

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 600
HOUSE BILL 1132

AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS
OF THE TOWN OF TRYON AND TO REINCORPORATE THE TOWN OF
LYNN.

The General Assembly of North Carolina enacts:

Section 1. The following described property, previously annexed as a satellite annexation by the Town of Tryon pursuant to Article 4A, Part 4 of Chapter 160A of the General Statutes, is hereby removed from the corporate limits of the Town of Tryon:

Tract No. 1: BEGINNING on a nail and cap located at a point where the center of North Carolina Secondary Road #1509 intersects the Southern margin of North Carolina Highway #108; and running thence from said beginning point as above located and along the center of North Carolina Secondary Road #1509, three (3) calls as follows: South 71 degrees 11 minutes 25 seconds East 67.94 feet to a nail and cap, South 79 Degrees 12 minutes 25 seconds East 64.23 feet to a nail and cap and South 75 degrees 50 minutes 45 seconds East 16.80 feet to a point in the center of said road: thence South 58 degrees 00 minutes West (passing an iron pin at 42.50 feet) 213.25 feet to a point; thence North 27 degrees 47 minutes 50 seconds West 71.84 feet to a nail and cap; thence North 10 degrees 39 minutes West 39.77 feet to a nail and cap located on the margin of North Carolina Highway #108; thence along the Southern margin of North Carolina Highway #108, North 58 degrees 45 minutes 35 seconds East 39.17 feet to the point of BEGINNING. The above described property is the identical property conveyed by Margaret H. Smith and Horace A. Smith to Lynnco Associates, a Partnership, by deed dated December 10, 1982 recorded in Book 180, Page 1852 office of Register of Deeds for Polk County.

Tract No. 2: BEGINNING on a nail and cap located on the Southern edge of the pavement of North Carolina Highway #108, said nail and cap being located at the terminus of the sixth call in that certain deed of conveyance from Margaret H. Smith and Horace A. Smith, her husband to Lynnco Associates, a Partnership, dated December 10, 1982, recorded in Book 180, Page 1852, Polk County Registry; and running thence from said beginning point as above located, South 10 degrees 39 minutes East 39.77 feet to a nail and cap; thence South 27 degrees 47 minutes 50 seconds East 71.84 feet to a point; thence South 58 degrees 00 West 53.02 feet to an old iron pin; thence South 65 degrees 33 minutes 35 seconds West 66.5 feet to a new iron pin; thence North 84 degrees 21 minutes 30 seconds West 27.81 feet to an old iron pin, said iron pin being a corner of the property formerly belonging to Historic Mimosa Inn, Inc.; thence North 14

degrees 00 minutes West 96.16 feet to an old nail and cap located on the Southern edge of the pavement of North Carolina Highway #108; thence along the Southern Margin of North Carolina Highway #108, two calls as follows: North 63 degrees 15 minutes 35 seconds East 86.26 feet to a nail and cap and North 58 degrees 45 minutes 35 seconds East 45.10 feet to the point of BEGINNING. The above described property is the identical property conveyed by Margaret H. Smith and Horace A. Smith to Lynnco Associates, a Partnership, by deed dated December 30, 1982, recorded in Book 180, Page 2048, office of Register of Deeds for Polk County.

Tract No. 3: BEGINNING at an iron pin in old North Carolina Highway #108 (now abandoned), said Beginning iron pin being located at the Southwest corner of the old Jess Foster store, and running South 74 degrees West 72 feet to the beginning stake in a conveyance from Norman Foster and Mamie T. Foster, his wife, to Waverly Hester and Sarah Hester, his wife, dated May 15, 1967 and recorded in Book 141 at Page 140, Polk County Registry; thence North 16 degrees West 65 feet to a point in or near the center of the present North Carolina Highway #108; thence with North Carolina Highway #108 South 81 degrees East 60 feet (said course and distance being an approximation) to a point in the Southern margin of North Carolina Highway #108; thence South 46 degrees 30 minutes East 41.5 feet to the BEGINNING. The above described property is the identical property conveyed by Norman Foster and Mamie T. Foster to Lynnco Associates, a Partnership, by deed dated December 29, 1982, recorded in Book 180, Page 2050, office of Register of Deeds for Polk County.

Sec. 2. Incorporation. The inhabitants of the Town of Lynn are a body corporate and politic under the name of "Town of Lynn". Under that name, they have all the powers, duties, rights, privileges and immunities conferred and imposed on cities by the general laws of North Carolina.

Sec. 3. Corporate boundaries. Until modified in accordance with law, the boundaries of the Town of Lynn are as follows: A circle with a radius of one-half mile and its center at the center of the bridge crossing the Pacolet River in the Town of Lynn.

Sec. 4. Elected officers. The elected officers of the Town shall be a Board of Commissioners composed of five members and a Mayor elected by the voters of the Town. The term of the Mayor shall be two years, and after the initial election as provided for hereinafter, the terms of members of the Board of Commissioners shall be four years.

At the 1983 municipal election held on the date required by G.S. 163-279(a)(1), the three candidates for commissioner receiving the largest number of votes, shall be elected for four- year terms; the two candidates for commissioner receiving the next largest number of votes shall be elected for two-year terms. At the 1985 municipal election and quadrennially thereafter, two commissioners shall be elected for four-year terms. At the 1987 municipal election and quadrennially thereafter, three commissioners shall be elected for four-year terms.

Sec. 5. Election method. The officers of the Town shall be elected by the nonpartisan plurality method as provided in G.S. 163-292.

Sec. 6. Mayor-council form. The Town shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

Sec. 7. Election laws. Elections in the Town of Lynn shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes, and shall be conducted by the Polk County Board of Elections.

Sec. 8. Interim budget. The Board of Commissioners and Mayor may adopt a budget ordinance for the 1983-84 fiscal year, following their qualification for office, without having to comply with the budget preparation and adoption timetable set out in the Local Government Budget and Fiscal Control Act. Taxes may be paid at par on face amount within 90 days of adoption of the budget, and thereafter according to the schedule in G.S. 105-360 as if the taxes had been due on September 1, 1983.

Sec. 9. Vacancies. The provisions of G.S.160A-63 shall not apply to the Town of Lynn until after the first election for Mayor and Board of Commissioners, which shall be conducted on November 8, 1983.

Sec. 9.5. Special election for approval. The Board of Elections in Polk County shall call and conduct a special election on August 23, 1983, for the purpose of submitting to the qualified voters of the area heretofore described as the proposed corporate limits of the Town of Lynn, the question of whether such area shall be incorporated as a municipal corporation known as the Town of Lynn. In conducting the election required to be held by this act, the Board of Elections shall follow the procedures contained in G.S. 163-288.2, in this act, and the procedures contained in Chapter 163 of the General Statutes regarding municipal elections which are not in conflict with this act.

In the special election, those voters who favor the incorporation of the Town of Lynn as provided in this act shall vote a ballot upon which shall be printed the words "FOR Incorporation of the Town of Lynn," and those voters who oppose the incorporation of the Town of Lynn as provided in this act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of the Town of Lynn."

If the majority of the votes cast in such special election are cast "FOR Incorporation of the Town of Lynn," then the town becomes incorporated upon certification of the election results. If the majority of the votes cast in such special election are cast "AGAINST Incorporation of the Town of Lynn," then the provisions of Sections 2 through 9 of this act shall have no force and effect.

Sec. 10. Effective date. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1983.