

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 412
Mar 21, 2013
HOUSE PRINCIPAL CLERK

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HOUSE DRH80115-LM-100A (03/07)

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

Sponsors: Representative Jones.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT
3 FOR PAYMENTS IN LIEU OF ANNEXATION.

4 The General Assembly of North Carolina enacts:

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

- 7 (1) The City of Eden may, by agreement, provide that certain property described
8 in the agreement as the "Dan River Plant Property" may not be involuntarily
9 annexed by the City during the period beginning January 1, 2014, and
10 ending on December 31, 2019, except as provided in the agreement, under
11 the General Statutes as they now exist or may be subsequently amended. The
12 City of Eden shall not seek to repeal this act upon its approval by the
13 General Assembly.
14 (2) Any agreement entered into as provided in subdivision (1) of this section is
15 deemed by this section to be proprietary and commercial in nature and is
16 specifically determined to be consistent with the public policy of the State of
17 North Carolina.
18 (3) Any agreement entered into as provided in subdivision (1) of this section is a
19 continuing agreement and is binding on and enforceable against the current
20 and future members of the City Council of the City of Eden during the full
21 term of the agreement and any extension thereof.
22 (4) The parties to any agreement entered into as provided in subdivision (1) of
23 this section are authorized by this section to modify, amend, and extend the
24 agreement on mutual written consent, without the approval of the General
25 Assembly, provided that any modification or amendment does not materially
26 alter the concept of the agreement.

27 **SECTION 2.** The City of Eden may accept payments in lieu of taxes as
28 consideration for the agreement discussed in Section 1 of this act.

29 **SECTION 3.** The City of Eden will accept the total amount of one million dollars
30 (\$1,000,000) as payment in lieu of taxes on the Dan River Plant Property. Duke Energy shall
31 make annual payments in the amount of two hundred thousand dollars (\$200,000) during the
32 course of the agreement.

33 **SECTION 4.** The agreement under Section 1 of this act shall apply to the Dan
34 River Plant Property described as follows:
35 Tract 1



1 Beginning at a concrete monument set in the westerly line of S. R. # 1779 (Edgewood Road)
2 and running thence from said beginning point, S 360° 45' E 80.6 feet to a stake, thence N 69°
3 26' E 826.6 feet to an iron rod found; thence N 20° 32' W 239.1 feet to an iron rod; thence N
4 69° 28' E 97.1 feet to an iron rod found; thence N 20° 39' W 180.0 feet to an iron rod found;
5 thence N 69° 18' E 54.7 feet to a concrete monument found; thence N 20° 30' W 240.4 feet to
6 an iron rod; thence N 69° 30' E 87.0 feet to an iron rod found; thence N 20° 35' W 180.1 feet to
7 an iron rod found; thence N 69° 27' E 515.5 feet to an iron rod and iron pipe found in the
8 westerly boundary of the property of Fieldcrest Mills, Inc.; thence with said property line S 10°
9 19' E 1390.2 feet to a concrete monument found in the southwesterly corner of the property of
10 Fieldcrest Mills, Inc.; thence with the southerly line of Fieldcrest Mills, Inc., N 79° 03' E 161.9
11 feet to a concrete monument found; thence S 80° 53' E 1126.3 feet to an iron rod found in the
12 centerline of the CNW Railroad Spur Track; thence with the centerline of said Spur track the
13 following courses and distances: S 4° 02' E 100.0 feet to a point; S 0° 02' E 99.9 feet to a point;
14 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
15 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
16 feet 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
17 N 88° 54' E 623.1 feet to an iron rod found; thence S 18° 36' E 367.2 feet to an iron pipe found;
18 thence 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
19 northerly bank of the Dan River; thence with the Dan River the following courses and
20 distances: S 66° 35' W 48.8 feet; S 54° 44' W 77.0 feet; S 61° 37' W 108.8 feet; S 55° 43' W
21 74.6 feet; S 53° 05' W 203.1 feet; S 32° 02' W 281.5 feet; S 27° 20' W 140.7 feet; S 27° 58' W
22 436.3 feet; S 29° 28' W 142.1 feet; S 26° 31' W 236.2 feet; S 41° 30' W 204.0 feet; S 52° 38' W
23 266.5 feet; S 58° 31' W 263.2 feet; S 63° 40' W 317.8 feet; S 57° 38' W 75.4 feet; S 65° 46' W
24 312.0 feet; S 71° 46' W 148.1 feet; S 75° 07' W 232.9 feet; S 76° 21' W 205.8 feet; N 6° 55' W
25 64.0 feet; S 68° 04' W 235.4 feet; S 17° 07' E 61.4 feet; S 66° 21' W 108.2 feet; S 67° 33' W
26 318.2 feet; S 68° 11' W 220.3 feet; S 70° 06' W 139.5 feet; S 78° 35' W 234.8 feet; S 65° 10' W
27 88.2 feet to a point in the southeasterly margin of the property of Fieldcrest Mills, Inc.; thence
28 with the property line of Fieldcrest Mills, Inc.; N 18° 51' W 176.4 feet to an iron rod set; thence
29 S 56° 26' W 96.7 feet to an iron pipe found; thence N 19° 06' W 1090.1 feet to a concrete
30 monument found; thence N 82° 22' E 247.0 feet to a point in the westerly bank of a pond;
31 thence with the westerly bank of said pond, eight courses and distances as follows: (1) N 46°
32 33' W 98.7 feet; (2) N 32° 44' W 86.0 feet; (3) N 47° 00' W 82.7 feet; (4) N 84° 22' W 45.6
33 feet; (5) N 39° 52' W 147.9 feet; (6) N 18° 33' W 89.6 feet; (7) N 7° 38' E 206.9 feet; (8) N 36°
34 54' E 60.4 feet at an intersection of the said pond and Moir Branch; thence with the centerline
35 of Moir Branch the following courses and distances: (1) N 22° 07' W 200.2 feet; (2) N 25° 40'
36 W 40.5 feet; (3) N 45° 48' W 58.0 feet; (4) N 11° 08' W 47.0 feet; (5) S 79° 32' E 37.3 feet; (6)
37 N 4° 09' E 25.0 feet; (7) N 6° 39' W 132.1 feet; (8) N 5° 25' E 193.7 feet; (9) N 7° 04' W 76.1
38 feet; (10) S 30° 57' W 48.8 feet; (11) S 73° 25' W 18.4 feet; (12) N 15° 37' W 44.9 feet; (13) N
39 3° 35' E 122.1 feet; (14) N 30° 20' W 34.8 feet; (15) N 14° 01' W 129.2 feet; (16) N 50° 22' W
40 61.7 feet; (17) N 22° 47' W 85.8 feet; (18) N 34° 56' W 29.7 feet; (19) N 4° 25' E 177.2 feet;
41 (20) N 16° 48' E 54.7 feet; (21) N 30° 16' E 28.2 feet; (22) N 18° 14' W 25.5 feet; (23) N 13° 26'
42 W 47.0 feet; (24) N 4° 41' E 115.3 feet; (25) S 89° 12' E 26.5 feet; (26) N 41° 02' E 26.5 feet;
43 (27) N 9° 00' W 94.8 feet; (28) N 1° 43' W 62.0 feet; (29) N 40° 18' E 15.7 feet; (30) N 22° 50'
44 E 46.8 feet; (31) N 11° 42' E 37.1 feet; (32) S 82° 45' E 40.0 feet; (33) N 16° 55' E 45.3 feet;
45 (34) N 21° 40' E 37.9 feet; (35) N 6° 31' E 114.3 feet to a point in the southerly line of the
46 property of Fieldcrest Mills, Inc.; thence with the southerly line of said property N 63° 10' E
47 308.3 feet to an iron pipe found; thence N 63° 14' E 523.5 feet to an iron pipe found; thence N
48 63° 07' E 132.1 feet to an iron pipe found; N 63° 20' E 171.2 feet to an iron pipe found; thence
49 N 63° 13' E 357.6 feet to the point of Beginning, containing 371.48 acres.
50 Tract 2

1 Beginning at a point on the west bank of Miry Branch at the confluence of Miry Branch and
2 Dan River; thence with the west branch of Miry Branch the following courses and distances: S
3 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 feet; S 43°
4 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 45° 12' W
5 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° 08' W 52.5
6 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 71.5 feet to
7 an iron rod; thence S 72° 11' W 395.3 feet to a concrete monument found; thence N 2° 25' E
8 917.1 feet to the southerly line of said river; thence with the southerly bank of Dan River three
9 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 the
10 point of Beginning, containing 9.08 acres.

11 **SECTION 5.** This act is effective when it becomes law.