

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2012-62  
HOUSE BILL 1088**

AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES  
OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON  
BOUNDARY BETWEEN THOSE COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-458 reads as rewritten:

**"§ 105-458. Apportionment of payments in lieu of taxes between local units.**

The payments received by the State and local governments from the Tennessee Valley Authority in lieu of taxes under section 13 of the Act of Congress creating it, and as amended, shall be apportioned between the local governments in which the property is owned or an operation is carried on, on the basis of each local government's percentage of the total value of the Authority's property in the State, determined as hereinafter provided: Provided, however, that the minimum annual payment to any local government from said fund, including the amounts paid direct to said local government by the Authority, shall not be less than the amount of annual actual tax loss to such local government based upon the two-year average on said property next prior to it being taken over by the ~~Authority~~ Authority; Provided further that as to the apportionment of funds between Graham County and Swain County:

- (1) The dam itself will be allocated and assessed between Graham and Swain Counties based on the location of survey marker 1475 as located on the power house.
- (2) The two generators and all other equipment located in Graham County will be assessed in Graham County.
- (3) Two-thirds of the generator building will be assessed in Graham County and the remaining one-third will be assessed in Swain County.
- (4) The remaining one generator and all other equipment located in Swain County will be assessed in Swain County.
- (5) The nearby transmission facilities, which are located in Swain County, will be assessed in Swain County.
- (6) All off-site property (such as off-site transmission lines and land) will be assessed in the county where such property is located."

**SECTION 2.** Notwithstanding Chapter 94 of the Public Laws of 1870-71 and Chapters 77 and 154 of the Public Laws of 1871-72, the common boundary line between Graham County and Swain County is the center line of the Little Tennessee River for the full length of the boundary between the two counties, the line running through the 1944 survey marker, being survey marker 1475 as located on the power house.

**SECTION 3.** This act applies to Graham and Swain Counties only.

**SECTION 4.** This act becomes effective June 1, 2012.

In the General Assembly read three times and ratified this the 26<sup>th</sup> day of June, 2012.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

