

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

Short Title: Spruce Pine Boundary Correction.

(Local)

Sponsors:

Referred to:

May 28, 1998

A BILL TO BE ENTITLED

AN ACT TO ALLOW CORRECTION OF AN ERROR IN A 1921 SURVEY OF AN
ANNEXATION TO THE TOWN OF SPRUCE PINE.

The General Assembly of North Carolina enacts:

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

(b) Notwithstanding subsection (a) of this section, the owners of any of such parcels may make written request to the Clerk of the Town of Spruce Pine that their parcel remain in the corporate limits. Said request must be made no later than 15 February 1999. Upon receipt of such request or requests the Town of Spruce Pine may by ordinance provide for all or part of those parcels (and any streets, roads and rights-of-way used by those parcels for access) to be and remain within the corporate limits of the Town of Spruce Pine. Upon the adoption of said ordinance those parcels included within the Ordinance together with the streets, roads and rights-of-way included therein shall be included within the corporate limits of the Town of Spruce Pine. Any such Ordinance shall be adopted on or before June 30, 1999.

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

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

11 Any such election shall be called by resolution of the Town Council adopted
12 on or before February 15, 1999, and shall be conducted on a date no later than June 15,
13 1999. The election shall be held in accordance with general law.

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

15 **"[] YES [] NO**

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

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

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

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