

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**HOUSE BILL 412**

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

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Sponsors:    Representative Jones (Primary Sponsor).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

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Referred to:   Government, if favorable, Finance.

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March 25, 2013

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT  
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 the agreement as the "Dan River Plant Property" may not be involuntarily annexed by the City during the period beginning January 1, 2014, and ending on December 31, 2019, except as provided in the agreement, under the General Statutes as they now exist or may be subsequently amended. 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 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.
- (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 any agreement entered into as provided in subdivision (1) of this section are authorized by this section to 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 payments in lieu of taxes as consideration for the agreement discussed in Section 1 of this act.

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

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