

INTRODUCED BY: Representatives Greenwood and Harkins

Referred to:

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1 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MONTREAT
2 IN BUNCOMBE COUNTY AND TO AMEND THE CHARTER OF THE MOUNTAIN
3 RETREAT ASSOCIATION.

4 The General Assembly of North Carolina do enact:

5 Section 1. Incorporation and General Powers. The inhabitants of the
6 territory described in Section 2 of this Act shall constitute a body politic
7 and corporate under the name of the Town of Montreat, and shall be vested
8 with all rights and powers herein delegated to it; shall have perpetual succes-
9 sion; may have a common seal and alter and renew the same at pleasure; may
10 sue and be sued; may contract; may acquire and hold all such property, real
11 and personal, as may be devised, bequeathed, sold or in any manner conveyed
12 or dedicated to it, or otherwise acquired by it, and may, from time to time
13 hold or invest, sell, or dispose of the same; and shall have and may exercise
14 in conformity with this Act all municipal powers, functions, rights, privileges,
15 and immunities of every name and nature vested in, or accorded or delegated
16 to, municipal corporations by the general laws of the State. In addition, the
17 Town of Montreat shall have and may exercise all the powers of a municipal,
18 or governmental nature delegated to the Mountain Retreat Association or to any
19 board, body, or official thereof by the following Acts: c. 196, Public Laws,
20 1897; c. 559, Public Laws, 1901; c. 431, Private Laws, 1907; cc. 143 and 425,
21 Private Laws, Regular Session, 1913; c. 107, Private Laws, 1917; c. 169,
22 Private Laws, Regular Session, 1921; and c. 396, Public Laws, 1933; and all
23 such powers of a governmental nature are hereby withdrawn from the Mountain
24 Retreat Association or any board, body, or official thereof.

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1 Sec. 2. Corporate Boundaries. The corporate boundaries of the
2 Town of Montreat, until changed in accordance with law, shall be as follows:

3 Lying and Being in Buncombe County, North Carolina and being all that
4 area lying within the following particular described perimeter:

5 Beginning at a newly installed concrete marker set in the eastern edge
6 of the main road leading from Black Mountain to Montreat at the point where
7 the southern line of the Mountain Retreat Association property crosses said
8 road and lying 259.85 feet South 55° 30' East from an old concrete monument
9 as shown on Page one of the map of Montreat, which is duly recorded in the
10 Office of the Register of Deeds of Buncombe County, Plat Book 16, Page 92
11 and running from said newly erected concrete marker the following calls and
12 distances (subject to adjustment for changes in magnetic north since 1935):

13 North 55° 30' West 259.85 feet to the aforementioned concrete monu-
14 ment; North 67° 56' West 633 feet to a monument; North 83° 32' West 247.5
15 feet to a monument; North 88° West 883 feet to a concrete and stone monument,
16 same being the southwest corner of the Mountain Retreat Association properties;
17 North 01° 37' East 2227 feet to a stake; thence North 82° 30' East 1204 feet to
18 a stake; thence following the western line of the Mountain Retreat Association
19 properties, the following calls and distances; North 01° East 198 feet; North
20 36° 15' West 825 feet; North 46° West 464 feet; North 28° West 561 feet;
21 North 49° West 330 feet; North 26° 30' West 330 feet; North 09° 15' West 99
22 feet; North 10° East 363 feet; North 48° East 462 feet; North 27° East 577.5
23 feet; North 56° 30' East 231 feet; North 44° 30' East 297 feet; North 51° East
24 792 feet; North 42° East 264 feet to a point on Brushy Knob; thence leaving
25 the western line of the Mountain Retreat Association property at Brushy Knob
26 the following approximate calls and distances:

27 In an easterly direction approximately 2500 feet to a newly erected con-
28 crete monument located in the center of Big Piney Branch approximately five (5)

