

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 415  
HOUSE BILL 656

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
BREVARD AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the City of Brevard is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF BREVARD.

"ARTICLE I.

"Incorporation, Corporate Powers and Boundaries.

"Section 1.1. Incorporation. The City of Brevard, North Carolina in the County of Transylvania and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the City of Brevard, hereinafter at times referred to as the 'City'.

"Sec. 1.2. Powers. The City of Brevard shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the City of Brevard specifically or upon municipal corporations generally by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. Corporate Limits. (a) The corporate limits of the City of Brevard shall be as follows:

'BEGINNING at the center of Neely Road at the center of Kings Creek (Corner 1) and runs with the center of Kings Creek in an easterly direction 420 feet to Corner 2, a point, Fred Fendley's northeast corner; thence with Fred Fendley's line South 39 degrees West 350 feet to Corner 3, a point, Fred Fendley's south corner in the line of High View Terrace; thence with the line of High View Terrace South 53 degrees and 45 minutes East 318 feet to Corner 4, a stake, the east corner of Lot 9 of High View Terrace; thence still with the line of High View Terrace South 53 degrees East 160 feet to Corner 5, a stake, the east corner of Lot 11 of High View Terrace; thence still with the line of High View Terrace South 70 degrees and 30 minutes East 80 feet to Corner 6, a stake, the northeast corner of Lot 12 of High View Terrace; thence still with the line of High View Terrace South 15 degrees West approximately 10 feet to Corner 7, an iron pipe, the northwest corner of the former Frank King property; thence South 78 degrees and 42 minutes East 148.5 feet to Corner 8, an iron pipe, the northeast corner of the said Frank King property; thence South 16 degrees and 29 minutes West 406.2 feet to Corner 9, an iron pipe, said iron pipe being in the north margin of an old road; thence South 16 degrees and 29 minutes West 5 feet to Corner 10, a point in the center of the

said road; thence East with the center of the said old road approximately 175 feet to Corner 11, a point in the center of a ditch or branch; thence up and with the center of said ditch or branch in a southwest direction approximately 1580 feet to Corner 12, an iron pipe T.K. McCrary's northeast corner; thence South 1 degree East 448 feet to Corner 13, a stake, T.K. McCrary's corner; thence South 14 degrees and 50 minutes West 135 feet crossing Elm Bed Road to Corner 14, a stake located 30 feet South of the center of Elm Bend Road; thence in a western direction along a line parallel with and 30 feet south of the center of Elm Bend Road for a distance of approximately 80 feet to Corner 15, a stake in the line dividing the properties of Louis Moore and F. Moore; thence with the said dividing line South 5 degrees East 165 feet to Corner 16, a stake in the center of a ditch; thence with the property line of the Transylvania County Board of Education nine calls as follows:

- (1) South 69 degrees East 206.00 feet to Corner 17, an iron pipe;
- (2) South 20 degrees and 46 minutes East 399.45 feet to Corner 18, an iron pipe;
- (3) South 69 degrees and 14 minutes West 60.00 feet to Corner 19, an iron pipe;
- (4) South 20 degrees and 46 minutes East 75.73 feet to Corner 20, an iron pipe;
- (5) South 14 degrees and 00 minutes West 255.57 feet to Corner 21, an iron pipe;
- (6) South 85 degrees and 41 minutes West 394.73 feet to Corner 22, an iron pipe;
- (7) South 51 degrees and 39 minutes West 229.08 feet to Corner 23, an iron pipe;
- (8) South 49 degrees and 14 minutes West 153.72 feet to Corner 24, a nail in the center of U.S. Highway 276;
- (9) North 28 degrees and 50 minutes West 597.27 feet to Corner 25, a point in the center of U.S. Highway 276 at the center of a culvert; thence about Northeast 18 feet to Corner 26, a point at the center of the northeast edge of the concrete headwall of said culvert; thence North 29 degrees and 56 minutes West 250.0 feet to Corner 27, a stake set 12.7 feet northeast of the center of U.S. Highway 276; thence along the northeast margin of U.S. Highway 276 in a northwest direction for a distance of approximately 95 feet to Corner 28, a stake located 3960 feet from the Transylvania County Courthouse; thence in a southwest direction along a curved line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse for a distance of approximately 920 feet to Corner 29, a stake in the line of property formerly owned by C. E. Cochran; thence with the line of the said C. E. Cochran property 15 calls as follows:
  - (1) South 23 degrees and 38 minutes East 261 feet to Corner 30, a stake;
  - (2) South 46 degrees and 15 minutes West 85.15 feet to Corner 31, a stake;
  - (3) South 40 degrees and 23 minutes West 61.1 feet to Corner 32, a stake;
  - (4) South 44 degrees and 20 minutes West 109.3 feet to Corner 33, a stake in the center of Singing Branch;
  - (5) North 86 degrees and 44 minutes West 120.1 feet to Corner 34, a stake in the center of said Singing Branch;
  - (6) North 30 degrees and 00 minutes East 62.4 feet to Corner 35, a stake;
  - (7) North 68 degrees and 00 minutes West 50.0 feet to Corner 36, a stake;
  - (8) South 30 degrees and 00 minutes West 50.0 feet to Corner 37, a stake;
  - (9) South 89 degrees and 00 minutes West 55.0 feet to Corner 38, a stake;
  - (10) North 58 degrees and 30 minutes West 100.00 feet to Corner 39, a stake;

