

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 648
SENATE BILL 455

AN ACT TO INCORPORATE THE TOWN OF SAWMILLS, AND PROVIDE FOR
THE SIMULTANEOUS DISSOLUTION OF THE SAW MILL SANITARY
DISTRICT, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. In accordance with G.S. 130A-81(1), the Town of Sawmills is incorporated and the Saw Mill Sanitary District is simultaneously dissolved.

Sec. 2. A Charter for the Town of Sawmills is enacted to read:

"CHARTER OF THE TOWN OF SAWMILLS.

"Chapter I.

"Incorporation and Corporate Powers.

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

"Chapter II.

"Corporate Boundaries.

"Sec. 2.1. Town boundaries. Until modified in accordance with law, the boundaries of the Town of Sawmills are as follows:

All the area included within the boundaries of all that tract or parcel of land in Lovelady Township, Caldwell County, particularly described as follows:

Beginning at an x mark chopped in the center line of the pavement of U.S. Highway 321-A the said point being located in the center of a bridge running over Little Gunpowder Creek, said x mark also being a point in the Southern Corporate limits of the Town of Hudson, North Carolina and running thence from said beginning point North 74 degrees 30 minutes 00 seconds East, 2,517.30 feet to a concrete monument located in the existing Saw Mill Sanitary Districe line; thence with the old Saw Mill Sanitary District line, the following courses and distances, all being to and from concrete monuments;

South 29 degrees 20 minutes 00 seconds East,	3,866.00 feet
South 64 degrees 41 minutes 00 seconds East,	92.00 feet
South 70 degrees 21 minutes 00 seconds East,	236.39 feet
South 70 degrees 21 minutes 00 seconds East,	460.17 feet
South 59 degrees 43 minutes 30 seconds East,	459.11 feet
South 18 degrees 59 minutes 00 seconds East,	66.00 feet
South 30 degrees 41 minutes 00 seconds West,	72.40 feet

South 72 degrees 06 minutes 30 seconds West,	187.21 feet
North 85 degrees 00 minutes 00 seconds West,	667.71 feet
North 3 degrees 14 minutes 00 seconds East,	152.40 feet
North 71 degrees 46 minutes 00 seconds West,	88.75 feet
South 1 degrees 41 minutes 00 seconds East,	2,239.53 feet
South 84 degrees 58 minutes 21 seconds East,	649.87 feet
South 0 degrees 22 minutes 57 seconds East,	198.67 feet
South 5 degrees 59 minutes 00 seconds West,	737.00 feet
North 77 degrees 28 minutes 00 seconds West,	577.80 feet
South 1 degrees 41 minutes 00 seconds East,	2,338.10 feet
South 72 degrees 28 minutes 00 seconds East,	179.70 feet
South 72 degrees 34 minutes 00 seconds East,	380.20 feet
South 70 degrees 30 minutes 30 seconds East,	170.10 feet
South 62 degrees 24 minutes 30 seconds East,	132.15 feet
South 59 degrees 52 minutes 30 seconds East,	382.50 feet
South 60 degrees 13 minutes 00 seconds East,	188.86 feet
South 60 degrees 13 minutes 00 seconds East,	550.10 feet

To a concrete monument on the East side of U.S. Hwy. 321A thence crossing U.S. Highway 321A

South 15 degrees 17 minutes 00 seconds West	77.35 feet
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to a concrete monument in the center of the Carolina and Northwestern Railroad track; thence with the center of the Carolina and Northwestern Railroad track South 59 degrees 28 minutes 00 seconds East, 104.55 feet to a concrete monument in the center of the Carolina and Northwestern Railroad track; thence still with the old Saw Mill Sanitary District line, the following courses and distances, all being to and from concrete monuments;

South 33 degrees 01 minutes 00 seconds West,	323.00 feet
North 83 degrees 31 minutes 00 seconds West,	440.00 feet
North 87 degrees 07 minutes 25 seconds West,	298.04 feet
South 5 degrees 38 minutes 00 seconds West,	1,530.00 feet
South 82 degrees 30 minutes 00 seconds West,	60.50 feet
South 78 degrees 30 minutes 00 seconds West,	198.00 feet
South 70 degrees 30 minutes 00 seconds West,	478.50 feet
North 36 degrees 05 minutes 00 seconds West,	1,019.40 feet
South 14 degrees 04 minutes 00 seconds West,	3,747.90 feet

to a P.K. nail set in the center line of the pavement of Caldwell County S.R. Road 1115, a corner in the old Saw Mill Sanitary District boundary line; thence with the old Waw Mill Sanitary District line, the following courses and distances all being to and from concrete monuments;

North 87 degrees 07 minutes 00 seconds West,	1,478.00 feet
South 3 degrees 14 minutes 00 seconds West,	1,900.00 feet
North 71 degrees 24 minutes 00 seconds West,	1,500.00 feet
North 59 degrees 03 minutes 00 seconds West,	1,195.00 feet
South 85 degrees 57 minutes 00 seconds West,	351.95 feet

South 8 degrees 46 minutes 00 seconds West,	670.00 feet
North 75 degrees 54 minutes 00 seconds West,	355.00 feet
South 30 degrees 34 minutes 30 seconds West,	24.39 feet
South 25 degrees 11 minutes 00 seconds West,	881.53 feet
North 86 degrees 33 minutes 30 seconds West,	514.07 feet
North 19 degrees 34 minutes 00 seconds West,	1,032.75 feet
North 81 degrees 29 minutes 00 seconds West,	208.79 feet
North 28 degrees 40 minutes 00 seconds East,	439.93 feet
North 84 degrees 51 minutes 00 seconds East,	623.31 feet
North 86 degrees 26 minutes 30 seconds East,	879.39 feet
North 6 degrees 48 minutes 30 seconds East,	10.83 feet
North 83 degrees 07 minutes 00 seconds East,	186.00 feet
North 6 degrees 03 minutes 00 seconds East,	993.70 feet
South 85 degrees 54 minutes 00 seconds West,	1,642.50 feet
South 0 degrees 24 minutes 00 seconds East,	20.60 feet
South 16 degrees 48 minutes 30 seconds West,	94.88 feet
South 65 degrees 54 minutes 00 seconds West,	1,100.46 feet
South 2 degrees 55 minutes 00 seconds West,	792.09 feet
North 83 degrees 59 minutes 00 seconds West,	564.10 feet
North 2 degrees 20 minutes 00 seconds East,	276.44 feet
North 85 degrees 35 minutes 00 seconds West,	396.34 feet
North 1 degree 02 minutes 00 seconds West,	290.57 feet

to a P.K. nail set in the center line of the pavement of Caldwell County S.R. Road 1115, a corner in the old Saw Mill Sanitary District boundary line; thence with the old Saw Mill Sanitary District line and the center line of Caldwell County S.R. Road 1115, the following courses and distances all being to and from P.K. nails:

North 80 degrees 33 minutes 00 seconds East,	200.06 feet
North 74 degrees 40 minutes 30 seconds East,	100.03 feet
North 64 degrees 48 minutes 30 seconds East,	100.02 feet
North 53 degrees 48 minutes 00 seconds East,	100.02 feet
North 46 degrees 18 minutes 00 seconds East,	100.01 feet
North 43 degrees 47 minutes 00 seconds East,	500.05 feet
North 43 degrees 46 minutes 00 seconds East,	400.04 feet
North 45 degrees 35 minutes 00 seconds East,	100.01 feet
North 51 degrees 15 minutes 00 seconds East,	100.02 feet
North 57 degrees 28 minutes 00 seconds East,	100.02 feet
North 61 degrees 08 minutes 30 seconds East,	100.02 feet
North 63 degrees 14 minutes 30 seconds East,	100.02 feet
North 65 degrees 07 minutes 30 seconds East,	58.24 feet

to a P.K. nail set in the center line of the pavement of Caldwell County S.R. Road 1115, a corner in the old Saw Mill Sanitary District boundary line; thence with the old Saw Mill Sanitary District line the following courses and distances, all being to and from concrete monuments;

North 28 degrees 05 minutes 30 seconds West,	287.77 feet
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North 68 degrees 04 minutes 00 seconds East,	232.75 feet
North 12 degrees 16 minutes 00 seconds West,	244.11 feet
North 19 degrees 57 minutes 00 seconds East,	510.30 feet
South 88 degrees 51 minutes 00 seconds East,	803.80 feet
North 18 degrees 19 minutes 00 seconds West,	2,100.00 feet
South 52 degrees 14 minutes 00 seconds West,	1,510.00 feet
South 80 degrees 05 minutes 00 seconds West,	1,443.20 feet
North 83 degrees 35 minutes 00 seconds West,	663.62 feet
North 1 degree 54 minutes 00 seconds East,	197.50 feet

THENCE North 2 degrees 49 minutes 00 seconds East crossing Caldwell County S.R. Road 1123 443.30 feet to a concrete monument an old corner in the Old Saw Mill Sanitary District boundary line; thence still with the old Saw Mill Sanitary District line the following courses and distances, all being to and from concrete monuments;

South 84 degrees 22 minutes 00 seconds East,	281.50 feet
North 56 degrees 08 minutes 00 seconds East,	50.40 feet
North 46 degrees 27 minutes 00 seconds East,	189.50 feet
North 83 degrees 17 minutes 00 seconds East,	240.10 feet
North 49 degrees 18 minutes 00 seconds West,	115.40 feet
North 8 degrees 22 minutes 00 seconds East,	791.00 feet
North 21 degrees 43 minutes 00 seconds East,	130.00 feet
North 53 degrees 05 minutes 00 seconds East,	157.50 feet
North 53 degrees 14 minutes 00 seconds East,	361.40 feet
North 10 degrees 24 minutes 00 seconds East,	428.10 feet
North 46 degrees 49 minutes 00 seconds East,	437.60 feet
North 4 degrees 33 minutes 00 seconds East,	95.30 feet
North 6 degrees 54 minutes 00 seconds East,	100.00 feet
North 5 degrees 22 minutes 00 seconds East,	200.00 feet
North 3 degrees 52 minutes 00 seconds East,	120.00 feet
North 85 degrees 43 minutes 00 seconds West,	213.60 feet
North 2 degrees 30 minutes 00 seconds East,	808.60 feet
North 85 degrees 17 minutes 00 seconds East,	625.00 feet
South 75 degrees 46 minutes 00 seconds East,	54.70 feet
North 13 degrees 46 minutes 00 seconds West,	334.00 feet
North 15 degrees 05 minutes 00 seconds East,	200.20 feet
North 12 degrees 17 minutes 00 seconds East,	338.90 feet
North 14 degrees 51 minutes 00 seconds East,	270.60 feet
North 12 degrees 46 minutes 00 seconds East,	723.80 feet
North 82 degrees 46 minutes 00 seconds West,	132.20 feet
North 65 degrees 40 minutes 00 seconds West,	197.20 feet
North 63 degrees 29 minutes 00 seconds West,	250.00 feet
South 38 degrees 09 minutes 00 seconds West,	36.70 feet
North 84 degrees 36 minutes 00 seconds West,	199.00 feet
North 6 degrees 22 minutes 00 seconds East,	135.20 feet
South 85 degrees 59 minutes 00 seconds West,	352.20 feet

South 4 degrees 54 minutes 00 seconds East,	112.10 feet
South 59 degrees 54 minutes 00 seconds West,	310.70 feet
North 72 degrees 52 minutes 00 seconds West,	412.10 feet
South 3 degrees 07 minutes 00 seconds East,	239.80 feet
South 78 degrees 11 minutes 00 seconds West,	915.75 feet
South 3 degrees 11 minutes 00 seconds West,	198.00 feet
South 50 degrees 11 minutes 00 seconds West,	2,211.00 feet
North 59 degrees 28 minutes 00 seconds West,	509.46 feet
North 3 degrees 11 minutes 00 seconds East,	66.00 feet
North 39 degrees 19 minutes 00 seconds West,	198.00 feet
North 78 degrees 19 minutes 00 seconds West,	132.00 feet
North 48 degrees 19 minutes 00 seconds West,	280.10 feet
North 29 degrees 19 minutes 00 seconds West,	511.50 feet
North 7 degrees 02 minutes 00 seconds East,	1,751.09 feet
South 82 degrees 19 minutes 00 seconds East,	1,073.00 feet
South 7 degrees 41 minutes 00 seconds West,	188.00 feet
South 7 degrees 41 minutes 00 seconds West,	60.00 feet
North 82 degrees 19 minutes 00 seconds West,	480.00 feet
South 7 degrees 41 minutes 00 seconds West,	188.00 feet
South 82 degrees 19 minutes 00 seconds East,	480.00 feet
North 7 degrees 41 minutes 00 seconds East,	248.00 feet
South 82 degrees 19 minutes 00 seconds East,	795.00 feet
South 7 degrees 41 minutes 00 seconds West,	248.00 feet
South 82 degrees 19 minutes 00 seconds East,	320.00 feet
North 7 degrees 41 minutes 00 seconds East,	188.00 feet
North 82 degrees 19 minutes 00 seconds West,	272.00 feet
North 7 degrees 41 minutes 00 seconds East,	248.00 feet
South 82 degrees 19 minutes 00 seconds East,	780.52 feet
South 3 degrees 11 minutes 00 seconds West,	405.00 feet
South 82 degrees 19 minutes 00 seconds East,	84.50 feet
North 7 degrees 41 minutes 00 seconds East,	50.00 feet
South 82 degrees 19 minutes 00 seconds East,	500.00 feet
North 7 degrees 41 minutes 00 seconds East,	70.00 feet
South 86 degrees 49 minutes 00 seconds East,	231.00 feet

to a P.K. nail set in the center line of the pavement of Caldwell County S.R. Road 1127, (Horseshoe Bend Road) a corner in the old Saw Mill Sanitary District boundary line; thence with the old Saw Mill Sanitary District line and the center line of Caldwell County S.R. 1127 (Horseshoe Bend Road) the following courses and distances, all being to and from P.K. nails:

