

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-306
SENATE BILL 653**

**AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION
CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING
ELECTIONS.**

The General Assembly of North Carolina enacts:

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

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

BEGINNING on a axle found in the southeastern property corner of the Antioch Baptist Church Cemetery; thence with the southern property line of the Antioch Baptist Church Cemetery, North 87° 58' 12" West 164.56 feet to an iron pipe found; thence North 01° 43' 27" East 80.40 feet to a point in the centerline of Antioch Road (SR 1501); thence with the centerline of Antioch Road (SR 1501) South 52° 16' 30" West 201.91 feet; thence leaving the centerline of Antioch Road (SR 1501) and with the Vulcan Franklin property, South 39° 53' 00" East 495 feet to an iron pipe set; thence continuing with the Vulcan Franklin property South 01° 43' 54" West 519.75 feet to a point; thence with the Mamie North property South 04° 19' 45" West 219.50 feet to a marked tree; thence with the Larry Joe Abernethy property South 04° 19' 45" West 292.30 feet to an iron pipe found; thence with the Michael Ray Powell property South 00° 58' 33" West 62.58 feet to an iron pipe found; thence continuing with the Michael Ray Powell property South 02° 12' 29" West 228 feet to a point; thence with the Curtis Crump property line the following courses and distances: South 02° 12' 29" West 185.31 feet to a point in the centerline of F.R. Coffey Road (SR 1502); thence South 02° 12' 29" West 313 feet to a point at the end of the pavement of F.R. Coffey Road (SR 1502); thence South 02° 12' 29" West 156.40 feet to a point; thence South 02° 12' 29" West 368 feet to a ¾" iron pipe found in a stump, said point being a common property corner of the Morganton-Lenoir Airport property and Curtis B. Crump; thence continuing with the Curtis B. Crump property lines the following courses and distances: South 72° 22' 30" East 1501.41 feet to a ¾" iron pipe found; thence North 08° 44' 22" East 405.37 feet to a 1 ½" iron pipe found; thence South 75° 39' 57" East 1,012.80 feet to a ¾" iron pipe found, said iron pipe found being in the northwestern right-of-way limit boundary line of Old Amherst Road (SR 1513); thence crossing Old Amherst Road (SR 1513) South 80° 01' 30" East 52 feet to an iron pipe found; thence with the Mildred H. Franklin property South 85° 52' 13" East 141.68 feet to an iron pipe found; thence with the Blue Ridge Finchers, Inc. property, section two recorded in the Burke County Registry in the Plat Book 5, Page 181 the following courses and distances: North 32° 00' 07" East 150.29 feet to a marked tree; thence North 32° 00' 07" East 391.86 feet to an iron pipe found; thence North 30° 35' 07" East 287.30 feet to a point in the southwestern right-of-way limit boundary line of SR 2206; thence with the southwestern right-of-way

