

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 713
HOUSE BILL 1993

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO NEGOTIATE AND ENTER INTO A LONG-TERM CONTRACT FOR MUNICIPAL SERVICES AND TO ANNEX CERTAIN PROPERTY INTO THAT CITY, TO ALLOW THE TOWN OF STANLEY TO NEGOTIATE ANNEXATION CONTRACTS AND TO ANNEX CERTAIN PROPERTY INTO THAT TOWN, AND TO SET THE FILING PERIOD FOR CANDIDATES FOR THE BEAUFORT COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

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

- (1) The City of Washington may negotiate, enter into, and by contract provide on a long-term basis, services to National Spinning Company to be provided according to the terms and conditions of such contract.
- (2) The City of Washington may accept from National Spinning Company, as consideration for such contract, the payment of certain fees, the payment of capital expense reimbursements, the granting of pipeline easements, and the annexation of certain property.
- (3) Any contract entered into as provided above is deemed by this section to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.
- (4) Any contract entered into as provided above is a continuing contract and is binding on and enforceable against the current and future members of the City Council of the City of Washington during the full term of such contract and any extension thereof.
- (5) The parties to any contract entered into as provided above are authorized by this section to modify, amend, and extend such contract on mutual written consent, without the approval of the General Assembly.

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

- (1) On the date of the full, complete, and properly authorized execution by both parties of the contract authorized in subsection (a) of this section, then, and only then, shall the following described property be annexed

into the municipal boundaries of the City of Washington, to be effective on that same date or on such later date as may be specified by the City of Washington at the time of execution of the contract:

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

- (2) Except as modified by this section and the contract authorized in subsection (a) of this section, on the effective date of annexation, any applicable sections of Article 4A of Chapter 160A of the General Statutes shall apply to this annexation.
- (3) Should the contract authorized in subsection (a) of this section not be executed, nothing in this section modifies the application of Article 4A of Chapter 160A of the General Statutes to the property described in subdivision (1) of this subsection.
- (4) Nothing in this section impairs the right of the General Assembly to annex or deannex the above-described property by specific local act.

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

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

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

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

Queens Group, Inc.

BEGINNING at an iron pin in the northerly RW of North Carolina #27 (60.0 feet in width), said point of beginning being located 3,725.81 feet from the westerly RW of Eslynn Road and runs thence from said P.O.B. S. 33 deg. 50 min. 17 sec. W. a distance

of 30.0 feet to a nail in the center line of paving of N.C. Highway #27; thence with the center line of paving N. 56 deg. 09 min. 43 sec. W. a distance of 1,001.36 feet to a nail; thence with the center of paving and with the arc of a circular curve, having a radius of 10,208.46 to the right and in a northwesterly direction an arc distance of 959.35 feet to a nail; thence a new line N. 33 deg. 50 min. 17 sec. E., a distance of 331.55 feet to an iron pin set in the line of Craig Realty & Development Company, Deed Book 1264, Page 234, and Deed Book 692, Page 255; thence with said Craig's southerly line S. 75 deg. 14 min. 46 sec. E., a distance of 2,057.64 feet to a planted stone; thence S. 73 deg. 40 min. 44 sec. E., a distance of 15.47 feet to an iron pin set; thence a new line S. 33 deg. 50 min. 17 sec. W., a distance of 1,024.01 feet to the point of BEGINNING.

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

- (1) On execution by both parties of a contract authorized in subsection (a) of this section, then, and only then, the property shall be annexed into the municipal boundaries of the Town of Stanley, to be effective on June 30, 1999.
- (2) On the effective date of annexation, all applicable sections of Article 4A of Chapter 160A of the General Statutes shall apply to this annexation.
- (3) Should a contract authorized in subsection (a) of this section not be executed, nothing in this section modifies the application of Article 4A of Chapter 160A of the General Statutes to the property described in subsection (d) of this section.
- (4) Nothing in this section impairs the right of the General Assembly to annex or deannex the above-described property by specific local act.

(f) The Town of Stanley may expend nontax revenue received under this section in the same fashion and for the same public purposes as tax revenue in the Town's general fund.

Sec. 3. Section 5(b) of Chapter 55 of the 1993 Session Laws reads as rewritten:

"(b) The members of the Permanent Board shall be elected for a term of four years in nonpartisan plurality elections held at the time of the general election for county offices. The filing period for candidates shall be the same as specified in G.S. 163-294.2(c) for nonpartisan plurality elections. Duly elected members of the Permanent Board shall take office the first Monday of December immediately following their election and shall take the oath of office prescribed in Article VI, Section 7 of the Constitution."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives