

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 854  
HOUSE BILL 1078

AN ACT AUTHORIZING THE COUNTIES OF NORTHAMPTON, HERTFORD AND BERTIE TO ESTABLISH AN AIRPORT AUTHORITY FOR THE PURPOSE OF ACQUIRING LANDS, CONSTRUCTING AND OPERATING A TRI-COUNTY AIRPORT AND VESTING IN SAID AUTHORITY ALL POWERS SET OUT IN CHAPTER 63 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created an airport authority to be known as the "Tri-County Airport Authority", which shall be a body politic and corporate. The said authority shall be composed of nine members, to be selected and appointed as hereinafter set out. The members of said authority shall receive no compensation, per them or otherwise but shall be allowed and paid actual expenses incurred in the transaction of business and at the instance of the said authority.

Sec. 2. Members of the said authority shall be selected by the boards of county commissioners of the three respective counties, with each board of county commissioners appointing three members who shall serve terms of four years each and until their successors are selected and qualified. The authority shall determine its own organization and shall annually elect its officers who shall serve for terms of one year. Officers shall be eligible to succeed themselves if re-elected at the annual meeting for election of officers. There shall be no residence requirements for the members of the Airport Authority other than that they be citizens of the county from which they are appointed.

Sec. 3. Said Airport Authority shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

1. To sue and be sued in the name of said Airport Authority;
2. To acquire by purchase and condemnation, and to hold lands for the purpose of constructing, maintaining or operating the airport facilities hereinafter referred to, to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority and to do all things necessary or convenient to carry out the powers conferred on it by the provisions of this Act or by the provisions of Chapter 63, General Statutes of North Carolina, not inconsistent with this Act.

Sec. 4. The Board of County Commissioners of each of the counties of Northampton, Hertford and Bertie is hereby authorized to annually appropriate from

nontax sources, or, if a special tax be authorized for such purpose as provided in Chapter 63 of the General Statutes, from these special tax revenues such equal sums as may be mutually agreed upon among the three respective boards of county commissioners for the purposes of carrying out the provisions of this Act and the purposes set forth in Chapter 63 of the General Statutes applicable to the Tri-County Airport Authority.

Sec. 4½. The Tri-County Airport Authority established hereunder is a statutory corporation, and shall not be construed to be an agency or instrumentality of any or all of the Counties of Bertie, Hertford and Northampton, and as such separate statutory corporation shall be solely liable for any contract, tort action or default, or other liability which may be incurred by, through, or as a result of its exercise of the duties and authority herein conferred; it is specifically provided that the Counties of Bertie, Hertford and Northampton shall not be liable for any contract, tort claim, or other liability arising by, through, or from the action of the said Tri-County Airport Authority.

Sec. 5. The Tri-County Airport Authority hereby established shall determine the site for the location of a suitable airport to serve the Counties of Northampton, Hertford and Bertie and shall be authorized to expend such funds as may be appropriated to it for the acquisition, construction, maintenance and operation of said airport and other necessary expenditures in connection therewith. The authority is authorized and empowered, if necessary, to comply with any Federal law or regulation of any Federal agency to designate the North Carolina Aeronautics Commission as its agent to accept, receive and receipt for Federal monies in its behalf for airport purposes, which monies shall be paid over to the said authority under such terms and conditions as may be imposed by the U. S. Government or agency making such grant.

Sec. 5½. In the event of a cessation of the operation of any airport established under the provisions of this Act, or the abandonment of the use of any property acquired hereunder for airport purposes, the title to the real and personal property owned therein by the Tri-County Airport Authority shall revert to and vest in the three Counties of Bertie, Hertford and Northampton equally, and upon the sale of such property the net proceeds thereof remaining after the payment of all lawful obligations of the said Airport Authority and the costs of such sale shall be equally distributed to the three Counties of Bertie, Hertford and Northampton.

Sec. 6. 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 within the three Counties of Northampton, Hertford and Bertie 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 said Airport Authority 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 properties 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 Tri-County Airport Authority herein established.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 15<sup>th</sup> day of June, 1961.