limit boundary line of SR 2206 North 59° 24' 53" West 98 feet to a point in the centerline of Old Amherst Road (SR 1513); thence with the centerline of Old Amherst Road (SR 1513) North 30° 35' 07" East 60.12 feet to a point; thence leaving the centerline of Old Amherst Road (SR 1513) and with the northeastern right-of-way limit line of SR 2206 South 59° 24' 53" East 98.0 feet; thence North 30° 35' 07" East 285.61 feet to an iron pipe found; thence South 65° 17' 08" East 60.32 feet to an iron pipe found; thence with the Blue Ridge Adventures, Inc. property, section one and recorded in the Plat Book 5, Page 152 of the Burke County Registry the following courses and distances: North 30° 34' 19" East 359.51 feet to a point in the southwestern right-of-way limit line of SR 2205; thence North 72° 57' 09" West 61.07 feet to a point; thence North 30° 34' 58" East 71.70 feet to a point; thence South 72° 55' 07" East 61.70 feet to a point; thence North 18° 36' 08" East 289.04 feet to an iron pipe set; thence South 84° 23' 43" East 150 feet to an iron pipe found; thence South 84° 29' 24" East 150.12 feet to an iron pipe found; thence South 84° 26' 36" East 200.18 feet to an iron pipe found; thence South 84° 26' 36" East 295.66 feet to a point; thence following the meanders of a creek the following courses and distances: South 09° 10' 27" West 55.10 feet to a point; thence South 30° 02' 27" West 51.79 feet to a point; thence South 62° 12' 27" West 35.28 feet to a point; thence South 39° 55' 33" East 35.20 feet to a point; thence South 23° 08' 33" East 43.65 feet to a point; thence South 86° 56' 27" West 35 feet to a point; thence South 00° 45' 27" West 15.03 feet to a point; thence South 19° 33' 33" East 28.16 feet to a point; thence South 37° 52' 33" East 28.30 feet to a point; thence South 46° 20' 27" West 36.88 feet to a point; thence South 43° 13' 33" East 58.30 feet to a point; thence South 61° 07' 27" West 34.44 feet to a point; thence South 01° 01' 27" West 62.58 feet to a point; thence South 29° 37' 33" East 21.57 feet to a point; thence South 32° 03' 27" West 45.41 feet to a point; thence South 00° 40' 33" East 34.07 feet to a point; thence South 36° 45' 33" East 34.54 feet to a point; thence South 13° 04' 27" West 29.97 feet to a point; thence South 08° 21' 33" East 120.34 feet to a point; thence South 44° 00' 33" East 53.34 feet to a point; thence South 23° 31' 27" West 54.82 feet to a point; thence South 55° 39' 33" East 48.92 feet to a point; thence South 18° 16' 27" West 51.31 feet to a point; thence South 42° 06' 33" East 105.79 feet to a point; thence South 18° 08' 27" West 37.64 feet to a point; thence South 36° 05' 33" East 59.52 feet to a point; thence South 19° 10' 33" East 67.40 feet to a point; thence North 85° 40' 27" East 24 feet to a point; thence South 15° 18' 33" East 36.86 feet to a point; thence South 62° 38' 33" East 26.02 feet to a point; thence South 02° 26' 18" East 35.70 feet to a point; thence South 23° 25' 17" East 36.70 feet to a point; thence South 56° 06' 17" East 263.57 feet to a point; thence South 08° 33' 17" East 42.94 feet to a point; thence South 54° 30' 17" East 39.79 feet to a point; thence South 50° 49' 47" East 21.17 feet to a point; thence South 50° 49' 47" East 25 feet to a point; thence South 29° 17' 17" East 66.04 feet to a point; thence South 04° 20' 43" West 87.06 feet to a point; thence South 03° 28' 17" East 14.87 feet to a point; thence South 48° 41' 17" East 25.50 feet to a point; thence South 06° 20' 17" East 55.36 feet to a point; thence South 36° 43' 17" East 63.79 feet to a point; thence South 59° 09' 17" East 27.02 feet to a point; thence South 21° 02' 17" East 82.05 feet to a point; thence South 00° 34' 43" West 44.79 feet to a point; thence South 23° 07' 47" East 21.21 feet to an iron pipe found; thence South 86° 45' 38" East 325.16 feet to a concrete monument found, said concrete monument being a common property corner of the Morganton-Lenoir Airport, Mildred H. Franklin and Carolina Centers LLC; thence with the common property line of the Morganton-Lenoir Airport and Carolina Centers LLC, South 89° 58' 52" East 125.72 feet to an iron pipe set; thence North 02° 55' 30" East 1,602.99 feet to a stone found; thence with the Miller property North 02° 03' 45" East 1,787.45 feet to an axle found, said axle found being South 52° 30' 14" East 3,237.54 feet from North Carolina Geological Survey monument named Morport; thence South 88° 38' 05" East 1,091.36 feet to a ¾" iron pipe found; thence South 86° 13' 45" East 2,407.10 feet to a 2" iron pipe found; thence North 01° 36' 19" East 1,708.94 feet to an iron pipe set; thence North 82° 18' 05" West 688.49 feet to a rebar found; thence North 07° 38' 35" East 130.63 feet to a rebar found; thence with the

