

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 452
HOUSE BILL 700

AN ACT TO INCORPORATE THE TOWN OF RUTHERFORD COLLEGE IN
BURKE COUNTY, NORTH CAROLINA.

Whereas, the Community of Rutherford College was incorporated in 1872 and existed as an incorporated town until 1933, when it was abolished by an act of the legislature; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. A charter for the Town of Rutherford College shall be as follows:

"CHAPTER I.

"Incorporation and Corporate Powers.

"Section 1.1. Incorporation. The inhabitants of the area described in Chapter II of this act shall be and constitute a body politic and corporate under the name of 'Town of Rutherford College', and shall have all of the power, authority, rights, privileges and immunities conferred upon municipal corporations by the Constitution and General Laws of North Carolina and particularly Chapter 160A of the General Statutes.

"Sec. 1.2. Powers. The town shall have all the powers, duties, rights, privileges and immunities now vested in the town and now or hereafter granted to municipal corporations by the Constitution, by the General Laws of the State of North Carolina, and by this charter. The town shall exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, and general welfare of the city and of its inhabitants, and all implied powers necessary to carry into execution all powers granted as fully and completely as if such powers were fully enumerated herein.

"Sec. 1.3. Noncontiguous annexation. Notwithstanding any laws to the contrary, the Town of Valdese may annex, pursuant to Article 4 of G.S. 160A, areas not contiguous to its primary corporate limits which are closer to the primary corporate limits of the Town of Rutherford College than to the primary corporate limits of the Town of Valdese. The Town of Rutherford College may not annex any area by any means after receipt by the Town of Valdese of a petition from such area for annexation unless the Town of Valdese fails to annex such area within 60 days from receipt of such petition.

"Sec. 1.4. Limits on annexation. Notwithstanding any provisions of the laws of North Carolina to the contrary, the corporate limits of the Town of Rutherford College shall not be altered by annexation by any means within the areas lying West of Rural

Paved Road 1824 or Rural Paved Road 1001 before July 1, 1981; and the corporate limits shall not be altered by annexation within the area lying West of the center line of the aforesaid paved roads, by any means other than annexation as provided by G.S. 160A-31 or its successor statute, before July 1, 1987.

"CHAPTER II.

"Corporate Boundaries.

"Sec. 2.1. Town boundaries. The corporate boundaries of the Town of Rutherford College, until changed in accordance with law, are as follows:

Lying and being in Burke County, North Carolina and as set out on a map entitled 'Boundary Map of the Town of Rutherford College' which will be maintained in the Office of the Town Clerk as required by G.S. 160A-22 and more particularly as follows:

This description of the Town of Rutherford College will begin on the north side of Highway 64-70 and the southwest corner of Lot 1, Section 10, Map L13. This point borders on Highway 64-70. The line would then progress in a northerly direction with the property on the right being within the town. The line will progress along the west side of Lot 1 and 10, Section 10. It would then cross a small lane and then proceed northerly along the west side of Lot 1, Section 1, Map L13, crossing the terminus of a small lane and then along the east side of Lot 1, Section 8 and Lot 1, Section 9. Approximately two-thirds the distance along the west side of Lot 1, Section 9 the line will then progress in a westerly direction along the south border of Lot 27B to its southeast corner and will then progress northerly along the west side of Lots 27B, 27A, 10, 11 and 12, Section 9, Map L13, junctioning with SR 1554. The line will then cross SR 1554 progressing northerly along the eastern side of Lot 1, Section 1, Map L14, with the land to the right being within the town limits. The line will then progress successively in a westward direction, southerly direction, northerly direction along the western half of Lot 37J, Section 1, Map L14. It progresses further along the western side of Lots 4A and 4, Section 2, Map L19. The line then junctions with SR 1558. The boundary then progresses in a northwesterly direction along the southwest right-of-way of SR 1558 and a small access road junctioning with the south side of Lot 5, Section 1 near its southwest corner. The line will then progress westwardly along the south boundaries of Lot 6, 7 and 8, Section 1, Map L19 to the southwest corner of Lot 8. The line then progresses in a northerly direction along the west boundaries of Lot 8, 9, 13G, and 13A, Section 1, with the property to the right being within the town. The line then junctions with the southwest corner of Lot 9, Section 1, Map L18. It then progresses in an easterly direction to the southwest corner of the same lot and then northerly along the east boundary of Lot 9, junctioning with SR 1546, along its south right-of-way. The line then crosses SR 1546 to the southeast corner of Lot 8, Section 2, Map L18 and then progresses along the northern right-of-way of SR 1546 to the southeast corner of the same lot. It then progresses along the east border of Lot 8 in a northerly direction to the south boundary of Lot 7, Section 2 approximately midway between its southeast and southwest corner. The line then progresses along the south border of Lot 7, Section 2, Map L18 to its southeast corner and then in a northerly direction along the west boundaries of Lots 13, 12 and 14 of Section 2, Map L18. The line will then follow the western boundary of Lot 14 to its northwest corner at a point where it joins the northeast

