

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1111
HOUSE BILL 1077

AN ACT TO AMEND CHAPTER 1281, SESSION LAWS OF 1957, THE SAME
BEING THE CHARTER OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1281, Session Laws of 1957, is hereby amended by striking out all of Section 3 thereof, and inserting in lieu thereof the following:

"Sec. 3. Corporate Limits. The corporate limits of New Bern shall be as follows:

"BEGINNING at the intersection of the channels of the Neuse River and Trent River; thence from this beginning up and with the channel of Neuse River to the intersection of the channels of Neuse River and Jack Smith's Creek; thence up and with the channel of Jack Smith's Creek to the East prong of Jack Smith's Creek; thence up and with the East prong of Jack Smith's Creek to the center of the Atlantic and North Carolina Railroad culvert; thence from this point along a straight line, the extension of which would pass through the northwest corner of the subdivision of 'Larksville', to the northern right of way line of Beaufort Street; thence westwardly along the northern right of way line of Beaufort Street to a ditch, the division line between Lots Nos. 15 and 16 as shown on the plan of the 'Addition to Jackson Terrace' and recorded in Map Book 3, page 40 in the office of the Register of Deeds of Craven County, North Carolina; thence northwardly and with the various courses of the ditch six hundred eighteen and eight-tenths (618.8) feet to a canal; thence westwardly and with the various courses of the canal five hundred nine (509) feet to the western line of the aforesaid 'Addition to Jackson Terrace'; thence southwardly and with the western line of the aforesaid 'Addition to Jackson Terrace' thirteen hundred eighty-nine and one-tenth (1389.1) feet to the northern line of 'Jackson Terrace' as shown in Map Book 3, page 7, in the office of the Register of Deeds for Craven County, North Carolina; thence eastwardly with the northern line of the aforesaid 'Jackson Terrace' and the northern line extended five hundred twelve and eight-tenths (512.8) feet to the eastern right of way of Clark Avenue; thence southwardly and with the eastern right of way line of Clark Avenue to a point which would intersect a straight line between the northwest corner of the subdivision of 'Larksville' and the intersection of the northern right of way line of U. S. Highway No. 70 and the eastern line of the East-most roadway running northwardly to the Highway Commission Camp, said intersection being one hundred eighty (180) feet more or less measured westwardly along the northern right of way line of U. S. Highway No. 70 from the southwest corner of the 'Green Farm' as shown in the Map Book No. 1, page 111 in the office of the Register of Deeds for Craven County, North

Carolina; thence from the point of intersection southwestwardly along a straight line between the northwest corner of 'Larksville' and the intersection of the northern right of way line of U. S. Highway No. 70 and the eastern line of the East-most roadway running northwardly to the Highway Commission Camp to the northern right of way line of U. S. Highway No. 70; thence southwardly and perpendicular to U. S. Highway No. 70 sixty (60) feet to the southern right of way line of said highway; thence westwardly along the southern right of way line of U. S. Highway No. 70 seven hundred sixty (760) feet more or less to a ditch, said ditch being the division line between Tracts Nos. 2 and 3 of the 'Johnson Heirs Division' as shown in Map Book 4, Page 93 in the office of the Register of Deeds of Craven County, North Carolina; thence with the eastern line, the southern line and the western line of Tract No. 3 of the aforesaid 'Johnson Heirs Division', South forty-one degrees fifty minutes West two hundred and two-tenths (200.2) feet, South forty-two degrees 00 minutes West, seven hundred eleven (711) feet, North fifty-two degrees 00 minutes West four hundred ninety-nine (499) feet, North 41 degrees forty-five minutes East nine hundred twenty (920) feet to the southern right of way line of U. S. Highway No. 70; thence westwardly with the aforesaid southern right of way twelve hundred eighty-two and nine-tenths (1282.9) feet to western right of way line of Simmons Street; thence southwardly with the western right of way line of Simmons Street four hundred seven and eight-tenths (407.8) feet to the northern line of Block G. of 'Tryon Village' as shown in Map Book 5, page 11 in the office of the Register of Deeds of Craven County; thence North 51 degrees, seventeen minutes West, one hundred fifty (150) feet with the northern line of the aforesaid Block G. to its western line, thence South thirty degrees and twenty minutes West twelve hundred sixty-seven and eighty-two-hundredths (1267.82) feet with the western line of the aforesaid Block G. to its southern line; thence eastwardly with the southern line of the aforesaid Block G. and the southern line extended to the eastern line of Simmons Street; thence southwardly with the eastern line of Simmons Street to the northern boundary line of Trent Park; thence North eighty-four degrees, nineteen minutes West twelve hundred sixteen (1216) feet; more or less to the northwest corner of Trent Park; thence with the western line of Trent Park and the western line of Trent Park extended South twenty-three degrees fifty-one minutes East thirteen hundred eighty and forty-four-hundredths (1380.44) feet to a corner in the northern boundary line of 'Addition to Trent Park' said subdivision being a map prepared by Albert R. Bell, dated September 8, 1959; thence South eighty-seven degrees twenty-two minutes West two hundred seventy-five (275) feet to the western boundary of 'Addition to Trent Park'; thence South twenty-three degrees fifty-one minutes East three hundred eighty-six and sixteen-hundredths (386.16) feet to the southern boundary of 'Addition to Trent Park', thence North eighty-seven degrees twenty-two minutes East two hundred seventy-five (275) feet to the western boundary of Forest Street; thence along the western boundary of Forest Street and the western line of Trent Park extended South twenty-eight degrees East ten hundred forty-eight (1048) feet more or less to the southern right of way of Atlantic Coast Line Railroad; thence eastwardly with the southern right of way line of the Atlantic Coast Line Railroad to an intersection with the eastern right of way line of Fourth Street extended southwardly; thence southwardly with the eastern right of way

line of Fourth Street extended to Lane's Branch; thence down and with Lane's Branch to the channel of Lawson's Creek; thence down and with the channel of Lawson's Creek to the channel of Trent River; thence down and with the channel of Trent River to the point of BEGINNING."

Sec. 2. Section 4 of Chapter 1281, Session Laws of 1957, is hereby amended as follows:

(1) By changing the comma following the word "qualified" in line 7 thereof to a period and striking out that portion of the second sentence which follows the period so inserted;

(2) By striking out the next to the last sentence, as the same appears in lines 14, 15, 16 and 17, and inserting in lieu thereof the following: "Each member of the board of aldermen shall receive an annual salary of six hundred dollars (\$600.00);

(3) By striking out the words and figures "twelve hundred dollars (\$1200.00)" appearing in lines 18 and 19 thereof, and inserting in lieu thereof the words and figures "eighteen hundred dollars (\$1800.00)".

Sec. 3. Section 5 of Chapter 1281, Session Laws of 1957, is hereby amended as follows:

(1) By rewriting the first sentence thereof to read as follows: "At the first regular meeting of the board of aldermen in July following a regular municipal election, the mayor and board of aldermen shall meet at the city hall and qualify for office as hereinafter provided.";

(2) By rewriting the last sentence thereof to read as follows: "Any regular meeting of the board of aldermen may be adjourned by the mayor to a subsequent specified date, and such adjourned meeting shall be a regular meeting of the board of aldermen for all purposes and not merely a continuation of the earlier meeting."

Sec. 4. Section 12, Chapter 1281, Session Laws of 1957, is hereby amended by striking out all of the last sentence thereof as the same appears in lines 8, 9 and 10, and inserting in lieu thereof the following: "Such election shall be ordered by the Board of Aldermen of the City of New Bern at a meeting held during the week beginning with the third Monday in March of each year wherein such elections are required to be held."

Sec. 5. Section 13, Chapter 1281, Session Laws of 1957, is hereby amended by striking out all of said Section, and inserting in lieu thereof the following: "Sec. 13. Appointment Registrars; Poll Holders. That for said purpose the Board of Aldermen of the City of New Bern shall appoint at the time of the call of the election the registrars and poll holders to hold the election and conduct the registration of voters as herein provided."

