

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 956
May 16, 2018
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10444-LM-125A

Short Title: Eden/Duke Energy Annexation Agreement. (Local)

Sponsors: Representative Bert Jones.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF EDEN TO ENTER INTO AN ANNEXATION AGREEMENT WITH DUKE ENERGY FOR PAYMENTS IN LIEU OF ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Eden is granted certain contract powers as follows:

- (1) The City of Eden may, by agreement, provide that certain property, described in Section 3 of this act as the "Dan River Plant Property," may not be involuntarily annexed by the City during the period beginning January 31, 2019, and ending December 31, 2023, under the General Statutes as they now exist or may be subsequently amended, except as provided in the agreement. The City of Eden shall not seek to repeal this act upon its approval by the General Assembly.
- (2) Any agreement entered into as provided in subdivision (1) of this section is specifically determined to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.
- (3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the City Council of the City of Eden during the full term of the agreement and any extension thereof.
- (4) The parties to the agreement entered into as provided in subdivision (1) of this section are authorized by this section to further modify, amend, and extend the agreement on mutual written consent, without the approval of the General Assembly, provided that any modification or amendment does not materially alter the concept of the agreement.

SECTION 2. The City of Eden may accept, as consideration for the agreement authorized in Section 1 of this act, payments in lieu of taxes in the amount of one million dollars (\$1,000,000), which shall be made by Duke Energy in annual payments in the amount of two hundred thousand dollars (\$200,000) for five successive and consecutive calendar years.

SECTION 3. The agreement under Section 1 of this act shall apply to the Dan River Plant Property described as follows:
Tract 1

Beginning at a concrete monument set in the westerly line of S. R. # 1779 (Edgewood Road) and running thence from said beginning point, S 360° 45' E 80.6 feet to a stake, thence N 69° 26' E 826.6 feet to an iron rod found; thence N 20° 32' W 239.1 feet to an iron rod; thence N



