

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1264*

State and Local Government Committee Substitute Adopted 5/24/00

Short Title: Mount Holly Annexation.

(Local)

Sponsors:

Referred to:

May 17, 2000

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE CITY OF MOUNT HOLLY TO ENTER INTO AN
ANNEXATION AGREEMENT.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any applicable provisions of the General Statutes or any other public or local law, the City of Mount Holly is granted certain contract powers as follows:

(1) The City of Mount Holly may, by agreement with the property owner, provide that certain property described in the agreement as the "Riverbend Steam Station Property" and as the "Mountain Island Power House and Dam" (excluding such portion of the dam as may lie in Mecklenburg County) may be voluntarily annexed by the City as set forth in the agreement, and the agreement may provide that, notwithstanding G.S. 160A-31(d) the effective date of such annexation is June 30, 2014. The City of Mount Holly shall not seek the repeal of this act.

(2) Any agreement entered into as provided in subdivision (1) of this section is deemed by this act to be proprietary and commercial in nature

1 and is specifically determined to be consistent with the public policy of
2 the State of North Carolina.

3 (3) Any agreement entered into as provided in subdivision (1) of this
4 section is a continuing agreement and is binding on and enforceable
5 against the current and future members of the City Council of the City
6 of Mount Holly during the full term of such agreement and any
7 extension thereof.

8 (4) The parties to any agreement entered into as provided in subdivision (1)
9 of this section may modify, amend, and extend such agreement on
10 mutual written consent, without the approval of the General Assembly,
11 provided that any such modification or amendment does not materially
12 alter the concept of the agreement.

13 Section 2. The City of Mount Holly may accept, as consideration for such
14 agreement, such monetary and nonmonetary consideration as may be set forth in said
15 agreement.

16 Section 3. The agreement under Section 1 of this act allowing for the effective
17 date of such annexation to be June 30, 2014, shall apply to the property as described as
18 follows:

19 Tract One: Riverbend Steam Station Property. Commencing on NC grid station "45-EG-
20 5", with NC values based on NAD 83 of North 179,784.43 (meters) and East 429,640.17
21 (meters), and runs thence North 82-13-49 East 1,017.26 feet to a #5 rebar found on the
22 eastern margin of the right-of-way for NC Highway #16; thence North 62-21-20 East
23 88.42 feet to a #5 rebar found on the northern margin of the right-of-way for Horseshoe
24 Bend Beach Road (S.R. 1912), thence with the northern margin of Horseshoe Bend
25 Beach Road North 37-04-00 East 77.42 feet to an iron pin; thence, continuing with the
26 northern margin of said road, North 40-00-27 East 174.20 feet to a mag. nail, on the north
27 margin of S.R. 1911, thence North 40-01-19 East 39.92 feet to the POINT OF
28 BEGINNING OF THE FOLLOWING DESCRIBED TRACT OF LAND; and running
29 thence with the center of Steam Station Road (S.R. 1911.), North 49-53-46 West 900.22
30 feet to a railroad spike; thence, leaving said road and running thence, North 26-18 West
31 900.5 feet to an iron pin; thence North 48-24 East passing through an iron pin at a
32 distance of 1,062.2 feet and continuing for a total distance of 1,165.2 feet to an iron pin;
33 thence North 16-38 East passing through an iron pipe at a distance of 538 feet and
34 continuing for a total distance of 708 feet to a point in the Catawba River; thence South
35 82-22 East 827.1 feet to a point; thence North 38-52 East 1,362.6 feet to a point in the
36 Catawba River; thence North 62-21 East 605.5 feet to a point in the Catawba River;
37 thence North 42-38 East 896.8 feet to a point on the southern edge of the Catawba River;
38 thence with the southern edge of Mountain Island Lake and the boundary of Duke Power
39 Company's Riverbend Steam Station project at contour elevation 647.5 feet in a
40 northeasterly and then a southeasterly direction as it meanders 6,200 feet more or less to
41 an iron pin on the corner of Crescent Land and Timber Corp. (now or formerly); thence
42 South 12-07 West 2,010.6 feet to a PK nail in the center of the right-of-way of Horseshoe
43 Bend Beach Road (S. R. 1912); thence with the center of S. R. 1912 in a generally

