

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 574

Short Title: Linville Land Harbor Incorporated.

(Local)

Sponsors: Representatives Thompson; and Buchanan.

Referred to: Local & Regional Government II.

March 28, 1995

A BILL TO BE ENTITLED
AN ACT TO INCORPORATE THE TOWN OF LAND HARBOR.

The General Assembly of North Carolina enacts:

Section 1. A Charter for the Town of Land Harbor is enacted to read:

"CHARTER OF THE TOWN OF LAND HARBOR.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Land Harbor are a body corporate and politic under the name 'Town of Land Harbor'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"Sec. 1.2. **Map.** An official map of the Town, showing the current boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. A true copy of such shall be filed in the office of the Avery County Register of Deeds.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Town Boundaries.** Until modified in accordance with law the boundaries of the Town of Land Harbor are as follows:

1 Beginning at a nail and cap, centerline of U.S. Highway 221; thence from the
2 beginning N 52°28' E, 585.80' to an iron; thence N 67°31' E, 232.20'; thence N 67°31' E,
3 265.00'; thence N 40°34'E, 906.00; thence N 60°31'E, 547.30' to an iron at 15" poplar;
4 thence N 72°03'E, 334.06'; thence N 36°42'E, 158.95'; thence N 68°47'E, 213.09; thence
5 S 18°11'E, 319.87; thence S 42°04'E, 238.04; thence S 52°47'E, 280.64'; thence S
6 21°58'E, 205.06'; thence S 03°01'W, 257.13'; thence S 08°29'E, 450.97'; thence S
7 08°57'W, 189.95'; thence S 42°54'E, 189.32' to an iron at 20" white oak; thence S
8 75°20'E, 968.20' to an iron at 18" red oak; thence S 01°36'W, 1703.01' to a 30" maple;
9 thence N 76°59'W, 650.53' to a stake set at 10" maple; thence N 21°45'W, 1363.16' to a
10 "x"on rock; thence N 85°35'W, 1108.74' to an iron; thence S 24°39'E, 1395.36' to an iron;
11 thence S 12°51'W, 877.84' to an iron; thence N 87°41'W, 667.74' to an iron; thence N
12 03°30'E, 563.40' to an iron; thence N 85°51'W, 2026.50' to cap and nail centerline of U.S.
13 Highway 221; thence N 09°29'E, 318.50' to centerline of U.S. Highway 221; thence S
14 82°00'W, 33.24'; thence S 20°00'W, 320.33'; thence N 84°34'W, 80.00' to the corner to
15 Evans; thence N 82°53'W, 174.08' to an iron; thence N 85°06'W, 816.42; thence N
16 85°09'W, 531.49' to an iron; thence N 87°10'W, 349.22'; thence N 26°11'W, 138.56';
17 thence S 88°27'W, 236.49'; thence S 88°49'W, 644.42' to the centerline of NCSR 1501;
18 thence following the centerline of NCSR 1501 the following bearings and distances; N
19 40°08'W, 72.59'; thence N 60°21'W, 60.46'; thence S 82°28'W, 174.78'; thence N
20 81°37'W, 199.72'; thence N 73°36'W, 199.21'; thence N 29°40'W, 67.53'; thence N
21 10°15'W, 188.84' thence leaving NCSR 1501 and running N 43°39'W, 137.58' to an oak
22 tree; thence N 59°40'W, 2694.42'to the centerline of a private road; thence N 39°22'E,
23 156.15'; thence N 25°04'E, 175.99'; thence N 44°23'E, 176.17'; thence N 08°34'E, 56.93';
24 thence N 17°26'W, 40.36'; thence N 50°52'W, 38.43'; thence S 88°07'W, 34.00'; thence S
25 72°00'W, 122.05'; thence S 76°14'W, 51.40'; thence N 80°31'W, 33.65'; thence N
26 57°27'W, 130.21'; thence N 61°17'W, 91.95'; thence N 57°19'W, 77.38'; thence N
27 33°54'W, 30.00'; thence N 15°14'W, 51.57'; thence N 03°38'W, 123.43'; thence N
28 27°47'W, 38.93'; thence N 69°14'W, 32.87'; thence S 72°41'W, 39.53'; thence S 52°58'W,
29 44.93'; thence S 66°42'W, 79.71'; thence S 79°00'W, 52.89'; thence N 78°27'W, 77.67';
30 thence N 86°25'W, 83.50'; thence N 83°17'W, 48.95'; thence N 61°20'W, 30.84'; thence
31 N 24°36'W, 36.80', thence N 15°25'E, 28.36'; thence N 35°38'E, 108.29'; thence N
32 12°33'E, 30.45'; thence N 10°12'W, 43.92' ; thence leaving private road N 29°26'E,
33 291.17'to a railroad iron; thence N 15°47'E, 354.60' ; thence N 06°21'W, 169.71'; thence
34 N 16°53'W, 79.51'; thence N 04°51'W, 182.84'; thence N 24°36'W, 290.51'; thence N
35 06°24'E, 191.95' to an iron; thence N 17°11'E, 113.09'; thence N 32°19'E, 146.97'; thence
36 N 33°43'E, 97.26'; thence N 17°51'E, 171.63'; thence N 00°41'W, 108.20'; thence N
37 11°27'W, 354.03'; thence S 88°27'W, 917.66'; thence N 04°52' E, 1750.47'; thence S
38 88°56E, 920.30' to a railroad iron; thence 03°22'W, 293.05'; thence S 11°03'W, 504.23';
39 thence S 06°06'W, 381.49'; thence S 03°31'E, 274.23'; thence Due East 4023.37'; thence
40 N 89°08'E, 930.15'to a railroad iron; thence N 02°08'E, 639.94'to a railroad iron; thence S
41 87°58'E, 658.09'to a railroad iron; thence S 03°05'W, 3537.49'to a hemlock; thence S
42 85°45'E, 623.05'to a cucumber; thence S 00°54'E, 190.08' to an iron; thence S 77°00'E,
43 241.60' to an iron; thence S 21°42' E, 176.90' to an iron; thence N 89°25'E, 359.62'to an

