

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 988
SENATE BILL 369

1 AN ACT AUTHORIZING COUNTIES TO CREATE RURAL DEVELOPMENT
2 AUTHORITIES.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Short Title. This Act may be referred to as the Rural Development
7 Authority Act.

8 **Sec. 2.** Finding and Declaration of Necessity. It is hereby determined and declared
9 as a matter of legislative finding:

- 10 (1) That many rural areas of North Carolina suffer from chronic unemployment
11 and underemployment, lack of economic development, and patterns of land
12 use which contribute to soil erosion, undue depletion of soil fertility
13 resulting in inadequate yields and income to support the farm family, and
14 inadequate control of surface waters for flood prevention or drainage and for
15 the maximum conservation and multiple utilization of water resources.
16 (2) That economic development of rural areas of North Carolina is a public use
17 and purpose for which public money may be spent and private property
18 acquired and is a governmental function of State concern.
19 (3) That it is a proper public purpose for any county, city, district, authority, or
20 other political subdivision of the State to aid, as herein provided any Rural
21 Development Authority located or operating within its boundaries or
22 jurisdiction, because such local governmental unit will derive immediate
23 benefits and advantages from the operations of such Authority.

24 **Sec. 3.** Definitions. The following terms, whenever used or referred to in this Act,
25 shall have the following meanings, unless a different meaning clearly appears from the context:

- 26 (1) "Rural Development Authority", "Development Authority", or "Authority"
27 shall mean any of the public corporations created pursuant to the provisions
28 of this Act. .
29 (2) "Area of Operations" shall include all areas of a county lying outside the
30 corporate limits of any city or town having a population of 2,500 or more, as
31 shown by the last preceding Federal census, or such portions of said areas as
32 may be designated as an area of operation pursuant to the provisions of this
33 Act.
34 (3) "Federal Government" shall include the United States of America, or any
35 agency or instrumentality thereof, corporate or otherwise.
36 (4) "Rural Development Project" or "Development Project" includes any work
37 or undertaking:
38 a. To develop recreational facilities.
39 b. To develop agricultural and forestry related processing and
40 marketing facilities operated for public use.
41 c. To install, construct, improve, and maintain roads, parks, soil
42 conservation measures, flood control and drainage structures and
43 facilities dams, wells, reservoirs, pipelines, waterworks, irrigation

1 equipment fish ponds, sewerage systems, fencing, nature trails,
2 campsites, and other facilities contributing to economic development,
3 resource development, or conservation of natural resources.

4 d. To provide safe and sanitary low cost housing for occupancy by rural
5 residents of low income through the acquisition of property, the
6 construction and sale or leasing of such housing.

7 (5) "Bonds" shall mean any bonds, interim certificates, notes, debentures, or
8 other evidences of indebtedness or obligations issued by a Rural
9 Development Authority pursuant to this Act.

10 **Sec. 4.** Creation of Rural Development Authorities. (a) Each county in the State is
11 hereby authorized to create a separate and distinct body corporate and politic to be known as a
12 Rural Development Authority. Said Authority shall be created by the passage of a resolution by
13 the governing body of the county. Notice of intent to consider passage of such a resolution shall
14 be published in a newspaper published or generally circulated within the county at least ten
15 days prior to the meeting at which such resolution is enacted.

16 (b) Upon passage of a resolution creating a Rural Development Authority, the
17 county governing body shall cause a certified copy of said resolution to be filed in the office of
18 the Secretary of State; upon receipt of said certified copy, the Secretary of State shall issue a
19 certificate of incorporation.

20 (c) In any suit, action, or proceeding involving or relating to the validity or
21 enforcement of any contract or act of an Authority, a copy of the certificate of incorporation
22 duly certified by the Secretary of State shall be admissible in evidence and shall be conclusive
23 proof of the legal establishment of the Authority.

24 (d) In lieu of creating a Rural Development Authority, the governing body of
25 the county may by resolution designate (1) the County Planning Board, (2) the County
26 Economic Development Commission, (3) a Regional Planning Commission, (4) a Regional
27 Economic Development Commission, (5) or a Regional Planning and Economic Development
28 Commission to serve as a Rural Development Authority for the county. In such event, the body
29 so designated shall have and exercise all of the powers and duties of a Rural Development
30 Authority as provided by this Act.

31 **Sec. 5.** Appointment, Qualification, Tenure, and Compensation of Members of the
32 Authority. When the governing body of the county adopts a resolution creating a Rural
33 Development Authority, it shall appoint as members of the Authority no less than five and no
34 more than nine citizens, who shall be residents of the county. Members shall be appointed for
35 terms of five years; provided, that the appointments of some of the initial members may be
36 made for lesser periods of time, to the end that thereafter the terms of all members shall not
37 expire at the same time. A member shall hold office until his successor is appointed and
38 qualified. Vacancies for unexpired terms shall be promptly filled by the governing body for
39 such unexpired term. A member shall receive no compensation for his services, but he shall be
40 entitled within the budget appropriation to reimbursement of necessary expenses, including
41 travel expenses, incurred in the discharge of his duties.

42 **Sec. 6.** Removal of Members. A member of an Authority may be removed by the
43 governing body of the county for inefficiency or neglect of duty or misconduct in office. No
44 member shall be removed unless he has been given a copy of the charges at least ten days prior
45 to the hearing thereon and has been given an opportunity to be heard in person or by counsel.

46 **Sec. 7.** Organization of the Authority. The members of the Rural Development
47 Authority shall select from among themselves a chairman, a vice chairman, and such other
48 officers as the Authority may determine. The Authority shall adopt such rules and regulations
49 not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The
50 chairman may appoint such committees as may be authorized by the Authority's rules and
51 regulations. The Authority shall meet regularly at such times and places as may be specified in

1 its rules and regulations, and special meetings may be called pursuant to such rules. All
2 meetings shall be open to the public. A majority of the members shall constitute a quorum of
3 the Authority for all purposes.

4 **Sec. 8.** Staff and Employees. Within the limits of available funds, the Rural
5 Development Authority may appoint a secretary, its own counsel, technical experts, and such
6 other officers, agents, and employees as it may require, and shall determine their qualifications,
7 duties, and compensation. An Authority may delegate to one or more of its members, agents, or
8 employees such powers and duties as it shall deem necessary to carry out the purposes of this
9 Act, subject always to the supervision and control of the Authority.

10 **Sec. 9.** Interest of Members or Employees. No member or employee of an
11 Authority shall acquire any interest, direct or indirect, in any Development Project or in any
12 property included, or planned to be included, in any Development Project, or in any area which
13 he may have reason to believe may be included in any Development Project, nor shall he have
14 any interest, direct or indirect, in any contract or proposed contract for materials or services to
15 be furnished or used by the Authority or in connection with any Development Project. The
16 acquisition of any such interest in a Development Project or in any such property or contract
17 shall constitute misconduct in office. If any member or employee of an Authority shall have
18 already owned or controlled within the preceding two years any interest, direct or indirect, in
19 any property later included or planned to be included in any Development Project under the
20 jurisdiction of the Authority, or has any such interest in any contract for material or services to
21 be furnished or used in connection with any Development Project, he shall disclose the same in
22 writing to the Authority and to the county governing body, and such disclosure shall be entered
23 upon the minutes of the Authority. Failure to make such disclosure shall constitute misconduct
24 in office.

25 **Sec. 10.** Powers of Authority. A Rural Development Authority shall constitute a
26 public body corporate and politic, exercising public and essential governmental powers, which
27 powers shall include all powers necessary or appropriate to carry out and effectuate the
28 purposes and provisions of this Act, including the following powers in addition to those herein
29 otherwise granted:

- 30 (1) To sue and be sued; to adopt a seal and alter the same at pleasure; to have
31 perpetual succession; to make and execute contracts and other instruments
32 necessary or convenient to the exercise of the powers of the Authority; to
33 make and from time to time amend and repeal bylaws, rules, regulations, and
34 resolutions.
- 35 (2) To borrow money and otherwise contract indebtedness; to issue its bonds or
36 other evidences of indebtedness; to secure the payment thereof by mortgage
37 or pledge of any or all of its property, assets, rights, privileges, licenses,
38 rights of way, easements, revenues, or income.
- 39 (3) To apply for and accept advances, loans evidenced by bonds, grants,
40 contributions, and any other form of financial assistance from the Federal
41 Government, the State, county, any municipality or other public body or
42 from any sources, public or private, for the purposes of this Act; to give such
43 security as may be required and to enter into and carry out contracts in
44 connection therewith; and, notwithstanding the provisions of any other law,
45 to include in any contract for financial assistance with the Federal
46 Government such conditions imposed pursuant to Federal law as the
47 Authority may deem reasonable and appropriate and which are not
48 inconsistent with the purposes of this Act.
- 49 (4) Within its area of operation, to prepare, acquire, lease, construct, maintain,
50 and operate Development Projects, provided, however, that a Rural
51 Development Authority shall not have the power to acquire, lease, construct,

1 maintain, or operate facilities for the generation, transmission, or distribution
2 of electric energy, for the production, transmission, or distribution of gas
3 (natural, manufactured, or mixed), or for the rendering of telephone service.

4 (5) To arrange or contract for the furnishing, construction, or repair by any
5 person or agency, public or private, of services, privileges, works, streets,
6 roads, public utilities or other facilities for or in connection with a
7 Development Project; and (notwithstanding anything to the contrary
8 contained in this Act or any other provision of law) to agree to any
9 conditions they may deem reasonable and appropriate attached to Federal
10 financial assistance and imposed pursuant to Federal law relating to the
11 determination of prevailing salaries or wages or compliance with labor
12 standards in the undertaking or carrying out of a Development Project, and
13 to include in any contract let in connection with such a Project provisions to
14 fulfill such of said conditions as it may deem reasonable and appropriate.

15 (6) To own, hold, and improve real or personal property; to purchase, lease,
16 obtain options upon, accept by gift, grant, bequest, devise, or otherwise, any
17 real or personal property or interest therein; to sell, lease, exchange, transfer,
18 assign, pledge, or otherwise dispose of any real or personal property or any
19 interest therein; to insure or provide for insurance of any real or personal
20 property or operations of the Authority against any risk or hazards; to
21 procure insurance or guarantees from the Federal Government of the
22 payment of any debts or parts thereof secured by mortgages on any property
23 included in any of its Development Projects.

24 (7) To invest any funds held in reserves or sinking funds or any funds not
25 required for immediate disbursement, in such investments as may be lawful
26 for guardians, executors, administrators, or other fiduciaries under the laws
27 of this State; to redeem its bonds at the redemption price established therein
28 or to purchase its bonds at less than the redemption price, all bonds so
29 redeemed or purchased to be cancelled.

30 (8) To make such expenditures as are necessary to carry out the purposes of this
31 Act; and to make expenditures from funds obtained from the Federal
32 Government.

33 (9) To exercise all or any part or combination of the powers herein granted.

34 **Sec. 11.** Cooperation Between Authorities. Any two or more Rural Development
35 Authorities created pursuant to the provisions of this Act may join or cooperate with one
36 another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose
37 of financing (including the issuance of bonds, notes, or other evidences of indebtedness and
38 giving security therefor), planning, undertaking, constructing, operating, or contracting with
39 respect to a Development Project or Projects located within the area of operation of any one or
40 more of said Authorities.

41 **Sec. 12.** Issuance of Bonds and Other Evidence of Indebtedness. (a) The Rural
42 Development Authority shall have power to issue bonds or other evidences of indebtedness
43 from time to time for any of its corporate purposes, including the repayment of principal and
44 interest upon any advances for surveys and plans for Development Projects. The Authority
45 shall also have power to issue refunding bonds for the purpose of paying or retiring bonds
46 previously issued by it, or in exchange therefor. The Authority may issue such types of bonds
47 as it may determine, including (without limiting the generality of the foregoing) bonds on
48 which the principal and interest are payable:

49 (1) Exclusively from the income, proceeds, and revenues of the Development
50 Project financed with the proceeds of such bonds; or

1 (2) Exclusively from the income, proceeds, and revenues of any of its
2 Development Projects whether or not they are financed in whole or in part
3 with the proceeds of such bonds; provided, that any such bonds may be
4 additionally secured by a pledge of any loan, grant, or contributions, or parts
5 thereof, from the Federal Government or other source, or a mortgage of any
6 Development Project or Projects of the Authority; or

7 (3) From its revenues generally.

8 (b) Neither the members of an Authority nor any person executing the bonds
9 shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other
10 obligations of the Authority (and such bonds and obligations shall so state on their face) shall
11 not be a debt of the county, of any municipality, or of the State, and neither the county, the
12 municipality, nor the State shall be liable thereon, nor in any event shall such bonds or
13 obligations be payable out of any funds or properties other than those of said Authority
14 acquired for the purposes of this Act. The bonds shall not constitute an indebtedness of the
15 county, any municipality, or of the State within the meaning of any constitutional or statutory
16 debt limit or restriction. Bonds of an Authority are declared to be issued for an essential public
17 and governmental purpose and to be public instrumentalities and, together with interest thereon
18 and income therefrom, shall be exempt from all taxes. Bonds may be issued by an Authority
19 under this Act notwithstanding any debt or other limitation prescribed in any statute. This Act
20 without reference to other statutes of the State shall constitute full and complete authority for
21 the authorization and issuance of bonds of the Authority hereunder, and such authorization and
22 issuance shall not be subject to any conditions, restrictions or limitations imposed by any other
23 statute whether general, special, or local, except as provided in subsection (d) of this Section.

24 (c) Bonds of the Authority shall be authorized by its resolution and may be
25 issued in one or more series and shall bear such date or dates, be payable upon demand or
26 mature at such time or times, bear interest at such rate or rates, not exceeding six per centum
27 (6%) per annum, be in such denomination or denominations, be in such form either coupon or
28 registered, carry such conversion or registration privileges, have such rank or priority, be
29 executed in such manner, be payable in such medium of payment at such place or places, and
30 be subject to such terms of redemption (with or without premium) as such resolution, its trust
31 indenture, or mortgage may provide.

32 (d) Bonds shall be sold by the Authority at public sale upon such terms and in
33 such manner, consistent with the provisions hereof, as the Authority may determine. Prior to
34 the sale of bonds hereunder, the Authority shall first cause a notice of the sale of the bonds to
35 be published at least once at least ten days before the date fixed for the receipt of bids for the
36 bonds (1) in a newspaper having the largest or next largest circulation in the Authority's area of
37 operation and (2) in a publication that carries advertisements for the sale of State and municipal
38 bonds published in the City of New York in the State of New York; provided, however, that in
39 its discretion the Authority may cause any such notice of sale in the New York publication to
40 be published as part of a consolidated notice of sale offering for sale the obligations of other
41 public agencies in addition to the Authority's bonds, and provided, further, that any bonds may
42 be sold by the Authority to the Federal Government at private sale upon such terms and
43 conditions as are mutually agreed upon between the Authority and the Federal Government. No
44 bonds issued pursuant to this Article shall be sold at less than par and accrued interest. The
45 provisions of the Local Government Act shall not be applicable with respect to bonds sold or
46 issued under this Article.

47 (e) In case any of the members or officers of the Authority whose signatures
48 appear on any bonds or coupons shall cease to be such members or officers before the delivery
49 of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the
50 same as if such members or officers had remained in office until such delivery. Any provisions

1 of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully
2 negotiable.

3 (f) In any suit, action, or proceedings involving the validity or enforceability of
4 any bond of the Authority or the security therefor, any such bond reciting in substance that it
5 has been issued by the Authority to aid in financing a Rural Development Project shall be
6 conclusively deemed to have been issued for such purpose and such Project shall be
7 conclusively deemed to have been planned, located, and carried out in accordance with the
8 purposes and provisions of this Act.

9 **Sec. 13. Powers in Connection with Issuance of Bonds.** (a) In connection with the
10 issuance of bonds or the incurring of obligations and in order to secure the payment of such
11 bonds or obligations, the Authority, in addition to its other powers, shall have power:

- 12 (1) To pledge all or any part of its gross or net rents, fees, or revenues to which
13 its right then exists or may thereafter come into existence;
- 14 (2) To mortgage all or any part of its real or personal property, then owned or
15 thereafter acquired;
- 16 (3) To covenant against pledging all or any part of its rents, fees, or revenues, or
17 against mortgaging all or any part of its real or personal property, to which
18 its right or title then exists or may thereafter come into existence, or against
19 permitting or suffering any lien on such revenues or property; to covenant
20 with respect to limitations on its right to sell lease, or otherwise dispose of
21 any Rural Development Project or any part thereof; and to covenant as to
22 what other or additional debts or obligations may be incurred by it;
- 23 (4) To covenant as to the bonds to be issued and as to the issuance of such bonds
24 in escrow or otherwise, and as to the use and disposition of the proceeds
25 thereof; to provide for the replacement of lost, destroyed or mutilated bonds;
26 to covenant against extending the time for payment of its bonds or interest
27 thereon; and to covenant for the redemption of the bonds and to provide the
28 terms and conditions thereof;
- 29 (5) To covenant (subject to the limitations contained in this Act) as to the
30 amount of revenues to be raised each year or other period of time by rents
31 fees, and other revenues, and as to the use and disposition to be made
32 thereof; to create or authorize the creation of special funds for moneys held
33 for operating costs, debt service, reserves, or other purposes and to covenant
34 as to the use and disposition of the moneys held in such funds;
- 35 (6) To prescribe the procedure, if any, by which the terms of any contract with
36 bondholders may be amended or abrogated, the amount of bonds the holders
37 of which must consent thereto, and the manner in which such consent may
38 be given;
- 39 (7) To covenant as to the use, maintenance, and replacement of any of or all of
40 its real and personal property, the insurance to be carried thereon and the use
41 and disposition of insurance moneys, and to warrant its title to such
42 property;
- 43 (8) To covenant as to the rights, liabilities, powers, and duties arising upon the
44 breach by it of any covenants, conditions, or obligations; and to covenant
45 and prescribe as to events of default and terms and conditions upon which
46 any or all of its bonds or obligations shall become or may be declared due
47 before maturity and as to the terms and conditions upon which such
48 declaration and its consequences may be waived;
- 49 (9) To vest in any obligees of the Authority the right to enforce the payment of
50 the bonds or any covenants securing or relating to the bonds; to vest in any
51 obligee or obligees holding a specified amount in bonds the right, in the

1 event of a default, to take possession of and use, operate, and manage any
2 Rural Development Project or any part thereof, title to which is in the
3 Authority, or any funds connected therewith, and to collect the rents and
4 revenues arising therefrom and to dispose of such moneys in accordance
5 with the agreement with such obligees; to provide for the powers and duties
6 of such obligees and to limit the liabilities thereof, and to provide the terms
7 and conditions upon which such obligees may enforce any covenant or rights
8 securing and relating to the bonds; and

9 (10) To exercise all or any part or combination of the powers herein granted; to
10 make such covenants (other than and in addition to the covenants herein
11 expressly authorized) and to do any and all such acts and things as may be
12 necessary or convenient or desirable in order to secure its bonds, or, in the
13 absolute discretion of said Authority, as will tend to make the bonds more
14 marketable, notwithstanding that such covenants, acts, or things may not be
15 enumerated therein.

16 (b) The Authority shall have power by its resolution, trust indenture, mortgage,
17 lease, or other contract to confer upon any obligee holding or representing a specified amount
18 in bonds, the right (in addition to all rights that may otherwise be conferred), upon the
19 happening of an event of default as defined in such resolution or instrument, by suit, action, or
20 proceeding in any court of competent jurisdiction:

21 (1) To cause possession of any Development Project or any part thereof, title to
22 which is in the Authority, to be surrendered to any such obligee;

23 (2) To obtain the appointment of a receiver of any Development Project of said
24 Authority or any part thereof, title to which is in the Authority, and of the
25 rents and profits therefrom. If such receiver be appointed, he may enter and
26 take possession of, carry out, operate, and maintain such project or any part
27 thereof and collect and receive all fees, rents, revenues, or other charges
28 thereafter arising therefrom, and shall keep such moneys in a separate
29 account or accounts and apply the same in accordance with the obligations
30 of said Authority as the court shall direct; and

31 (3) To require said Authority and the members, officers, agents, and employees
32 thereof to account as if it and they were the trustees of an express trust.

33 **Sec. 14. Right of Obligee.** Any obligee of the Authority shall have the right, in
34 addition to all other rights which may be conferred on such obligee, subject only to any
35 contractual restrictions binding upon such obligee:

36 (1) By mandamus, suit, action, or proceeding at law or in equity to compel said
37 Authority and the members, officers, agents, or employees thereof to
38 perform each and every term, provision, and covenant contained in any
39 contract of the said Authority with or for the benefit of such obligee, and to
40 require the carrying out of any or all such covenants and agreements of said
41 Authority and the fulfillment of all duties imposed upon said Authority by
42 this Act; and

43 (2) By suit, action, or proceeding in equity, to enjoin any acts or things which
44 may be unlawful or constitute a violation of any of the rights of such obligee
45 of said Authority.

46 **Sec. 15. Exemption of Property From Execution Sale.** All real property of an
47 Authority shall be exempt from levy and sale by virtue of an execution, and no execution or
48 other judicial process shall issue against the same nor shall any judgment against an Authority
49 be a charge or lien upon its real property; provided, however, that the provisions of this Section
50 shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage

1 of any Authority or the right of obligees to pursue any remedies for the enforcement of any
2 pledge or lien given by an Authority on its rents, fees, or revenues.

3 **Sec. 16.** Acceptance of Federal Aid. In addition to the powers conferred upon an
4 Authority by other provisions of this Act, an Authority is empowered to borrow money or
5 accept grants or other assistance from the Federal Government for or in aid of any
6 Development Project within its area of operation, and to these ends, to comply with such
7 conditions and enter into such mortgages, trust indentures, leases, or agreements, as may be
8 necessary, convenient, or desirable. It is the purpose and intent of this Act to authorize every
9 Authority to do any and all things necessary or desirable to secure the financial aid or
10 assistance of the Federal Government in the undertaking, construction, maintenance, or
11 operation of any Development Project or any other activity or undertaking of such Authority.

12 **Sec. 17.** Agreement to Sell Project as Security for Obligation to Federal
13 Government. In any contract or amendatory or superseding contract for a loan heretofore or
14 hereafter entered into between any Authority and the Federal Government with respect to any
15 Development Project undertaken by said Authority, such Authority is authorized to make such
16 covenants (including covenants with holders of obligations of said Authority issued for
17 purposes of the particular Project involved), and to confer upon the Federal Government such
18 rights and remedies as said Authority deems necessary to assure the fulfilment of the purposes
19 for which the Project was undertaken. In any such contract the Authority may, notwithstanding
20 any other provisions of law, agree to sell and convey the Project (including all lands
21 appertaining thereto to which such contract relates) to the Federal Government upon the
22 occurrence of such conditions as may be prescribed in such contract, and at a price (which may
23 include the assumption by the Federal Government of the payment, when due, of the principal
24 and interest on outstanding obligations of the Authority issued for purposes of the Project
25 involved) determined as prescribed therein and upon such other terms and conditions as are
26 therein provided. Any such Authority is hereby authorized to enter into such supplementary
27 contracts and to execute such conveyances as may be necessary to carry out the provisions
28 hereof.

29 **Sec. 18.** Deposit of Money; Security for Funds Deposited. The Authority may by
30 resolution provide that all moneys deposited by it shall be secured (1) by obligations of the
31 United States or of the State of a market value equal at all times to the amount of such deposits,
32 or (2) by any securities in which savings banks may legally invest funds within their control, or
33 (3) by an undertaking with such securities as shall be approved by the Authority faithfully to
34 keep and pay over upon the order of the Authority any such deposits and agreed interest
35 thereon. All banks and trust companies are authorized to give any such security for such
36 deposits.

37 **Sec. 19.** Cooperation by Public Bodies. For the purposes of aiding and cooperating
38 in the planning, undertaking, and carrying out of the Development Projects located within its
39 jurisdiction, any county, municipality, special district, authority, or other agency, department,
40 or political subdivision of the State, may, upon such terms, with or without compensation, as it
41 may determine:

- 42 (1) Dedicate, sell, convey, or lease any of its interest in any property, or grant
43 easements, licenses, or any other rights or privileges therein, to an Authority;
- 44 (2) Cause parks, playgrounds, recreational, community, educational, water,
45 sewer, or drainage facilities, or any other works which it is otherwise
46 empowered to undertake, to be furnished adjacent to or in connection with a
47 Development Project;
- 48 (3) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan
49 streets, roads, sidewalks, ways, or other places which it is otherwise
50 empowered to undertake;
- 51 (4) Plan or replan, zone or rezone any part of the Development Project;

- 1 (5) Cause administrative or other services to be furnished to the Authority of the
2 character which it is otherwise empowered to undertake or furnish;
3 (6) Enter into agreements (which may extend over any period, notwithstanding
4 any provision or rule of law to the contrary) with an Authority or with the
5 Federal Government respecting action to be taken pursuant to any of the
6 powers granted by this Act; and
7 (7) Do any and all things necessary or convenient to aid and cooperate in the
8 planning or carrying out of a Development Project.

9 **Sec. 20.** Records and Reports. (a) The books and records of an Authority shall at all
10 times be open and subject to inspection by the public.

11 (b) A copy of all bylaws and rules and regulations and amendments thereto
12 adopted by it from time to time shall be filed with the clerk to the board of county
13 commissioners of each county within its area of operation and shall be open for public
14 inspection.

15 (c) At least once a year a report of its activities for the preceding year and such
16 other reports as may be required shall be made. Copies of such reports shall be filed with the
17 clerk to the board of county commissioners of each county within its area of operation and shall
18 be open for public inspection.

19 **Sec. 21.** Title of Purchaser. Any instrument executed by an Authority and
20 purporting to convey any right, title, or interest in any property under this Act shall be
21 conclusive evidence of compliance with the provisions of this Act insofar as title or other
22 interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

23 **Sec. 22.** Separability. Should any Section, clause, or provision of this Act be
24 declared by the courts to be unconstitutional or invalid for any reason, such decision shall not
25 affect the validity of the Act as a whole nor any part thereof other than the part so declared to
26 be unconstitutional or invalid.

27 **Sec. 23.** This Act shall only apply to the counties of Cherokee, Clay, Graham,
28 Swain, Macon and Jackson, which counties are located in the southwestern section of North
29 Carolina.

30 **Sec. 24.** All laws and clauses of laws in conflict herewith are hereby repealed to the
31 extent of such conflict.

32 **Sec. 25.** This Act shall become effective upon its ratification.

33 In the General Assembly read three times and ratified, this the 14th day of June,
34 1965.