- (11) North 37 degrees and 00 minutes West 65.6 feet crossing Gallimore Road to Corner 40, a stake;
- (12) South 29 degrees and 00 minutes West 33.2 feet to Corner 41, a stake in the center of the aforesaid Singing Branch;
- (13) North 58 degrees and 08 minutes West 80.45 feet to Corner 42, a stake in the center of Singing Branch;
- (14) North 18 degrees and 38 minutes West 28.3 feet to Corner 43, a stake in the center of Singing Branch;
- (15) Northwest with the center of Singing Branch approximately 10 feet to Corner 44, a point located 3960 feet from the Transylvania County Courthouse; thence in a southwest direction along a curved line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse for a distance of approximately 500 feet to Corner 45, a stake in the line of properties of Henry E. Garren and Lewis Moore Estate; thence with said line South 17 degrees and 30 minutes East approximately 50 feet to Corner 46, a post oak, the southeast corner of the Henry E. Garren property; thence South 17 degrees and 30 minutes East 750 feet crossing the aforesaid Gallimore Road to Corner 47, a point in the line of the said Lewis Moore Estate property located 180 feet southeast of the center of said Gallimore Road; thence South 43 degrees West approximately 1250 feet along a line parallel with and 180 feet from the center of the said Gallimore Road to Corner 48, a point in the west boundary line of property of Paul Lollis as described in Deed Book 118 at Page 201 of the deed records for Transylvania County, N.C.; thence South 4 degrees East approximately 290 feet to Corner 49, a stake in the south side of a proposed 30 foot road; thence with the south side of said proposed road South 77 degrees and 44 minutes East 103 feet to Corner 50, a stake, the northeast corner of property of the Board of Education as described in Deed Book 119 at Page 83 of the deed records for Transylvania County, N.C.; thence with the property line of the Board of Education eight calls as follows:
  - (1) South 12 degrees and 16 minutes West 1084 feet to Corner 51, a stake in the center of Nicholson Creek;
  - (2) South 47 degrees and 51 minutes West 180 feet to Corner 52, a point in the center of Nicholson Creek;
  - (3) North 53 degrees and 38 minutes West 175.0 feet to Corner 53, a point in the center of Nicholson Creek;
  - (4) North 67 degrees and 30 minutes West 85.0 feet to Corner 54, a point in the center of Nicholson Creek;
  - (5) North 55 degrees and 33 minutes West 100 feet to Corner 55, a point in the center of Nicholson Creek;
  - (6) North 69 degrees and 16 minutes West 90.0 feet to Corner 56, a point in the center of Nicholson Creek;
  - (7) North 81 degrees and 10 minutes West 70.0 feet to Corner 57, a point in the center of Nicholson Creek; thence leaving the said Nicholson Creek
  - (8) North 61 degrees and 30 minutes West 828 feet to Corner 58, a point in the center of Country Club Road; thence North 61 degrees and 30 minutes West approximately 33 feet to Corner 59, a point in the west margin of Country Club Road (a 60 foot road);

thence with the west margin of Country Club Road North 2 degrees and 00 minutes East 110 feet to Corner 60, a point; thence still with the west margin of Country Club Road along a line curving to the right or eastward, said curve having a radius of 395 feet, for a distance of 200 feet to Corner 61, a point; thence still with the west margin of Country Club Road North 31 degrees and 05 minutes East 720 feet to Corner 62, a stake; thence North 61 degrees and 15 minutes West 370 feet to Corner 63, a stake; thence North 46 degrees West 330 feet to Corner 64, a stake; thence North 10 degrees East 143 feet to Corner 65, a point in the south boundary line of South View Acres, thence with the line of said South View Acres six calls as follows:

- (1) South 65 degrees and 36 minutes West 367.78 feet to Corner 66, an iron bar;
- (2) North 33 degrees and 09 minutes West 681.08 feet to Corner 67, an iron pipe;
- (3) North 76 degrees and 28 minutes East 116.33 feet to Corner 68, an iron pipe;
- (4) North 77 degrees and 11 minutes East 343.32 feet to Corner 69, a concrete monument;
- (5) South 14 degrees and 51 minutes East 166.00 feet to Corner 70, a concrete monument;
- (6) North 74 degrees and 10 minutes East 304.60 feet to Corner 71, an iron pipe; thence North 24 degrees West 115.9 feet to Corner 72, a stake; thence South 80 degrees and 30 minutes West 273 feet to Corner 73, a stake; thence North 15 degrees West 680 feet to Corner 74, a stake located 3960 feet southwest of the aforesaid Transylvania County Courthouse; thence along a curved line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse in a general northwest direction for a distance of approximately 3600 feet to Corner 75, a concrete monument in the line of property formerly owned by Mary Jane McCrary; thence with the line of the said McCrary property 21 calls as follows:
- (1) South 76 degrees and 51 minutes West 181.38 feet crossing Probart Street extension to Corner 76, an iron pipe;
- (2) North 22 degrees and 09 minutes West 154.0 feet to Corner 77, an iron rod;
- (3) North 06 degrees and 09 minutes West 202.0 feet to Corner 78, an iron rod;
- (4) North 48 degrees and 24 minutes West 101.0 feet to Corner 79, an iron rod;
- (5) South 76 degrees and 28 minutes West 180.53 feet to Corner 80, an iron pipe;
- (6) North 86 degrees and 52 minutes West 54.0 feet to Corner 81, an iron pipe;
- (7) North 55 degrees and 06 minutes West 433.88 feet crossing Probart Street Extension to Corner 82, an iron pipe;
- (8) North 33 degrees and 51 minutes East 40.07 feet to Corner 83, an iron pipe;
- (9) North 21 degrees and 53 minutes West 104.88 feet to Corner 84, an iron pipe;
- (10) North 55 degrees and 34 minutes West 196.05 feet to Corner 85, a planted stone;
- (11) North 33 degrees and 33 minutes East 65.53 feet to Corner 86, a planted stone at a fence corner;
- (12) North 06 degrees and 44 minutes East 230.33 feet to Corner 87, a planted stone at a fence corner;
- (13) North 25 degrees and 10 minutes East 254.21 feet to Corner 88, a planted stone;
- (14) South 05 degrees and 05 minutes East 16.31 feet to Corner 89, an iron pipe at a fence corner;

