is held; to lease the same for a term or terms not to exceed twenty (20) years, to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

(g) To expend funds appropriated from time to time by ~~said City and County, jointly or severally, for joint airport~~ the County for airport purposes, and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arriving out of the operation of said Airport, the facilities, improvements and concessions located thereat or operated thereon.

~~(h) To enter into contracts and to pledge the credit of the said Airport Authority to the extent herein authorized; provided, however, that neither said Airport Authority nor the individual members thereof shall have authority to pledge the credit of or contract for the City of Goldsboro or the County of Wayne.~~

(i) To contract and deal with the Federal Aviation Authority of the United States Government and any other representative or agency of said government relating to the grading, constructing, equipping, improving, maintaining and operation of airports and landing fields acquired under the authority of this Act.

"Sec. 9. A majority of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority members shall control its decisions. Each member of the Authority, including the chairman, shall have one vote. The Authority shall elect annually in April, from among its members, a chairman, a vice chairman, a secretary and treasurer. In the absence of rules of the Authority in respect thereof, the Authority shall meet at such places and times as the chairman shall designate. Each member of said Authority shall take an oath of office to faithfully perform his duties. All members of said Authority shall serve without compensation.

"Sec. 10. The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall in no case be liable for damages for injuries to persons or property caused by or growing out of fueling, refueling or servicing any airplane at said Airport, or from falling, exploding and burning airplanes. Members of said Authority shall not be personally liable in any manner for their acts as members of the Authority, except for misfeasance or malfeasance.

"Sec. 11. The Authority shall operate under a budget on a fiscal year basis from July 1 to June 30, and shall make its requests for appropriations from the ~~City of Goldsboro and the~~ County of Wayne in the same manner as that provided under the Fiscal Control Act, and shall maintain complete and adequate records of all receipts and disbursements to be audited and reported thereon at least annually to the ~~City of Goldsboro and~~ County of Wayne as required by the aforesaid Fiscal Control Act. The treasurer shall furnish bond in some surety company authorized to do business in North Carolina, in the amount to be fixed by the Wayne County Board of ~~Commissioners and the Board of Aldermen of the City of Goldsboro.~~ Commissioners.

"Sec. 12. It is hereby declared to be the policy of the State of North Carolina to promote, encourage and develop air transportation, service and facilities in connection with the commerce of the United States and to foster and preserve air transportation; and the area including the County of Wayne ~~and the City of Goldsboro~~ is hereby declared to be an area which should be developed in connection with the interior of the State of North Carolina and other states and it is hereby declared to be necessary and desirable and in the public interest of the entire State that there shall be established air transportation facilities in such area in accordance with the provisions of the Acts of Congress and the laws of this State. The ~~joint~~ Authority established pursuant to the provisions of this Act shall be regarded as performing an essential governmental function in undertaking the construction, maintenance and operation of the facilities herein provided for and in carrying out the provisions of this Act, and shall be required to pay no taxes or assessments upon any of the property acquired or used by it for such purposes. Except as herein specifically otherwise provided, the provisions of Chapter 63 of the General Statutes of North Carolina shall be applicable to the ~~joint~~ Authority herein established. To the extent that G.S. 63-53 requires that the ~~Goldsboro-Wayne~~ Wayne County Airport Authority follow the provisions of G.S. 160A-272, G.S. 160A-272 shall be applied by substituting 'the maximum term provided in Section 8 of this act' for '10 years' in each place those words and figures appear.

"Sec. 13. All rules, regulations and ordinances adopted pursuant to the authority of this Act shall be recorded in the proceedings of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority ~~and Wayne County~~ and a true copy of all such rules, regulations and ordinances, certified under the hand of the secretary and the seal of the ~~Authority, Authority or the clerk to the Board of County Commissioners of Wayne County,~~ Authority or the clerk to the Board of County Commissioners of Wayne County, shall be filed with the Board of County ~~Commissioners of Wayne County and the Board of Aldermen of the City of Goldsboro.~~ County.

The ~~Goldsboro-Wayne~~ Wayne County Airport Authority ~~and Wayne County~~ shall cause to be posted at appropriate places on the ~~Goldsboro-Wayne~~ Wayne County Airport, notice to the public of applicable rules, regulations and ordinances pertaining to the ~~Goldsboro-Wayne~~ Wayne County Airport.

Any person violating any rule, regulation or ordinance adopted pursuant to Section 8 (b) (2) and (b) (3) shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

"Sec. 14. This Act shall apply only to ~~the City of Goldsboro and~~ the County of Wayne.

"Sec. 15. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act, if it had known that such part or parts thereof would be declared unconstitutional.

"Sec. 16. This Act shall take effect from and after its ratification."

SECTION 6. The terms of the three representatives appointed by the City of Goldsboro to serve on the Goldsboro-Wayne Airport Authority shall expire on July 15, 2010.

Within 30 days after this act becomes law, the governing body of Wayne County shall appoint three representatives to the Wayne County Airport Authority, as enacted by Section 5 of this act, to hold office until their successors are appointed in the manner set forth in Chapter 972 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, S.L. 1998-20, and Section 5 of this act.

SECTION 7. The General Assembly hereby ratifies the action of the North Carolina Local Government Commission in approving the loan and financing agreement from Branch Banking & Trust to the Goldsboro-Wayne Airport Authority on December 4, 2007, and authorizes Wayne County to make payments pursuant to the financing agreement.

SECTION 8. Nothing in this act shall be deemed to affect any pending litigation involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

SECTION 9. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives