

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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HOUSE BILL 2057\*

Short Title: Goldsboro-Wayne Airport Authority/Changes. (Local)

Sponsors: Representatives Sager; and Bell.

Referred to: Local Government I, if favorable, Transportation.

May 27, 2010

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO CONVEY BY PRIVATE NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY, DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, AND CREATING THE WAYNE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Goldsboro may convey by private negotiation and sale, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in the following described property, known as the Goldsboro-Wayne Municipal Airport, to Wayne County:

BEGINNING at a point on the western right-of-way of Mt. Carmel Church Road and running southwesterly a distance of approximately 162 feet to the northwestern corner of 06-3612-17-7907; thence proceeding in a southwesterly direction a distance of approximately 612 feet to a point on the northern property line of 06-3612-07-5438; thence continuing along this line a distance of approximately 1,301 feet to the northwestern corner of 06-3612-06-0547; thence continuing along the line of 06-3612-06-0547 a distance of approximately 939 feet to a point on the northeastern corner of 06-3602-85-1420; thence from that point, continuing in a northwesterly direction a distance of approximately 783 feet to the northwestern corner of 06-3602-85-1420; thence continuing in a southwesterly direction a distance of approximately 1,051 feet to the northeastern property line of 06-3602-75-1582; thence extending in a northwesterly direction a distance of approximately 835 feet to the northwestern property line of 06-3602-75-1582; thence continuing in a southwesterly direction a distance of approximately 229 feet to the southwestern corner of 06-3602-75-1582; thence continuing in a southeasterly direction a distance of approximately 842 feet to a point near the northwestern corner of 06-3602-74-2736; thence extending in a southwesterly direction a distance of approximately 637 feet to a point on the property line of 06-3602-74-2736; thence turning and extending northwesterly a distance of approximately 1,003 feet to the northwestern corner of 06-3602-64-5889; thence extending in a southwesterly direction a distance of approximately 1,092 feet to the eastern right-of-way line of Airport Road; thence running in a southerly direction along the eastern right-of-way of Airport Road a distance of approximately 37 feet to the southwestern corner of 06-3602-64-5889; thence turning and extending northwesterly a distance of approximately 442 feet to a point on the southern property line of 06-3602-64-5889; then continuing in a southeasterly direction a distance of approximately 966 feet to a point on the southern property line of 06-3602-64-5889; thence continuing in a southerly direction a distance of approximately 547 feet to a point on the northern right-of-way of Aviation Road;



1 thence turning and extending in a northeasterly direction a distance of approximately 388 feet  
2 to the southeastern corner of 06-3602-74-2736; thence turning and extending along the  
3 right-of-way terminus for Aviation Road a distance of approximately 68 feet to the northeastern  
4 property line of 06-3602-63-5707; thence turning and extending in a southwesterly direction a  
5 distance of approximately 1,325 feet to a point on the northwestern corner of 06-3602-63-5707;  
6 thence turning and proceeding in southwesterly direction a distance of approximately 109 feet  
7 to the western property line of 06-3602-63-5707; thence proceeding southeasterly a distance of  
8 approximately 1,331 feet to a point on the southern line of 06-3602-63-5707; thence turning  
9 and extending in a southwesterly direction a distance of approximately 989 feet; thence turning  
10 and extending in a southeasterly direction a distance of approximately 48 feet; thence turning  
11 and extending in a southwesterly direction a distance of approximately 915 feet to the  
12 southwestern property corner of 06-3602-62-7208; thence turning and extending in a  
13 southeasterly direction a distance of approximately 930 feet; thence turning and extending in a  
14 northerly direction a distance of approximately 60 feet; thence turning and following the  
15 southern property line of 06-3602-62-7208 in a southeasterly direction a distance of  
16 approximately 343 feet; thence extending in a northeasterly direction a distance of  
17 approximately 1,976 feet to a point on the eastern property line of 06-3602-72-4566; thence  
18 extending in a southeasterly direction a distance of 548 ft. to the eastern property line of  
19 06-3602-72-1121; then turning and extending in a northwesterly direction a distance of  
20 approximately 536 ft. to a point on the eastern property line of 06-3602-62-7208; thence  
21 turning and extending in a northeasterly direction a distance of approximately 821 feet to the  
22 northeastern corner of 06-3602-62-7208; thence turning and extending in a westerly direction a  
23 distance of approximately 70 ft. to a point at the southeastern corner of 06-3602-84-3207;  
24 thence continuing in a northerly direction a distance of approximately 2,255 ft. to the  
25 southeastern property corner of 06-3602-95-7457; thence continuing in a northeasterly  
26 direction a distance of approximately 1,918 ft. to a point in the eastern property line of  
27 06-3612-06-0547; thence continuing in a northeasterly direction a distance of approximately  
28 1,271 ft. to the southwestern property corner of 06-3612-17-7907; thence continuing on the line  
29 a distance of approximately 203 ft. to the western right-of-way of Mt. Carmel Church Road;  
30 thence turning and extending a distance of approximately 755 ft. to the point of beginning and  
31 containing approximately 12,605,392 sq. ft., or 289.38 acres, more or less.