1 iron; thence S 11°10'E, 605.68' to the point of beginning as shown on survey by Walter
2 H. Burkett, RLS L-1209, dated July 14, 1972 and recorded in Plat Book 4, page 97 and
3 98, Avery County Registry.

4
5 Excepting and reserving from the above description the following parcels with any
6 reference to Plat Book or Deed Book being to the Avery County Registry:

7
8 PARCEL 1: 8.19 acres, Ila V. Ledford property as shown on Plat Book 4,
9 page 97 to which reference is made for a more complete description.

10
11 PARCEL 2: 0.99 acres, Clark Cemetery, as shown on Plat Book 4, page
12 97 to which reference is made for a more complete description.

13
14 PARCEL 3: Deed Book 123, page 1069 to which reference is made for a
15 more complete description.

16
17 PARCEL 4: 0.75 acres, Deed Book 196, page 927 to which reference is
18 made for a more complete description.

19
20 PARCEL 5: 1.11 acres, Deed Book 190, page 115 to which reference is
21 made for a more complete description.

22
23 PARCEL 6: 52.08 acres, Deed Book 154, page 1516 to which reference is
24 made for a more complete description.

25
26 PARCEL 7: 200.41 acres less exceptions, Deed Book 198, page 1108 to
27 which reference is made for a more complete description.

28
29 PARCEL 8: Deed Book 165, page 200 to which reference is made for a
30 more complete description. For further reference see Deed Book 144,
31 page 425.

32
33 PARCEL 9: 24.38 acres, Deed Book 170, page 319 to which reference is
34 made for a more complete description.

35
36 PARCEL 10: All property shown on Plat Book 6, page 22 and designated
37 as Linville Estates.

38
39 PARCEL 11: 1.942 acres, Deed Book 224, page 375 to which reference is
40 made for a more complete description.

41 "Sec. 2.2. **Extraterritorial jurisdiction.** The Town may not exercise any
42 extraterritorial jurisdiction or extraterritorial powers under Article 19 of Chapter 160A of
43 the General Statutes.