1 westerly direction the following bearings and distances: (1) North 67-12 West 100 feet;
2 (2) North 70-35 West 180.4 feet; (3) North 71-53 West 217.8 feet; (4) North 74-40 West
3 100 feet; (5) North 81-40 West 100 feet; (6) North 86-20 West 109.5 feet; (7) North 87-
4 08 West 364.4 feet; (8) North 87-37 West 820.5 feet; (9) South 86-57 west 201.4 feet;
5 (10) South 79-42 West 322.8 feet to a point; thence leaving the center of said road and
6 running thence around the edge of Henderson Cemetery the following bearings and
7 distances: (1) North 5-00 West 221.2 feet; (2) North 5-01 West 117 feet; (3) South 86-00
8 West 150 feet to an iron pin; (4) South 5-00 East passing through an iron at 192.5 feet
9 and continuing for a total distance of 343.4 feet to a point in the center of the right-of-
10 way of S. R. 1912; thence with the center of S. R. 1912 the following bearings and
11 distances: (1) North 88-22 West 231.8 feet to a point; (2) with the centerline of said S. R.
12 1912 as it meanders in a westerly direction 1,950 feet to PK nail found being the corner
13 of StoneWater Bay Properties, LLC(Deed Book 2920 at Page 296); thence leaving the
14 centerline of said road North 59-38-41 East 38-86 feet to an iron pin set; thence with the
15 northern edge of the right-of-way for Horseshoe Bend Beach Road (S. R. 1912) the
16 following courses and distances: (1) North 80-17-32 West 177.48 feet to an iron pin set;
17 (2) North 80-32-11 West 50.39 feet to an iron pin; (3) North 82-02-01 West 51.13 feet to
18 an iron pin set; (4) North 86-02-08 West 52.3 feet to an iron pin set; (5) South 87-07-14
19 West 53.62 feet; (6) South 77-28-52 West 54.29 feet; (7) South 67-06-31 West 54.46
20 feet; (8) South 57-02-33 West 53.66 feet; (9) South 50-14-46 West 52.58 feet; (10) South
21 45-03-23 West 51.59 feet; (11) South 42-43-08 West 50.81 feet; (12) South 41-19-06
22 West 100.34 feet; (13) South 40-01-19 West 2,120.87 feet to the POINT OF
23 BEGINNING. This description taken from a Duke Power Company plat of property
24 entitled "Riverbend Steam Station"Gaston County, North Carolina, dated April 14, 1997,
25 reference Mountain Island File No. 187. Further reference is made to the plat of
26 StoneWater Bay Properties, LLC recorded in Plat Book 55 at Pages 51 and 52 of the
27 Gaston County Registry and an unrecorded survey by CBS Surveying and Mapping dated
28 April 26, 2000.

29 Tract Two: Mountain Island Power House and Dam (excluding such portion as may lie
30 in Mecklenburg County)

31 That land upon which is located the Mountain Island Power House and the Mountain
32 Island Dam Facility, excluding such portion of the same which may be located in
33 Mecklenburg County further described as follows:

34 TO LOCATE THE POINT OF BEGINNING commence at NCGS Grid Coordinates N =
35 582154.3333 and E = 1409384.3310; said grid coordinates being also located on the
36 easterly bank of the Catawba River in a southwest boundary of the property owned (now
37 or formerly) by Crescent Resources, Inc. as described in Deed Book 1598 at Page 489
38 and Deed Book 3146 at Page 175 (Mecklenburg County Registry); thence crossing the
39 River S. 71-19-34 W. 656.97 feet to a point on the westerly bank of the Catawba River at
40 NCGS Grid Coordinates N = 581374.9684 and E = 1410492.3466; thence along the
41 westerly bank of the Catawba River the following two (2) courses and distances: (1) N.
42 34-32-43 W. 476.50 feet to a point; and (2) N. 51-54-56 W. 533.39 feet to the POINT OR
43 PLACE OF BEGINNING; thence from said point of Beginning N. 40-10-36 E. 356.33

1 feet to a point lying within the Catawba River in the Gaston-Mecklenburg County line;
2 thence with the Gaston-Mecklenburg County line N. 61-29-02 W. 281.16 feet to a point
3 in said County line; thence S. 65-19-02 W 1,577.62 feet to a point in the westerly
4 boundary of Mountain Island Lake; thence S. 23-52-18 W. 360.47 feet to a concrete
5 monument; thence S. 73-36-39 E. 547.44 feet to a point; thence N. 71-01-21 E. 534.95
6 feet to a concrete monument; thence N. 79-46-34 E. 284.00 feet to a concrete monument;
7 thence N. 25-31-06 E. 441.61 feet to a concrete monument; thence N. 40-10-36 E. 148.88
8 feet to the POINT OR PLACE OF BEGINNING containing 22.77 acres, more or less, as
9 shown on that map entitled "Duke Power Company Addition to Mountain Island Steam
10 Station"prepared by the Duke Power Real Estate Department and dated January 9, 1991,
11 last revised June 10, 1993, reference to which survey is hereby made.

12 Section 4. No portion of the Riverbend Steam Station Property as described in
13 Section 3 of this act and no portion of the Mountain Island Power House and Dam
14 described in Section 3 of this act shall be subject to involuntary annexation, or
15 designation as an urban tax district or otherwise subjected to the power of a municipal
16 taxing authority by the City of Mount Holly or any other town or municipality or
17 consolidated government, if provided under the terms of said agreement as referred to in
18 Section 1 of this act.

19 Section 5. This act is effective when it becomes law.