- (15) South 53 degrees and 07 minutes East 130.22 feet to Corner 90, an iron pipe at a fence corner;
- (16) North 86 degrees and 30 minutes East 193.83 feet to Corner 91, an iron pipe at a fence corner;
- (17) South 66 degrees and 23 minutes East 123.37 feet to Corner 92, an iron pipe at a fence corner;
- (18) South 29 degrees and 40 minutes East 154.26 feet to Corner 93, an iron pipe at a fence corner;
- (19) South 46 degrees and 22 minutes East 274.91 feet to Corner 94, an iron pipe at a fence;
- (20) South 40 degrees and 12 minutes East 135.50 feet to Corner 95, a concrete monument located 3960 feet from the aforesaid Transylvania County Courthouse; thence along a curved line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse in a general north and northeast direction for a distance of approximately 7860 feet to Corner 96, a stake in the northwest boundary line of property of Brevard Manufacturing Company; thence with the line of the Brevard Manufacturing Company North 49 degrees and 14 minutes East approximately 288 feet to Corner 97, a stake, the northernmost corner of property of the said Brevard Manufacturing Company; thence South 04 degrees and 23 minutes East 254.0 feet to Corner 98, a stake in the center of the Southern Railway Company's right of way; thence in a general northeast direction approximately 500 feet to Corner 99, a point in the center of the Southern Railway Company's right of way, said point located 25 feet east of the center of Fisher Road; thence with the east margin of Fisher Road (a 50 foot road) and with the east margin of Crestwood Drive North 5 degrees and 43 minutes East 508.05 feet to Corner 100, an iron pin; thence crossing Crestwood Drive South 84 degrees and 17 minutes West 50 feet to Corner 101, a stake in the west margin of Crestwood Drive; thence with the west margin of Crestwood Drive South 5 degrees and 43 minutes East 190 feet to Corner 102, an iron pipe at the intersection of the north margin of Fisher Road (S.R. 1356) and the west margin of Crestwood Drive; thence South 00 degrees and 11 minutes West 30 feet to Corner 103, a point in the center of Fisher Road; thence in a northwesterly direction with the center of said Fisher Road approximately 975 feet to Corner 104, a point in the center of Fisher Road at its intersection with the center of the aforesaid Crestwood Drive; thence North 3 degrees and 27 minutes East 346.7 feet with the center of Crestwood Drive to Corner 105, a point in the center of said Crestwood Drive; thence North 81 degrees and 22 minutes East 25.66 feet to Corner 106, an iron pipe; thence North 01 degrees and 32 minutes East 127.58 feet to Corner 107, an iron pipe; thence along a line curving to the west, said curve having a radius of 116.46 feet and a length of 237.95 feet to Corner 108, an iron pipe; thence South 64 degrees and 28 minutes West 84.00 feet to Corner 109, an iron pipe; thence along a line curving to the north, said curve having a radius of 53.35 feet and a length of 119.19 feet to Corner 110, an iron pipe; thence North 12 degrees and 28 minutes East 204.50 feet to Corner 111, an iron pipe; thence along a line curving to the northeast, said curve having a radius of 151.18 feet and a length of 80.56 feet to Corner 112, an iron pipe; thence North 43 degrees and 00 minutes East 67.00 feet to

Corner 113, an iron pipe; thence along a line curving to the east, said curve having a radius of 60.89 feet and a length of 78.64 feet to Corner 114, an iron pipe; thence South 63 degrees and 00 minutes East 117.41 feet to Corner 115, an iron pipe; thence North 24 degrees and 13 minutes East 301.81 feet to Corner 116, an iron pipe; thence South 40 degrees and 32 minutes East 470 feet to Corner 117, a concrete monument; thence South 40 degrees and 41 minutes East 141 feet to Corner 118, a 9 inch Sourwood; thence South 53 degrees and 09 minutes East 739.17 feet to Corner 119, a concrete monument; thence North 49 degrees and 07 minutes East 69.18 feet to Corner 120, a concrete monument; thence North 88 degrees and 23 minutes East 48.34 feet to Corner 121, a point in the center of Siniard or Bridges Creek; thence down and with the center of said Siniard or Bridges Creek; South 43 degrees and 01 minutes East 127.30 feet to Corner 122, a point, said point being the westernmost corner of property of James C. Gaither, Sr.; thence with the property line of said James C. Gaither, Sr., three calls as follows:

(1) North 61 degrees and 43 minutes East 63.65 feet to Corner 123, a concrete monument;

(2) North 62 degrees and 03 minutes East 99.81 feet to Corner 124, the top of a leaning concrete monument;