corner of Lot 1A. The line will then progress easterly along the north side of Lots 14 and 15, Section 2, Map L18, with the property to the right being within the town. The line then progresses in an eastward direction across the north boundary of Lot 1, Section 1, Map L16 to the southeast corner of Lot 1, Map L17. From this point the line progresses northward along the west boundary of Lot 4 to its northwest corner. It then progresses a short way eastward and thence southeastward along the east border of Lots 4, 10, 5 and 6 to the southeastern corner of Lot 6. The line then progresses in a northwesterly direction along the west side of Lot 20, Section 1, Map L16 to its northwest corner. From this point the line progresses eastward along the north borders of Lots 20 and 16 junctioning with SR 1001.

Proceeding east, the line crosses Highway SR 1001 coinciding with the northern border of Lots No. 1 and 2 (Section 2 on L-16) and then in a southerly direction, with all property on the right being within the town. The line will coincide with the east boundaries of Lots No. 2 (Section 2) and Lots 1, 5, 4 (Section 3) to Abernethy Heirs line.

The line then proceeds east along Abernethy Heirs line (Lot 4-21) to it's northeast corner and then south to it's junction with the east line of Lot 2 (map L-8). The line then follows in a southerly direction the east line of Lot 2 to it's junction with SR 1602, with property to the right being within the town.

The line then proceeds east along the north boundary of a 6.9 acre lot (not numbered), and south along it's east boundary, joining the northwest corner of Lot No. 32 (map L-9, Section 4). The line then goes east along the north boundary of Lot 32, junctioning with the waters of Island Creek.

The boundary then follows Island Creek southward to a tributary known as Lail's Creek, then up Lail's Creek to a point where it crosses under the Southern Railroad tracks. The boundary then proceeds west along Southern's Line to the east boundary of Lot No. 9 (Section 7) map L-12 (1963), proceeding north along said boundary to the South boundary of Lot 8 and then west along south boundary of Lot 8 to an unnumbered road and then north to Highway 64-70, crossing to north side. The line coincides with the east boundaries of Lots No. 11, 11A, and a portion of 10.

The boundary then proceeds west along right-of-way of Highway 64-70 to the starting point.

There is excluded from the above-described corporate limits of Rutherford College the following described property belonging to Valdese General Hospital, Inc.:

BEGINNING on an iron pipe located in the intersection of State Road 1001 and State Road 1604 and runs thence with State Road 1001, South 7 degrees 47 feet East 159.00 feet to an iron pipe; thence South 0 degrees 53 feet East 634.00 feet to an iron pipe; thence South 7 degrees 36 feet West 524.73 feet to an iron pipe, Lynn Corner; thence South 73 degrees 33 feet East 1190.56 feet to an iron pipe, Stroupe corner; thence North 0 degrees 33 feet East 688.60 feet to an iron pipe; thence South 77 degrees 41 feet East 379.00 feet to an iron pipe; thence North 2 degrees 02 feet West 557.27 feet to an iron pipe; thence North 89 degrees 22 feet West 234.96 feet to an iron pipe; thence North 8 degrees 03 feet West 569.00 feet to an iron pipe; thence South 85 degrees 55 feet West 349.57 feet to an iron pipe; thence the same course, South 85 degrees 55 feet

West 800.00 feet (total distance 1149.57 feet) to an iron pipe, the point of BEGINNING, the same containing a total of 43.75 acres, more or less.

