

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 653
House Committee Substitute Favorable 6/26/01**

Short Title: Foothills and Mitchell County Local Acts. (Local)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION
3 CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING
4 ELECTIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Creation. – There is created the "Special Airport District for
7 Burke and Caldwell Counties" (for brevity herein referred to as the "Special Airport
8 District" or "District") which on the effective date hereof shall be both a body politic
9 and corporate and except as amended herein shall have all of the powers and authority
10 granted under Article 8 of Chapter 63 of the General Statutes of North Carolina (the
11 "North Carolina Special Airport Districts Act").

12 **SECTION 2.** Description of District. – The Airport District shall be located
13 in Caldwell County and Burke County and the District boundaries shall be described as
14 follows:

15 BEGINNING on a axle found in the southeastern property corner of the Antioch Baptist
16 Church Cemetery; thence with the southern property line of the Antioch Baptist Church
17 Cemetery, North 87° 58' 12" West 164.56 feet to an iron pipe found; thence North 01°
18 43' 27" East 80.40 feet to a point in the centerline of Antioch Road (SR 1501); thence
19 with the centerline of Antioch Road (SR 1501) South 52° 16' 30" West 201.91 feet;
20 thence leaving the centerline of Antioch Road (SR 1501) and with the Vulcan Franklin
21 property, South 39° 53' 00" East 495 feet to an iron pipe set; thence continuing with the
22 Vulcan Franklin property South 01° 43' 54" West 519.75 feet to a point; thence with the
23 Mamie North property South 04° 19' 45" West 219.50 feet to a marked tree; thence with
24 the Larry Joe Abernethy property South 04° 19' 45" West 292.30 feet to an iron pipe
25 found; thence with the Michael Ray Powell property South 00° 58' 33" West 62.58 feet
26 to an iron pipe found; thence continuing with the Michael Ray Powell property South
27 02° 12' 29" West 228 feet to a point; thence with the Curtis Crump property line the
28 following courses and distances: South 02° 12' 29" West 185.31 feet to a point in the
29 centerline of F.R. Coffey Road (SR 1502); thence South 02° 12' 29" West 313 feet to a

1 point at the end of the pavement of F.R. Coffey Road (SR 1502); thence South 02° 12'
2 29" West 156.40 feet to a point; thence South 02° 12' 29" West 368 feet to a ¾" iron
3 pipe found in a stump, said point being a common property corner of the
4 Morganton-Lenoir Airport property and Curtis B. Crump; thence continuing with the
5 Curtis B. Crump property lines the following courses and distances: South 72° 22' 30"
6 East 1501.41 feet to a ¾" iron pipe found; thence North 08° 44' 22" East 405.37 feet to a
7 1 ½" iron pipe found; thence South 75° 39' 57" East 1,012.80 feet to a ¾" iron pipe
8 found, said iron pipe found being in the northwestern right-of-way limit boundary line
9 of Old Amherst Road (SR 1513); thence crossing Old Amherst Road (SR 1513) South
10 80° 01' 30" East 52 feet to an iron pipe found; thence with the Mildred H. Franklin
11 property South 85° 52' 13" East 141.68 feet to an iron pipe found; thence with the Blue
12 Ridge Finchers, Inc. property, section two recorded in the Burke County Registry in the
13 Plat Book 5, Page 181 the following courses and distances: North 32° 00' 07" East
14 150.29 feet to a marked tree; thence North 32° 00' 07" East 391.86 feet to an iron pipe
15 found; thence North 30° 35' 07" East 287.30 feet to a point in the southwestern
16 right-of-way limit boundary line of SR 2206; thence with the southwestern right-of-way
17 limit boundary line of SR 2206 North 59° 24' 53" West 98 feet to a point in the
18 centerline of Old Amherst Road (SR 1513); thence with the centerline of Old Amherst
19 Road (SR 1513) North 30° 35' 07" East 60.12 feet to a point; thence leaving the
20 centerline of Old Amherst Road (SR 1513) and with the northeastern right-of-way limit
21 line of SR 2206 South 59° 24' 53" East 98.0 feet; thence North 30° 35' 07" East 285.61
22 feet to an iron pipe found; thence South 65° 17' 08" East 60.32 feet to an iron pipe
23 found; thence with the Blue Ridge Adventures, Inc. property, section one and recorded
24 in the Plat Book 5, Page 152 of the Burke County Registry the following courses and
25 distances: North 30° 34' 19" East 359.51 feet to a point in the southwestern
26 right-of-way limit line of SR 2205; thence North 72° 57' 09" West 61.07 feet to a point;
27 thence North 30° 34' 58" East 71.70 feet to a point; thence South 72° 55' 07" East 61.70
28 feet to a point; thence North 18° 36' 08" East 289.04 feet to an iron pipe set; thence
29 South 84° 23' 43" East 150 feet to an iron pipe found; thence South 84° 29' 24" East
30 150.12 feet to an iron pipe found; thence South 84° 26' 36" East 200.18 feet to an iron
31 pipe found; thence South 84° 26' 36" East 295.66 feet to a point; thence following the
32 meanders of a creek the following courses and distances: South 09° 10' 27" West 55.10
33 feet to a point; thence South 30° 02' 27" West 51.79 feet to a point; thence South 62° 12'
34 27" West 35.28 feet to a point; thence South 39° 55' 33" East 35.20 feet to a point;
35 thence South 23° 08' 33" East 43.65 feet to a point; thence South 86° 56' 27" West 35
36 feet to a point; thence South 00° 45' 27" West 15.03 feet to a point; thence South 19° 33'
37 33" East 28.16 feet to a point; thence South 37° 52' 33" East 28.30 feet to a point; thence
38 South 46° 20' 27" West 36.88 feet to a point; thence South 43° 13' 33" East 58.30 feet to
39 a point; thence South 61° 07' 27" West 34.44 feet to a point; thence South 01° 01' 27"
40 West 62.58 feet to a point; thence South 29° 37' 33" East 21.57 feet to a point; thence
41 South 32° 03' 27" West 45.41 feet to a point; thence South 00° 40' 33" East 34.07 feet to
42 a point; thence South 36° 45' 33" East 34.54 feet to a point; thence South 13° 04' 27"

1 West 29.97 feet to a point; thence South 08° 21' 33" East 120.34 feet to a point; thence
2 South 44° 00' 33" East 53.34 feet to a point; thence South 23° 31' 27" West 54.82 feet to
3 a point; thence South 55° 39' 33" East 48.92 feet to a point; thence South 18° 16' 27"
4 West 51.31 feet to a point; thence South 42° 06' 33" East 105.79 feet to a point; thence
5 South 18° 08' 27" West 37.64 feet to a point; thence South 36° 05' 33" East 59.52 feet to
6 a point; thence South 19° 10' 33" East 67.40 feet to a point; thence North 85° 40' 27"
7 East 24 feet to a point; thence South 15° 18' 33" East 36.86 feet to a point; thence South
8 62° 38' 33" East 26.02 feet to a point; thence South 02° 26' 18" East 35.70 feet to a
9 point; thence South 23° 25' 17" East 36.70 feet to a point; thence South 56° 06' 17" East
10 263.57 feet to a point; thence South 08° 33' 17" East 42.94 feet to a point; thence South
11 54° 30' 17" East 39.79 feet to a point; thence South 50° 49' 47" East 21.17 feet to a
12 point; thence South 50° 49' 47" East 25 feet to a point; thence South 29° 17' 17" East
13 66.04 feet to a point; thence South 04° 20' 43" West 87.06 feet to a point; thence South
14 03° 28' 17" East 14.87 feet to a point; thence South 48° 41' 17" East 25.50 feet to a
15 point; thence South 06° 20' 17" East 55.36 feet to a point; thence South 36° 43' 17" East
16 63.79 feet to a point; thence South 59° 09' 17" East 27.02 feet to a point; thence South
17 21° 02' 17" East 82.05 feet to a point; thence South 00° 34' 43" West 44.79 feet to a
18 point; thence South 23° 07' 47" East 21.21 feet to an iron pipe found; thence South 86°
19 45' 38" East 325.16 feet to a concrete monument found, said concrete monument being
20 a common property corner of the Morganton-Lenoir Airport, Mildred H. Franklin and
21 Carolina Centers LLC; thence with the common property line of the Morganton-Lenoir
22 Airport and Carolina Centers LLC, South 89° 58' 52" East 125.72 feet to an iron pipe
23 set; thence North 02° 55' 30" East 1,602.99 feet to a stone found; thence with the Miller
24 property North 02° 03' 45" East 1,787.45 feet to an axle found, said axle found being
25 South 52° 30' 14" East 3,237.54 feet from North Carolina Geological Survey monument
26 named Morport; thence South 88° 38' 05" East 1,091.36 feet to a ¾" iron pipe found;
27 thence South 86° 13' 45" East 2,407.10 feet to a 2" iron pipe found; thence North 01° 36'
28 19" East 1,708.94 feet to an iron pipe set; thence North 82° 18' 05" West 688.49 feet to a
29 rebar found; thence North 07° 38' 35" East 130.63 feet to a rebar found; thence with the
30 Nancy Hall property, North 07° 30' 32" East 1,039.05 feet to a stone found; thence with
31 the Jimmy Barns property, North 08° 04' 30" East 263.59 feet to a rebar found; thence
32 with the Jacob Reid property, North 07° 38' 33" East 539.06 feet to a ¾" iron pipe
33 found; thence North 07° 37' 09" East 200.04 feet to a stone found; thence with the
34 Broyhill Management property, North 88° 19' 24" West 2,000.87 feet to a ¾" iron pipe
35 found, said iron pipe found being along the southeastern edge of Old Amherst Road (SR
36 1513); thence crossing Old Amherst Road (SR 1513) and with the Homer Miller
37 property, North 88° 07' 42" West 976.16 feet to a stone found; thence with the William
38 Corpening property South 44° 54' 36" West 879.09 feet to a ¾" iron pipe found; thence
39 with the William Austin property, North 64° 05' 19" West 1416.95 feet to an iron pipe
40 set; thence North 25° 45' 24" West 480.25 feet to an iron pipe found at a stone; thence
41 South 36° 28' 17" West 600.88 feet to an iron pipe set; thence North 47° 51' 33" West
42 629.74 feet to an iron pipe found at a stone; thence with the Vivian Hyde property,

1 South 65° 49' 57" West 414.07 feet to an axle found at a stone; thence North 21° 40' 00"
2 West 436.67 feet to a 24" oak tree; thence with the Ross Watson property, South 86° 42'
3 26" West 943.46 feet to a 2" iron pipe found at a stone; thence South 26° 27' 15" West
4 119.46 feet to a point; thence with the Ben Griffin property, South 12° 09' 09" East
5 639.13 feet to a stone corner found; thence South 50° 32' 04" West 626.78 feet to a
6 stone corner found; thence with the Helen Blankenship property South 05° 21' 37" East
7 2,114.17 feet to a ¾" iron pipe found, said ¾" iron pipe found, being located South 66°
8 59' 58" West 2,035.81 feet from a North Carolina Geological Survey monument named
9 Morport; thence continuing with the Helen Blankenship property, North 87° 00' 23"
10 West 828.88 feet to a ¾" iron pipe found, said iron pipe found being in the eastern
11 right-of-way limit line of Race Track Road (SR 1567); thence crossing Race Track
12 Road (SR 1567) North 87° 02' 07" West 384.16 feet to a stone corner found; thence with
13 the Conley C. Mull property, North 88° 40' 32" West 378.65 feet to a ¾" iron pipe
14 found; thence with the Timothy Newton property, North 88° 40' 32" West 630.74 feet to
15 an iron pipe set, said point being the common property corner of the Morganton-Lenoir
16 Airport, James Burns and Edgar Mabe; thence with the Edgar Mabe property, South 35°
17 22' 25" East 228.38 feet to a 1" iron pipe found; thence South 35° 15' 00" East 280.36
18 feet to a point in the southern right-of-way limit line of Antioch Road (SR 1501); thence
19 along the southern right-of-way limit line of Antioch Road, North 71° 37' 45" East 120
20 feet to a point; thence leaving the southern right-of-way limit line of Antioch Road (SR
21 1501), South 36° 21' 00" East 120 feet to a point; thence South 71° 17' 59" West 120
22 feet to a point; thence with the Marilyn Boyd property, South 35° 14' 59" East 459.35
23 feet to a ¾" iron pipe found; thence with the Jimmy Abernathy property, South 37° 18'
24 35" East 65.59 feet to an iron pipe set; thence South 35° 57' 47" East 184.58 feet to an
25 iron pipe found, said point being a common property corner of the Morganton-Lenoir
26 Airport, Antioch Baptist Church and Jimmy Abernathy; thence with the Antioch Baptist
27 Church property, North 46° 51' 33" East 342.56 feet to a rebar found; thence North 77°
28 45' 43" East 280.55 feet to a point in the western right-of-way limit line of Antioch
29 Road (SR 1501); thence crossing Antioch Road (SR 1501), North 77° 45' 43" East 44.84
30 feet to a point East of the pavement of Antioch Road (SR 1501) and within the
31 right-of-way of Antioch Road (SR 1501); thence within the right-of-way of Antioch
32 Road (SR 1501), South 01° 43' 27" West 200 feet to a point solid iron pipe found;
33 thence leaving the right-of-way of Antioch Road (SR 1501), South 01° 43' 27" West
34 363.28 feet to an axle found, the point of beginning and containing 1,076.25 acres.

35 Reference is hereby made to a survey prepared by the City of Morganton Engineering
36 Dept. dated August 30, 1996, under Drawing No. 1053-96 and stamped by a Registered
37 Land Surveyor, Jerry R. Duckworth, license # L-1401.

38 **SECTION 3.** Other Lands Added to District. – The boundary of the Airport
39 District may be extended and additional lands added to the District upon the adoption of
40 a resolution by the Board of Commissioners for the county in which such lands are
41 located provided that only lands that are adjacent boundaries of the existing District

1 may be incorporated into the District and under no circumstances may satellite areas be
2 included in the District.

3 **SECTION 3.1.** No part of the area described in Section 2 of this act may be
4 annexed by any municipality under Article 4A of Chapter 160A of the General Statutes.

5 **SECTION 3.2.** The Foothills Regional Airport Authority may, with the
6 approval of the boards of commissioners of all the counties in which the district is
7 located, apply Article 22 of Chapter 105 of the General Statutes as if the district was a
8 city located in more than one county and as if it were the governing board of a city .

9 **SECTION 4.** District Board. – The Foothills Regional Airport Authority
10 separately authorized by S.L. 2000-9 shall for all purposes be the District Board and
11 shall have all of the powers and authorities granted to the District in accordance with
12 G.S. 63-83, as amended from time to time, specifically including, but not limited to, the
13 authority to levy and collect taxes on all taxable property within the Special Airport
14 District in accordance with the procedures established by the North Carolina Special
15 Airport Districts Act (Article 8 of Chapter 63 of the General Statutes) except that the tax
16 rate shall not exceed fifteen cents (15¢) per one hundred dollars (\$100.00) valuation of
17 assessed valuation of property in the Special Airport District from year to year.

18 **SECTION 5.** Joint Authority. – Upon the effective date of this act, the term
19 "District Board" shall be deemed to be the Foothills Regional Airport Authority and the
20 business of the Special Airport District may, for all purposes, be transacted under the
21 name "Foothills Regional Airport Authority".

22 **SECTION 6.** Public Purpose. – All taxes levied, collected, and expended by
23 the Airport Authority shall be and are hereby declared to be levied, collected, and
24 expended for the public purpose of constructing and financing aeronautical facilities and
25 enhancing the security of any bonds or other debt issued by the Authority for such
26 public purpose.

27 **SECTION 7.** Dissolution. – The Tax District may be dissolved by a joint
28 resolution to be presented to and acted on by each of the governing bodies having
29 authority to appoint the members of the airport authority.

30 **SECTION 8.** Section 1 of Chapter 677, Session Laws of 1975, as rewritten
31 by Chapter 328 of the 1985 Session Laws, reads as rewritten:

32 "Section 1. (a) Beginning with the ~~1988-2004~~ General Election and ~~quadrennially~~
33 biennially thereafter, there shall be elected three members to the Mitchell County Board
34 of Commissioners from the county at large. The two persons receiving the highest
35 numbers of votes are elected to four-year terms, and the person receiving the third
36 highest number of votes is elected to a two-year term.

37 (b) ~~Beginning with the 1990~~ In the 2002 General Election and ~~quadrennially~~
38 ~~thereafter,~~ there shall be elected two members to the Mitchell County Board of
39 Commissioners from the county at ~~large.~~ large for four-year terms.

40 (c) The qualified voters of the entire county shall nominate candidates and elect
41 the members apportioned to the county at large."

1 **SECTION 9.** This act is effective when it becomes law. Section 8 of this act
2 does not affect the term of office of any person elected in 1998 or 2000.