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1 69° 28' E 97.1 feet to an iron rod found; thence N 20° 39' W 180.0 feet to an iron rod found;
2 thence N 69° 18' E 54.7 feet to a concrete monument found; thence N 20° 30' W 240.4 feet to an
3 iron rod; thence N 69° 30' E 87.0 feet to an iron rod found; thence N 20° 35' W 180.1 feet to an
4 iron rod found; thence N 69° 27' E 515.5 feet to an iron rod and iron pipe found in the westerly
5 boundary of the property of Fieldcrest Mills, Inc.; thence with said property line S 10° 19' E
6 1390.2 feet to a concrete monument found in the southwesterly corner of the property of
7 Fieldcrest Mills, Inc.; thence with the southerly line of Fieldcrest Mills, Inc., N 79° 03' E 161.9
8 feet to a concrete monument found; thence S 80° 53' E 1126.3 feet to an iron rod found in the
9 centerline of the CNW Railroad Spur Track; thence with the centerline of said Spur track the
10 following courses and distances: S 4° 02' E 100.0 feet to a point; S 0° 02' E 99.9 feet to a point;
11 S 4° 04' W 100.0 feet to a point; S 7° 43' W 100.0 feet to a point; S 11° 45' W 100.0 feet to a
12 point; S 15° 57' W 100.0 feet to a point; S 20° 00' W 100.0 feet to a point; S 24° 15' W 100.0 feet
13 to a point; S 28° 05' W 100.0 feet to a point; S 31° 33' W 72.0 feet to a spike found; thence N 88°
14 54' E 623.1 feet to an iron rod found; thence S 18° 36' E 367.2 feet to an iron pipe found; thence
15 S 6° 02' W 74.9 feet to an iron pipe found; thence S 24° 38' E 141.5 feet to a point in the northerly
16 bank of the Dan River; thence with the Dan River the following courses and distances: S 66° 35'
17 W 48.8 feet; S 54° 44' W 77.0 feet; S 61° 37' W 108.8 feet; S 55° 43' W 74.6 feet; S 53° 05' W
18 203.1 feet; S 32° 02' W 281.5 feet; S 27° 20' W 140.7 feet; S 27° 58' W 436.3 feet; S 29° 28' W
19 142.1 feet; S 26° 31' W 236.2 feet; S 41° 30' W 204.0 feet; S 52° 38' W 266.5 feet; S 58° 31' W
20 263.2 feet; S 63° 40' W 317.8 feet; S 57° 38' W 75.4 feet; S 65° 46' W 312.0 feet; S 71° 46' W
21 148.1 feet; S 75° 07' W 232.9 feet; S 76° 21' W 205.8 feet; N 6° 55' W 64.0 feet; S 68° 04' W
22 235.4 feet; S 17° 07' E 61.4 feet; S 66° 21' W 108.2 feet; S 67° 33' W 318.2 feet; S 68° 11' W
23 220.3 feet; S 70° 06' W 139.5 feet; S 78° 35' W 234.8 feet; S 65° 10' W 88.2 feet to a point in the
24 southeasterly margin of the property of Fieldcrest Mills, Inc.; thence with the property line of
25 Fieldcrest Mills, Inc.; N 18° 51' W 176.4 feet to an iron rod set; thence S 56° 26' W 96.7 feet to
26 an iron pipe found; thence N 19° 06' W 1090.1 feet to a concrete monument found; thence N 82°
27 22' E 247.0 feet to a point in the westerly bank of a pond; thence with the westerly bank of said
28 pond, eight courses and distances as follows: (1) N 46° 33' W 98.7 feet; (2) N 32° 44' W 86.0
29 feet; (3) N 47° 00' W 82.7 feet; (4) N 84° 22' W 45.6 feet; (5) N 39° 52' W 147.9 feet; (6) N 18°
30 33' W 89.6 feet; (7) N 7° 38' E 206.9 feet; (8) N 36° 54' E 60.4 feet at an intersection of the said
31 pond and Moir Branch; thence with the centerline of Moir Branch the following courses and
32 distances: (1) N 22° 07' W 200.2 feet; (2) N 25° 40' W 40.5 feet; (3) N 45° 48' W 58.0 feet; (4) N
33 11° 08' W 47.0 feet; (5) S 79° 32' E 37.3 feet; (6) N 4° 09' E 25.0 feet; (7) N 6° 39' W 132.1 feet;
34 (8) N 5° 25' E 193.7 feet; (9) N 7° 04' W 76.1 feet; (10) S 30° 57' W 48.8 feet; (11) S 73° 25' W
35 18.4 feet; (12) N 15° 37' W 44.9 feet; (13) N 3° 35' E 122.1 feet; (14) N 30° 20' W 34.8 feet; (15)
36 N 14° 01' W 129.2 feet; (16) N 50° 22' W 61.7 feet; (17) N 22° 47' W 85.8 feet; (18) N 34° 56'
37 W 29.7 feet; (19) N 4° 25' E 177.2 feet; (20) N 16° 48' E 54.7 feet; (21) N 30° 16' E 28.2 feet;
38 (22) N 18° 14' W 25.5 feet; (23) N 13° 26' W 47.0 feet; (24) N 4° 41' E 115.3 feet; (25) S 89° 12'
39 E 26.5 feet; (26) N 41° 02' E 26.5 feet; (27) N 9° 00' W 94.8 feet; (28) N 1° 43' W 62.0 feet; (29)
40 N 40° 18' E 15.7 feet; (30) N 22° 50' E 46.8 feet; (31) N 11° 42' E 37.1 feet; (32) S 82° 45' E 40.0
41 feet; (33) N 16° 55' E 45.3 feet; (34) N 21° 40' E 37.9 feet; (35) N 6° 31' E 114.3 feet to a point
42 in the southerly line of the property of Fieldcrest Mills, Inc.; thence with the southerly line of
43 said property N 63° 10' E 308.3 feet to an iron pipe found; thence N 63° 14' E 523.5 feet to an
44 iron pipe found; thence N 63° 07' E 132.1 feet to an iron pipe found; N 63° 20' E 171.2 feet to an
45 iron pipe found; thence N 63° 13' E 357.6 feet to the point of Beginning, containing 371.48 acres.
46 Tract 2

47 Beginning at a point on the west bank of Miry Branch at the confluence of Miry
48 Branch and Dan River; thence with the west branch of Miry Branch the following courses and
49 distances: S 33° 39' W 85.4 feet; S 57° 48' W 80.0 feet; S 30° 56' W 51.1 feet; S 14° 24' E 36.7
50 feet; S 43° 41' E 74.3 feet; S 1° 31' W 72.2 feet; S 6° 51' W 117.5 feet; S 5° 17' W 37.8 feet; S
51 45° 12' W 74.0 feet; S 41° 15' W 117.0 feet; S 31° 11' W 36.9 feet; S 15° 35' E 72.8 feet; S 31°

1 08' W 52.5 feet; S 24° 33' E 44.3 feet; S 24° 09' W 94.5 feet; S 7° 15' W 35.1 feet; S 36° 54' E
2 71.5 feet to an iron rod; thence S 72° 11' W 395.3 feet to a concrete monument found; thence N
3 2° 25' E 917.1 feet to the southerly line of said river; thence with the southerly bank of Dan River
4 three calls as follows: N 70° 00' E 336.4 feet; N 69° 52' E 115.1 feet; N 79° 21' E 154.5 feet to
5 the point of Beginning, containing 9.08 acres.

6 **SECTION 4.** This act is effective when it becomes law.