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1 feet south of the toe of the rock and mortar dam now serving as one of the
2 water reservoirs of Mountain Retreat Association; thence from said concrete
3 monument in an easterly direction approximately 2700 feet to a concrete
4 monument recently set in the center of the toe of the earthen dam of the
5 Mountain Retreat Association water system reservoir located just north of
6 Graybeard Trail and just west of Slatey Branch; thence from said monument
7 in an easterly direction approximately 3150 feet to the point and marker in
8 the eastern boundary of the Mountain Retreat Association property located
9 in Long Gap, thence with the eastern margin of the Mountain Retreat Associa-
10 tion property the following calls and distances; South $04^{\circ} 30'$ West 528 feet;
11 South $29^{\circ} 15'$ West 528 feet; South 37° West 206 feet; South $36^{\circ} 30'$ East 462
12 feet; South $10^{\circ} 45'$ West 214 feet; South $03^{\circ} 50'$ East 444.5 feet; South 11°
13 $15'$ West 156 feet; South 46° West 140 feet; South 06° West 544.5 feet; South
14 14° East 1188 feet; South $05^{\circ} 30'$ East 561 feet; South $66^{\circ} 30'$ East 208 feet;
15 South 73° East 472.5 feet; South $40^{\circ} 30'$ East 264 feet; South 04° East 668 feet;
16 South $05^{\circ} 15'$ West 660 feet; South $16^{\circ} 30'$ East 792 feet; South 05° East 726
17 feet; thence crossing the Old Mt. Mitchell Toll Road South $61^{\circ} 30'$ East 726 feet;
18 South 83° East 485 feet; South 70° East 181.5 feet; South 87° East 386 feet;
19 South 32° East 584 feet to a stone pile and chestnut oak marking the south-
20 eastern corner of the aforesaid Mountain Retreat Association properties; thence
21 with the southern boundary of the aforesaid Mountain Retreat Association pro-
22 perties North $85^{\circ} 10'$ West 6012 feet thrice crossing the old Mt. Mitchell Toll
23 Road to a stone pile marking the northwest corner of the property conveyed by
24 J. D. Murphy to A. G. Miller and W. H. Belk on November 11, 1908 by deed
25 recorded in Book 157, Page 502 (now the property of the Southern Baptist
26 Assembly); thence North $87^{\circ} 30'$ West again crossing the aforesaid Old Toll
27 Road 3400 feet to a stone pile; thence South $86^{\circ} 32'$ West 1611 feet to a concrete
28 and stone marker; thence North $55^{\circ} 30'$ West 244.15 feet to the Beginning.

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(Date) _____

Witness: _____

We, the undersigned registered voters in the Town of Montreat, do hereby endorse the foregoing candidacy of _____ . (15 names required) .

_____ . "

Sec. 5. Sale of Intoxicating Beverages. (a) It shall be unlawful for any person, firm or corporation to engage in the sale of beer, wine or any other beverage containing alcohol within the corporate limits of the Town of Montreat in Buncombe County.

(b) Every person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned within the discretion of the court.

Sec. 6. Amendment of Acts. Chapter 196 of the Public Laws of 1897; c. 599 of the Public Laws of 1901; c. 431, Private Laws, 1907; cc. 143 and 425 of the Private Laws of 1913, Regular Session; c. 107 of the Private Laws of 1917; and c. 169 of the Private Laws of 1921, Regular Session, are each and all hereby amended by inserting in each, respectively, immediately after the enacting clause, a new Section to be designated as Section A1 and to read as follows:

"Section A1. All of the rights and powers of a municipal and governmental nature herein delegated to the Mountain Retreat Association or to any body, board, or official thereof may henceforth be exercised by the Town of Montreat and its governing body and shall not henceforth be exercised either in whole or in part, by the Mountain Retreat Association or any body, board,

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1 or official thereof."

2 Sec. 7. All laws and clauses of laws in conflict with this Act are
3 hereby repealed.

4 Sec. 8. This Act shall be effective upon its ratification.

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