

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 1679
RATIFIED BILL**

AN ACT TO INCORPORATE THE TOWN OF OSSIPEE.

The General Assembly of North Carolina enacts:

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

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

"CHARTER FOR THE TOWN OF OSSIPEE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

"ARTICLE II. CORPORATE BOUNDARIES.

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

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

BEGINNING at a point in the center line of Shepherd Road (SR No. 1554) and being the southwest corner of Lot No. 8 of Tax Map 3, Block 50, running thence in a northerly direction along the western line of said Lot No. 8 approximately 2230 feet to a point in the center of Reedy Fork Creek; running thence along the center line of Reedy Fork in an easterly direction as it meanders approximately 2700 feet to a point in the center of the new location of Old N. C. Highway No. 87; thence continuing along the centerline of Reedy Fork Creek in a southeasterly direction as it meanders approximately 1450 feet to a point in the east right of way line of N.C. Highway No. 87; running thence along the east, right of way line of N.C. Highway No. 87 in a southerly direction 1190 feet to a point and corner with Lot No. 8A of Tax Map 3, Block 52; running thence with the north line of Lot No. 8A in a northeasterly direction 210 feet to a point corner with Lot No. 8A; running thence with the east line of Lot Nos. 8A and 8 in a southerly direction 396 feet to a point corner with Lot No. 8 and in the line of Lot No. 10 of Tax Map 3, Block 52; running thence along the line of Lot No. 10 in a northeasterly direction 272.79 feet to a point corner with Lot No. 10; thence along the east line of Lot Nos. 10 and 12 in a southerly direction 664.58 to a point and corner between Lot Nos. 12 and 13 of Tax Map 3, Block 52; running thence along the east line of Lot No. 13 in a southeast direction 384 feet to a point corner with Lot No. 13 and in the line of Lot No. 16B of Tax Map 3, Block 52; running thence along the line between Lot Nos. 13 and 16B in a southwesterly direction 84 feet to a point in the line Lot No. 13 and corner between Lot Nos. 16A and 16B; running thence along the western line of Lot No. 16B and the eastern line of Lot Nos. 16A, 44, 45, 46 and 16 in a southeasterly direction approximately 641 feet to a point and corner between Lot Nos. 16 and 15; running thence along the line between Lot Nos. 15 and 16B in a southeast direction 100 feet to a point corner between Lot Nos. 15 and 16B and in the line of Lot No. 16C of Tax Map 3, Block 52 and also being Lot No. 1 of the "Mattie Ireland Heirs Property," a plat of which is recorded in Plat Book 42, at page 74 in the Alamance County Register of

Deeds office; running thence along the southern line Lot No. 15 in a southwesterly direction to a point in the northeastern right-of-way line N.C. Highway No. 87; running thence along the northeastern right-of-way line of N.C. Highway No. 87 in a southeastern direction to a point and corner between Lot Nos. 17 and 18E of Tax Map 3, Block 52; running thence along the line between Lot Nos. 17 and 18E to a point where the line intersects Lot No. 32 of Tax Map 3, Block 52A; running thence along the line between Lot Nos. 18E and 32 in a southwesterly direction to a point in the northeasterly right-of-way line of N.C. No. 87 and corner between Lot No. 18E of Tax Map 3, Block 52A and Lot No. 32 of Tax Map 3, Block 52A; thence crossing N.C. Highway No. 87 in a southwesterly direction to a point in the southwestern right-of-way line of N.C. Highway No. 87 and corner between Lot Nos. 18 and 37 of Tax Map 3, Block 52; running thence along the line between Lot Nos. 18 and 37 in a southwesterly direction to a point and corner between Lot Nos. 18, 18F and 37; running thence along the line between Lot Nos. 18 and 18F to a point where the line corners in the line of Lot No. 18A of Tax Map 3, Block 52; running thence along the line between Lot Nos. 18A and 18F in a southwesterly direction to a point and corner between Lot Nos. 18A and 18F and in the line of Lot No. 41; running thence along the line between Lot Nos. 18F and 41 in a southerly direction to a point in the line of 18F and corner between Lot Nos. 41 and 2; running thence along the southern line of Lot No. 41 in a westerly direction approximately 730 feet to a point in the centerline of Elon-Ossipee Road; running thence along the centerline of Elon-Ossipee Road in a northwesterly direction approximately 630 feet to a point corner with Lot No. 34 of Tax Map 3 Block 52; running thence along the south line of Lot No. 34 in a westerly direction 1268.82 feet to a point in the line of Lot No. 1A of Tax Map 3, Block 50; running thence along the western line of Lot Nos. 34 and 5E, of Tax Map 3, Block 52 in a northerly direction approximately 850 feet to a point and corner with Lot No. 1A of Tax Map 3, Block 50; running thence along the northern line of Lot No 1A in a westerly direction approximately 1204 feet to a point in the centerline of Gibsonville-Ossipee Road; running thence along the centerline of Gibsonville-Ossipee Road in a northeasterly direction approximately 1,300 feet to a point at the intersection of Gibsonville-Ossipee Road and Shepherd Road; running thence along the centerline of Shepherd Road in a westerly direction approximately 650 feet to the POINT OF BEGINNING and containing 362.10 acres, more or less.

"ARTICLE III. GOVERNING BODY.

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

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

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

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

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

"ARTICLE IV. ELECTIONS.

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

"ARTICLE V. ADMINISTRATION.

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

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

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

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

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

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

"[] FOR [] AGAINST

Incorporation of the Town of Ossipee".

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

SECTION 8. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 3rd day of
October, 2002.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives