

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1679  
Committee Substitute Favorable 9/26/02

Short Title: Incorporate Ossipee.

(Local)

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Sponsors:

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Referred to:

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June 13, 2002

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF OSSIPEE.  
3 The General Assembly of North Carolina enacts:

4                   **SECTION 1.** In accordance with G.S. 130A-81(l), the Town of Ossipee is  
5 incorporated and the Ossipee Sanitary District is simultaneously dissolved.

6                   **SECTION 2.** A Charter for the Town of Ossipee is enacted to read:

7                                   "CHARTER FOR THE TOWN OF OSSIPEE.

8                                   "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

9                   "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town  
10 of Ossipee are a body corporate and politic under the name "Town of Ossipee". The  
11 Town of Ossipee has all the powers, duties, rights, privileges, and immunities conferred  
12 and imposed on the cities by the general law of North Carolina.

13                                   "ARTICLE II. CORPORATE BOUNDARIES.

14                   "Section 2.1. **Town Boundaries.** Until modified in accordance with the law, the  
15 boundaries of the Town of Ossipee shall be as follows:

16 A certain tract or parcel of land in Boone Station Township, Alamance County, North  
17 Carolina, and described as follows:

18  
19 BEGINNING at a point in the center line of Shepherd Road (SR No. 1554) and being  
20 the southwest corner of Lot No. 8 of Tax Map 3, Block 50, running thence in a northerly  
21 direction along the western line of said Lot No. 8 approximately 2230 feet to a point in  
22 the center of Reedy Fork Creek; running thence along the center line of Reedy Fork in  
23 an easterly direction as it meanders approximately 2700 feet to a point in the center of  
24 the new location of Old N. C. Highway No. 87; thence continuing along the centerline  
25 of Reedy Fork Creek in a southeasterly direction as it meanders approximately 1450  
26 feet to a point in the east right of way line of N.C. Highway No. 87; running thence  
27 along the east, right of way line of N.C. Highway No. 87 in a southerly direction 1190  
28 feet to a point and corner with Lot No. 8A of Tax Map 3, Block 52; running thence with  
29 the north line of Lot No. 8A in a northeasterly direction 210 feet to a point corner with

1 Lot No. 8A; running thence with the east line of Lot Nos. 8A and 8 in a southerly  
2 direction 396 feet to a point corner with Lot No. 8 and in the line of Lot No. 10 of Tax  
3 Map 3, Block 52; running thence along the line of Lot No. 10 in a northeasterly  
4 direction 272.79 feet to a point corner with Lot No. 10; thence along the east line of Lot  
5 Nos. 10 and 12 in a southerly direction 664.58 to a point and corner between Lot Nos.  
6 12 and 13 of Tax Map 3, Block 52; running thence along the east line of Lot No. 13 in a  
7 southeast direction 384 feet to a point corner with Lot No. 13 and in the line of Lot No.  
8 16B of Tax Map 3, Block 52; running thence along the line between Lot Nos. 13 and  
9 16B in a southwesterly direction 84 feet to a point in the line Lot No. 13 and corner  
10 between Lot Nos. 16A and 16B; running thence along the western line of Lot No. 16B  
11 and the eastern line of Lot Nos. 16A, 44, 45, 46 and 16 in a southeasterly direction  
12 approximately 641 feet to a point and corner between Lot Nos. 16 and 15; running  
13 thence along the line between Lot Nos. 15 and 16B in a southeast direction 100 feet to a  
14 point corner between Lot Nos. 15 and 16B and in the line of Lot No. 16C of Tax Map 3,  
15 Block 52 and also being Lot No. 1 of the "Mattie Ireland Heirs Property," a plat of  
16 which is recorded in Plat Book 42, at page 74 in the Alamance County Register of  
17 Deeds office; running thence along the southern line Lot No. 15 in a southwesterly  
18 direction to a point in the northeastern right-of-way line N.C. Highway No. 87; running  
19 thence along the northeastern right-of-way line of N.C. Highway No. 87 in a  
20 southeastern direction to a point and corner between Lot Nos. 17 and 18E of Tax Map 3,  
21 Block 52; running thence along the line between Lot Nos. 17 and 18E to a point where  
22 the line intersects Lot No. 32 of Tax Map 3, Block 52A; running thence along the line  
23 between Lot Nos. 18E and 32 in a southwesterly direction to a point in the northeasterly  
24 right-of-way line of N.C. No. 87 and corner between Lot No. 18E of Tax Map 3, Block  
25 52A and Lot No. 32 of Tax Map 3, Block 52A; thence crossing N.C. Highway No. 87 in  
26 a southwesterly direction to a point in the southwestern right-of-way line of N.C.  
27 Highway No. 87 and corner between Lot Nos. 18 and 37 of Tax Map 3, Block 52;  
28 running thence along the line between Lot Nos. 18 and 37 in a southwesterly direction  
29 to a point and corner between Lot Nos. 18, 18F and 37; running thence along the line  
30 between Lot Nos. 18 and 18F to a point where the line corners in the line of Lot No.  
31 18A of Tax Map 3, Block 52; running thence along the line between Lot Nos. 18A and  
32 18F in a southwesterly direction to a point and corner between Lot Nos. 18A and 18F  
33 and in the line of Lot No. 41; running thence along the line between Lot Nos. 18F and  
34 41 in a southerly direction to a point in the line of 18F and corner between Lot Nos. 41  
35 and 2; running thence along the southern line of Lot No. 41 in a westerly direction  
36 approximately 730 feet to a point in the centerline of Elon-Ossipee Road; running  
37 thence along the centerline of Elon-Ossipee Road in a northwesterly direction  
38 approximately 630 feet to a point corner with Lot No. 34 of Tax Map 3 Block 52;  
39 running thence along the south line of Lot No. 34 in a westerly direction 1268.82 feet to  
40 a point in the line of Lot No. 1A of Tax Map 3, Block 50; running thence along the  
41 western line of Lot Nos. 34 and 5E, of Tax Map 3, Block 52 in a northerly direction  
42 approximately 850 feet to a point and corner with Lot No. 1A of Tax Map 3, Block 50;  
43 running thence along the northern line of Lot No 1A in a westerly direction  
44 approximately 1204 feet to a point in the centerline of Gibsonville-Ossipee Road;

1 running thence along the centerline of Gibsonville-Ossipee Road in a northeasterly  
2 direction approximately 1,300 feet to a point at the intersection of Gibsonville-Ossipee  
3 Road and Shepherd Road; running thence along the centerline of Shepherd Road in a  
4 westerly direction approximately 650 feet to the POINT OF BEGINNING and  
5 containing 362.10 acres, more or less.

6 "ARTICLE III. GOVERNING BODY.

7 "Section 3.1. **Structure of the Governing Body; Number of Members.** The  
8 governing body of the Town of Ossipee shall be the Town Council which shall have  
9 five members.

10 "Section 3.2. **Manner of Electing Council.** The qualified voters of the entire Town  
11 shall elect the members of the Town Council, and, except as provided in this section,  
12 they shall serve four-year terms. In 2003, the three candidates receiving the highest  
13 number of votes shall be elected to four-year terms, and the two candidates receiving  
14 the next highest number of votes shall be elected to two-year terms. In 2005, and  
15 quadrennially thereafter, two members shall be elected to four-year terms. In 2007, and  
16 quadrennially thereafter, three members shall be elected to four-year terms.

17 "Section 3.3. **Manner of Electing Mayor; Term of Office.** The Mayor shall be  
18 appointed by the Town Council from among its own membership for a two-year term.  
19 The Mayor shall have the right to vote on all questions that come through the Council.  
20 The Mayor shall have no right to break a tie vote in which the Mayor participated.

21 "Section 3.4. **Residence of Members of Governing Body.** All members of the  
22 governing body, whether elected or appointed, shall be registered voters who reside  
23 within the corporate limits of the Town of Ossipee in order to qualify to take, hold, and  
24 continue in office.

25 "Section 3.5. **Filling of Vacancies.** Vacancies occurring for any reason on the Town  
26 Council shall be filled by appointment by the remaining members of the Council for the  
27 remainder of the unexpired term.

28 "ARTICLE IV. ELECTIONS.

29 "Section 4.1. **Conduct of Town Elections.** The Town Council shall be elected on a  
30 nonpartisan basis and the results determined by a plurality of votes cast, as provided in  
31 G.S. 163-292. The first municipal election shall be in 2003. Elections shall be  
32 conducted by the Alamance County Board of Elections unless otherwise provided in  
33 accordance with G.S. 163-285.

34 "ARTICLE V. ADMINISTRATION.

35 "Section 5.1. **Town to Operate Under Mayor-Council Plan.** The Town of Ossipee  
36 will operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter  
37 160A of the General Statutes. The Mayor shall have the same voting rights and  
38 privileges and shall be subject to the same voting limitations and requirements as are  
39 Council members under the general law.

40 "Section 5.2. **The Incorporation of the Town of Ossipee and Simultaneous**  
41 **Dissolution of the Ossipee Sanitary District.** The incorporation of the Town of  
42 Ossipee and simultaneous dissolution of the Ossipee Sanitary District shall become  
43 effective on the second Monday of the month following the day results of the 2002  
44 election are certified. The Ossipee Sanitary District shall take all actions necessary to

1 effect the transfer of the assets and liabilities of the Sanitary District to the Town of  
2 Ossipee."

3         **SECTION 3.** The organizational meeting of the Town Council of the Town  
4 of Ossipee shall be held at 7:00 P.M. on the second Monday of the month following the  
5 day results of the 2002 election are certified. The transitional provisions of G.S.  
6 130A-81(5)a. through g. shall apply to the Town of Ossipee and the Ossipee Sanitary  
7 District. The members of the Board of the Ossipee Sanitary District shall be the  
8 members of the Town Council until the organizational meeting following the 2003  
9 municipal election when all their terms shall expire. They shall elect one of their  
10 members to be Mayor until the organizational meeting following the 2003 municipal  
11 election.

12         **SECTION 4.** From and after the effective date of this act, the citizens and  
13 property in the Town of Ossipee shall be subject to municipal taxes levied for the fiscal  
14 year beginning July 1, 2003, and for that purpose the Town shall obtain from Alamance  
15 County a record of property in the area herein incorporated that is listed for taxes as of  
16 January 1, 2003. The Town may adopt a budget ordinance for fiscal year 2002-2003  
17 without following the timetable in the Local Governmental Budget and Fiscal Control  
18 Act, but shall follow the sequence of actions in the spirit of the act insofar as is  
19 practical. This act does not affect the property tax levy for the 2002-2003 fiscal year for  
20 the Ossipee Sanitary District.

21         **SECTION 5.** The Alamance County Board of Elections shall conduct an  
22 election on the date of the general election in 2002 for the purpose of submission to the  
23 qualified voters in the area described in Section 2.1 of the Charter of the Town of  
24 Ossipee the question of whether or not the area shall be incorporated as the Town of  
25 Ossipee. Registration for the election shall be conducted in accordance with G.S.  
26 163-288.2. The Alamance County Board of Elections may adopt a modified public  
27 notice schedule for the election under this act due to the late date of enactment of this  
28 act.

29         **SECTION 6.** In the election, the question on the ballot shall be:

30                                 " FOR        AGAINST

31                                 Incorporation of the Town of Ossipee".

32         **SECTION 7.** In the election, if a majority of the votes are cast "For  
33 Incorporation of the Town of Ossipee", Sections 1 through 4 of this act shall become  
34 effective on the date that the Alamance County Board of Elections certifies the results  
35 of the election. Otherwise, Sections 1 through 4 of this act shall have no force and  
36 effect.

37         **SECTION 8.** This act is effective when it becomes law.