

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1988
Second Edition Engrossed 6/22/94
Senate Finance Committee Substitute Adopted 7/13/94

Short Title: Neuse Forest Incorporated.

(Local)

Sponsors:

Referred to:

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

1 flows into the south side of the Trent River, approximately 4.6 miles up the Trent River
2 from the high rise US 70 bridge; thence, down the Trent River to the intersection of the
3 Neuse River; thence, following the southerly shore line of the Neuse River, down the
4 Neuse River to the centerline of Otter Creek; thence, up the center of Otter Creek to the
5 intersection of a canal; thence, from this intersection, up the center of the canal to the
6 existing US 70 right-of-way; thence, in an extended direction approximately 50 feet to
7 the centerline of US 70, this point is approximately 70 feet east of the intersection of
8 Catfish Road centerline and US 70 centerline; thence in a westerly direction along the
9 centerline of US 70 right-of-way to the intersection of Fisher Road (SR 1104); thence,
10 southerly from the centerline of US 70 right-of-way, along the center of Fisher Road
11 (SR 1104) right-of-way to the intersection of the center of the County Line Road (SR
12 1101); thence, following the centerline of the County Line Road west to the center of
13 Reedy Branch, which is the County Line between Jones and Craven Counties; thence,
14 down the center of Reedy Branch to the centerline of the Trent River, point of
15 beginning.

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

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

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

1 more or less to a new point cornering; thence across the right of way of the Atlantic and
2 North Carolina Railroad North 69 degrees 44 minutes 39 seconds East 100.02 feet to an
3 iron pipe the northwesterly corner of the Weyerhaeuser Real Estate Company, formerly
4 the Evelyn C. Register property; thence North 69 degrees 44 minutes 39 seconds East
5 380.98 feet to an iron pipe in the westerly right of way U.S. Highway 70 cornering;
6 thence with and along the westerly right of way of U.S. Highway 70 South 20 degrees
7 15 minutes 21 seconds East 400 feet to an iron pipe cornering; thence South 61 degrees
8 49 minutes 39 seconds West 392.03 feet to an iron pipe in the easterly right of the
9 Atlantic and North Carolina Railroad; thence continuing across the Atlantic and North
10 Carolina Railroad South 61 degrees 49 minutes 39 seconds West 101.20 feet to a point
11 in the westerly right of way of said railroad cornering; thence with and along the
12 westerly right of way of the Atlantic and North Carolina Railroad South 19 degrees 20
13 minutes East 2079 feet more or less to a concrete marker, now or formerly a corner of
14 J.S. McGowan; thence leaving said railroad right of way South 66 degrees 25 minutes
15 West 313 feet more or less to a poplar and iron pipe, a corner of said McGowan; thence
16 North 38 degrees 10 minutes West 785 feet more or less to a granite marker; thence
17 South 62 degrees 30 minutes West 132 feet more or less to a concrete marker in the run
18 of Boleyn Swamp, a corner of J. S. McGowan; thence down the run of Boleyn Swamp
19 westwardly with line of J. S. McGowan across SR 1111 and with the line now or
20 formerly T. A. Grantham 6732 feet more or less to Brice's Creek; thence down the east
21 shore of said creek northwardly 12012 feet more or less to the beginning, containing
22 1043.1 acres more or less.

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

26 SAVING AND EXCEPTING from the above description of the area proposed to be
27 incorporated as the Town of Neuse Forest the following property:

28 **DESCRIPTION OF PROPERTY ADJOINING WEYERHAEUSER'S CRAVEN**
29 **32**

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

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

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

4 SAVING AND EXCEPTING from the above description of the area proposed to be
5 incorporated as the Town of Neuse Forest the following property:

6 **DESCRIPTION OF WEYERHAEUSER'S**
7 **ACCESS AREA FROM U. S. HIGHWAY 70**

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

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

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

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

31 **"CHAPTER III.**

32 **"GOVERNING BODY.**

33 "Sec. 3.1. **Number of Members.** The governing body shall be a Town Council of
34 five members, one of whom shall be elected Mayor as provided in Section 3.4 herein.

35 "Sec. 3.2. **Manner of Election of Council.** The Town shall be divided into five
36 electoral districts. The districts for the 1997 and subsequent elections shall be provided
37 by the council elected initially. Districts shall be established pursuant to all applicable
38 federal and State constitutional and statutory provisions, including the Voting Rights
39 Act of 1965. To the extent feasible within those requirements, districts shall be
40 established approximately by areas of the Town that would generally represent a cross
41 section of the community within that district. The qualified voters of each district shall
42 elect one member of the board from that district. A council member shall reside in the
43 district in which said member represents.

1 "Sec. 3.3. **Term of Office of Council.** The initial council shall be elected and serve
2 until the five council members are elected for two-year terms at the regular Town
3 election in November of 1997 and biennially thereafter. No member may be elected to
4 the council to more than two consecutive terms, and any person barred from election to
5 the council may not be appointed to fill a vacancy during the term for which that person
6 may not be elected.

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

9 **"CHAPTER IV.**

10 **"ELECTIONS.**

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

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

22 **"CHAPTER V.**

23 **"ADMINISTRATION.**

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

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

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

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

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

34 Sec. 3. In the election, if a majority of the votes are cast "FOR incorporation
35 of the Town of Neuse Forest", this Charter shall become effective on the date that the
36 Craven County Board of Elections determines the result of the election of the initial
37 Town Council under Section 4 of this act. Otherwise, Section 1 of this act shall have no
38 force and effect.

39 Sec. 4. On November 8, 1994, the initial Town Council shall be elected as
40 provided by the Charter, but if Section 1 of this act does not become effective, the
41 election has no effect. The initial districts for the Town Council for the 1994 election
42 shall be provided by the Craven County Board of Commissioners. Districts shall be
43 established pursuant to all applicable federal and State constitutional and statutory
44 provisions, including the Voting Rights Act of 1965. To the extent feasible within those

1 requirements, districts shall be established approximately by areas of the town that
2 would generally represent a cross section of the community within that district. The
3 Craven County Board of Commissioners shall establish a special filing period for the
4 election after consultation with the Craven County Board of Elections.

5 Sec. 5. If approval of this act does not occur such that either of the elections
6 scheduled by Sections 2 and 4 of this act may be held on November 8, 1994, the Craven
7 County Board of Elections may provide a later date for either of the elections, but not
8 earlier than 30 days after that date.

9 Sec. 6. This act is effective upon ratification.