

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2160  
Committee Substitute Favorable 6/13/90  
Committee Substitute #2 Favorable 7/3/90

Short Title: Badin Incorporated.

(Local)

Sponsors:

Referred to:

May 29, 1990

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCORPORATE THE TOWN OF BADIN, SUBJECT TO A  
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Badin is enacted to read:

6 "CHARTER OF THE TOWN OF BADIN.

7 "CHAPTER I.

8 "INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. Incorporation and corporate powers. The inhabitants of the Town of  
10 Badin are a body corporate and politic under the name of 'Town of Badin'. Under that  
11 name they have all the powers, duties, rights, privileges, and immunities conferred and  
12 imposed upon cities by the general law of North Carolina except as herein specifically  
13 limited. Notwithstanding G.S. 160A-3 or G.S. 160A-4, the specific limitations  
14 contained in this Charter are restrictive and not supplementary to the general law of the  
15 State.

16 "CHAPTER II.

17 "CORPORATE BOUNDARIES.

18 "Sec. 2.1. Town Boundaries. Until modified in accordance with law, the boundaries  
19 of the Town of Badin are as follows:

20 BEGINNING at a point #1 on contour at elevation 541 feet Yadkin, Inc., datum,  
21 which is the maximum normal water surface elevation of the Narrows Reservoir, and

1 South 78-05 East 845 feet from the centerline of Tower No. 7 on the line from the  
2 Narrows Powerhouse to Alcoa's plant at Badin;  
3 Thence South 18-55 east 1510 feet, point of centerline of Pine Street, Corner No. 2;  
4 Thence meanders centerline of Hog Pen road in a south-westerly direction a distance  
5 of 3430 feet, more or less, to a point at the intersection of Hog Pen and Falls Road,  
6 Corner No. 3;  
7 Thence meanders centerline of Falls Road in a northwesterly direction a distance of  
8 1230 feet, more or less, to a point in the centerline of Falls Road, Corner No. 4;  
9 Thence South 29-09 West 305 feet, Corner No. 5;  
10 Thence South 73-30 West 698.5 feet, Corner No. 6;  
11 Thence South 06-23 East 562.8 feet, Corner No. 7;  
12 Thence South 27-55 West 905.4 feet, Corner No. 8;  
13 Thence North 64-52 West 615.0 feet, Corner No. 9;  
14 Thence South 03-49 East 150 feet, Corner No. 10;  
15 Thence North 84-00 West 5 feet, Corner No. 11;  
16 Thence South 03-49 East 80 feet, Corner No. 12;  
17 Thence South 86-11 West 143 feet, Corner No. 13;  
18 Thence South 03-49 East 370 feet, Corner No. 14;  
19 Thence South 03-28 East 446 feet, Corner No. 15;  
20 Thence South 05-15 East 630 feet, Corner No. 16;  
21 Thence due West 2362 feet, more or less, to a point in the centerline of Little Mt.  
22 Creek, Corner No. 17;  
23 Thence meanders the centerline of Little Mt. Creek in a northwesterly direction a  
24 distance of 4190 feet, more or less, Corner No. 18;  
25 Thence North 35-11 West 319 feet, Corner No. 19;  
26 Thence North 89-21 West 446 feet, Corner No. 20;  
27 Thence North 58-19 West 1121 feet, Corner No. 21;  
28 Thence North 32-24 East 1193 feet, Corner No. 22;  
29 Thence North 03-01 East 1385 feet, Corner No. 23;  
30 Thence North 39-20 East 2295 feet, Corner No. 24;  
31 Thence South 50-40 East 820 feet, Corner No. 25;  
32 Thence North 39-30 East 1270 feet, more or less, to a point on the southwest right of  
33 way of Highway No. 740, Corner No. 26;  
34 Thence meanders the southwest right of way of Highway No. 740 in a southeasterly  
35 direction a distance of 1695 feet, more or less, to a point, said being on the right of way  
36 of Highway No. 740 and Alcoa's railroad, Corner No. 27;  
37 Thence meanders the eastern right of way of Alcoa's railroad in a northeasterly  
38 direction a distance of 3995 feet, more or less, Corner No. 28;  
39 Thence North 70-00 East 65 feet, more or less, to a point on the Narrows Reservoir  
40 at elevation 541 feet, Yadkin, Inc. datum, which is the maximum normal water surface  
41 elevation of said reservoir, Corner No. 29;  
42 Thence meanders the 541 contour southwesterly, northeasterly and southeasterly  
43 direction a distance of 10,680 feet, more or less, to a point on said contour, point of  
44 beginning.