1 "Sec. 2.3. **Annexation.** The Town may not annex under Part 2 of Article 4A of
2 Chapter 160A of the General Statutes.

3 "CHAPTER III.
4 "GOVERNING BODY.

5 "Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing
6 body of the Town of Land Harbor is the Town Council, which has five members.

7 "Sec. 3.2. **Manner of Electing Council.** The qualified voters of the entire Town
8 elect the members of the Council.

9 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are
10 elected to four-year terms except that of those elected at the initial election in 1995, the
11 three highest vote getters who are elected shall serve for four-year terms and the next two
12 highest vote getters shall serve for two-year terms. In 1997 and quadrennially thereafter,
13 two members of the Council shall be elected for four-year terms. In 1999 and
14 quadrennially thereafter, three members of the Council shall be elected for four-year
15 terms.

16 "Sec. 3.4. **Selection of Mayor; Term of Office.** The Mayor shall be elected by the
17 Council from among its membership to serve at its pleasure. The Mayor has the right to
18 vote on all matters before the Council.

19 "CHAPTER IV.
20 "ELECTIONS.

21 "Sec. 4.1. **Conduct of Town Elections.** Town elections shall be conducted on a
22 nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292.
23 Elections shall be conducted by the Avery County Board of Elections.

24 "CHAPTER V.
25 "ADMINISTRATION.

26 "Sec. 5.1. The Town of Land Harbor shall operate under the Mayor-Council plan as
27 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

28 Sec. 2. Until the organizational meeting of the Town Council of Land Harbor
29 following the 1995 municipal election, Harold R. McCroskey, Pamela Sabella, Robert B.
30 Thompson, Donald E. Voorhees, and William P. Wakefield shall serve as members of the
31 Town Council. In the event of a vacancy on the Council, the Council shall appoint a
32 qualified person to fill such vacancy until the organizational meeting. The initial meeting
33 of the Town Council shall be called by the Mayor.

34 Sec. 3. (a) From and after the effective date of this act, the citizens and property in the
35 Town of Land Harbor shall be subject to municipal taxes levied for the year beginning
36 July 1, 1995, and for that purpose the Town shall obtain from Avery County a record of
37 property in the area herein incorporated which was listed for taxes as of January 1, 1995;
38 and the businesses in the Town shall be liable for privilege license tax from the effective
39 date of the privilege license tax ordinance.

40 (b) The Town may adopt a budget ordinance for fiscal year 1995-96 without
41 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
42 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
43 year 1995-96, ad valorem taxes may be paid at par or face amount within 90 days of

1 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
2 105-360 as if the taxes had been due and payable on September 1, 1995.

3 (c) The Town of Land Harbor is eligible to receive distributions of State funds
4 as provided by law during fiscal year 1994-95 as if it had been in existence on July 1,
5 1994.

6 Sec. 4. At a date in July of 1995 established by the Board of Commissioners of
7 Avery County, the Avery County Board of Elections shall conduct a special election for
8 the purpose of submission to the qualified voters of the area described in Section 2.1 of
9 the Charter of the Town of Land Harbor, the question of whether or not such area shall be
10 incorporated as the Town of Land Harbor; provided that the Board of Commissioners of
11 Avery County may, by ordinance, provide that there shall be no election on
12 incorporation, in which case Sections 1 through 3 of this act have no force and effect.
13 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

14 Sec. 5. In the election, the question on the ballot shall be:

15 **"[] FOR [] AGAINST**
16 **INCORPORATION OF THE TOWN OF LAND HARBOR".**

17 Sec. 6. In the election, if a majority of the votes are cast "For incorporation of
18 the Town of Land Harbor", Sections 1 through 3 of this act shall become effective on the
19 date that the Avery County Board of Elections certifies the results of the election.
20 Otherwise, those sections shall have no force and effect.

21 Sec. 7. If a majority of the voters approve the incorporation of Land Harbor,
22 the election of the Town Council shall take place at an election held on November 7,
23 1995. The Avery County Board of Elections shall establish a special candidate filing
24 period in lieu of that provided by Chapter 163 of the General Statutes.

25 Sec. 8. This act is effective upon ratification.