

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1993
Committee Substitute Favorable 6/15/94

Short Title: Washington/Stanley Annexation.

(Local)

Sponsors:

Referred to:

June 2, 1994

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO NEGOTIATE AND
2 ENTER INTO A LONG-TERM CONTRACT FOR MUNICIPAL SERVICES AND
3 TO ANNEX CERTAIN PROPERTY INTO THAT CITY AND TO ALLOW THE
4 TOWN OF STANLEY TO NEGOTIATE ANNEXATION CONTRACTS AND TO
5 ANNEX CERTAIN PROPERTY INTO THAT TOWN.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. (a) Notwithstanding any applicable provision of the General Statutes
9 or other public or local law, the City of Washington is granted certain contract powers
10 as follows:

- 11 (1) The City of Washington may negotiate, enter into, and by contract
12 provide on a long-term basis services to National Spinning Company
13 to be provided according to the terms and conditions of such contract.
- 14 (2) The City of Washington may accept from National Spinning
15 Company, as consideration for such contract, the payment of certain
16 fees, the payment of capital expense reimbursements, the granting of
17 pipeline easements, and the annexation of certain property.
- 18 (3) Any contract entered into as provided above is deemed by this section
19 to be proprietary and commercial in nature and is specifically
20 determined to be consistent with the public policy of the State of North
21 Carolina.
- 22 (4) Any contract entered into as provided above is a continuing contract
23 and is binding on and enforceable against the current and future

1 members of the City Council of the City of Washington during the full
2 term of such contract and any extension thereof.

3 (5) The parties to any contract entered into as provided above are
4 authorized by this section to modify, amend, and extend such contract
5 on mutual written consent, without the approval of the General
6 Assembly.

7 (b) This section legislatively annexes certain property into the City of
8 Washington according to the following:

9 (1) On the date of the full, complete, and properly authorized execution by
10 both parties of the contract authorized in subsection (a) of this section,
11 then, and only then, shall the following described property be annexed
12 into the municipal boundaries of the City of Washington, to be
13 effective on that same date or on such later date as may be specified by
14 the City of Washington at the time of execution of the contract:

15 Beginning at an iron pipe in the present Washington City Limits
16 on the northern edge of Kennedy's Creek said point being also
17 in the dividing line between the land of National Spinning
18 Company and the City of Washington; thence with the said
19 dividing line and the present City Limits, N 39°-52'E - 755.8
20 feet, S 50°-08'E - 270.0 feet and N 39°-52'E - 470.0 feet and the
21 same course continued 60.0 feet to the northern right-of-way
22 line of West Second Street; thence with the edge of said street,
23 N. 50°-59'W - 779.4 feet to the northern boundary line of
24 National Spinning Company; thence with said line N 1°-14'E -
25 548.1 feet to a ditch, Lee Knott's line; thence leaving present
26 City Limits N 81°-08'W - 626.0 feet to an iron pipe, said pipe
27 also being Lee Knott's corner, also being City of Washington's
28 corner; thence leaving said iron pipe and following the eastern
29 most shoreline of the East prong of Kennedy's Creek for a
30 meandering distance of 3035 feet to point of beginning.

31 (2) Except as modified by this section and the contract authorized in
32 subsection (a) of this section, on the effective date of annexation, any
33 applicable sections of Article 4A of Chapter 160A of the General
34 Statutes shall apply to this annexation.

35 (3) Should the contract authorized in subsection (a) of this section not be
36 executed, nothing in this section prevents the City of Washington from
37 exercising the powers granted in it and doing so in accordance with
38 Article 4A of Chapter 160A of the General Statutes with respect to the
39 above-described property and prevents National Spinning Company
40 from exercising the rights and remedies granted it in such statutes on
41 the City's exercise of such powers.

42 (4) Nothing in this section impairs the right of the General Assembly to
43 annex or deannex the above-described property by specific local act.

1 Sec. 2. (a) The Town of Stanley may, by contract, provide that certain property
2 described in the contract may not be annexed by the Town under Part 2 or 3 of Article
3 4A of Chapter 160A of the General Statutes prior to June 30, 1999. Nothing in this
4 section impairs the right of the General Assembly to annex any such property by
5 specific local act.

6 (b) The Town of Stanley may accept, as consideration for such contract,
7 "Payments in lieu of taxes."

8 (c) Payments in lieu of taxes under this section shall be annually paid by the
9 owner of property subject to a contract under subsection (a) of this section in the
10 amount and at the times stated in such contract.

11 (d) A contract under subsection (a) of this section applies only to the following
12 described property:

13 **QUEENS GROUP, INC.**

14 BEGINNING at an iron pin in the northerly RW of North Carolina #27 (60.0 feet in
15 width), said point of beginning being located 3,725.81 feet from the westerly RW of
16 Eslynn Road and runs thence from said P.O.B. S. 33 deg. 50 min. 17 sec. W. a distance
17 of 30.0 feet to a nail in the center line of paving of N.C. Highway #27; thence with the
18 center line of paving N. 56 deg. 09 min. 43 sec. W. a distance of 1,001.36 feet to a nail;
19 thence with the center of paving and with the arc of a circular curve, having a radius of
20 10,208.46 to the right and in a northwesterly direction an arc distance of 959.35 feet to a
21 nail; thence a new line N. 33 deg. 50 min. 17 sec. E., a distance of 331.55 feet to an iron
22 pin set in the line of Craig Realty & Development Company, Deed Book 1264, Page
23 234, and Deed Book 692, Page 255; thence with said Craig's southerly line S. 75 deg.
24 14 min. 46 sec. E., a distance of 2,057.64 feet to a planted stone; thence S. 73 deg. 40
25 min. 44 sec. E., a distance of 15.47 feet to an iron pin set; thence a new line S. 33 deg.
26 50 min. 17 sec. W., a distance of 1,024.01 feet to the point of BEGINNING.

27 (e) This section legislatively annexes the property described in subsection (d)
28 of this section into the Town of Stanley according to the following:

- 29 (1) On execution by both parties of a contract authorized in subsection (a)
30 of this section, then, and only then, the property shall be annexed into
31 the municipal boundaries of the Town of Stanley, to be effective on
32 June 30, 1999.
- 33 (2) On the effective date of annexation, all applicable sections of Article
34 4A of Chapter 160A of the General Statutes shall apply to this
35 annexation.
- 36 (3) Should a contract authorized in subsection (a) of this section not be
37 executed, nothing in this section shall prevent the Town of Stanley
38 from exercising the powers granted it in and doing so in accordance
39 with Article 4A of Chapter 160A of the General Statutes with respect
40 to the above-described property and prevent any affected property
41 owner from exercising the rights and remedies granted it in such
42 statutes on the Town's exercise of such powers.
- 43 (4) Nothing in this section impairs the right of the General Assembly to
44 annex or deannex the above-described property by specific local act.

- 1 (f) The Town of Stanley may expend nontax revenue received under this
2 section in the same fashion and for the same public purposes as tax
3 revenue in the Town's general fund.
4 Sec. 3. This act is effective upon ratification.