

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 928
HOUSE BILL 1271

AN ACT TO AUTHORIZE AN ELECTION ON THE QUESTION OF MERGER OF
THE EDEN METROPOLITAN SEWERAGE DISTRICT INTO THE CITY OF
EDEN.

The General Assembly of North Carolina do enact:

Section 1. (a) The City Council of the City of Eden, with the approval of the District Board of the Eden Metropolitan Sewerage District, is hereby authorized to call and to conduct within the City of Eden and the Eden Metropolitan Sewerage District, a special election on the question of the merger of the Eden Metropolitan Sewerage District into the City of Eden, and a vote in favor of such merger shall constitute a vote for the City of Eden to assume the obligations of the Eden Metropolitan Sewerage District. Such special election may be called and conducted by the City Council upon its own motion after passage of a resolution of the District Board of the Eden Metropolitan Sewerage District requesting or approving the special election.

(b) A new registration of voters shall not be required for the special election. The special election shall be conducted in accordance with the provisions of law applicable to regular elections in the City.

(c) For the special election, the City Council shall provide ballots which contain the words "FOR merger of City of Eden and Eden Metropolitan Sewerage District", and AGAINST merger of City of Eden and Eden Metropolitan Sewerage District", with appropriate squares so that each voter may by his cross (X) mark indicate his preference.

Sec. 2. If a majority of the votes cast in the special election shall be cast "FOR merger of City of Eden and Eden Metropolitan Sewerage District", then:

(a) All property, real and personal and mixed, including accounts receivable, belonging to the Eden Metropolitan Sewerage District shall vest in, belong to, and be the property of, the City of Eden. The District Board of the Eden Metropolitan Sewerage District is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Eden Metropolitan Sewerage District shall vest in and remain and inure to the benefit of the City of Eden.

(c) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to the Eden Metropolitan Sewerage District shall be owed to and collected by the City of Eden.

(d) All actions, suits, and proceedings pending against, or having been instituted by, the Eden Metropolitan Sewerage District shall not be abated by this Act or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the City of Eden shall be a party to all such actions, suits, and proceedings in the place and stead of the Eden Metropolitan Sewerage District and shall pay or cause to be paid any judgments rendered against the Eden Metropolitan Sewerage District in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the Eden Metropolitan Sewerage District, including outstanding indebtedness, shall be assumed by the City of Eden, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the City of Eden, and the full faith and credit of the City of Eden shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the Eden Metropolitan Sewerage District, and all the taxable property within the City of Eden, as well as that formerly located within the Eden Metropolitan Sewerage District, shall be and remain subject to taxation for such payment.

(f) All ordinances, rules, regulations, and policies of the Eden Metropolitan Sewerage District shall continue in full force and effect until repealed or amended by the City Council of the City of Eden.

(g) The Eden Metropolitan Sewerage District shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this Section.

Sec. 3. If a majority of the votes cast in the special election shall be cast "AGAINST merger of City of Eden and Eden Metropolitan Sewerage District", then such merger shall not be effective unless approved by a majority of the qualified voters who vote thereon in a subsequent special election conducted under authority of this Act.

Sec. 4. Any action or proceeding in any court to set aside a special election held under authority of this Act or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within thirty (30) days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are hereby declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.