

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 233  
SENATE BILL 107

AN ACT TO PROVIDE AN ELECTION FOR ESTABLISHMENT OF THE KELLY DIKE DISTRICT IN FRENCHES CREEK TOWNSHIP, BLADEN COUNTY, AND FOR THE LEVY AND COLLECTION OF AN AD VALOREM TAX FOR REPAIR, CONSTRUCTION, AND MAINTENANCE OF A DIKE IN SAID DISTRICT FOR FLOOD CONTROL.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Bladen County shall, upon petition as hereinafter provided of fifteen per cent (15%) of the resident freeholders living in the area specifically described in this Act lying in Frenches Creek Township, Bladen County, call an election in said area for the purpose of submitting to the qualified voters therein the single question of establishing a dike district in such area and of levying and collecting annually a special ad valorem tax on all taxable real and personal property in the proposed district for the purpose of flood control and maintenance of the White Oak Dike, as set forth in Section 7 of this Act. The tax levied and collected for the purposes herein specified shall not exceed ten cents (10¢) on each one hundred dollar (\$100.00) valuation of the property. The area in Frenches Creek Township, Bladen County, to be included in the proposed dike district, which may be known as the "Kelly Dike District", and to which this Act applies, is specifically described as follows:

"BEGINNING at a point in the center of the White Oak Dike where the Elwell's Ferry Road intersects the same, and runs with the center of said road in a northeasterly direction to the intersection of the said Elwell's Ferry Road with North Carolina State Highway Number 53 near the H. R. Allen Store; thence with said highway in a westerly direction to the intersection of said highway with Lyon Road; thence with said Lyon Road in a northerly direction to a point where it intersects the southern edge of the Lyon Swamp Drainage District; thence with the southern edge of said drainage district in a westerly direction to the extreme western end of said drainage district; thence with the northern edge of said drainage district in an easterly direction to a local road near the Pearlie J. Norris farm; thence with the center of said local road in a northerly direction to the home of Lossie Murray on the Jasper Corbett place; thence continuing with said local road in an easterly direction to a point where said road intersects North Carolina State Highway Number 210; thence with another local road known as the Dennis Pridgen Road in a southeasterly direction to a point where said road intersects with North Carolina State Highway Number 53; thence with the center of said highway in an

easterly direction to the center of Colly Swamp Creek at a U. S. G. S. Gauging Station; thence with the center of said Colly Swamp Creek in a southeasterly direction to a point where it intersects the Bladen and Pender County line; thence with the Bladen and Pender County line in a southwesterly direction to a point where it intersects the proposed new White Oak Dike; thence as the said White Oak Dike in a northwesterly direction to the point of beginning."

Sec. 2. The petition submitted to the Board of Commissioners of Bladen County as specified in Section 1 of this Act shall set forth:

(1) That the name of the proposed dike district is the "Kelly Dike District"; (2) A detailed description of the boundaries of the proposed district; (3) The purpose or purposes for which such proposed district is to be created; (4) A request that the Board of Commissioners of Bladen County call an election in said district on the question of establishing the Kelly Dike District in the area described and levying and collecting annually a special ad valorem tax on all taxable real and personal property in the district for the purposes specified; (5) That the maximum rate of taxation for the purposes described in said petition shall not exceed ten cents (10¢) on each one hundred dollar (\$100.00) valuation of property.

Sec. 3. Upon its receipt the Board of Commissioners of Bladen County shall review the petition and determine if it bears the requisite number of signatures, if those who signed the petition were eligible to sign as residents of the district, and if the description of the district clearly sets forth the boundaries of the district. If the Board of Commissioners of Bladen County should find the petition lacking in any of the particulars set forth in Section 2 of this Act, it shall be returned to the petitioners together with notice in writing of any deficiencies found. Upon receipt of such notice the petitioners may correct the petition as indicated and resubmit same to the Board of Commissioners of Bladen County.