South 0 degrees 10 minutes 00 seconds East,	3.20 feet
North 27 degrees 17 minutes 00 seconds West,	300.00 feet
North 22 degrees 39 minutes 00 seconds West,	100.30 feet
North 15 degrees 39 minutes 00 seconds West,	100.00 feet
North 12 degrees 46 minutes 00 seconds West,	100.00 feet

North 10 degrees 00 minutes 00 seconds West, 399.40 feet
 North 16 degrees 20 minutes 00 seconds West, 409.62 feet
 North 11 degrees 28 minutes 00 seconds West, 200.00 feet
 to a P.K. nail set in the center line of the pavement of Caldwell County S.R. Road 1127,
 (Horseshoe Bend Road) a corner in the old Saw Mill Sanitary District line; thence still
 with the old Saw Mill Sanitary District line, the following courses and distances all
 being to and from concrete monuments:

South 78 degrees 42 minutes 00 seconds West, 156.70 feet
 South 79 degrees 52 minutes 00 seconds West, 153.10 feet
 North 1 degree 00 minutes 00 seconds West, 281.65 feet
 South 69 degrees 58 minutes 00 seconds West, 201.40 feet
 North 5 degree 04 minutes 00 seconds East, 121.80 feet
 North 14 degrees 04 minutes 00 seconds East, 66.60 feet
 North 4 degree 34 minutes 00 seconds East, 169.70 feet
 North 1 degree 57 minutes 00 seconds East, 226.43 feet
 North 0 degree 09 minutes 00 seconds West, 128.80 feet
 North 77 degrees 17 minutes 00 seconds West, 258.56 feet
 North 1 degree 07 minutes 00 seconds East, 17.40 feet
 North 84 degrees 19 minutes 00 seconds West, 796.40 feet
 South 25 degrees 19 minutes 00 seconds West, 35.54 feet
 South 76 degrees 35 minutes 00 seconds West, 431.63 feet
 North 3 degrees 38 minutes 00 seconds East, 608.35 feet
 North 11 degrees 33 minutes 00 seconds East, 90.14 feet
 North 4 degrees 57 minutes 00 seconds East, 153.60 feet
 South 79 degrees 55 minutes 00 seconds West, 363.00 feet
 North 6 degree 40 minutes 00 seconds East, 862.42 feet

to a concrete monument in the Hudson corporate limits; thence with the Hudson
 corporate limits

South 87 degrees 21 minutes 30 seconds East, 1,929.38 feet
 South 66 degrees 54 minutes 00 seconds East, 197.80 feet
 South 68 degrees 29 minutes 00 seconds East, 728.05 feet
 South 6 degree 47 minutes 00 seconds West, 238.80 feet
 North 87 degrees 07 minutes 00 seconds East, 524.60 feet
 North 6 degrees 15 minutes 00 seconds East, 222.60 feet
 South 83 degrees 44 minutes 00 seconds East, 699.00 feet
 South 69 degrees 03 minutes 00 seconds East, 402.95 feet
 North 4 degrees 25 minutes 00 seconds East, 267.30 feet
 North 9 degrees 37 minutes 00 seconds East, 217.30 feet
 North 11 degrees 55 minutes 00 seconds East, 182.00 feet
 North 36 degrees 28 minutes 00 seconds East, 16.04 feet
 North 26 degrees 52 minutes 00 seconds East, 224.30 feet
 North 29 degrees 29 minutes 00 seconds East, 118.80 feet
 North 74 degrees 26 minutes 00 seconds East, 117.50 feet
 South 74 detrees 28 minutes 00 seconds East, 160.00 feet

North 87 degrees 21 minutes 00 seconds East, 171.70 feet
North 80 degrees 41 minutes 00 seconds East, 117.20 feet
North 31 degrees 50 minutes 00 seconds East, 131.50 feet
North 7 degrees 52 minutes 00 seconds East, 102.20 feet
North 75 degrees 32 minutes 00 seconds East, 2,680.70 feet
to the point of beginning.

"Chapter III.
"Governing Body.

"Sec. 3.1. Structure of governing body; number of members.
The governing body of the Town of Sawmills is the Town Council, which has a Mayor and five members.

"Sec. 3.2. Manner of electing board. The qualified voters of the entire Town nominate and elect all the members of the Council.

"Sec. 3.3. Term of office of Council members. In the 1989 municipal election five council members shall be elected. The two persons receiving the highest numbers of votes shall be elected for four-year terms, and the three persons receiving the next highest numbers of votes shall be elected for two-year terms. In 1991 and quadrennially thereafter, three council members shall be elected for four-year terms. In 1993 and quadrennially thereafter, two council members shall be elected for four-year terms.

"Sec. 3.4. Selection of Mayor; term of office. The qualified voters of the entire Town nominate and elect the Mayor in 1989 and quadrennially thereafter for a four-year term.

"Sec. 3.5. Filling of vacancies. Vacancies occurring for any reason in the Town Council shall be filled by the remaining members of the Council for the remainder of the unexpired term.

"Chapter IV.
"Elections.

"Sec. 4.1. Conduct of Town elections. The Mayor and Town Council shall be elected on a nonpartisan basis and the results determined by the primary and election method as provided by G.S. 163-294.

"Chapter V.
"Administration.

"Sec. 5.1. Mayor-Council plan. The Town of Sawmills operates under the Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes."

"Chapter VI
"Extraterritorial Jurisdiction.

"Sec. 6.1. Extraterritorial jurisdiction. The Town may exercise any extraterritorial jurisdiction or extraterritorial powers under Article 19 of Chapter 160A of the General Statutes."

Sec. 2. The initial members of the Town Council shall be those persons serving as the Board of Commissioners of the Saw Mill Sanitary District on June 30, 1988. They shall serve until their successors are elected and qualified pursuant to this

act. They shall appoint one of their members as Mayor, who shall serve until his successor is elected under this act.

Sec. 3. On July 1, 1988, the Saw Mill Sanitary District shall cease to exist as a body politic and corporate, and the Town of Sawmills shall simultaneously be incorporated, and at that time all of the District's assets and liabilities shall be transferred to the Town of Sawmills as provided in G.S. 130A-81.

Sec. 4. The Saw Mill Sanitary District shall take all actions necessary to effect this transfer of the assets and liabilities of the District to the Town of Sawmills by June 30, 1988.

Sec. 5. From and after July 1, 1988, the citizens and property in the Town of Sawmills shall be subject to municipal taxes levied for the fiscal year beginning July 1, 1988, and the Town shall obtain from the County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1988, and the businesses in the Town shall be liable for privilege license tax from the date of the privilege license tax ordinance.

Sec. 6. Notwithstanding the provisions of the general laws of North Carolina and any provisions of this act to the contrary, the Town Council may adopt a budget ordinance for the 1988-89 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. The Town Council may, not later than September 15, 1988, adopt an ad valorem tax on real and personal property for the 1988-89 fiscal year, and such taxes may be paid at par or face amount within the period of time from September 15, 1988, through January 6, 1989, and thereafter in accordance with the schedule in G.S. 105-360 as if such taxes had been due on September 1, 1988.

Sec. 7. The organizational meeting of the Town Council of the Town of Sawmills shall be held on July 1, 1988, at 7:00 P.M.

Sec. 8. The Caldwell County Board of Elections shall call and conduct a referendum on the Tuesday after the first Monday in November 1987, to submit to the qualified voters in the area described in Section 1 of this act the question whether such area shall be simultaneously dissolved as a sanitary district and incorporated as a municipal corporation known as the Town of Sawmills.

A registration of voters within the area shall be held in accordance with G.S. 163-288.2. The registration records shall be open for the period set out in G.S. 163-288.2. The referendum shall be conducted in accordance with G.S. 130A-81 and the provisions of this act.

The question on the ballot shall be as follows:

- FOR Incorporation of the Town of Sawmills and the simultaneous dissolution of the Saw Mill Sanitary District.
- AGAINST Incorporation of the Town of Sawmills and the simultaneous dissolution of the Saw Mill Sanitary District.

If a majority of those voting in the referendum vote in favor of incorporating the Town of Sawmills and dissolving the Saw Mill Sanitary District, then the Town of Sawmills shall be incorporated and the Saw Mill Sanitary District shall be simultaneously dissolved on the date and time set forth in Section 3 of this act, Sections 1 through 7 of

this act shall be in full force and effect, the transitional provisions of G.S. 130A-81(5) a. through g. shall apply to the Town of Sawmills and the Saw Mill Sanitary District. If a majority of those voting in the referendum do not vote for incorporating the Town of Sawmills and dissolving the Saw Mill Sanitary District, then Sections 1 through 7 of this act shall have no force and effect.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of July, 1987.