

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 103
HOUSE BILL 332

AN ACT TO EXEMPT CERTAIN PROPERTY OWNED BY THE HICKORY CITY
ADMINISTRATIVE SCHOOL UNIT FROM G.S. 115-131.

Whereas, on January 26, 1924, Claremont College conveyed to the City of Hickory, a municipal corporation in Catawba County, North Carolina, the following described tract of land:

That certain block of land within the corporate limits of the City of Hickory, County and State aforesaid, and bounded by 13th Avenue on the South, by 8th Street on the East, by 14th Avenue on the North, and by 10th Street on the West.

Whereas, said deed was recorded in the public registry, Newton, North Carolina, in Book 164, at page 541, on the 8th day of February, 1924; and

Whereas, said deed contained, among other restrictions, that the said City of Hickory was "To have and to hold said lands and premises, with all privileges and appurtenances thereunto in anywise appertaining or belonging, unto the said City of Hickory and its successors forever, unto its and their use as a part of its and their free public school system, subject to the estate herein conveyed being defeated at any time upon the failure of the City of Hickory; or of its successors, to use said property as a part of its, or their, free public school system, or upon attempted alienation; and upon such failure or upon the attempted alienation of said lands and premises or any part thereof by the City of Hickory, or by its successors, the estate herein conveyed shall cease and the property, lands and premises, shall pass in fee simple to the trustees of Corinth Reformed Church of Hickory, North Carolina"; and

Whereas, the said restrictions as set out in the deed create a defeasible title to the described tract, which is now held by operation of law by the Board of Education of the Hickory Administrative School Unit; and

Whereas, since this property has been in the possession of the Board of Education of the Hickory Administrative School Unit, extensive improvements have been made to the property, and it has been continuously used for public school purposes, and continues to be so used; and

Whereas, in 1955, the General Assembly of the State of North Carolina enacted G.S. 115-131, which states in part that "County and city boards of education shall make no contract for the erection or repair of any school building unless the site upon which it is located is owned in fee simple by the said board..."; and

Whereas, the Board of Education of the Hickory Administrative School Unit must make contracts for erections of new improvements or repairs to the existing school buildings which are located on the described tract, or the Board will be unable to use the

described premises for school purposes and will lose its substantial investment therein on the reversion of the property to the Corinth Reformed Church of Hickory, North Carolina; and

Whereas, it is deemed in the best public interest that the Board of Education of the Hickory Administrative School Unit should be empowered to enter into the necessary contracts for the erection of new improvements and repairs to the existing improvements on the school site, in order to continue to use it for public school purposes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The following tract of land currently owned and operated by the Board of Education of the Hickory Administrative School Unit be and it hereby is exempted from the operation and provisions of G.S. 115-131, said tract described as follows:

That certain block of land within the corporate limits of the City of Hickory, County and State aforesaid, and bounded by 13th Avenue (now 3rd Avenue, N.E.) on the South, by 8th Street (now 3rd Street, N.E.) on the East, by 14th Avenue (now 4th Avenue, N.E.) on the North, and by 10th Street (now 2nd Street, N.E.) on the West.

Sec. 2. The Board of Education of the Hickory Administrative School Unit is empowered and authorized by vote of a majority of the Board to enter into contracts for the erection of new improvements and for the repair of any existing buildings or improvements on the school site as otherwise provided by law and to further make any contracts or agreements necessary or convenient to carry out such purposes.

Sec. 3. This act shall become effective upon ratification, and shall apply only to the described tract of land in the Hickory Administrative School Unit.

In the General Assembly read three times and ratified, this the 2nd day of April, 1975.