Sec. 6. Section 15, Chapter 1281, Session Laws of 1957, is hereby amended as follows:

(1) By striking out the words and figures "7:00 o'clock A. M. to 7:00 o'clock P. M." as they appear in lines 7 and 8 thereof, and inserting in lieu thereof the words and figures "9:00 o'clock A. M. to 6:00 o'clock P. M.";

(2) By changing the comma following the word "April" in line 9 to a period and striking out these words appearing after the period so inserted which read as follows: "and on the first two Wednesdays in April next preceding the election.";

(3) By striking out the figures "7:00" appearing in line 11 thereof, and inserting in lieu thereof the figures "6:00".

Sec. 7. Section 16, Chapter 1281, Session Laws of 1957, is thereby amended by striking out the words "four months" appearing in line 4, and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 8. Section 17, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the words "four months", as they appear in line 6 thereof, and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 9. Section 18, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the words "four months", as they appear in line 4 thereof, and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 10. Section 19, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the words "twelve months", as they appear in line 5 thereof, and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 11. Section 24, Chapter 1281, Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 24. Time for Officers Elected to Qualify. At the first regular meeting of the Board of Aldermen of the City of New Bern in July after the municipal election, the mayor, members of the board of aldermen, recorder of the municipal recorder's court and any other officers required to be elected shall assemble at the City Hall and qualify before an official authorized to administer oaths by taking an oath that each will faithfully and truly perform the duties of his respective office, and thereupon all such officers elected shall assume their offices to be held until the next biennial election and until their successors are elected and qualified."

Sec. 12. Section 25, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the words "four months" appearing in line 10 thereof, and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 13. Section 26, Chapter 1281, Session Laws of 1957, is hereby amended by striking out all of that portion on pages 1244 and 1245 which describe the Fourth Ward, and inserting in lieu thereof the following:

"Fourth Ward. Beginning with the West property line of Fourth Street extended and the South line of the Atlantic Coast Line Railroad right of way and the city limit line and running thence northwardly with the West line of Fourth Street and Fourth Street extended, said extension being the division lines between Lots Nos. 400 and 401 of the Ghent subdivision to its intersection with the center line of Trent Boulevard; thence westwardly with the center line of Trent Boulevard to the center line of Chattawka Lane; thence northwardly with the center line of Chattawka Lane to the center line of Colonial Way; thence eastwardly with the center line of Colonial Way to the property lines between Lots Nos. 13 and 14 of the Green Park Place subdivision according to Map Book 2, page 79, as recorded in the Craven County Register of Deeds office; thence northwardly with the property lines between Lots Nos. 13 and 14 of the Green Park Place to the canal, said canal being the southern line of the Green Park Apartments according to Map Book 4, page 100, as recorded in the Craven County Register of Deeds office; thence eastwardly along the canal and the South property line of said

Green Park Apartments to the eastern property line of said Green Park Apartments; thence northwardly with the East property line of the Green Park Apartments to Garfield Street, said line being also the West lot line of Lot No. 7 of the Green Heights subdivision, said subdivision being recorded in Map Book 2, page 42, in the Craven County Register of Deeds office; thence westwardly with Garfield Street and the northern property line of the Green Park Apartments property to the northeast corner of the North Carolina State Highway & Public Works Commission property; thence westwardly along the northern property line of the North Carolina State Highway & Public Works property to the city limit line; thence southwardly with the city limit line to Neuse Road, U. S. Highway No. 70; thence westwardly with the Neuse Road, U. S. Highway No. 70, and the present city limit line to a ditch the eastern property line of the Gladys J. Blanford property according to map of the Johnson Heirs Division as recorded in Map Book 4, page 93, in the Craven County Register of Deeds office; thence westwardly with said ditch and the present city limit line and the eastern property line of the Gladys J. Blanford property to the New Bern City School property; thence westwardly with the city limit line and the northern property line of the New Bern City School and the South line of the Gladys J. Blanford property to the eastern property line of Tryon Village according to Map Book 5, page 11, as recorded in the Craven County Register of Deeds office; thence northwardly with the present city limit line, the East property line of Tryon Village and the West property line of the Gladys J. Blanford property to Neuse Road, U. S. Highway No. 70; thence westwardly with Neuse Road, U. S. Highway No. 70, and the city limit line to the West property line of Simmons Street; thence southwardly with the western right of way line of Simmons Street four hundred seven and eight-tenths (407.8) feet to the northern line of Block G. of 'Tryon Village' as shown in Map Book 5, page 11 in the office of the Register of Deeds of Craven County; thence North 51 degrees, seventeen minutes West and one hundred fifty (150) feet with the northern line of the aforesaid Block G. to its western line; thence South thirty degrees and twenty minutes West twelve hundred sixty-seven and eighty-two-hundredths (1267.82) feet with the western line of the aforesaid Block G. to its southern line; thence eastwardly with the southern line of the aforesaid Block G. and the southern line extended to the eastern line of Simmons Street; thence southwardly with the eastern line of Simmons Street to the northern boundary line of Trent Park; thence North eighty-four degrees, nineteen minutes West twelve hundred sixteen (1216) feet; more or less to the northwest corner of Trent Park; thence with the western line of Trent Park and the western line of Trent Park extended South twenty-three degrees fifty-one minutes East thirteen hundred eighty and forty-four-hundredths (1380.44) feet to a corner in the northern boundary line of 'Addition to Trent Park' said subdivision being a map prepared by Albert R. Bell, dated September 8, 1959; thence South eighty-seven degrees twenty-two minutes West two hundred seventy-five (275) feet to the western boundary of 'Addition to Trent Park'; thence South twenty-three degrees fifty-one minutes East three hundred eighty-six and sixteen-hundredths (386.16) feet to the southern boundary of 'Addition to Trent Park'; thence North eighty-seven degrees twenty-two minutes East two hundred seventy-five (275) feet to the western boundary of Forest Street; thence along the western boundary of Forest Street and the western line

of Trent Park extended South twenty-eight degrees East ten hundred forty-eight (1048) feet more or less to the southern right of way of Atlantic Coast Line Railroad; thence eastwardly with the southern right of way lines of the Atlantic Coast Line Railroad and the city limit line to the point of beginning."

Sec. 14. Section 28, Chapter 1281, Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 28. Appointment of Officers and Board Members. The board of aldermen shall appoint a city manager, city attorney, city clerk, city treasurer, city tax collector, chief of police, and such members of the New Bern City School District Board of Education as are from time to time required. The members of the New Bern City School District Board of Education shall be residents of the New Bern City School District, and shall be appointed for such terms as shall be established by the board of aldermen by ordinance; provided, however, that in no event shall any term of office of said members be fixed for less than three (3) years. The board of aldermen shall also appoint all members to such boards and commissions as may be established from time to time for special purposes. The board of aldermen may combine the duties of the office of the city clerk and city treasurer and appoint one person to perform the duties of both offices. All officers appointed under this Section shall serve at the pleasure of the board of aldermen. The board of aldermen shall fix by ordinance the compensation of all officers and employees, prescribe the bond they deem necessary for each and require all officers so appointed to take an appropriate oath of office prior to beginning their duties."

Sec. 15. Section 38, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the first full sentence, as the same appears in lines 1, 2, 3, 4 and 5, and inserting in lieu thereof the following: "The city shall enter into no contract involving the payment of money out of the appropriations of more than one year (other than the renewal of continuing appropriations), unless such contract shall be approved by ordinance after notice of the intention to pass said ordinance shall have been published in a newspaper of general circulation within the city at least five (5) days before its passage by the board of aldermen. In no event shall such contract cover a period of more than twenty (20) years."

Sec. 16. Section 42, Chapter 1281, Session Laws of 1957, is hereby amended by striking out the last sentence in the fifth paragraph thereof and inserting in lieu thereof the following: "Such examination shall be held for applicants as often as said Board shall determine to be necessary, but no less frequently than once every two (2) years, and the names of applicants appearing on the last register of persons passing the examination shall constitute the register from which applicants for membership in the police department shall be selected until the next examination shall be given."

Sec. 17. Chapter 1281, Session Laws of 1957, is hereby amended by striking out Section 50 thereof and inserting in lieu thereof the following:

"Sec. 50. Repealing Clause. This Act and all amendments thereto shall constitute the Charter of the City of New Bern, and the general laws of the State of North Carolina shall be applicable only to the extent that they are not in conflict herewith."

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1961.