(3) South 85 degrees and 20 minutes East 447.15 feet, passing a concrete monument at 411.45 feet to Corner 125, a point in the center of the Southern Railway Company's right of way; thence North 1 degree and 18 minutes West 259.44 feet to Corner 126, a point; thence North 25 degrees and 19 minutes East 100.11 feet to Corner 127, an iron pipe; thence North 69 degrees and 15 minutes East 135.63 feet to Corner 128, an iron pipe; thence North 20 degrees 30 minutes East along the West side of an 18 foot right of way to Corner 129, an iron pipe located 14 feet south of the South edge of the pavement of Camp Carolina Road, State Road #1357; thence North 86 degrees 30 minutes West 125 feet parallel to Camp Carolina Road to Corner 129A, a point in the center of a ditch, 14 feet South of the South edge of pavement of Camp Carolina Road; thence North 20 degrees 53 minutes East 63.1 feet to Corner 130, an iron pipe located 30 feet North of the center of Camp Carolina Road; thence North 88 degrees and 41 minutes West 110.9 feet to Corner 131, an iron pipe located 30 feet north of Camp Carolina Road; thence North 43 degrees and 52 minutes East 361.13 feet to Corner 132, a fence corner; thence North 49 degrees and 19 minutes East 453.55 feet to Corner 133, a fence corner located 6 feet south of an old road; thence North 87 degrees and 53 minutes West 253.7 feet to Corner 134, a point; thence North 27 degrees and 44 minutes East 461.7 feet to Corner 135, an iron pipe; thence North 27 degrees and 44 minutes East 512.27 feet to Corner 136, a point in the center of Camp Strauss Road; thence South 37 degrees and 14 minutes East 190.50 feet to Corner 137, a point in the center of Camp Strauss Road; thence South 47 degrees and 14 minutes East 53.13 feet to Corner 138, a point in the center of Camp Strauss Road; thence following along the west and northwest margin of the 150 foot right of way for U.S. Highway 64 twelve calls as follows:

(1) North 16 degrees and 15 minutes East 173.11 feet to Corner 139, a point;

(2) North 20 degrees and 36 minutes East 166.6 feet to Corner 140, a point;

(3) North 27 degrees and 08 minutes East 172.67 feet to Corner 141, a point;

- (4) North 33 degrees and 39 minutes East 154.3 feet to Corner 142, a point;
- (5) North 38 degrees and 37 minutes East 233.7 feet to Corner 143, a point;
- (6) North 40 degrees and 36 minutes East 1018.06 feet crossing Allison Creek to Corner 144, a point;
- (7) North 37 degrees and 58 minutes East 195.63 feet to Corner 145, a point;
- (8) North 31 degrees and 03 minutes East 265.73 feet to Corner 146, a concrete right of way monument;
- (9) North 23 degrees and 43 minutes East 160.06 feet to Corner 147, a point;
- (10) North 18 degrees and 02 minutes East 234.21 feet to Corner 148, a point;
- (11) North 11 degrees and 21 minutes East 220.60 feet to Corner 149, a point;
- (12) North 7 degrees and 33 minutes East 517.23 feet to Corner 150, a concrete monument; thence crossing U.S. Highway 64, South 69 degrees and 14 minutes East 150.0 feet to Corner 151, a concrete monument in the east margin of said 150 foot right of way for U.S. Highway 64; thence South 69 degrees and 14 minutes East 813.88 feet along a fence to Corner 152, a point in the center of Lambs Creek; thence down and with the center of Lambs Creek South 18 degrees and 26 minutes West 339.7 feet to Corner 153, a point in the center of Lambs Creek; thence still down and with the center of Lambs Creek south 24 degrees and 51 minutes East 321.17 feet to Corner 154, a point in the center of Lambs Creek; thence South 83 degrees and 55 minutes East 15.0 feet to Corner 155, a concrete monument, the northwest corner of the property of the Transylvania Community Hospital, thence with the line of the property of the said Transylvania Community Hospital nine calls as follows:
  - (1) South 83 degrees and 55 minutes East 930.97 feet to Corner 156, an iron pipe;
  - (2) North 06 degrees and 05 minutes East 148.0 feet to Corner 157, an iron pipe in the south boundary of a street; thence with the south boundary of said street
  - (3) South 83 degrees and 55 minutes East 150.0 feet to Corner 158, a concrete monument;
  - (4) South 06 degrees and 05 minutes West 148.0 feet to Corner 159, a concrete monument;
  - (5) South 83 degrees and 56 minutes East 424.15 feet to Corner 160, a concrete monument;
  - (6) South 2 degrees and 49 minutes West 536.03 feet to Corner 161, a concrete monument;
  - (7) South 76 degrees and 49 minutes West 822.0 feet to Corner 162, an iron pipe;
  - (8) South 26 degrees and 31 minutes East 148.82 feet to Corner 163, a concrete monument;
  - (9) South 4 degrees and 38 minutes East 417.9 feet to Corner 164, a concrete monument, the south corner of property of the aforesaid Transylvania Community Hospital; thence South 1 degree and 29 minutes West 110.0 feet to Corner 165, a point in the center of the Southern Railway Company's right of way; thence with the center of the said Southern Railway Company's right of way thirteen calls as follows:
    - (1) North 88 degrees and 31 minutes West 813.7 feet to Corner 166, a point in the center of Lambs Creek;
    - (2) North 88 degrees and 31 minutes West 532.64 feet to Corner 167, a point;

- (3) North 89 degrees and 59 minutes West 103.29 feet to Corner 168, a point;
- (4) South 85 degrees and 38 minutes West 96.12 feet to Corner 169, a point;
- (5) South 79 degrees and 44 minutes West 100.54 feet to Corner 170, a point;
- (6) South 75 degrees and 37 minutes West 96.78 feet to Corner 171, a point;
- (7) South 67 degrees and 40 minutes West 103.46 feet to Corner 172, a point;
- (8) South 61 degrees and 17 minutes West 100.76 feet to Corner 173, a point;
- (9) South 55 degrees and 14 minutes West 101.83 feet to Corner 174, a point;
- (10) South 48 degrees and 35 minutes West 102.37 feet to Corner 175, a point;
- (11) South 43 degrees and 19 minutes West 102.51 feet to Corner 176, a point;
- (12) South 40 degrees and 34 minutes West 1543.02 feet to Corner 177, a point in the center of Osborne Road;
- (13) South 40 degrees and 29 minutes West 127.3 feet to Corner 178, a point in the center of the said Southern Railway Company's right of way; thence leaving the said right of way, South 05 degrees and 50 minutes West 1366.6 feet to Corner 179, a concrete monument; thence South 85 degrees and 04 minutes East 185.0 feet crossing Oakdale Avenue to Corner 180, a concrete Monument; thence South 04 degrees and 13 minutes West 83.3 feet to Corner 181, a point; thence South 02 degrees and 44 minutes East 67.1 to Corner 182, a point; thence South 12 degrees and 51 minutes East 64.0 feet to Corner 183, a point; thence South 21 degrees and 07 minutes East 193.6 feet crossing the center of the old Hendersonville Highway at 164.9 feet to Corner 184, an iron pipe; thence South 67 degrees and 23 minutes West 113.63 feet to Corner 185, an iron pipe located 28.7 feet southeast of the center of the aforesaid old Hendersonville Highway; thence South 04 degrees and 51 minutes East 165.13 feet to Corner 186, an iron pipe; thence South 84 degrees and 56 minutes East 161.86 feet to Corner 187, an iron pipe, the northeast corner of Dr. C. L. Newland property; thence South 00 degrees and 42 minutes West 200.0 feet to Corner 188, an iron pipe, Dr. C. L. Newland's southeast corner; thence South 84 degrees and 54 minutes East 97.0 feet to Corner 189, a fence post; thence South 13 degrees and 54 minutes East 96.8 feet to Corner 190, a fence post; thence South 09 degrees and 14 minutes East 88.0 feet to Corner 191, a locust post; thence South 25 degrees and 20 minutes East 61.5 feet to Corner 192, a cherry tree stump; thence South 56 degrees and 53 minutes West 112.3 feet to Corner 193, an iron pipe; thence South 05 degrees and 50 minutes West 228.5 feet, passing an iron pipe at 215.8 feet to Corner 194, a point in the center of North Oak Street; thence with the center of said North Oak Street North 82 degrees and 01 minutes West approximately 11 feet to Corner 195, a point; thence with the northeast boundary line of Cedarcrest subdivision South 15 degrees and 26 minutes East 808.5 feet to Corner 196, a point, the southeast corner of said Cedarcrest subdivision; thence with the line of property of Sam Owen North 80 degrees and 53 minutes West 392.56 feet to Corner 197, a point in the center of Neely Road; thence with the center of said Neely Road five calls as follows:
  - (1) South 24 degrees and 00 minutes East approximately 240 feet to Corner 198, a point;
  - (2) South 23 degrees and 00 minutes East 198 feet to Corner 199, a point;
  - (3) South 34 degrees and 00 minutes East 297 feet to Corner 200, a point;

- (4) South 330 feet to Corner 201, a point;
- (5) South 08 degrees and 00 minutes East 338.2 feet to Corner 202, a point in the center of said Neely Road at the center of Bridges Creek; thence up and with the center of said Bridges Creek five calls as follows:
  - (1) North 78 degrees West 275 feet to Corner 203, a point;
  - (2) North 49 degrees West 66 feet to Corner 204, a point;
  - (3) North 08 degrees and 30 minutes West 198 feet to Corner 205, a point;
  - (4) North 32 degrees and 30 minutes West 165 feet to Corner 206, a point;
  - (5) North 48 degrees West approximately 390 feet to Corner 207, a point located 3960 feet from the aforesaid Transylvania County Courthouse; thence along a curving line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse in a general south direction for a distance of approximately 1335 feet to Corner 208, a point in the center of the aforesaid King's Creek; thence down and with the center of said King's Creek in a general east direction approximately 80 feet to Corner 1, the BEGINNING. Containing 1635.8 acres or 2.61 square miles. Also included within the Brevard City limits but not adjoining the first tract above described is the following tract of land:

Being a tract of land lying on the north side of Elm Bend Road and known as McCrary Acres and being more fully described as follows:

BEGINNING at a railroad spike in the center of the said Elm Bend Road, said spike being the southeast corner of property of Alonzo Warren and runs thence along the line of said Alonzo Warren North 27 degrees and 28 minutes East 221.96 feet to an iron pin; thence North 30 degrees and 14 minutes East 349.88 feet to an iron pin; thence South 82 degrees and 24 minutes West 23.5 feet to an iron pin; thence North 0 degrees and 56 minutes East 198.82 feet to an iron pin; thence North 1 degree and 16 minutes East 412.64 feet to a stake; thence South 71 degrees and 01 minutes East 1108.38 feet to a stake in the center of a small branch or ditch; thence up and with the center of said small branch or ditch two calls as follows:

- (1) South 18 degrees and 31 minutes East 333.85 feet to a stake;
- (2) South 5 degrees and 24 minutes West 411.89 feet to a stake at the bend of the said ditch; thence leaving said small branch or ditch South 4 degrees and 56 minutes West 498.37 feet to a stake in the center of the aforesaid Elm Bend Road; thence with the center of said Elm Bend Road five calls as follows:
  - (1) North 85 degrees and 34 minutes West 97.62 feet to a stake;
  - (2) South 86 degrees and 32 minutes West 163.75 feet to a stake;
  - (3) North 87 degrees and 14 minutes West 136.97 feet to a stake;
  - (4) North 84 degrees and 4 minutes West 85.52 feet to a stake;
  - (5) North 81 degrees and 44 minutes West 27.62 feet to a stake; thence leaving said Elm Bend Road North 5 degrees and 00 minutes East 215.0 feet to a point, common corner of Lots 21, 29 and 28 of McCrary Acres; thence North 79 degrees and 32 minutes West 157.74 feet to a point, common corner of Lots 27 and 28 of said McCrary Acres; thence with the line of Lot 28, North 66 degrees and 56 minutes West 20.0 feet to a point in the old Western boundary of the Galloway tract; thence with the Western boundary of the said Galloway tract South 23 degrees and 28 minutes West 200 feet to a point in the

center of the aforesaid Elm Bend Road; thence with the center of said Elm Bend Road six calls as follows:

- (1) North 66 degrees and 38 minutes West 105.10 feet to a stake;
- (2) North 63 degrees and 3 minutes West 101.26 feet to a stake;
- (3) North 59 degrees and 27 minutes West 138.51 feet to a stake;
- (4) North 55 degrees West 150.28 feet to a stake;
- (5) North 51 degrees and 12 minutes West 131.14 feet to a stake;
- (6) North 45 degrees and 17 minutes West 90.09 feet to the BEGINNING. Containing 35.28 acres.

Notwithstanding the above descriptions, the following described lands are excluded from the corporate limits:

Being a tract of land lying between Fisher Road and Green Acres Avenue and being more fully described as follows:

BEGINNING at the center of Bridges Creek at the center of the Southern Railway Company's right of way and runs thence down and with the center of said Bridges Creek South 35 degrees and 23 minutes East 359 feet to a point in the center of said Bridges Creek at the end of a fence; thence leaving said Bridges Creek and running with said fence South 69 degrees and 39 minutes West 212 feet to an iron pipe, corner of Green Acres Subdivision; thence with the line of said Green Acres Subdivision two calls as follows:

- (1) South 80 degrees West 226 feet;
- (2) South 3 degrees and 45 minutes East approximately 615 feet to a point located 3960 feet from the Transylvania County Courthouse; thence in a northwest direction along a curved line which is at all points located 3960 feet from the aforesaid Transylvania County Courthouse for a distance of approximately 265 feet to a point located 150 feet east of the center of Fisher Road; thence North 2 degrees and 30 minutes East along a line parallel with and 150 feet east of the center of said Fisher Road for a distance of approximately 748 feet to the center of the aforesaid Southern Railway Company's right of way; thence with the center of the said Southern Railway Company's right of way North 57 degrees East approximately 500 feet to the Beginning. Containing 6.4 acres.

(b) Whenever the corporate boundaries of the City are altered in accordance with law, such changes in the corporate boundaries shall be indicated by appropriate additions to the official map or description of the boundaries of the City, to be maintained in the office of the City Clerk.

## "ARTICLE II.

### "Mayor and City Council.

"Sec. 2.1. Governing Body. The Mayor and City Council, elected and constituted as herein set forth, shall be the governing body of the City. On behalf of the City, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the City.

"Sec. 2.2. Mayor, Term of Office, Duties. The Mayor shall be elected by and from the qualified voters of the City for a term of two years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is

elected and qualified. The Mayor shall be the official head of the City government, shall preside at all meetings of the City Council, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Council only where there are an equal number of votes in the affirmative and in the negative.

"Sec. 2.3. City Council; Terms of Office. The City Council shall be composed of five members, each of whom shall be elected for terms of four years, in the manner provided by Article III of this Charter; provided Council members shall serve until their successors are elected and qualified.

"Sec. 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the City Council shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 2.5. Meetings of the Council. In accordance with applicable State laws, the Council shall establish a suitable time and place for its regular meetings. Special meetings may be held according to applicable provisions of the General Statutes.

"Sec. 2.6. Vacancies. In the event a vacancy occurs in the office of the Mayor, the City Council may by majority vote fill it for the remainder of the term. In the event a vacancy in the office of Councilman occurs during the final two years of a regular term, the remaining members of the Council may by majority vote fill it for the remainder of the term. In the event a vacancy in the office of Councilman occurs during the first two years of a regular term, the remaining members of the Council may by majority vote fill it until the next election, at which it shall be filled by the voters for the remaining two years of the term.

### "ARTICLE III.

#### "Elections.

"Sec. 3.1. Regular Municipal Elections; Conduct. Regular municipal elections shall be held in the City every two years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Council shall be elected according to the nonpartisan plurality method.

"Sec. 3.2. Election of the Mayor. At the regular municipal election in 1981, and every two years thereafter, there shall be elected a Mayor to serve a term of two years. The Mayor shall be elected by the qualified voters of the City voting at large.

"Sec. 3.3. Election of Council Members. At the regular municipal election in 1981, and every four years thereafter, there shall be elected two Council members to serve terms of four years each, to fill the seats of those members whose terms are then expiring. At the regular municipal election in 1983 and every four years thereafter, there shall be elected three Council members to serve terms of four years each, to fill the seats of those members whose terms are then expiring.

### "ARTICLE IV.

#### "Organization and Administration.

"Sec. 4.1. Form of Government. The City shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. City Manager. The City Council shall appoint a City Manager who shall be the administrative head of the City government, and who shall be responsible to the Council for the proper administration of the affairs of the City. The City Manager shall hold office at the pleasure of the City Council, and shall receive such compensation as the Council shall determine.

"Sec. 4.3. City Attorney. The City Council shall appoint a City Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the City Attorney to prosecute and defend suits against the City; to advise the Mayor, City Council and other City officials with respect to the affairs of the City; to draft all legal documents relating to the affairs of the City; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend meetings of the City Council; and to perform other duties required by law or as the Council may direct. The City Attorney shall receive such compensation as the Council shall determine.

"Sec. 4.4. City Clerk. The City Council shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Council may direct. The City Clerk shall receive such compensation as the Council shall determine.

"Sec. 4.5. City Finance Officer. The City Manager shall appoint a Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. City Tax Collector. The City Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other revenues accruing to the City, subject to the General Statutes, the provisions of this Charter and the ordinances of the City. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

"Sec. 4.7. Consolidation of Functions. The City Council may provide for the consolidation of any two or more positions of City Manager, City Clerk, Tax Collector and Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. Other Administrative Officers and Employees. Consistent with applicable State laws, the Manager and City Council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the City government in order to promote the orderly and efficient administration of the affairs of the City.

**"ARTICLE V.**  
**"Public Improvements.**

"Sec. 5.1. Assessments for Street and Sidewalk Improvements; Petition Unnecessary. (a) In addition to any authority which is now or hereafter may be granted

by general law to the City for making street improvements, the City Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The City Council may order street improvements and assess the total cost thereof against the abutting property owners, exclusive of the cost incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Council as a fact:

- (1) That the street improvement project does not exceed 2,000 linear feet; and
- (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvements; or
- (3) That it is in the public interest to connect two streets, or portions of a street already improved; or
- (4) That it is in the public interest to widen a street, or part thereof, which is already improved, provided that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such streets in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(d) In addition to any authority which is now or may hereafter be granted by general law to the City for making sidewalk improvements, the Council is hereby authorized without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided however, that regardless of the assessment basis or bases employed, the City Council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

(e) In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"Sec. 5.2. Power of Eminent Domain. The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G.S. 136-66.3(c), shall be applicable to the City in the case of acquisition of lands, easements, privileges, rights-of-way and other interests in real property for streets, sewer lines, storm drains, water lines, electric power lines, and other utility lines in the exercise of the power of eminent domain. The City, when seeking to acquire such property or rights or easements therein or thereto, shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G.S. 136-66(c) and Article 9 of Chapter 136 of the General Statutes for any of such purposes without being limited to streets constituting a part of the State Highway system; provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c), unless (1) the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the City or (2) it is first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

## "ARTICLE VI.

### "Special Provisions.

"Sec. 6.1. Police Officers' Jurisdiction. Law enforcement officers of the City of Brevard are hereby authorized and empowered to make arrests within a radius of three miles of the corporate limits of said City for the violation of any law or ordinance or the commission of any crime within the corporate limits of said City.

"Sec. 6.3. Alcoholic Beverage Control. (a) The City Council of the City of Brevard may on its own motion, and shall upon a petition to said Council, signed by at least fifteen percent (15%) of the registered and qualified voters of the City of Brevard, order an election to be held on the question of whether or not a City Alcoholic Beverage Control Store may be operated in the City of Brevard, and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for an Alcoholic Beverage Control Store to be set up and operated in the City of Brevard, but if a majority of the votes cast in said election shall be against the operation of said Alcoholic Beverage Control Store, no such store shall be set up or operated in the City of Brevard under the provisions of this section.

(b) The City Council of the City of Brevard may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after June 3, 1967. In the event said special election is called, the same shall be held and conducted on the date fixed by the City Council of the City of Brevard. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, 'For a City Alcoholic Beverage Control Store', 'Against a City Alcoholic Beverage Control Store'. Those favoring setting up and operating an Alcoholic Beverage Control Store in the City of Brevard shall mark in the

voting square to the left of the words, 'For a City Alcoholic Beverage Control Store', printed on the ballot and those opposed to a City Alcoholic Beverage Control Store shall mark in the voting square to the left of the words 'Against a City Alcoholic Beverage Control Store'. Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the City Council of the City of Brevard, and the cost thereof shall be paid from the general fund of the City of Brevard.

(c) If a subsequent election shall be held and at such election a majority of the votes shall be cast 'Against a City Alcoholic Beverage Control Store', the City Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof close said store and shall thereafter cease to operate the same, and within said three months the City Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said Board and convert the same into cash and turn the same over to the City Treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said City of Brevard in force and effect prior to the authorization to operate a City Alcoholic Beverage Control Store shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this section in which a majority of the votes shall be cast 'For a City Alcoholic Beverage Control Store'. No election shall be called and held in the City of Brevard under the provisions of this section within three years from the holding of the last election thereunder. It shall be the duty of the City Council of the City of Brevard to order the Alcoholic Beverage Control Election on its own motion or within 60 days after a petition shall have been presented, filed and signed by at least fifteen percent (15%) of the registered and qualified voters of the City of Brevard requesting the same.

(d) If the operation of a City Alcoholic Beverage Control Store is authorized under the provisions of this section, the City Council of the City of Brevard shall immediately create a City Board of Alcoholic Beverage Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said Board shall be known and designated as 'The City of Brevard Board of Alcoholic Beverage Control'. The members and chairman of said Board shall be appointed by the governing body of the City and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. The Mayor and City Council shall annually appoint one member of the Board of Alcoholic Beverage Control to serve as chairman at the pleasure of the Council. Any vacancy shall be filled by the Mayor and City Council for the unexpired term. Compensation of the members of said Board of Alcoholic Beverage Control shall be fixed by the City Council of the City of Brevard. To be eligible for appointment, or to serve on the Board, a person must be a resident of

the City of Brevard and whenever a member ceases to reside in the City, the City Council shall declare the seat of that member vacant and proceed to fill the vacancy. No member may serve more than two consecutive full terms on the Board; provided this requirement shall not apply to any member on the Board as of January 1, 1981.

(e) The said City of Brevard Board of Alcoholic Beverage Control shall have all of the powers and duties imposed by G.S. Chapter 18A on County Boards of Alcoholic Beverage Control and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control the same as County Boards of Alcoholic Beverage Control as provided in G.S. Chapter 18A. The said City of Brevard Board of Alcoholic Beverage Control Store authorized under the provisions of this section shall be subject to and in pursuance with the provisions of Chapter 18A of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this section. Wherever the word 'County' Board of Alcoholic Beverage Control appears in said Article, it shall include the City of Brevard Board of Alcoholic Beverage Control. The City of Brevard Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem wise, and fix their compensation.

(f) Out of the profits derived from the operation of said Alcoholic Beverage Control Store, after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be approved by the City Council of Brevard, the Board shall further expend an amount of not more than ten percent (10%) of the resulting profits for law enforcement purposes, and in its discretion an amount not in excess of five percent (5%) for education as to the effects of the use of alcoholic beverages and the rehabilitation of alcoholics, said amounts to be determined by quarterly audits. These amounts shall supplement and not supplant the amount usually budgeted for such purposes by the City of Brevard. In the expenditure of said funds, the City Board of Alcoholic Beverage Control may employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said Board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Transylvania County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Beverage Control and any other peace officer are hereby authorized, upon request of the sheriff or other lawful officer in any other county to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Transylvania County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said Alcoholic Beverage Control Store, the City of Brevard Board of Alcoholic Beverage Control shall,

on a quarterly basis, pay over to the following named governing bodies amounts equal to the percentages of the net profits as follows:

- (1) Twenty-five percent (25%) to the Board of Commissioners of Transylvania County, to be deposited to the county general fund and used for any lawful purpose for which other general fund appropriations may be used;
- (2) Seventy-five percent (75%) to the City Council of the City of Brevard, to be deposited in the general fund of the City, which may be used for any lawful purpose for which other general fund expenditures may be made.

(g) In lieu of, or in addition to any other provisions of law, the Brevard Alcoholic Beverage Control Board is authorized to enter into a contract or agreement with a local law enforcement agency to provide for enforcement of the alcoholic beverage control laws within the territorial jurisdiction of that local law enforcement agency, provided, in any agreement with local law enforcement agencies the percentage of profits to be used for law enforcement as provided in subsection (f) above shall be distributed as follows:

- (1) Twenty-five percent (25%) to the Transylvania County Sheriff's office;
- (2) Seventy-five percent (75%) to the City of Brevard Police Department."

**Sec. 2.** The purpose of this act is to revise the Charter of the City of Brevard and to consolidate herein certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

**Sec. 3.** This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

- (1) Any acts concerning the property, affairs, or government of public schools in the City of Brevard;
- (2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

**Sec. 4.** (a) The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

- Chapter 11, Public Laws, Regular Session 1860-61
- Chapter 5, Private Laws of 1868 (Special Session)
- Chapter 110, Private Laws of 1889
- Chapter 22, Private Laws of 1891
- Chapter 8, Private Laws of 1893
- Chapter 291, Private Laws of 1899
- Chapter 272, Public Laws of 1901
- Chapter 113, Private Laws of 1903
- Chapter 170, Public Laws of 1903
- Chapter 221, Public Laws of 1903

Chapter 16, Private Laws of 1905  
Chapter 140, Private Laws of 1905  
Chapter 96, Private Laws of 1909  
Chapter 285, Private Laws of 1909  
Chapter 12, Private Laws of 1913  
Chapter 212, Private Laws of 1913  
Chapter 261, Private Laws of 1913  
Chapter 428, Public-Local Laws of 1915  
Chapter 53, Private Laws of 1925  
Sections 2 through 5, Chapter 91, Private Laws of 1927  
Chapter 92, Private Laws of 1927  
Chapter 93, Private Laws of 1929  
Chapter 64, Private Laws of 1931  
Section 4 of Chapter 230, Public-Local Laws of 1931  
Chapter 55, Private Laws of 1933  
Chapter 89, Private Laws of 1933  
Chapter 90, Private Laws of 1933  
Chapter 130, Private Laws of 1935  
Chapter 151, Private Laws of 1935  
Chapter 186, Private Laws of 1935  
Chapter 198, Private Laws of 1935  
Chapter 173, Public-Local Laws of 1937  
Chapter 308, Public-Local Laws of 1937  
Chapter 309, Public-Local Laws of 1937  
Chapter 30, Private Laws of 1937  
Chapter 103, Public-Local Laws of 1939  
Chapter 443, Public-Local Laws of 1941  
Section 2 of Chapter 273, Session Laws of 1943  
Chapter 280, Session Laws of 1943  
Chapter 748, Session Laws of 1943  
Chapter 14, Session Laws of 1945  
Chapter 1068, Session Laws of 1945  
Section 2 of Chapter 175, Session Laws of 1947  
Chapter 852, Session Laws of 1949  
Chapter 875, Session Laws of 1953  
Chapter 639, Session Laws of 1957  
Chapter 413, Session Laws of 1959  
Chapter 681, Session Laws of 1959  
Chapter 34, Session Laws of 1965  
Chapter 113, Session Laws of 1965  
Chapter 324, Session Laws of 1965  
Chapter 172, Session Laws of 1967  
Chapter 291, Session Laws of 1967  
Chapter 1153, Session Laws of 1971

Chapter 728, Session Laws of 1977

(b) The following acts are repealed insofar as they apply to the City of Brevard:

- Chapter 198, Public-Local Laws of 1931
- Chapter 475, Session Laws of 1945.

**Sec. 5.** No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

**Sec. 6.** No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(1) The repeal herein of any act repealing such law, or

(2) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

**Sec. 7.** (a) All existing ordinances and resolutions of the City of Brevard and all existing rules or regulations of departments or agencies of the City of Brevard, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending at the effective date of this act by or against the City of Brevard or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Sec. 8.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Sec. 9.** Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

**Sec. 10.** G.S. 20-97(a) is amended by adding immediately after the words "Town of Stoneville" each time they appear the words ", the City of Brevard".

**Sec. 11.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1981.