

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 27
HOUSE BILL 123

AN ACT TO AUTHORIZE AND EMPOWER THE MARION CITY BOARD OF
EDUCATION TO CONVEY THE MOUNTAIN VIEW HIGH SCHOOL
PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF
MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Marion City Board of Education is hereby authorized and empowered to transfer and convey, with or without consideration, the Mountain View High School Property to the Board of County Commissioners of McDowell County.

Sec. 2. The conveyance of said property by the Marion City Board of Education to the Board of Commissioners of McDowell County shall be at private sale and conveyance and without any public advertisement or auction, and the said Board of Education is authorized to execute a deed conveying said property, and such other documents or legal papers as may be necessary to make such transfer or conveyance of land effective, and to vest title in the Board of County Commissioners of McDowell County.

Sec. 3. The lands which are the subject of the conveyance herein provided for in this Act are described as follows:

FIRST TRACT: On the old Crooked Creek Road: BEGINNING at a stake on the North bank of the Crooked Creek Road and the Southeast corner of Lot No. 2 of the Elliott- Morgan-Bennett partition and the Southwest corner of Lot No. 3 of the said partition, and runs with the North bank of said Road North 45 deg. 10 min. East 51 feet to a stake, W. H. Hawkins' corner; thence North 31 deg. West 200 feet to a stake, said Hawkins' corner; thence South 45 deg. 10 min. West with Hawkins' line and line of Lot No. 3 of said partition, 51 feet to a stake, the Northwest corner of said Lot No. 3 and the Northeast corner of said Lot No. 2; thence South 31 deg. West, with the line of said Lots Nos. 2 and 3, 200 feet to the BEGINNING, and being the same tract of land described in that certain deed from Zora Pressley Swepson and husband, Ed Swepson and Carrie Pressley and husband, Sam Pressley, to County Board of Education of McDowell County, dated July 30, 1921, and which is recorded in Deed Book 59, at page 446, of McDowell County Deed Records.

SECOND TRACT: On the old Crooked Creek Road: BEGINNING at a stake on the North side of the Crooked Creek Road at the Southeast corner of the Elliott-Morgan-Bennett partition and the Southwest corner of Lot No. 2 of

said partition and runs North 37 deg. 20 min. East with said Road 153.7 feet to a stake, the Southeast corner of said Lot No. 2 and the Southwest corner of said Lot No. 3 of said partition; thence North 31 deg. West, with the line of said Lot. No. 2 and said Lot No. 3, 200 feet to a stake, the Northeast corner of said Lot No. 2 and the Northwest corner of said Lot No. 3 and in the line of the W. H. Hawkins' land; thence South 37 deg. 20 min. West, with the line of said Lot No. 2 and the line of the W. H. Hawkins' land, 153.7 feet to a stake, the Northwest corner of said Lot No. 2 and the Northeast corner of Lot No. 1 of said partition; thence South 31 deg. East 200 feet with the line of said Lot No. 1 and said Lot No. 2, to the BEGINNING, being Lot No. 2 of said partition, and being the same tract of land described in that certain deed from T. Croon Callicutt, to County Board of Education of McDowell County, dated July _____, 1921, and which is recorded in Deed Book 59, at page 452, of McDowell County Deed Records.

THIRD TRACT: On the old Crooked Creek Road: BEGINNING on a stake on the North bank of the Crooked Creek Road at a point North 45 deg. 10 min. East of and 51 feet from the Southeast corner of Lot No. 2 of the Elliott-Morgan-Bennett partition (known as the John L. Elliott lot) and runs North 45 deg. 10 min. East with the North bank of said Crooked Creek Road 102.7 feet to a stake, the Southeast corner of Lot No. 3 of said partition (known as the Murray M. Davis lot) and the Southwest corner of Lot No. 4 of said partition (known as the Morgan and Bennett lot);thence North 31 deg. West, with the line of said Lots Nos. 3 and 4, 200 feet to a stake, the Northwest corner of said Lot No. 3 and the Northwest corner of said Lot No. 4, thence continuing the same course 61 feet to a stake;thence South 45 deg. 10 min. West 153.7 feet to a stake; thence South 37 deg. 20 min. West 153.7 feet to a stake at a point North 31 West of and 61 feet distant from the Northwest corner of said lot No. 2; thence South 31 deg. East 61 feet to a stake, the Northwest corner of Lot No. 2; thence North 37 deg. 20 min. East, with the line of said Lot No. 2, now known as the T. C. Callicutt lot, 153.7 feet to a stake, the Northeast corner of said Lot No. 2; thence 51 feet to a stake in said line, Northeast corner of the Zora Pressley lot; thence South 31 deg. East, with the line of the Zora Pressley lot 200 feet to the BEGINNING, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, Fannie Hawkins, to County Board of Education of McDowell County, dated July 22, 1921, and which is recorded in Deed Book 59, at page 484, of McDowell County Deed Records.

FOURTH TRACT: BEGINNING on an iron spike in the middle of the main track of the Southern Railroad, it being the Northwest corner of that certain tract of land belonging to Otis L. Broyhill Furniture Company, formerly known as McDowell Furniture Company, which is described in a deed from W. R. Chambers, Trustee of W. H. Hawkins, to McDowell Furniture Company, dated November 8, 1937, and recorded in Deed Book 83, at page 204,of McDowell County Deed Records, said iron spike also being

located 312 feet in a Southwesterly direction, measured along said railroad track, from Mile Post No. 100 on said railroad track, and runs thence South 39 deg. East, with the Otis L. Broyhill Furniture Company line, 280 feet to an iron stake, corner between said Furniture Company and W. H. Hawkins; thence South 64 deg. West 130 feet to an iron stake; thence South 45 deg. East 290 feet to an iron stake on the North margin of the old Crooked Creek Road; thence along and with the North margin of said road South 45 deg. West 115 feet to an iron stake, the present Southeast corner of the school house property; thence North 31 deg. West 261 feet to an iron stake, its corner; thence with the line of the school house property South 45 deg. 10 min. West 153.7 feet to a stake; thence with said school property South 37 deg. 20 min. West 153.7 feet to an iron stake; thence South 31 deg. East 61 feet to an iron pin; thence South 37 deg. 30 min. West 47.7 feet to an iron stake; thence South 47 deg. 50 min. West 106 feet to an iron stake; thence North 30 deg. West 64 feet to an iron stake; thence South 60 deg. West 82-1/2 feet to an iron stake; thence South 30 deg. East 57-3/4 feet to an iron stake; thence South 57 deg. West 214-1/2 feet to an iron stake, East end of a 12 foot alley; thence, with the East end of said 12 foot alley, North 30 deg. West 12 feet to the Northern margin of said alley; thence along the Northern margin of said alley South 57 deg. West 107-14 feet to an iron pin in the Bessie Montgomery line; thence with her line North 23 deg. 30 min. West 298 feet to an iron pin in the center line of the Southern Railroad; thence with the center line of said railroad North 46 deg. 30 min. East 955 feet to the BEGINNING, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, F. C. Hawkins, to Robert W. Proctor, et al, constituting and being the Board of Trustees of Marion City Administrative Unit of McDowell County, North Carolina, dated November 22, 1949, and which is recorded in Deed Book 110, page 142, of McDowell County Deed Records.

FIFTH TRACT: BEGINNING at a concrete monument, Greenlee Corpening's Northwest corner, and runs thence South 68 deg. West 144 feet to a concrete monument, a Hudgins School corner; thence North 30 deg. West 100 feet to a stake; thence North 60 deg. East 82-1/2 feet to an iron stake; thence South 30 deg. East 64 feet to an iron stake; thence North 47 deg. 50 min. East 66.7 feet to an iron stake; thence South 30 deg. East 62 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from Norman J. Callicutt and wife, Cora Callicutt to Eugene Cross, Jr. et al, constituting and being the Board of Trustees of the Marion City Administrative Unit of McDowell County, North Carolina, dated August 15, 1953, and which is recorded in Deed Book 126, at page 69, of McDowell County Deed Records.

SIXTH TRACT: BEGINNING on an iron stake in the North margin of the old Crooked Creek Road, it being the Southeast corner of that certain tract of land described in a deed from W. H. Hawkins and wife, F. C. Hawkins, to

the Trustees of the Marion City Administrative Unit, dated November 22, 1949, and recorded in Deed Book 110, at page 142, of McDowell County Deed Records, and runs thence, with the line of said tract North 45 deg. West 290 feet to an iron stake, another corner of said tract; thence North 64 deg. East 130 feet to a stake in the line of the Otis L. Broyhill Furniture Company; thence, with said line, South 39 deg. East 9 feet to a stake, corner of said Otis L. Broyhill Furniture Company; thence with said Furniture Company's line North 65 deg. East 368 feet to a stake; thence South 42 deg. East 147 feet to a stake in the North margin of said old Crooked Creek Road; thence, with the North margin of said road, South 44 deg. West 457 feet to the BEGINNING, let the same contain what it may, and being the same tract of land described in that certain deed from W. H. Hawkins and wife, F. C. Hawkins, to Joseph L. Noyes, et al, as Trustees of the Marion City Administrative Unit of McDowell County, North Carolina, dated April 20, 1956, and which is recorded in Deed Book 137, at page 364, of McDowell County Deed Records. SAID tracts of land being subject to all easements and right-of-ways now owned and heretofore acquired by Duke Power Company, and also subject to all easements and right-of-ways heretofore acquired and now owned by Southern Railroad Company.

EXCEPTING AND RESERVING from said tracts of land the following:

(a) All of that certain tract of land described in a deed from the Marion City Board of Education to Otis L. Broyhill Furniture Company, dated May 5, 1959, and recorded in Deed Book 152, at page 616, of McDowell County Deed Records, which tract of land is described by metes and bounds as follows:

BEGINNING on a concrete monument, the present Southwest corner of the Broyhill Furniture Company property, and runs thence South 65 deg. West 208 feet to a stake; thence North 43 deg. 30 min. West 226 feet to a stake in the center of the main line track of the Southern Railroad Company; thence, with the center of said main line track, North 46 deg. 30 min. East 230 feet to a stake, the present Northwest corner of the property of the Broyhill Furniture Company; thence with the property line of Broyhill Furniture Company, South 39 deg. East 289 feet to the BEGINNING, containing 1.30 acres, more or less.

(b) All of that certain parcel of land described in a deed from the Marion City Board of Education to Otis L. Broyhill Furniture Company, dated November 14, 1962, and which is recorded in Deed Book 171, at page 121, of McDowell County Deed Records, which said tract of land is described by metes and bounds as follows:

BEGINNING on an iron stake located North 43 deg. 30 min. West 42 feet from a concrete marker which is the Southwest corner of that certain tract of land described in a deed from Marion City Board of Education to Otis L. Broyhill Furniture Company, dated May 5, 1959, and recorded in Deed Book

152, at page 616, of McDowell County Deed Records, and runs thence North 43 deg. 30 min. West 182 feet to a stake in the center of the main line of the Southern Railroad Company; thence, with the center of said main line track, South 47 deg. West 290 feet to a stake; thence South 43 deg. 30 min. East 100 feet to a stake; thence North 63 deg. 30 min. East 302 feet to the BEGINNING.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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 3rd day of March, 1969.