Nancy Hall property, North 07° 30' 32" East 1,039.05 feet to a stone found; thence with the Jimmy Barns property, North 08° 04' 30" East 263.59 feet to a rebar found; thence with the Jacob Reid property, North 07° 38' 33" East 539.06 feet to a ¾" iron pipe found; thence North 07° 37' 09" East 200.04 feet to a stone found; thence with the Broyhill Management property, North 88° 19' 24" West 2,000.87 feet to a ¾" iron pipe found, said iron pipe found being along the southeastern edge of Old Amherst Road (SR 1513); thence crossing Old Amherst Road (SR 1513) and with the Homer Miller property, North 88° 07' 42" West 976.16 feet to a stone found; thence with the William Corpening property South 44° 54' 36" West 879.09 feet to a ¾" iron pipe found; thence with the William Austin property, North 64° 05' 19" West 1416.95 feet to an iron pipe set; thence North 25° 45' 24" West 480.25 feet to an iron pipe found at a stone; thence South 36° 28' 17" West 600.88 feet to an iron pipe set; thence North 47° 51' 33" West 629.74 feet to an iron pipe found at a stone; thence with the Vivian Hyde property, South 65° 49' 57" West 414.07 feet to an axle found at a stone; thence North 21° 40' 00" West 436.67 feet to a 24" oak tree; thence with the Ross Watson property, South 86° 42' 26" West 943.46 feet to a 2" iron pipe found at a stone; thence South 26° 27' 15" West 119.46 feet to a point; thence with the Ben Griffin property, South 12° 09' 09" East 639.13 feet to a stone corner found; thence South 50° 32' 04" West 626.78 feet to a stone corner found; thence with the Helen Blankenship property South 05° 21' 37" East 2,114.17 feet to a ¾" iron pipe found, said ¾" iron pipe found, being located South 66° 59' 58" West 2,035.81 feet from a North Carolina Geological Survey monument named Morport; thence continuing with the Helen Blankenship property, North 87° 00' 23" West 828.88 feet to a ¾" iron pipe found, said iron pipe found being in the eastern right-of-way limit line of Race Track Road (SR 1567); thence crossing Race Track Road (SR 1567) North 87° 02' 07" West 384.16 feet to a stone corner found; thence with the Conley C. Mull property, North 88° 40' 32" West 378.65 feet to a ¾" iron pipe found; thence with the Timothy Newton property, North 88° 40' 32" West 630.74 feet to an iron pipe set, said point being the common property corner of the Morganton-Lenoir Airport, James Burns and Edgar Mabe; thence with the Edgar Mabe property, South 35° 22' 25" East 228.38 feet to a 1" iron pipe found; thence South 35° 15' 00" East 280.36 feet to a point in the southern right-of-way limit line of Antioch Road (SR 1501); thence along the southern right-of-way limit line of Antioch Road, North 71° 37' 45" East 120 feet to a point; thence leaving the southern right-of-way limit line of Antioch Road (SR 1501), South 36° 21' 00" East 120 feet to a point; thence South 71° 17' 59" West 120 feet to a point; thence with the Marilyn Boyd property, South 35° 14' 59" East 459.35 feet to a ¾" iron pipe found; thence with the Jimmy Abernathy property, South 37° 18' 35" East 65.59 feet to an iron pipe set; thence South 35° 57' 47" East 184.58 feet to an iron pipe found, said point being a common property corner of the Morganton-Lenoir Airport, Antioch Baptist Church and Jimmy Abernathy; thence with the Antioch Baptist Church property, North 46° 51' 33" East 342.56 feet to a rebar found; thence North 77° 45' 43" East 280.55 feet to a point in the western right-of-way limit line of Antioch Road (SR 1501); thence crossing Antioch Road (SR 1501), North 77° 45' 43" East 44.84 feet to a point East of the pavement of Antioch Road (SR 1501) and within the right-of-way of Antioch Road (SR 1501); thence within the right-of-way of Antioch Road (SR 1501), South 01° 43' 27" West 200 feet to a point solid iron pipe found; thence leaving the right-of-way of Antioch Road (SR 1501), South 01° 43' 27" West 363.28 feet to an axle found, the point of beginning and containing 1,076.25 acres. Reference is hereby made to a survey prepared by the City of Morganton Engineering Dept. dated August 30, 1996, under Drawing No. 1053-96 and stamped by a Registered Land Surveyor, Jerry R. Duckworth, license # L-1401.

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

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

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

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

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

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 26th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives