

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 388
SENATE BILL 496

AN ACT TO EXEMPT CERTAIN PROPERTY OWNED BY THE FRANKLINTON
CITY SCHOOL ADMINISTRATIVE UNIT FROM G.S. 115-131.

Whereas, on November 20, 1923, S. C. Vann conveyed to the Board of Trustees for the Franklinton Public Schools, located in the Town of Franklinton, North Carolina, the following described tract of land:

"Commencing at the corner of Main and Vine Streets and running thence Westwardly to Hillsboro Street; thence Southwardly along Hillsboro Street to its intersection with Mason Street; thence Eastwardly along Mason Street to the Citizens Bank lot; thence Northerly along the line of the Citizens Bank lot and the Bullock lot to Bullock's corner; thence Eastwardly about 50 feet to Main Street; thence Northerly along Main Street to point of beginning. It being the lots purchased by said S. C. Vann of J. B. Brewer and wife, Bettie Brewer, Josephine Henderson lot on Main and Vine Streets, and the Mollie Harris lot on Vine Street, containing the grounds and building of the Franklinton Public School, erected and donated by said S. C. Vann for educational purposes exclusively."

Whereas, said deed was recorded in the public registry, Franklinton, North Carolina, in Book 261, at page 355, on the fourth day of September, 1924; and

Whereas, said deed contained, among other restrictions, that the said Board of Trustees for the Franklinton Public School was "to have and to hold said property, with the rights, privileges and appurtenances thereto belonging to the said parties of the second part and their successors in office forever, upon the following uses and trusts, namely: The said buildings and grounds shall be used exclusively and perpetually for the education of the white race resident in Franklinton Township, Franklin County, North Carolina, and for no other or further purposes."; and

Whereas, the said restrictions as set out in the deed created defeasible title to the described tract which is now held by operation of law by the Franklinton City Board of Education; and

Whereas, since this property has been in the possession of the Franklinton City Board of Education, extensive improvements have been made to the property, and it has been continuously used for public school purposes, and continues to be so used; and

Whereas, in 1955, the General Assembly of the State of North Carolina enacted G.S. 115-131, which states in part that "County and city boards of education shall make no contract for the erection or repair of any school building unless the site upon which it is located is owned in fee simple by the said board"; and

Whereas, the Franklinton City Board of Education must make contracts for erections of new improvements or repairs to the existing school buildings which are located on the described tract, or the board will be unable to use the described premises for school purposes and will lose its substantial investment therein; and

Whereas, it is deemed in the best interest that the Franklinton City Board of Education should be empowered to enter into the necessary contracts for the erection of new improvements and repairs to the existing improvements on the school site, in order to continue to use it for public school purposes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The following tract of land currently owned and operated by the Franklinton City Board of Education be and it hereby is exempted from the operation and provisions of G.S. 115-131, said tract described as follows:

"Commencing at the corner of Main and Vine Streets and running thence Westwardly to Hillsboro Street; thence Southwardly along Hillsboro Street to its intersection with Mason Street; thence Eastwardly along Mason Street to the Citizens Bank lot; thence Northerly along the line of the Citizens Bank lot and the Bullock lot to Bullock's corner; thence Eastwardly about 50 feet to Main Street; thence Northerly along Main Street to point of beginning. It being the lots purchased by said S. C. Vann of J. B. Brewer and wife, Bettie Brewer, Josephine Henderson lot on Main and Vine Streets, and the Mollie Harris lot on Vine Street, containing the grounds and building of the Franklinton Public School, erected and donated by said S. C. Vann for educational purposes exclusively."

Sec. 2. The Franklinton City Board of Education is empowered and authorized by vote of a majority of the board to enter into contracts for the erection of new improvements and for the repair of any existing buildings or improvements on the school site as otherwise provided by law and to further make any contracts or agreements necessary or convenient to carry out such purposes.

Sec. 3. This act shall become effective upon ratification, and shall apply only to the described tract of land under the control and supervision of the Franklinton City Board of Education.

In the General Assembly read three times and ratified, this the 13th day of May, 1977.