

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 578
HOUSE BILL 1177

AN ACT TO ALLOW THE MERGER OF THE TOWN OF BATTLEBORO INTO
THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

Section 1. (a) The Town of Battleboro and the City of Rocky Mount may, by ordinances approved by the governing board of both units, merge the Town of Battleboro into the City of Rocky Mount. The ordinances need not provide for any referendum on the merger.

(b) The ordinances may provide that the merger is effective only if approved by the qualified voters of the Town of Battleboro.

(c) If a referendum is held on the proposed merger, it may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period beginning 50 days before and ending 50 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.

The proposition submitted to the voters shall be in the form approved by the ordinance.

Sec. 2. (a) On the effective date of the merger, all property, real and personal and mixed, including accounts receivable, belonging to the Town of Battleboro, shall by operation of law vest in, belong to, and be the property of the City of Rocky Mount. The governing body of the Town of Battleboro shall take such additional actions and execute such documents as will carry into effect the provisions and the intent of this section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Town of Battleboro shall vest in and remain and inure to the benefit of the City of Rocky Mount.

(c) All taxes, assessments, water or sewer charges, and any other charges or fees, owing to the Town of Battleboro shall be owed to and collected by the City of Rocky Mount.

(d) All actions, suits, and proceedings pending against, or having been instituted by the Town of Battleboro shall not be abated by this act or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and the City of Rocky Mount shall be a party to all such actions, suits, and proceedings in the place and stead of the Town of Battleboro and shall pay or cause to be paid any judgments rendered

against the Town of Battleboro in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the Town of Battleboro, including outstanding indebtedness, shall be assumed by the City of Rocky Mount, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the City of Rocky Mount.

(f) The zoning ordinance of the Town of Battleboro adopted under Article 19 of Chapter 160A of the General Statutes shall continue in full force and effect within the area to which it applies and shall be enforced by the City of Rocky Mount until such time as the City of Rocky Mount adopts an ordinance under Article 19 of Chapter 160A of the General Statutes zoning such area.

(g) All franchises heretofore granted by the Town of Battleboro, which are still in force shall continue as valid franchises of the City of Rocky Mount for the purposes granted within the area formerly comprising the Town of Battleboro, but shall not hereby be constituted valid franchises for any other portion of the corporate limits of the City of Rocky Mount.

(h) The City of Rocky Mount shall assume responsibility for all current and future liabilities of the Town of Battleboro for unemployment insurance benefit charges under G.S. 96-9(f)(1).

Sec. 3. The Charter of the City of Rocky Mount, being Chapter 938, Session Laws of 1963, is amended by adding the following new section:

"Sec. 2.1. The corporate limits of the City of Rocky Mount also include all areas within the corporate limits of the Town of Battleboro on the date the Town of Battleboro was merged into the City of Rocky Mount."

Sec. 4. The Town of Battleboro is merged into the City of Rocky Mount. The Town of Battleboro is abolished as a separate municipal corporation.

Sec. 5. The effective date of the merger is any of the following dates as selected by the ordinance:

- (1) June 30, 1996;
- (2) July 1, 1996;
- (3) June 30, 1997; or
- (4) July 1, 1997.

Sec. 6. All property that had a tax situs in the Town of Battleboro on January 1 of the year of merger shall be considered to have a tax situs in the City of Rocky Mount for the appropriate fiscal year and any property properly listed for taxation in the Town of Battleboro is properly listed for taxation in the City of Rocky Mount.

Sec. 7. The Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws, is amended by adding a new section to read:

"Sec. 302.1. The area in the extraterritorial jurisdiction of the Town of Battleboro for the purposes of Article 19 of Chapter 160A of the General Statutes is placed in the extraterritorial jurisdiction of the City of Rocky Mount for the purposes of that Article, Articles 1 and 2 of Chapter VIII of this Charter, and any similar provisions of this Charter."

Sec. 8. (a) Approval of any ordinance to merge the Town of Battleboro into the City of Rocky Mount has the effect of extending the corporate limits of the City of Rocky Mount to include the following described area as of a date specified in the ordinance adopted by the City of Rocky Mount, but not later than July 1, 1997:

SUB AREA 1

BIRCHFIELD LEGAL DESCRIPTION

Beginning at a point on the eastern boundary line of the Town of Battleboro where the eastern boundary line intersects the northern right of way of Thomas Street, the POINT OF BEGINNING; said point being located the following two courses and distances: From N.C.G.S. Monument Battleboro, North American Datum of 1983 Coordinates N = 838,922.371 USFT E = 2,369,677.383 USFT and thence N 48° 10' 27" E horizontal ground distance of 1991.85 feet to the northeast corner of the original boundary of The Town of Battleboro; thence along the eastern line of The Town of Battleboro S 00° 44' 38" E 236.66 feet to a point on the northern right of way of Thomas Street, the POINT OF BEGINNING; thence along the northern right of way of Thomas Street S 69° 28' 29" E 353.02 feet to a point on the eastern right of way of S.R. 1411; thence along the eastern right of way of S.R. 1411 a curve being concave to the right having a radius of 1395.15 feet and a chord bearing and distance of S 38° 35' 14" W 238.66 feet to a point, thence cornering S 66° 54' 43" E 915.55 feet to a point, thence S 23° 45' 59" W 527.85 feet to a point, thence S 66° 54' 43" E 227.79 feet to a point, thence S 00° 26' 43" E 1226.59 feet to a point, thence N 81° 08' 16" E 651.30 feet to a point, thence S 01° 08' 45" E 356.83 feet to a point, thence N 88° 51' 15" E 150.01 feet to a point, thence S 01° 08' 45" E 370.00 feet to a point, thence S 88° 51' 15" W 225.00 feet to a point, thence S 01° 08' 45" E 205.29 feet to a point on the southern right of way of Morningstar Church Road; thence along the southern right of way of Morningstar Church Road S 87° 01' 48" W 558.90 feet to a point of curvature; thence along a curve being concave to the left having a radius of 1170 feet and a chord bearing and distance of S 73° 51' 11" W 533.42 feet to a point of tangency; thence S 60° 40' 35" W 334.47 feet to a point on the western right of way of S.R. 1407; thence along the western right of way of S.R. 1407 N 32° 42' 39" W 852.89 feet to a point, thence S 82° 56' 25" W 462.97 feet to a point on the western right of way of Old Battleboro Road: thence along the western right of way of Old Battleboro Road N 11° 48' 27" E 583.64 feet to a point where said right of way intersects the southern boundary line of The Town of Battleboro: thence along the southern boundary line of the Town of Battleboro N 89° 15' 22" E 576.84 feet to a point, thence continuing along the eastern boundary line of The Town of Battleboro N 00° 44' 38" W 2403.22 feet to the point of beginning and containing 92.38 acres more or less.

SUB AREA 2

WALKERTOWN LEGAL DESCRIPTION

Beginning at a point on the original northern boundary line of The Town of Battleboro where it intersects the western right of way of the CSX Railroad, the POINT OF BEGINNING; said point being located the following two courses and distances: From N.C.G.S. Monument Battleboro, North American Datum of 1983 Coordinates N = 838,922.371 USFT E = 2,369,677.383 USFT and thence N 48° 10' 27" E horizontal

ground distance of 1991.85 feet to the northeast corner of the original boundary of The Town of Battleboro; thence along the northern line of The Town of Battleboro S 89° 15' 22" W 813.70 feet to a point on the western right of way of the CSX Railroad, the POINT OF BEGINNING; thence from the POINT OF BEGINNING continuing along the northern line of The Town of Battleboro S 89° 15' 22" W 1018.02 feet to a point on the western right of way of U. S. Highway 301; thence along the northern right of way of U. S. Highway 301 the following ten courses and distances: N 25° 27' 39" E 80.10 feet to a point, N 25° 16' 13" E 103.64 feet to a point, N 24° 47' 32" E 101.84 feet to a point, N 22° 06' 25" E 97.43 feet to a point, N 17° 37' 43" E 101.67 feet to a point, N 12° 37' 41" E 100.63 feet to a point, N 07° 09' 34" E 102.29 feet to a point, N 03° 25' 31" E 12.17 to a point, N 03° 25' 31" E 87.66 feet to a point, N 02° 00' 08" E 107.10 feet to a point; thence cornering and crossing U.S. Highway 301 S 87° 59' 52" E 60.00 to a point on the eastern right of way of U.S. Highway 301 where it intersects the northern right of way of Cobb Street; thence along the northern right of way of Cobb Street the following three courses and distances: S 80° 51' 23" E 62.20 feet to a point, S 87° 41' 41" E 330.02 feet to a point, and S 02° 18' 19" W 22.50 feet to a point, thence S 87° 41' 41" E 116.33 feet to a point in the western line of E.B. Grain Company, thence along E. B. Grain Company's western line S 01° 18' 02" E 488.71 feet to a point, thence along E. B. Grain Company's southern line S 70° 09' 44" E 309.12 feet to a point on the western right of way of the CSX Railroad; thence along the western right of way of the CSX Railroad S 23° 26' 55" W 210.29 feet to the point of beginning and containing 13.78 acres more or less.

(b) From and after the effective date of the extension of the corporate limits under subsection (a) of this section, the territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Rocky Mount and shall be entitled to the same privileges and benefits as other parts of the City of Rocky Mount, and the provisions of G.S. 160A-49.1 governing contracts with rural fire departments and the provisions of G.S. 160A-49.3 governing contracts with private solid waste collection firms shall be applicable to such territory.

Sec. 9. The following acts, being the Charter of the Town of Battleboro, are repealed:

- (1) Chapter 99, Private Laws of 1871-72
- (2) Chapter 68, Private Laws of 1873-74
- (3) Chapter 215, Private Laws of 1915
- (4) Chapter 292, Session Laws of 1955
- (5) Chapter 580, Session Laws of 1969.

Sec. 10. Sections 2 through 9 of this act become effective only if the Town of Battleboro is merged into the City of Rocky Mount under Section 1 of this act.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives