

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 658
HOUSE BILL 395

AN ACT TO INCORPORATE THE TOWN OF DOBBINS HEIGHTS IN
RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The following provisions of law shall constitute the Charter of the Town of Dobbins Heights:

"The Charter of the Town of Dobbins Heights.

"Article I.

"Incorporation and Corporate Powers.

"Section 1.1. Incorporation and General Powers. The inhabitants of the Town of Dobbins Heights are a body corporate and politic under the name of the Town of Dobbins Heights. Under that name they have all the powers, duties, rights, privileges and immunities conferred and imposed upon municipal corporations by the general law of North Carolina, except as modified by Sec. 2.1. of this Charter.

"Article II.

"Corporate Boundaries.

"Sec. 2.1. Annexation. Except for G.S. 160A-31, which shall apply to the Town of Dobbins Heights, the provisions of Parts 1, 2, 3, and 4 of Article 4A of Chapter 160A of the General Statutes do not apply to the Town of Dobbins Heights.

"Sec. 2.2. The corporate boundaries of the Town of Dobbins Heights, until changed in accordance with law, are as follows:

Being all that tract of land comprising 431.2 acres more or less situate in Marks Creek Township, Richmond County, North Carolina, and being bounded now or formerly on the north by the lands of J. D. Whittle and Carolina Power and Light Company right-of-way, on the east by the Seaboard Coast Line Railroad, on the South by the Hamlet Housing Authority, N. C. Highway No. 177 and Campbell Avenue, on the west by the lands of Monroe Avenue School, the Ledbetter lands, the College Park lands, the Cook lands, the Cox lands, the Clifton Stutts lands, and the Ormsby lands according to a survey and plat thereof designated as Dobbins Heights made by Powell-Liles and Associates, Surveyors, June 14, 1982, and described by metes and bounds as follows:

BEGINNING at the point where the northern edge of the right-of-way of N. C. Highway No. 177 intersects the northeastern edge of the right-of-way of Campbell Avenue and runs thence with the northeastern edge of the right-of-way of Campbell Avenue N58-21W 894.2', thence S29-18W 0.4', thence S73-18W 142', thence N12-39W 49', thence S72-21W 45.6' to a corner with the Monroe Avenue School property, thence N11-53W 485', thence N9-53W 1351.6' to a corner with the Ledbetter and College Park

property, thence N28- 56E 1329.2' to a corner with the Doran Cook property, thence N18- 26W 910.6' to a corner with the Bernie Cox property, thence N25- 50E 1367.7' to a corner with the Beulah Ormsby property, thence N40-42E 1728.1' to a corner with the J. D. Whittle property, thence S88-07E 880.7' to the center of the Carolina Power and Light Company right-of-way, thence as and with the center of the Carolina Power and Light Company right-of-way S42-29E 2685.6' to the point where the said right-of-way intersects the western edge of the right-of-way of the Seaboard Coast Line Railroad and runs thence with the western edge of the Seaboard Coast Line right-of- way the following courses and distances: S53-58W 92.2', S50-31W 105.3', S47-41W 105.2', S44-42W 107.6', S41-30W 107.6', S38-53W 104.9', S35-54W 104.1', S33-21W 102.9', S31-17W 100.8', S30-05W 100.8', S29-20W 102.2', S29-12W 1595.1', S27-49W 98.4', S29-37W 99.7', S29-50W 100.3', S29-55W 363.3', S29-29W 102.8', S28-15W 102.6', S26-11W 106.0', S23-51W 100.0', S21-24W 104.6', S18-42W 104.6', S16-03W 104.4', S13-30W 103.7', S11-48W 103.8', S11-09W 464.2', thence leaving the western edge of the Seaboard Coast Line right-of-way N58-20W 604.4', thence S12-01W 834.5' to the northern edge of the right-of-way of N. C. Highway No. 177, thence as and with the northern edge of N. C. Highway No. 177: S56-38W 99.5', S65-32W 100.0', S72-07W 100.0', S78-03W 100.1', S80-59W 100.2', S82-13W 91.2' to the point of beginning.

"Article III.

"Governing Body.

"Sec. 3.1. Structure of Governing Body. The governing body of the Town of Dobbins Heights is the Mayor and Town Council, which shall consist of four members.

"Sec. 3.2. Manner of Election. The Mayor and Council shall be elected by the qualified voters of the entire town.

"Sec. 3.3. Term of Office. (a) The Mayor shall be elected in 1984 to serve until the organizational meeting of the Town Council in 1987 established under G.S. 160A-68. In 1987 and quadrennially thereafter, a Mayor shall be elected for a four- year term.

(b) In the 1984 municipal election, the two persons receiving the highest number of votes for Town Council shall serve until the organizational meeting of the Town Council in 1987 established under G.S. 160A-68. The two persons receiving the next highest number of votes for Town Council shall serve until the organizational meeting of the Town Council in 1985 established under G.S. 160A-68. In 1985 and biennially thereafter, two members of the Town Council shall be elected for four-year terms.

"Article IV.

"Elections.

"Sec. 4.1. Conduct of Elections. Elections for the Town of Dobbins Heights shall be conducted by the Richmond County Board of Elections.

"Sec. 4.2. Results of Election. Town officers shall be elected on a nonpartisan basis and the results determined by the election and runoff election method, as provided by G.S. 163-293.

"Article V.

"Administration.

"Sec. 5.1. Form of Government. The Town of Dobbins Heights shall operate under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes, unless changed in accordance with law."

Sec. 2. (a) The Board of Elections of Richmond County is hereby authorized and directed to call and conduct a special election on the date of the 1984 county primary election, for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Dobbins Heights, the question of whether or not such area shall be incorporated as a municipal corporation to be known as the Town of Dobbins Heights. In conducting the election required to be held by this act, the Board of Elections of Richmond County shall follow the procedures contained in this act and the procedures contained in Chapter 163 of the General Statutes of North Carolina regarding municipal elections, where the same are not in conflict with this act.

(b) In the special election, the form of the ballot shall be:

"@ FOR Incorporation of the Town of Dobbins Heights. @ AGAINST Incorporation of the Town of Dobbins Heights."

Sec. 2.1. The Richmond County Board of Elections shall determine the total number of voters who are registered in the area to be incorporated as of the date of the incorporation referendum, and such total shall be used in determining whether a majority of the registered voters have voted for incorporation.

Sec. 3. If the majority of the registered voters in the area to be incorporated do not cast ballots "FOR Incorporation of the Town of Dobbins Heights", then the Charter of the Town of Dobbins Heights as set forth in this act shall have no force and effect, and the election provided in Section 6 of this act shall be void.

Sec. 4. If a majority of the registered voters in the area to be incorporated cast ballots "FOR Incorporation of the Town of Dobbins Heights", then the Charter of the Town of Dobbins Heights, as set forth in this act, shall be in full force and effect from and after the date upon which a certificate of election shall have been issued by the Chairman of the Richmond County Board of Elections in accordance with the procedures of G.S. 163-301. The initial organizational meeting of the Town Council shall be 10 days after the date of the 1984 second primary.

Sec. 5. If incorporation is approved as provided in Section 4 of this act, then notwithstanding the time limitations contained in the Local Government Budget and Fiscal Control Act (Article 3 of Chapter 159 of the General Statutes), the governing body of the Town of Dobbins Heights is authorized to consider and adopt a budget ordinance for fiscal year 1984-85, including a property tax levy, as soon after the effective date of incorporation as is possible. The residents of the Town of Dobbins Heights and the property located within the Town of Dobbins Heights shall be liable for all municipal taxes imposed by the Town of Dobbins Heights governing body for the fiscal year 1984-85, and each fiscal year thereafter. The town may obtain from Richmond County, and the county shall provide upon request a record of property within the corporate limits which was listed for taxation as of January 1, 1984.

Sec. 6. The initial election for Mayor and Town Council of the Town of Dobbins Heights shall take place on the date of the county primary in 1984, the filing

period for candidates for town office in 1984 shall be the same as for county officers generally, and the filing fee for the 1984 town election shall be five dollars (\$5.00). If a runoff election is needed in 1984, it shall take place on the date of the second primary.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1983.