32 **SECTION 2.** Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006  
33 of the 1987 Session Laws and S.L. 1998-20, reads as rewritten:

34 "Section 1. Airport or landing field, for the purposes of this and the Sections following, is  
35 defined as any plot of land or water formally set aside, and designated as a place where aircraft  
36 may land or take off.

37 "~~Sec. 2. The governing bodies~~body of the ~~City of Goldsboro, and of the~~ County of Wayne  
38 ~~are~~is hereby authorized to ~~jointly~~ acquire, establish, construct, own, control, lease, equip,  
39 improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and  
40 other aircraft within the limits of ~~said the~~ County, and may use for such purpose or purposes  
41 any properties suitable therefor that are now or may at any time hereafter be ~~jointly~~ owned or  
42 controlled by ~~said City~~the County.

43 "~~Sec. 3. Any lands acquired, owned, controlled, or occupied by said City and the~~ County for  
44 the purposes enumerated in Section 2 hereof shall and are hereby declared to be acquired,  
45 owned, controlled and occupied for public purpose, and ~~said City and the~~ County shall have the  
46 right to acquire property for such purpose or purposes under the power of eminent domain as  
47 and for a public purpose.

48 "~~Sec. 4. Private property needed by the said City and~~ County for an airport or landing field  
49 may be acquired by gift or devise or shall be acquired by purchase if ~~said City and the~~ County  
50 ~~are~~is able to agree with the owners on the terms thereof, and otherwise by condemnation, in  
51 the manner provided by law under which the ~~said City and~~ County ~~are~~is authorized to acquire

1 real property for public purposes, other than street purposes, or if there be no such law, in the  
2 manner provided for and subject to the provisions of the condemnation law. The purchase  
3 price, or award, for property acquired for an airport or landing field may be paid for by  
4 appropriation of monies available therefor, or by the application of any funds derived by ~~said~~  
5 ~~City or by said~~the County from the sale of any lands now or heretofore or hereafter owned for  
6 airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the  
7 sale of bonds of ~~said City or of said~~the County as the governing bodies of ~~such City and~~the  
8 County shall determine.

9 "Sec. 5. The power to acquire lands by condemnation herein granted to the ~~said City and~~  
10 County for the purpose of such airport or landing field shall embrace the power to acquire by  
11 condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or  
12 cemetery located or situate upon the lands found necessary to be acquired for such purpose; and  
13 in the event there are graves located upon such lands which may be necessary to be acquired by  
14 condemnation, it shall be lawful for ~~said City and~~the County, after thirty days' notice to the  
15 surviving husband or wife, or next of kin of the deceased buried therein, or the person in  
16 control of such graves, if any are known, and if not known, then after publishing a notice once  
17 a week for four (4) weeks in a newspaper published in Wayne County, to open any such graves,  
18 and to take therefrom any dead body, or part thereof buried therein, and anything interred  
19 therewith, and to remove and reinter the same in some other cemetery or suitable place in the  
20 same county to be selected by the next of kin, or the welfare officer of the County or by the  
21 Clerk of the Superior Court of said County in the order named. Due care shall be taken to do  
22 said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes  
23 for reintering said remains. Due care shall also be taken to remove all tombstones and other  
24 markers from said graves, and to protect and replace all such tombstones or other markers so as  
25 to leave the new grave in as good condition as the former one. All of said work shall be done  
26 under the supervision and direction of the welfare officer of the County, if one, or his  
27 representatives, but if there is no welfare officer, then under the supervision and direction of the  
28 Clerk of the Superior Court of said County, or his representatives. All the expense connected  
29 with said work, including the actual expense of one of "next of kin" in attending to same, if one  
30 does attend, shall be borne by the ~~said City and~~County doing or causing same to be done.

31 "Sec. 6. The governing ~~bodies of said City and County and each of them are~~body of the  
32 County is hereby authorized to appropriate and use from the net proceeds derived by the ~~said~~  
33 ~~City or~~County from the operation of any public utility, or from funds derived from any source  
34 other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the  
35 establishment and maintenance of any ~~airport in such proportion and upon such equal basis as~~  
36 ~~may be determined upon by a joint board to be appointed by the governing bodies of the said~~  
37 ~~City and County; provided~~ airport. However, nothing herein shall be construed to permit the  
38 governing ~~bodies of said City or~~body of the County to issue bonds under the provisions of this  
39 Act without a vote of the people.

40 "Sec. 7. The ~~joint~~board to be appointed by the governing ~~bodies of the said City and~~body  
41 of the County shall be appointed as follows:

42 ~~Said City shall be entitled to have three (3) representatives on said board and the~~  
43 ~~representatives shall be appointed biennially by a majority of the governing body of the said~~  
44 ~~City, at the first regular meeting in January. Said representatives shall hold office from their~~  
45 ~~appointment until their successors are appointed and qualified and until the first regular~~  
46 ~~meeting of the governing body in the second January thereafter, when successors shall be~~  
47 ~~appointed.~~

48 ~~Said~~The County shall be entitled to have ~~three (3)~~six representatives on ~~said~~the board and  
49 the representatives shall be appointed biennially by a majority of the board of county  
50 commissioners of said County at the first regular meeting in January. ~~Said~~The representatives  
51 shall hold office from their appointment until their successors are appointed and qualified and

1 until the first regular meeting of the board of county commissioners in the second January  
2 thereafter, when successors shall be appointed. The ~~said~~ board so appointed by the governing  
3 ~~bodies of the City and~~ body of the County shall be known as the "~~Goldsboro Wayne Airport~~  
4 ~~Authority~~". "Wayne Airport Authority." Upon the occurrence of any vacancy on ~~said~~ the board,  
5 ~~said~~ the vacancy shall be filled within sixty (60) days after notice thereof by a majority of the  
6 governing body of the ~~City or County which has a vacancy within its representation.~~ County.

7 "Sec. 8. The board, appointed as herein provided by the governing ~~bodies of said City and~~  
8 ~~County,~~ body of the County shall act in an administrative capacity and it is hereby authorized  
9 and empowered:

10 (a) To establish, construct, control, lease, maintain, improve, operate and regulate joint  
11 airports and landing fields established under the provisions of this Act; to have complete  
12 authority over any airport or landing field ~~jointly~~ acquired, established, or constructed by ~~said~~  
13 ~~City and County represented on said board.~~ the County.

14 (b) (1) To adopt, repeal, amend, readopt rules, regulations, laws and ordinances not  
15 inconsistent with this Act, for its own government, management and  
16 operation; and

17 (2) To adopt, repeal, amend and readopt rules, regulations and ordinances with  
18 respect to traffic on and use of streets, alleys, driveways, roadways, parking  
19 areas, crosswalks and safety areas (not included in the public road system of  
20 the State of North Carolina) located within the territorial limits of the lands  
21 comprising the ~~Goldsboro Wayne Airport,~~ Wayne County Airport, including  
22 by way of illustration but not in limitation of the authority herein granted,  
23 the establishment of routes of traffic, the regulation of speed, the location of  
24 parking areas, the regulation and prohibition of parking and standing in  
25 designated areas and on said streets, driveways, alleys and roadways, the  
26 prohibition of obstruction thereof, the prohibition of vehicles and pedestrians  
27 on the aprons, ramps, taxiways, runways and other designated parts of the  
28 Airport.

29 (3) To adopt, repeal, amend and readopt rules, regulations, and ordinances with  
30 respect to the use of the Airport and its facilities by the public, including by  
31 way of illustration but not in limitation of the authority granted, the Terminal  
32 Building, the ramps, aprons, hangars, taxiways, runways, water plants and  
33 shops, and to prohibit the use of, occupation of, or trespass upon any part  
34 thereof.

35 (c) To lease real or personal property under the supervision of or administered by the  
36 Authority, without the joinder in the lease agreements of the owning ~~units of local government,~~  
37 ~~to wit, the County of Wayne and the City of Goldsboro,~~ unit of local government, to wit, the  
38 County of Wayne, for purposes that the board considers advantageous or conducive to the  
39 development of the Airport and that are not inconsistent with the grants and agreements under  
40 which the Airport is held by the owning units of local government. The term of a lease to ~~the~~  
41 ~~City of Goldsboro, Wayne County,~~ Wayne County or Wayne Community College may not  
42 exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.

43 (d) To contract with persons, firms or corporations for terms not to exceed twenty (20)  
44 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled  
45 flights, and any other airplane activities, not inconsistent with said grant agreements under  
46 which the airport property is held by the owning municipal corporations, and to charge and  
47 collect reasonable and adequate fees, charges and rents for the use of such property or for  
48 services rendered in the operation thereof.

49 (e) To operate, own, control, regulate, lease or grant to others the right to operate any  
50 airport premises, restaurants, apartments, hotels, motels, tracks, motion picture shows, cafes,  
51 soda fountains, or other businesses, amusements or concessions for a term not exceeding

1 twenty (20) years, as may appear to said Authority advantageous or conducive to the  
2 development of said Airport.

3 (f) To erect and construct buildings, hangars, shops and other improvements and  
4 facilities, not inconsistent with or in violation of the agreements applicable to and the grants  
5 under which the real property of the Airport is held; to lease the same for a term or terms not to  
6 exceed twenty (20) years, to borrow money for use in making or paying for such improvements  
7 and facilities, secured by and on the credit only of the lease agreements in respect thereto, to  
8 pledge and assign such leases and lease agreements as security for loans herein authorized.

9 (g) To expend funds appropriated from time to time by ~~said City and County, jointly or~~  
10 ~~severally, for joint airport~~ the County for airport purposes, and to appropriate and expend for  
11 airport purposes funds received by it from fees, charges, rents and dues arriving out of the  
12 operation of said Airport, the facilities, improvements and concessions located thereat or  
13 operated thereon.

14 (h) To enter into contracts and to pledge the credit of the said Airport Authority to the  
15 extent herein authorized; provided, however, that neither said Airport Authority nor the  
16 individual members thereof shall have authority to pledge the credit of or contract for the ~~City~~  
17 ~~of Goldsboro or the County of Wayne.~~

18 (i) To contract and deal with the Federal Aviation Authority of the United States  
19 Government and any other representative or agency of said government relating to the grading,  
20 constructing, equipping, improving, maintaining and operation of airports and landing fields  
21 acquired under the authority of this Act.

22 "Sec. 9. A majority of the ~~Goldsboro Wayne~~ Wayne County Airport Authority members  
23 shall control its decisions. Each member of the Authority, including the chairman, shall have  
24 one vote. The Authority shall elect annually in April, from among its members, a chairman, a  
25 vice chairman, a secretary and treasurer. In the absence of rules of the Authority in respect  
26 thereof, the Authority shall meet at such places and times as the chairman shall designate. Each  
27 member of said Authority shall take an oath of office to faithfully perform his duties. All  
28 members of said Authority shall serve without compensation.

29 "Sec. 10. The ~~Goldsboro Wayne~~ Wayne County Airport Authority shall in no case be liable  
30 for damages for injuries to persons or property caused by or growing out of fueling, refueling  
31 or servicing any airplane at said Airport, or from falling, exploding and burning airplanes.  
32 Members of said Authority shall not be personally liable in any manner for their acts as  
33 members of the Authority, except for misfeasance or malfeasance.

34 "Sec. 11. The Authority shall operate under a budget on a fiscal year basis from July 1 to  
35 June 30, and shall make its requests for appropriations from the ~~City of Goldsboro and the~~  
36 County of Wayne in the same manner as that provided under the Fiscal Control Act, and shall  
37 maintain complete and adequate records of all receipts and disbursements to be audited and  
38 reported thereon at least annually to the ~~City of Goldsboro and~~ County of Wayne as required by  
39 the aforesaid Fiscal Control Act. The treasurer shall furnish bond in some surety company  
40 authorized to do business in North Carolina, in the amount to be fixed by the Wayne County  
41 Board of ~~Commissioners and the Board of Aldermen of the City of Goldsboro.~~ Commissioners.

42 "Sec. 12. It is hereby declared to be the policy of the State of North Carolina to promote,  
43 encourage and develop air transportation, service and facilities in connection with the  
44 commerce of the United States and to foster and preserve air transportation; and the area  
45 including the County of Wayne ~~and the City of Goldsboro~~ is hereby declared to be an area  
46 which should be developed in connection with the interior of the State of North Carolina and  
47 other states and it is hereby declared to be necessary and desirable and in the public interest of  
48 the entire State that there shall be established air transportation facilities in such area in  
49 accordance with the provisions of the Acts of Congress and the laws of this State. The ~~joint~~  
50 Authority established pursuant to the provisions of this Act shall be regarded as performing an  
51 essential governmental function in undertaking the construction, maintenance and operation of

1 the facilities herein provided for and in carrying out the provisions of this Act, and shall be  
2 required to pay no taxes or assessments upon any of the property acquired or used by it for such  
3 purposes. Except as herein specifically otherwise provided, the provisions of Chapter 63 of the  
4 General Statutes of North Carolina shall be applicable to the ~~joint~~ Authority herein established.  
5 To the extent that G.S. 63-53 requires that the ~~Goldsboro-Wayne~~Wayne County Airport  
6 Authority follow the provisions of G.S. 160A-272, G.S. 160A-272 shall be applied by  
7 substituting 'the maximum term provided in Section 8 of this act' for '10 years' in each place  
8 those words and figures appear.

9 "Sec. 13. All rules, regulations and ordinances adopted pursuant to the authority of this Act  
10 shall be recorded in the proceedings of the ~~Goldsboro-Wayne~~Wayne County Airport Authority  
11 and a true copy of all such rules, regulations and ordinances, certified under the hand of the  
12 secretary and the seal of the Authority, shall be filed with the Board of County Commissioners  
13 of Wayne County and the Board of Aldermen of the City of Goldsboro County.

14 The ~~Goldsboro-Wayne~~Wayne County Airport Authority shall cause to be posted at  
15 appropriate places on the ~~Goldsboro-Wayne~~Wayne County Airport, notice to the public of  
16 applicable rules, regulations and ordinances pertaining to the ~~Goldsboro-Wayne~~Wayne County  
17 Airport.

18 Any person violating any rule, regulation or ordinance adopted pursuant to Section 8 (b) (2)  
19 and (b) (3) shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine  
20 not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

21 "Sec. 14. This Act shall apply only to ~~the City of Goldsboro and~~ the County of Wayne.

22 "Sec. 15. If any part or parts of this Act shall be held to be unconstitutional, such  
23 unconstitutionality shall not affect the validity of the remaining parts of this Act. The General  
24 Assembly expressly declares that it would have passed the remaining parts of this Act, if it had  
25 known that such part or parts thereof would be declared unconstitutional.

26 "Sec. 16. This Act shall take effect from and after its ratification."

27 **SECTION 3.** The terms of the three representatives appointed by the City of  
28 Goldsboro to serve on the Goldsboro-Wayne Airport Authority shall expire on October 1,  
29 2010. Within 30 days after this act becomes law, the governing body of Wayne County shall  
30 appoint three representatives to the Wayne County Airport Authority, as enacted by Section 2  
31 of this act, to hold office until their successors are appointed in the manner set forth in Chapter  
32 972 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, S.L.  
33 1998-20, and Section 2 of this act.

34 **SECTION 4.** Nothing in this act shall be deemed to affect any pending litigation  
35 involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

36 **SECTION 5.** This act becomes effective October 1, 2010.