

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1988
Second Edition Engrossed 6/22/94

Short Title: Neuse Forest Incorporated.

(Local)

Sponsors: Representatives Nichols; and Wainwright.

Referred to: Local and Regional Government I.

June 2, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO INCORPORATE THE TOWN OF NEUSE FOREST, SUBJECT TO A
3 REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 Section 1. A Charter for the Town of Neuse Forest is enacted to read:

6 **"CHARTER OF THE TOWN OF NEUSE FOREST.**

7 **"CHAPTER I.**

8 **"INCORPORATION AND CORPORATE POWERS.**

9 "Section 1.1. **Incorporation.** The citizens of the area described in Chapter II of this
10 Charter shall be and constitute a body politic and corporate under the name of 'Town of
11 Neuse Forest' and shall have all the powers, authority, rights, privileges, and immunities
12 conferred upon municipal corporations by the Constitution and general laws of North
13 Carolina.

14 **"CHAPTER II.**

15 **"CORPORATE BOUNDARIES.**

16 "Sec. 2.1. Until changed in accordance with law, the boundaries of the Town are:
17 Being all of Township Number Seven (7) lying and being situate in Craven County,
18 North Carolina, WITH THE EXCEPTION OF the property known as 'Weyerhaeuser's
19 Craven 32' and with the exception of other property described in this section.
20 Township Number Seven (7) is more perfectly described as follows:
21 Point of beginning; at the mouth of Reedy Branch and the centerline of the Trent River.
22 Reedy Branch is the County Line for Jones and Craven Counties and Reedy Branch
23 flows into the south side of the Trent River, approximately 4.6 miles up the Trent River

1 from the high rise US 70 bridge; thence, down the Trent River to the intersection of the
2 Neuse River; thence, following the southerly shore line of the Neuse River, down the
3 Neuse River to the centerline of Otter Creek; thence, up the center of Otter Creek to the
4 intersection of a canal; thence, from this intersection, up the center of the canal to the
5 existing US 70 right-of-way; thence, in an extended direction approximately 50 feet to
6 the centerline of US 70, this point is approximately 70 feet east of the intersection of
7 Catfish Road centerline and US 70 centerline; thence in a westerly direction along the
8 centerline of US 70 right-of-way to the intersection of Fisher Road (SR 1104); thence,
9 southerly from the centerline of US 70 right-of-way, along the center of Fisher Road
10 (SR 1104) right-of-way to the intersection of the center of the County Line Road (SR
11 1101); thence, following the centerline of the County Line Road west to the center of
12 Reedy Branch, which is the County Line between Jones and Craven Counties; thence,
13 down the center of Reedy Branch to the centerline of the Trent River, point of
14 beginning.

15 SAVING AND EXCEPTING FROM THE ABOVE DESCRIPTION the following
16 property delineated as Weyerhaeuser's Craven 32 and the Register Parcel more
17 particularly described as follows:

18 All that certain tract or parcel of land lying and being in Township No. 7, Craven
19 County, North Carolina and being more particularly described as follows:

20 Beginning at a concrete marker now or formerly W. G. Taylor's southwest corner on the
21 east shore of Brice's Creek at a point 12012 feet more or less northwardly along the
22 shore of said creek from the mouth of the run of Boleyn Swamp and said point of
23 beginning being more particularly defined as being 9500 feet more or less from the
24 shoreline at Wards Point, the closest land within the corporate limits of the City of New
25 Bern, thence, from said point of beginning with and along the Taylor's line North 86
26 degrees East 1268 feet more or less; then due East 465 feet more or less; thence North
27 86 degrees East 355 feet more or less; thence North 86 degrees 20 minutes East 1188
28 feet more or less to a concrete marker in the west edge of the right of way of the Old
29 New Bern to Morehead Road; (now SR 1111); thence leaving the line of W. G. Taylor
30 and running along the west side of said road right of way South 3 degrees 30 minutes
31 West 1155 feet more or less to a concrete marker in the center of a ditch, thence
32 crossing the Old New Bern to Morehead Road (now SR 1111) and up the center of said
33 ditch with H. Wooten's line North 65 degrees 30 minutes East 241 feet more or less;
34 thence South 76 degrees 15 minutes East 660 feet more or less; thence South 74 degrees
35 15 minutes East 901 feet more or less to a concrete marker in the west side of an old
36 road; thence with the west side of said road North 13 degrees 20 minutes East 1626 feet
37 more or less to H. Wooten's northeast corner in the west side of said road; thence North
38 86 degrees 30 minutes East 30 feet more or less to a corner marker, now or formerly T.
39 A. Grantham's northwest corner; thence with Grantham's line South 24 degrees 15
40 minutes East 1673 feet more or less to a concrete marker, a corner of said Grantham;
41 thence with Grantham's line North 56 degrees East 825 feet more or less to a concrete
42 marker in the west edge of the right of way of the Atlantic & North Carolina Railroad;
43 thence with the edge of said right of way South 19 degrees 20 minutes East 1551 feet
44 more or less to a new point cornering; thence across the right of way of the Atlantic and

1 North Carolina Railroad North 69 degrees 44 minutes 39 seconds East 100.02 feet to an
2 iron pipe the northwesterly corner of the Weyerhaeuser Real Estate Company, formerly
3 the Evelyn C. Register property; thence North 69 degrees 44 minutes 39 seconds East
4 380.98 feet to an iron pipe in the westerly right of way U.S. Highway 70 cornering;
5 thence with and along the westerly right of way of U.S. Highway 70 South 20 degrees
6 15 minutes 21 seconds East 400 feet to an iron pipe cornering; thence South 61 degrees
7 49 minutes 39 seconds West 392.03 feet to an iron pipe in the easterly right of the
8 Atlantic and North Carolina Railroad; thence continuing across the Atlantic and North
9 Carolina Railroad South 61 degrees 49 minutes 39 seconds West 101.20 feet to a point
10 in the westerly right of way of said railroad cornering; thence with and along the
11 westerly right of way of the Atlantic and North Carolina Railroad South 19 degrees 20
12 minutes East 2079 feet more or less to a concrete marker, now or formerly a corner of
13 J.S. McGowan; thence leaving said railroad right of way South 66 degrees 25 minutes
14 West 313 feet more or less to a poplar and iron pipe, a corner of said McGowan; thence
15 North 38 degrees 10 minutes West 785 feet more or less to a granite marker; thence
16 South 62 degrees 30 minutes West 132 feet more or less to a concrete marker in the run
17 of Boleyn Swamp, a corner of J. S. McGowan; thence down the run of Boleyn Swamp
18 westwardly with line of J. S. McGowan across SR 1111 and with the line now or
19 formerly T. A. Grantham 6732 feet more or less to Brice's Creek; thence down the east
20 shore of said creek northwardly 12012 feet more or less to the beginning, containing
21 1043.1 acres more or less.

22 The above parcel is recorded in Deed Book 348 Page 6; Deed Book 621 Page 2; Deed
23 Book 1399 Page 920; Map Book 1 Page 144, and Plat Cabinet F Slide 157-H of the
24 Craven County Register of Deeds.

25 SAVING AND EXCEPTING FROM THE ABOVE DESCRIPTION the following
26 property:

27 **DESCRIPTION OF PROPERTY ADJOINING WEYERHAEUSER'S CRAVEN**
28 **32**

29 All that certain tract or parcel of land lying and being in Township No. 7,
30 Craven County, North Carolina and being more particularly described as follows:

31 BEGINNING at an existing iron pipe a common corner between J.W.
32 Browns, Jr. and Weyerhaeuser Company in the Sellhorn line, said existing iron pipe
33 being located N 88° 14'48" E 1,173.75 feet from the center of North Carolina Secondary
34 Road No. 1111, thence from said point of beginning N 88° 14'E 860.89 feet to a point
35 cornering; thence with the new corporate limits and the Old Beaufort Road S 15° 35' W
36 1347.22 feet and S 14°46'W276.77 feet to a point cornering; thence continuing with the
37 new corporate limits N72°46'W887.08 feet to the intersection with a ditch, thence
38 leaving the corporate limits with and along a ditch N 32°20' E 188.50 feet, N 18°54' E
39 236.19 feet and N 15°54' E 190.71 feet to a point; thence leaving said ditch N 14°57'35"
40 E 734.74 feet to an existing iron pipe, the point of beginning, containing 28.04 acres
41 more or less.

42 The above referenced parcel is the remainder of tract conveyed by P.T.
43 Huggins to Weyerhaeuser Company and recorded in Deed Book 867 Page 353 of the
44 Craven County Register of Deeds.

1 SAVING AND EXCEPTING FROM THE ABOVE DESCRIPTION the following
2 property:

3 **DESCRIPTION OF WEYERHAEUSER'S**
4 **ACCESS AREA FROM U. S. HIGHWAY 70**

5 All that certain tract or parcel of land lying and being in Township No. 7,
6 Craven County, North Carolina and being more particularly described as follows:

7 BEGINNING at a point in the westerly right of way of the Atlantic and North
8 Carolina Railroad also a corner in the new corporate limit; thence with the new
9 corporate limits across the Atlantic and North Carolina Railroad N 61° 49'39" East
10 100.2 feet to an iron pipe in the easterly right of way of the Atlantic and North Carolina
11 Railroad; thence continuing N 61° 49'39" East 392.03 feet to an iron pipe in the
12 westerly right of way of U. S. Highway 70 cornering; thence along the westerly right of
13 way of U.S. Highway 70 South 20° 15'21" East 50.0 feet and South 20° 15'21" East
14 200.0 feet to an iron pipe cornering; thence South 54° 55'39" West 405.91 feet to a point
15 in the easterly right of way of the Atlantic and North Carolina Railroad, thence across
16 the Atlantic and North Carolina Railroad North 54° 55'39" West 103.87 feet to a point
17 in the westerly right of way of the Atlantic and North Carolina Railroad, the new
18 corporate limits cornering; thence with and along the westerly right of way of the
19 Atlantic and North Carolina Railroad and the new corporate limits North 19° 20'00"
20 West 312.44 feet to the point of beginning containing 3.17 acres more or less.

21 The above referenced parcel is a combination of tracts conveyed to Luther W.
22 Gibson in Deed Book 622 Page 120 and Deed Book 884 Page 719 of the Craven County
23 Register of Deeds together with the adjoining right of way of the Atlantic and North
24 Carolina Railroad.

25 If any area included by this section in the corporate limits of the Town of
26 Neuse Forest is in the corporate limits of any other city, it is removed from the
27 corporate limits of that other city.

28 **"CHAPTER III.**
29 **"GOVERNING BODY.**

30 **"Sec. 3.1. Number of Members.** The governing body shall be the Mayor and a
31 Town Council of five members.

32 **"Sec. 3.2. Manner of Election of Council.** The Town shall be divided into five
33 electoral districts. The districts for the 1997 and subsequent elections shall be provided
34 by the council elected in 1994. Districts shall be established pursuant to all applicable
35 federal and State constitutional and statutory provisions, including the Voting Rights
36 Act of 1965. To the extent feasible within those requirements, districts shall be
37 established approximately by areas of the Town that would generally represent a cross
38 section of the community within that district.

39 **"Sec. 3.3. Term of Office of Council.** The initial council shall be elected in 1994
40 for three-year terms. Five council members are to be elected for two-year terms at the
41 regular Town election in November of 1997 and biennially thereafter. No member may
42 be elected to the council to more than two consecutive terms, and any person barred
43 from election to the council may not be appointed to fill a vacancy during the term for
44 which that person may not be elected.

1 "Sec. 3.4. **Mayor.** At the organizational meeting after each election, the council
2 shall elect from among its membership a Mayor to serve at its pleasure.

3 "CHAPTER IV.

4 "ELECTIONS.

5 "Sec. 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a
6 nonpartisan basis, and the results determined by majority, with a runoff election if
7 necessary, as provided in G.S. 163-293. Elections shall be conducted by the Craven
8 County Board of Elections.

9 "Sec. 4.2. **Interim Budget.** The Town Council may adopt a budget ordinance for
10 the 1994-95 fiscal year, following their qualifications for office, without having to
11 comply with the budget preparation and adoption timetable set out in the Local
12 Government Budget and Fiscal Control Act. For the initial budget for the 1994-95
13 fiscal year, ad valorem taxes may be paid at par or face amount within 90 days of
14 adoption of the budget, and thereafter according to the schedule in G.S. 105-360 as if
15 the taxes had been due on September 1, 1994.

16 "CHAPTER V.

17 "ADMINISTRATION.

18 "Sec. 5.1. The Town of Neuse Forest shall operate under the mayor-council plan as
19 provided in Part 3 of Article 7 of Chapter 160A of the General Statutes."

20 Sec. 2. (a) The Craven County Board of Elections shall conduct an election
21 on November 8, 1994, for the purpose of submission to the qualified voters of the area
22 described in Section 2.1 of the Charter of the Town of Neuse Forest, the question of
23 whether or not such area shall be incorporated as the Town of Neuse Forest.
24 Registration for the election shall be conducted in accordance with G.S. 163-288.2.

25 (b) In the election, the questions on the ballot shall be:

26 "[] FOR incorporation of the Town of Neuse Forest

27 [] AGAINST incorporation of the Town of Neuse Forest".

28 Sec. 3. In the election, if a majority of the votes are cast "FOR incorporation
29 of the Town of Neuse Forest", this Charter shall become effective on the date that the
30 Craven County Board of Elections determines the result of the election. Otherwise,
31 Section 1 of this act shall have no force and effect.

32 Sec. 4. On November 8, 1994, the initial Town Council shall be elected as
33 provided by the Charter, but if Section 1 of this act does not become effective, the
34 election has no effect. The initial districts for the Town Council for the 1994 election
35 shall be provided by the Craven County Board of Commissioners. Districts shall be
36 established pursuant to all applicable federal and State constitutional and statutory
37 provisions, including the Voting Rights Act of 1965. To the extent feasible within those
38 requirements, districts shall be established approximately by areas of the town that
39 would generally represent a cross section of the community within that district. The
40 Craven County Board of Commissioners shall establish a special filing period for the
41 election after consultation with the Craven County Board of Elections.

42 Sec. 5. If approval of this act does not occur such that the elections scheduled
43 by Sections 2 and 4 of this act may be held on November 8, 1994, the Craven County

- 1 Board of Elections may provide a later date for the election, but not earlier than 30 days
- 2 after that date.
- 3 Sec. 6. This act is effective upon ratification.