

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1177
Committee Substitute Favorable 6/5/96

Short Title: Battleboro/Rocky Mt. Merger.

(Local)

Sponsors:

Referred to:

May 15, 1996

A BILL TO BE ENTITLED

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

1 operation of law vest in, belong to, and be the property of the City of Rocky Mount. The
2 governing body of the Town of Battleboro shall take such additional actions and execute
3 such documents as will carry into effect the provisions and the intent of this section.

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

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

10 (d) All actions, suits, and proceedings pending against, or having been instituted
11 by the Town of Battleboro shall not be abated by this act or by the merger herein
12 provided for, but all such actions, suits, and proceedings shall be continued and
13 completed in the same manner as if merger had not occurred, and the City of Rocky
14 Mount shall be a party to all such actions, suits, and proceedings in the place and stead of
15 the Town of Battleboro and shall pay or cause to be paid any judgments rendered against
16 the Town of Battleboro in any such actions, suits, or proceedings. No new process need
17 be served in any such action, suit, or proceeding.

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

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

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

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

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

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

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

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

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

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

9 Sec. 7. The Charter of the City of Rocky Mount, being Chapter 938 of the
10 1963 Session Laws, is amended by adding a new section to read:

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

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

20 SUB AREA 1

21 BIRCHFIELD LEGAL DESCRIPTION

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

1 S.R. 1407; thence along the western right of way of S.R. 1407 N 32° 42' 39" W 852.89
2 feet to a point, thence S 82° 56' 25" W 462.97 feet to a point on the western right of way
3 of Old Battleboro Road: thence along the western right of way of Old Battleboro Road N
4 11° 48' 27" E 583.64 feet to a point where said right of way intersects the southern
5 boundary line of The Town of Battleboro: thence along the southern boundary line of the
6 Town of Battleboro N 89° 15' 22" E 576.84 feet to a point, thence continuing along the
7 eastern boundary line of The Town of Battleboro N 00° 44' 38" W 2403.22 feet to the
8 point of beginning and containing 92.38 acres more or less.

9 **SUB AREA 2**

10 **WALKERTOWN LEGAL DESCRIPTION**

11 Beginning at a point on the original northern boundary line of The Town of Battleboro
12 where it intersects the western right of way of the CSX Railroad, the POINT OF
13 BEGINNING; said point being located the following two courses and distances: From
14 N.C.G.S. Monument Battleboro, North American Datum of 1983 Coordinates N =
15 838,922.371 USFT E = 2,369,677.383 USFT and thence N 48° 10' 27" E horizontal
16 ground distance of 1991.85 feet to the northeast corner of the original boundary of The
17 Town of Battleboro; thence along the northern line of The Town of Battleboro S 89° 15'
18 22" W 813.70 feet to a point on the western right of way of the CSX Railroad, the POINT
19 OF BEGINNING; thence from the POINT OF BEGINNING continuing along the
20 northern line of The Town of Battleboro S 89° 15' 22" W 1018.02 feet to a point on the
21 western right of way of U. S. Highway 301; thence along the northern right of way of U.
22 S. Highway 301 the following ten courses and distances: N 25° 27' 39" E 80.10 feet to a
23 point, N 25° 16' 13" E 103.64 feet to a point, N 24° 47' 32" E 101.84 feet to a point, N
24 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"
25 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
26 a point, N 03° 25' 31" E 87.66 feet to a point, N 02° 00' 08" E 107.10 feet to a point;
27 thence cornering and crossing U.S. Highway 301 S 87° 59' 52" E 60.00 to a point on the
28 eastern right of way of U.S. Highway 301 where it intersects the northern right of way of
29 Cobb Street; thence along the northern right of way of Cobb Street the following three
30 courses and distances: S 80° 51' 23" E 62.20 feet to a point, S 87° 41' 41" E 330.02 feet
31 to a point, and S 02° 18' 19" W 22.50 feet to a point, thence S 87° 41' 41" E 116.33 feet
32 to a point in the western line of E.B. Grain Company, thence along E. B. Grain
33 Company's western line S 01° 18' 02" E 488.71 feet to a point, thence along E. B. Grain
34 Company's southern line S 70° 09' 44" E 309.12 feet to a point on the western right of
35 way of the CSX Railroad; thence along the western right of way of the CSX Railroad S
36 23° 26' 55" W 210.29 feet to the point of beginning and containing 13.78 acres more or
37 less.

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

1 the provisions of G.S. 160A-49.3 governing contracts with private solid waste collection
2 firms shall be applicable to such territory.

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

5 (1) Chapter 99, Private Laws of 1871-72

6 (2) Chapter 68, Private Laws of 1873-74

7 (3) Chapter 215, Private Laws of 1915

8 (4) Chapter 292, Session Laws of 1955

9 (5) Chapter 580, Session Laws of 1969.

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

12 Sec. 11. This act is effective upon ratification.