1 area herein incorporated which was listed for taxes as of January 1, 1990, and the  
2 businesses in the town shall be liable for privilege license tax from the effective date of  
3 the privilege tax ordinance. The Town may adopt a budget ordinance for fiscal year  
4 1990-91 without following the timetable of the Local Government Budget and Fiscal  
5 Control Act. Ad valorem taxes for fiscal year 1990-91 shall become due and payable at  
6 par 90 days after the adoption of the ordinance levying them, and thereafter as if they  
7 had been due on September 1, 1990, in accordance with the schedule in G.S. 105-360.

8 "Sec. 5.3. In adopting its initial property tax rate, the Town council shall not exceed  
9 a rate of \$.21 per \$100 valuation. Thereafter the rate shall not be increased except  
10 biannually and only in the amount which does not exceed (1) the cumulative annual  
11 increase in the Implicit GNP Price Deflator over the preceding two years or (2) ten per  
12 cent of the rate for the next preceding year, whichever is less.

#### 13 "CHAPTER VI.

#### 14 "LIMITATION OF POWERS.

15 "Sec. 6.1. In recognition of existing regulatory authority of other governmental  
16 entities and notwithstanding common law or any general law to the contrary now or  
17 hereinafter enacted, the Town shall not adopt any regulatory ordinance or resolution  
18 relating to or affecting industrial facilities and operations.

19 "Sec. 6.2. Enactment of any ordinance adopting a Building Code, exercising the  
20 power of eminent domain, annexing property into the Town, or zoning or rezoning  
21 property shall require a 2/3 vote of the Town Council.

#### 22 "CHAPTER VII.

#### 23 "TRANSFER OF PROPERTIES OWNED AND TOWN SERVICES 24 PROVIDED BY ALUMINUM COMPANY OF AMERICA, INC.

25 "Sec. 7.1. The Town of Badin shall accept all properties conveyed to it by  
26 Aluminum Company of America, Inc. in conjunction with incorporation of the Town,  
27 including but not limited to that portion of some street rights of way not previously  
28 dedicated to state highway use, sidewalks, back alleys, the storm water drain system and  
29 townsite areas set aside as parks. The Town shall maintain such properties as required  
30 by the public weal. The Town shall, upon transfer of said properties to it, assume all  
31 liability arising from the ongoing operation and maintenance of said properties as well  
32 as that attributable to their original design and construction. The Town shall upon  
33 incorporation assume the town services heretofore performed and provided by  
34 Aluminum Company of America, Inc. including street lighting, maintenance of some  
35 street rights of way not previously dedicated to state highway use, maintenance of town-  
36 site areas set aside as parks, maintenance of sidewalks, back alleys and storm water  
37 drainage systems."

38 Sec. 2. (a) The Stanly County Board of Elections shall conduct an election on  
39 a date set by it, to be not less than 60 nor more than 120 days after the date of  
40 ratification of this act, for the purpose of submission to the qualified voters of the area  
41 described in Section 2.1 of the Charter of Badin, the question of whether or not such  
42 area shall be incorporated as Badin. Registration for the election shall be conducted in  
43 accordance with G.S. 163-288.2.

44 (b) In the election, the question on the ballot shall be:

1            "[ ] FOR Incorporation of Badin  
2            [ ] AGAINST Incorporation of Badin".

3            Sec. 3. In such election, if a majority of the votes cast are cast "FOR  
4 Incorporation of Badin" then Section 1 of this act shall become effective on the date that  
5 the Stanly County Board of Elections determines the result of the election. Otherwise,  
6 Section 1 shall not become effective.

7            Sec. 3.1. The provisions of this act are severable, and if any provision of this  
8 act is held invalid by a court of competent jurisdiction, the invalidity shall not affect  
9 other provisions of the act which can be given effect without the invalid provision.

10           Sec. 4. This act is effective upon ratification.