Sec. 4. For the election called as provided in Section 1 of this Act, which may be at the time of the next primary election held in the county after submission of the petition, the Board of Elections of Bladen County shall provide one or more polling places in said district, shall provide for a registrar or registrars and judges of election at said voting places, shall provide for the registration of all qualified voters living in said district, shall cause to be prepared the necessary ballots for voting at said election, shall fix the time and places for the holding of the same, and shall conduct said election in every other respect according to the provisions of the laws governing general elections so far as they may be applicable. The Board of Elections of Bladen County shall determine and declare the results of the election, and the cost of holding the election shall be paid by Bladen County.

Sec. 5. At said election those voters who are in favor of establishing the Kelly Dike District and levying a tax in said district for flood control and maintenance of the White Oak Dike as provided by this Act shall vote a ballot on which shall be written or printed: "FOR creation of the Kelly Dike District and tax for flood control." Those voters who are against establishing the Kelly Dike District and levying a tax in said district for flood control and maintenance of the White Oak Dike shall vote a ballot on

which shall be written or printed: "AGAINST creation of the Kelly Dike District and tax for flood control."

Sec. 6. If a majority of the qualified voters voting at said election vote in favor of creating the Kelly Dike District and levying a tax for flood control in the district, the Board of Commissioners of Bladen County shall adopt a resolution creating and establishing the Kelly Dike District as set forth in the petition, and shall file a copy of the resolution so adopted, together with the original petition, with the Clerk of the Superior Court of Bladen County. Upon creation and establishment of the Kelly Dike District, the Board of Commissioners of Bladen County is authorized and directed to levy and collect a tax in said district in such a manner as it may deem necessary, not exceeding ten cents (10¢) on each one hundred dollar (\$100.00) valuation of property in said district from year to year, and shall cause the same to be kept in a separate and special fund, to be used only for furnishing flood protection within said district, as provided by Section 7 of this Act.

Sec. 7. The Kelly Dike District shall constitute a political subdivision of the State of North Carolina and shall be a body corporate and politic, exercising public powers, and the district and its governing body shall have the following powers:

- (1) To prevent and control floods and to improve drainage in the district.
- (2) To acquire, construct, develop, maintain, operate, improve and replace levees, dikes, dams, pumps, culverts, drains, canals, incidental facilities, works and appurtenances and other flood retarding structures.
- (3) To maintain channel clearance and other channel improvement work.
- (4) To employ such officers, agents, consultants and other employees as it may desire, and to determine their qualifications, duties and compensation.
- (5) To cooperate with the Corps of Engineers, United States Army, or any other Federal, State, county or local agency or officer with respect to works and programs of the district, and to enter into such agreements, meet such conditions and such things in connection therewith as may be convenient or necessary.

Sec. 8. At the time the resolution creating and establishing the Kelly Dike District is adopted and passed, the Board of Commissioners of Bladen County shall appoint three residents of the district to serve as the Kelly Dike District Commission. One of these members shall be designated to hold office for a term of three years, another shall be designated to hold office for a term of two years, and the third shall be designated to hold office for a term of one year. Each is to hold office for the term specified in his appointment or until his successor is appointed and qualified. Successor members of the governing body shall be appointed by the Board of Commissioners of Bladen County and shall hold office for a term of three years. All vacancies that occur shall be filled by appointment by the Board of Commissioners of Bladen County. Each appointee shall qualify by taking an appropriate oath to well and truly execute the duties of his office according to the best of his skill and ability, according to law. The members of the governing board are authorized to select a chairman. A simple majority of the governing board shall constitute a quorum for the purpose of transacting business of the governing board, and approval by a majority of those present shall be adequate for determination of any matter before the governing board, provided at least a quorum

is present. Regular annual meetings of the Kelly Dike District Commission shall be held, and a meeting may be called at any time by the chairman or by any two members. Any member or members of the governing board may for cause be removed by the Board of Commissioners of Bladen County.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1961.