

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 427
SENATE BILL 583

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS FOR THE
ESTABLISHMENT OF CHOWAN COUNTY DRAINAGE DISTRICT NUMBER
THREE.

Whereas, Bear Swamp Drainage District Number Three also known as Chowan County Drainage District Number Three was established by a proceeding in the office of the Clerk of the Superior Court of Chowan County instituted in 1909 pursuant to Chapter 442 of the Public Laws of 1909; and

Whereas, that since the original construction of improvements in the Bear Swamp Watershed during the period of 1913-1914, there have been several renovations; and

Whereas, documents are missing from the court records to show the continuity of the court proceedings, the classification of benefits to the several tracts of lands and the tracts of land assessed, as well as the maps or other description of the boundaries of the drainage district and the several tracts of land located within said boundaries, the original waterways improved, the easements for the improvements as well as related documents, and

Whereas, the most recent renovation of the drainage system was in 1948; and there is presently a need for renovation and maintenance to the existing drainage system; and

Whereas, there was a hearing on the 16th day of September, 1976, before the Clerk of the Superior Court of Chowan County advertised as required by G.S. 156-73, at which, the board of viewers previously appointed by the Clerk of the Superior Court of Chowan County presented their report which was filed with said court on the 23rd day of August, 1976, setting forth a plan for and the estimated cost of proposed renovations and improvements to the existing drainage system; and

Whereas, the said Clerk of Superior Court of Chowan County approved the said report of the board of viewers, pursuant to G.S. 156-74, on the 23rd day of September, 1976, and no appeal from said order of approval has been made; and

Whereas, to obtain necessary financial assistance to proceed with construction of the plans as approved by the court, a validation of the creation of the drainage district and the ratification of the acts of the commissioners of the drainage district, the Board of Viewers and the order of the clerk of the superior court as set forth by the records of the office of the Clerk of the Superior Court of Chowan County, relating to said drainage district, is necessary; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chowan County Drainage District Number Three also referred to as Bear Swamp Drainage District, established by judgment of the Superior Court of Chowan County in that certain special proceeding, bearing file number 68-SP-25 entitled in re: "Bear Swamp Drainage District" which is also identified on some of the documents filed in said proceeding as "Chowan County Drainage District Number Three", which proceeding was instituted in said court by petition recorded in Drainage Record Volume One at page 1 to which is attached a bond dated the "1st day of June, 1909", under the provisions of Chapter 442 of the Public Laws of 1909 and amendments thereto, is hereby ratified, confirmed and validated in every detail and is declared a political subdivision of the Government of the State of North Carolina as authorized by said Chapter, under the name of Chowan County Drainage District Number Three, also referred to as Bear Swamp Drainage District, they being one and the same.

Sec. 2. The elections and appointments by the superior court of said county of members composing the Board of Drainage Commissioners and the Board of Viewers for said district are hereby ratified, confirmed and validated.

Sec. 3. The Final Report of the Board of Viewers including all schedules attached thereto, filed on the 23rd day of August, 1976, at 5:05 p.m. as approved by "order of Confirmation on the Final Report of the Board of Viewers", entered by Lena M. Leary, Clerk of the Superior Court of Chowan County, on the 23rd day of September, 1976, and filed on the 23rd day of September, 1976, at 3:00 p.m. in the office of the Clerk of Superior Court of Chowan County is hereby ratified, confirmed and validated.

Sec. 4. (1) The map showing the boundaries of said Chowan County Drainage District Number Three, (Bear Swamp Drainage District), (2) the description of the boundaries and (3) the classification of lands as to benefits received, as set forth in the motion filed in said proceeding which is entitled Bear Swamp District Number Three (Chowan County Drainage District Number Three), file number 68-SP-25 in the office of the Clerk of Superior Court of Chowan County, on the 23rd day of March 1977, at 1:39 p.m. are hereby ratified, confirmed and validated as (1) the boundaries of said Chowan County Drainage District Number Three and (2) the classification of land within said boundaries as to benefits received and upon which assessments are to be made pursuant to Chapter 156 entitled "Drainage", Subchapter III, entitled "Drainage District", and amendments thereto.

Sec. 5. All acts of Chowan County Drainage District Number Three and its board of commissioners, entering into contracts and agreements with the Soil Conservation Service of the United States Department of Agriculture, and the development of plans for the maintenance, renovation and extension and otherwise to make improvements to the drainage system of Bear Swamp Watershed as shown by the said Final Report of the Board of Viewers as approved by the Clerk of Superior Court of Chowan County by said order entered the 23rd day of September, 1976, are hereby ratified, confirmed and validated as having been done in substantial compliance with

Chapter 156 entitled "Drainage", Subchapter III, entitled "Drainage District", and amendments thereto.

Sec. 6. The Clerk of Superior Court of Chowan County and other judicial officials together with the Commissioners of the Chowan County Drainage District Number Three, are hereby authorized and empowered to have all of the authority, powers and duties as set forth in said Chapter 156, Subchapter III of the General Statutes of North Carolina an amendments thereto and are directed to proceed in substantial compliance therewith for the accomplishment of the plans as set forth in said final report and the further development, operation and maintenance of said drainage district.

Sec. 7. All and every act and duty directed and required to be done to make valid and complete the (1) said Final Report of the Board of Viewers as confirmed by the Order of the Clerk of Superior Court of Chowan County on the 23rd day of September, 1976, and (2) the acquisition of rights-of-way or easements as necessary to accomplish the plans as set forth in said final report and (3) the authority to levy assessments upon the several tracts of land as shown in the said classification of benefits to land filed by the Clerk of Superior Court of Chowan County by order entered on the 23rd day of March, 1977, are hereby ratified, confirmed and validated and Chowan County Drainage District Number Three is declared an improvement district existing in accordance with and subject to the provisions of Chapter 156, Subchapter III of the General Statutes of North Carolina and amendments thereto.

Sec. 8. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does 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 severable.

Sec. 9. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1977.