

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 44*
Committee Substitute Favorable 2/25/99

Short Title: Forest City/Alexander Mills.

(Local)

Sponsors:

Referred to:

February 8, 1999

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE THE TOWN OF ALEXANDER MILLS INTO THE TOWN OF FOREST CITY.

The General Assembly of North Carolina enacts:

Section 1. (a) The Town of Alexander Mills is merged into the Town of Forest City. The effective date of the merger is July 1, 1999. The Town of Alexander Mills is abolished as a separate municipal corporation.

(b) Subsection (a) of this section is effective only if approved in a referendum by the qualified voters of the Town of Alexander Mills.

(c) The referendum shall be held on a date set by the Rutherford County Board of Elections, but no later than May 31, 1999. It may be held on the same day as any other referendum or election in the county, 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 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 Rutherford County Board of Elections.

Section 2. (a) On the effective date of the merger, all property, real and personal and mixed, including accounts receivable, belonging to the Town of Alexander Mills, shall by operation of law vest in, belong to, and be the property of the Town of Forest

1 City. The governing body of the Town of Alexander Mills shall take such additional
2 actions and execute such documents as will carry into effect the provisions and the intent
3 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 Alexander Mills shall vest in and remain and inure to the benefit of the
6 Town of Forest City.

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

10 (d) All actions, suits, and proceedings pending against, or having been instituted
11 by the Town of Alexander Mills, 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 Town of Forest
14 City shall be a party to all such actions, suits, and proceedings in the place and stead of
15 the Town of Alexander Mills and shall pay or cause to be paid any judgments rendered
16 against the Town of Alexander Mills in any such actions, suits, or proceedings. No new
17 process need be served in any such action, suit, or proceeding.

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

22 (f) The Town of Forest City may adopt any ordinances, rules, and regulations
23 under Article 19 of Chapter 160A of the General Statutes prior to July 1, 1999, as to the
24 area of the Town of Alexander Mills, to become effective not earlier than July 1, 1999.
25 All other ordinances of the Town of Forest City become effective July 1, 1999, in the
26 area formerly of the Town of Alexander Mills except as provided by subsection (g) of
27 this section.

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

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

36 Section 3. The Charter of the Town of Forest City, being Chapter 209, Session
37 Laws of 1981, is amended by adding the following new section:

38 "Sec. 1.4. The corporate limits of the Town of Forest City also include all areas
39 within the corporate limits of the Town of Alexander Mills on the date the Town of
40 Alexander Mills was merged into the Town of Forest City."

41 Section 4. The Mayor and Town Commissioners of the Town of Forest City
42 continue in existence after the consolidation. The Mayor and Commissioners of the Town
43 of Alexander Mills are abolished as of July 1, 1999, but shall continue from that date

1 until the organizational meeting after the 1999 Forest City municipal election as an
2 advisory panel of the Town of Forest City to provide information and guidance in regard
3 to matters pertaining to the area which was formerly the Town of Alexander Mills. In the
4 1999 municipal election, residents of the area formerly the Town of Alexander Mills shall
5 have full rights to be candidates for elective office in the Town of Forest City as provided
6 by law.

7 Section 5. All property that had a tax situs in the Town of Alexander Mills on
8 January 1, 1999, shall be considered to have a tax situs in the Town of Forest City for the
9 appropriate fiscal year, and any property properly listed for taxation in the Town of
10 Alexander Mills is properly listed for taxation in the Town of Forest City.

11 Section 6. Chapter 5, Private Laws of 1925, being the Charter of the Town of
12 Alexander Mills, is repealed.

13 Section 7. Sections 2 through 6 of this act become effective only if the Town
14 of Alexander Mills is merged into the Town of Forest City under Section 1 of this act.

15 Section 8. This act is effective when it becomes law.