Provided that the property of Valdese General Hospital, Inc., or any part thereof, may not hereafter be annexed to any municipality unless petitioned by the Board of Trustees of Valdese General Hospital, Inc. requesting such annexation, notwithstanding the provisions of Article 4A of Chapter 160A of the General Statutes of North Carolina or any other statutes providing for the extension of corporate limits of municipalities in the State of North Carolina.

"Sec. 2.2. Electoral boundaries. Until modified in accordance with the law, the boundaries of the electoral district of the Town of Rutherford College shall be as set forth in Section 2.1.

"CHAPTER III.

"Governing Body.

"Sec. 3.1. Number of members. The governing body shall consist of six council members and the mayor.

"Sec. 3.2. Manner of election of council. The qualified voters of the entire Town of Rutherford College shall elect the members of the board.

"Sec. 3.3. Term of office of the members of the board. Beginning with the regular municipal election to be held in 1977, the three candidates for town council receiving the highest number of votes shall be elected for a term of four years, and the three candidates receiving the next highest number of votes shall be elected for a term of two years. Thereafter as the terms of each member expire, their successors shall be elected for terms of four years.

"Sec. 3.4. Election of mayor - term of office. The qualified voters of the entire Town of Rutherford College shall elect the mayor. He is elected for a four-year term of office.

"CHAPTER IV.

"Elections.

"Sec. 4.1. Conduct of town elections. The town officers shall be elected on a nonpartisan basis, and the results determined by plurality as provided in G.S. 163-292, and this includes the election of the mayor.

"Sec. 4.3. The officers elected under this act shall take office on the first Monday in December following their election and qualify by taking the oath of office. Council shall hold a regular meeting at least once a month and shall fix a time and place of its regular meetings which shall be presided over by the mayor or some official acting in his behalf.

"Sec. 4.4. First election. The first election held pursuant to this act shall be paid for by the County of Burke but the Town of Rutherford College shall reimburse the County of Burke for the costs of the election as soon as the town treasury has funds sufficient on hand.

"Sec. 4.5. Temporary officers. Until a regular municipal election to be held in November, 1977, the following six persons, W. Joe Jacumin, Claude Icard, Jr., Jimmy Huffman, Richard Jenson, J. T. Kincaid and Robert W. Bigham, are hereby appointed to act as the Council for the Town of Rutherford College and Zeb B. Malcolm is hereby appointed to act as Mayor of Rutherford College, and each person shall possess and

may exercise the powers granted to the Town of Rutherford College until their successors are elected and qualified.

"CHAPTER V.

"Administration.

"Sec. 5.1. The Town of Rutherford College operates under the Mayor-Council Plan as provided in G.S. Chapter 160A, Article VII, Part 3, and other statutes and applicable law of North Carolina.

"Sec. 5.2. Salaries. The town council and mayor shall receive no salary for services rendered.

"Sec. 5.3. Municipal taxes. The fiscal affairs of the Town of Rutherford College shall be governed by Chapter 159 of the General Statutes, and all other pertinent provisions of the Constitution and General Laws of the State. The territory within the corporate limits, its citizens and property shall be subject to municipal taxes levied by the town for the fiscal year of 1978-1979, and subsequent years. The town shall obtain from Burke County, and the county shall provide, upon request, a record of the property within the corporate limits which were listed for taxation as of January 1, 1978."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1977.