

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 906  
HOUSE BILL 1279

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
LEXINGTON AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the City of Lexington is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF LEXINGTON.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND  
BOUNDARIES.

"Sec. 1.1. Incorporation. The City of Lexington, North Carolina in the County of Davidson and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the City of Lexington, hereinafter at times referred to as the 'City'.

"Sec. 1.2. Powers. The City of Lexington shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the City of Lexington specifically or upon municipal corporations generally by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. Corporate Limits. (a) The corporate limits of the City of Lexington shall be as follows:

BEGINNING at an iron stake in the City Limits line and the north Right of Way of Biesecker Road, said stake being the southwest property corner of Pickett School and the southeast property corner of St. Andrews Church and running west along the north Right of Way of Biesecker Road and following the property boundary and the existing City Limits as follows: S. 89° 27' W. 120.5'; thence N. 89° 47' 39" W. 470.39'; thence N. 8° 00' W. 430.54'; thence N. 86° 59' E. 631.39'; thence N. 1° 40' W. 483.83'; thence S. 85° 55' E. 527.70' to a concrete marker in the west Right of Way of Mize Road; thence N. 3° 28' W. 890' more or less to an iron stake the southeast property corner of Jimmy W. Barber, Deed Book 558, Page 437 and the northeast property corner of Howard E. Wray; thence with the south property line of Jimmy W. Barber and the north property line of Howard E. Wray N. 80° 03' W. 240.36' to an iron stake the southeast property corner of Whitesmith Estates as shown on Plat Book 14, Page 44 and being the southeast property corner of Lot 33; thence with the south property boundary line of Whitesmith Estates N. 65° 02' W. 764.75'; thence N. 80° 57' W. 989.91'; thence N. 3° 19' E. 966.5' to an iron stake the northwest property corner of Whitesmith Estates and the southwest property corner of Northside Development Company, Inc. as shown on

Plat Book 14, Page 16 and following the boundary lines of Northside Development Company, Inc. the following courses and distances: N. 3° 19' E. 1900'; thence S. 70° 52' E. 826.97'; thence S. 86° 19' E. 1142.70'; thence S. 1° 30' W. 476.20'; thence S. 3° 07' E. 1732.70'; thence S. 3° 24' W. 403.95' to an iron stake in the north Right of Way of Walser Road (SR 1412); thence S. 1° 36' E. 285' to an iron stake in the south property line of Map of Sunset Knolls, Plat Book 9, Page 79 and the north property line of Map of Choyce Acres, Plat Book 13, Page 1 and running S. 86° 20' E. 409.51'; thence S. 21° 39' W. 255.93'; thence S. 4° 10' W. 750' to a stake in the north Right of Way of Price Road; thence S. 85° 34' E. 210'; thence N. 4° 10' E. 750'; thence S. 85° 34' E. 300'; thence S. 4° 10' W. 810'; thence S. 85° 34' E. 899.40'; thence S. 21° 11' W. 156.64'; thence N. 85° 34' W. 1003.78'; thence S. 4° 10' W. 796.85' more or less to the south Right of Way of Biesecker Road; thence along the south Right of Way of Biesecker Road S. 87° 47' E. 194'; thence with the west property line of the City of Lexington Fire Station #3 N. 3° 00' E. 430.7'; thence S. 87° 00' E. 235.00'; thence S. 3° 00' W. 430.7'; thence along the south Right of Way of Biesecker Road S. 87° 47' E. 530' to the northeast property corner of the Frank Ix Company; thence with the Railroad Right of Way N. 3° 36' W. 60'; thence S. 86° 24' E. 100'; thence S. 3° 47' W. 60'; thence S. 87° 16' E. 980' along the south Right of Way of Biesecker Road to a stake in the east Right of Way of Highway 52, said stake being the northwest property corner of Map of Grimes Park, Plat Book 5, Page 78; thence S. 87° 16' E. 753.40' to a stake in the center line of Dallas Street; thence N. 2° 15' E. 86'; thence S. 87° 16' E. 120'; thence N. 2° 15' E. 38.8' to a stake in the northwest property corner of Lot #60 as shown on said map; thence with the north property line of Lot #60 S. 87° 45' E. 150' to a stake in the west Right of Way of White Street; thence west along said Right of Way S. 2° 15' W. 75' to a stake in the southeast property corner of Lot 58; thence along the north property line of Lot 139 S. 87° 45' E. 190' to a stake the northeast property corner of Lot 139 as shown on Map of Grimes Park, Plat Book 5, Page 78; thence S. 1° 20' W. 1750' more or less to a stake in the north property line of Lot 89 as shown on map of Forest Hills Section Three, Plat Book 6, Page 83; thence running with the north property line of Lot 89 S. 85° 06' E. 181.7' to an iron stake in the west Right of Way of Spring Drive; thence along the west Right of Way of Spring Drive N. 34° 34' E. 245.8' to an iron stake the northeast property corner of Lot 99 and the southwest property corner of Lot 100; thence crossing Spring Drive and running along the north property line of Lot 155 S. 55° 26' E. 240' to an iron stake the northeast property corner of Lot 155 thence S. 34° 34' W. 225' to a stake in the line of Lot 164 and being the southeast property corner of Lot 163; thence with the north property line of Lot 164 S. 55° 26' E. 35' to an iron stake the northeast property corner of Lot 164; thence S. 34° 34' W. 140' to a stake in the northeast Right of Way of Eleventh Street Extension and being the southeast property corner of Lot 479 as shown on map of Westover Heights, Plat Book 5, Page 34; thence along the south property line of Lot 479 and the north property line of Lot 478 S. 88° 40' W. 221.7' to an iron stake the southwest property corner of Lot 479 and the northwest property corner of Lot 478 thence S. 1° 20' W. 265' to the northeast property corner of Lot 425 and the northwest property corner of Lot 468, Plat Book 5, Page 34; thence N. 88° 40' E. 30'; thence S. 1° 20' W. 125'; thence S. 88° W. 30'; thence S. 1° 20' E. 225'; thence S.

37° 30' E. 120' to the property line of Plat Book 5, Page 34; thence with the east boundary of Jefferson Village N. 29° 22' E. 780.25' to a stake in the south boundary of Northview Heights as shown on Plat Book 10, Page 17 and being the southwest property corner of Lot 1, Block A and said plat map; thence northeast 200' to a stake in the north Right of Way of Upton Street and being the southwest property corner of Lot 11, Block D; thence along the west property line of Lot 11, Block D 201.69' to a stake in the northwest property corner of Lot 11 and in the west property boundary of Northview Heights; thence N. 34° 34' E. 185.87' to an iron stake the northwest property corner of Lot 17; thence S. 55° 28' E. 50' to an iron stake; thence N. 34° 34' E. 93.86' to an iron stake the northeast property corner of Lot 21; thence southeast along the east property line of Lot 22 65' to an iron stake the northwest property corner of Lot 23; thence northeast along the west property line of Lots 23 - 39, Block D 425' to a stake the northeast property of Lot 39, 210' to a stake in the north Right of Way of Upton Street; thence along the north Right of Way of Upton Street 175'; thence southeast 200' along the southwest property line of Lot 14, Block C to a stake the southwest property corner of Lot 14, Block C; thence northeast 45' to a stake in the west Right of Way line of Northview Drive; thence northeast 55' to a stake in the east Right of Way line of Northview Drive the southwest property corner of Lot 23, Block B; thence N. 88° 23' E. 150' to a stake the southeast property corner of Lot 23 and in the west property line of Robert L. Grubb; thence along the west property line of Robert L. Grubb and the east boundary of Northview Heights N. 1° 37' E. 1400' to a stake the northeast property corner of Northview Heights; thence with the boundary of the property of Robert L. Grubb N. 85° 30' E. 1463.88'; thence S. 5° 15' W. 1795.20'; thence S. 48° 30' E. 906.18' to a stake in the north Right of Way of Old Greensboro Road; thence S. 38° 03' W. 155.53' to a stake in the west Right of Way of Monroe Drive; thence along the north Right of Way of Old Greensboro Road S. 33° 15' W. 200.25' to an iron stake; thence with the west boundary line of Jefferson Village N. 55° 22' W. 1002.90'; thence S. 4° 20' W. 688.3'; thence S. 26° 31' E. 273.2' to an iron stake the northeast property corner of Jason Conrad; thence S. 62° 36' W. 184.85'; thence along the east Right of Way of Ninth Street Extension S. 27° 06' E. 623.4' to a stake in the north Right of Way of Old Greensboro Road; thence east along the north Right of Way of Old Greensboro Road 585' to the southwest property corner of Omar G. Hilton; thence with the west property corner of Omar G. Hilton N. 28° W. 425'; thence S. 64° W. 100'; thence S. 28° E. 425' to a stake in the north Right of Way of Old Greensboro Road; thence along the north Right of Way of Old Greensboro Road N. 66° 16' E. 243.27'; thence N. 51° 15' E. 100.39'; thence N. 44° 53' E. 90.04'; thence N. 38° 33' 40" E. 91.03'; thence with the east Right of Way of Fairground Road S. 50° 30' E. 500' to an iron stake the northwest property corner of Southland Investments; thence N. 45° E. 188'; thence S. 54° 30' E. 112'; thence N. 50° 30' E. 220'; thence N. 35° E. 480'; thence S. 80° E. 115'; thence N. 5° 00' E. 85'; thence with the north property line of Piedmont Animal Hospital S. 84° 15' W. 298'; thence along the east property line of Piedmont Animal Hospital S. 22° 00' W. 468.7' to a stake in the north Right of Way of 29 and 70; thence along the north Right of Way of 29 and 70 S. 68° W. 850' more or less to a stake in the east Right of Way of Fairground Road; thence S. 50° 30' E. 270' to an iron stake in the south Right of

Way of 29 and 70 and the northwest property corner of Eastern Development Company; thence along the north Right of Way of 29 and 70 S. 35° 06' W. 211.55' to an iron stake the northeast property corner of Davis Chevrolet; thence S. 54° 54' E. 459.58' to an iron stake the southeast property corner of Davis Chevrolet and the northeast property corner of Theodore Leonard; thence S. 54° 54' E. 280' more or less to an iron stake in the north property line of Mallory Battery; thence with the west property line of Mallory Battery S. 13° 44' W. 900' more or less to an iron stake in the southwest Right of Way of U.S. 64; thence along the west Right of Way of U.S. 64 S. 64° 06' E. 294' to a concrete Right of Way Marker; thence S. 53° 16' E. 442.49' to an iron stake the northwest property corner of Mrs. J. R. Swing and the northeast property corner of Lexington Motor Company; thence along the east property line of Lexington Motor Company S. 36° 44' W. 514.50' to an iron stake; thence N. 53° 16' W. 1950' more or less to the northwest property corner of Mrs. J. R. Swing and the southwest property corner of Theodore Leonard; thence S. 22° 07' W. 393.8'; thence N. 58° 22' W. 188.5'; thence N. 78° 47' E. 148'; thence N. 28° 29' W. 47.25 to an iron stake the northwest property corner of Mrs. J. R. Swing and the southeast property corner of Piedmont Business Corporation; thence along the north property line of Mrs. J. R. Swing S. 44° 35' W. 500' more or less; thence S. 37° 30' E. 1950' more or less to a stake the northwest property corner of Lot 33, Block G as shown on map of Lexington Heights, Plat Book 3, Page 39; thence N. 65° 05' E. 150' to a stake the northeast property corner of Lot 27; thence S. 24° 55' E. 190' to a stake the southeast property corner of Lot 27; thence S. 65° 05' E. 80' to a stake in the south Right of Way of Adams Street; thence S. 37° 30' E. 3000' more or less to a stake in the south property line of Lot 56 as shown on map of Craver Heights, plat Book 5, Page 47, said stake being 55' east of the southwest property corner of Lot 55, thence with the south boundary line of Craver Heights N. 59° 30' E. 582' to a stake on the west bank of Darr Branch and being the southeast property corner of Lot 20 as shown on Plat Book 5, Page 47; thence running with the south property line of Lot 20 as shown on map of Highland Park, Plat Book 12, Page 71 and being the north property line of Charles Glenn James and following the boundary lines of Charles Glenn James, formerly the property of Essenge, Inc, as described in Deed Book 576, Page 932 as follows: N. 73° 15' E. 497.5' to a pine, the southeast property corner of Lot 21 as shown on Plat Book 12, Page 71; thence N. 20° 30' W. 489'; thence N. 83° 05' E. 20'; thence N. 6° 55' W. 326.9' to an iron stake the southwest property corner of D. J. Crofts, Jr.; thence S. 84° 00' E. 261.7' to an iron stake and being the southwest property corner of a 60' road and running on the west property line of said road N. 7° 45' W. 635' to a stake in the south Right of Way of Holly Grove Road and being the northwest property corner of Charles Glenn James; thence running with the south Right of Way of Holly Grove Road N. 67° E. 60' to a stake the northeast property corner of Charles Glenn James; thence S. 7° 20' W. 635' to an iron stake the southwest property corner of Gilmer Crofts and in the north property line of Charles Glenn James; thence with the north property line of Charles Glenn James and the south property line of Gilmer Crofts S. 84° 00' E. 200.20'; thence S. 84° 22' E. 197.9' to a stone; thence S. 85° 51' E. 312.6' to a stone; thence S. 27° 05' E. 317.2' to a stone on the west bank of Abbotts Creek and being the southeast property corner of Charles Glenn James and the southwest property corner of

John B. Eanes et als; thence running with Abbotts Creek as it meanders in a southwest direction 1985' more or less to the intersection of Darr Branch; thence with the south property line of Dwight Wrenn S. 59° W. 426' more or less to a point on the north side of Sunnyside Drive; thence S. 37° 30' W. 1170' more or less to a stake in the southwest Right of Way of Highway 64; thence south along the west Right of Way of Highway 64 730' more or less to the southeast property corner of City of Lexington and the northeast property corner of C. W. Davis; thence with the southeast property line of the City of Lexington and the northwest property line of C. W. Davis S. 46° 04' W. 665' to an iron stake in the east property boundary line of Revision of Druid Hills and Dearth Park, Plat Book 15, Page 12 and in the northeast property line of Lot 4, Block E and running with the boundary line as shown in Plat Book 15, Page 12, S. 45° 27' E. 200' to a concrete marker in the northwest property line of the City of Lexington Finch Park; thence S. 46° 04' 20" W. 682.07' to a stake in the east property boundary as shown on Map of Druid Hills Block A, Plat Book 10, Page 11 and running with the boundary line of Druid Hills N. 6° 32' E. 207.70'; thence N. 83° 28' W. 150'; thence N. 6° 32' E. 50'; thence N. 83° 28' W. 50'; thence N. 6° 32' W. 150'; thence N. 83° 28' W. 662.5'; thence S. 55° 48' W. 290' to a stake the northeast property corner of Lot 44, Block A; thence S. 34° 12' E. 154' to a stake in the north Right of Way of Druid Hills Drive; thence along the north Right of Way of Druid Hills Drive S. 55° 22' W. 200' to a stake the southwest property corner of Lot 37; thence along the west property line of Lot 37 N. 34° 12' W. 152.2'; thence S. 55° 38' W. 75' to a stake the northwest property corner of Lot 34 and running S. 37° 30' W. 1000' more or less to a stake in the east property boundary of Lakewood Hills Subdivision Section One, Plat Book 9, Page 87; thence with the east boundary of Lakewood Hills Subdivision S. 16° 30' W. 858.4' to a stake the southeast property corner of Lot 38 as shown on Plat Book 9, Page 87 and the north property corner of Lot 148 as shown on Map of Lakewood Hills Subdivision Section Three, Plat Book 9, Page 89 and running with the north property boundary of Lakewood Hills Subdivision S. 82° 26' E. 1330' to the center of Abbotts Creek; thence with the center of Abbotts Creek as it meanders south 4,400' more or less to the southeast property line of Twin Acres Section Three and the northeast property line of Maggie H. Thomason; thence with the north property line of Maggie H. Thomason and the south property boundary of Twin Acres Section Three N. 86° 41' W. 2298'; thence S. 30° 22' W. to a stake in the west Right of Way of Country Club Drive; thence with the east Right of Way of Country Club Drive N. 23° 51' W. 400' to a stake in the south property line of Twin Acres No Two; thence N. 23° 51' W. 60' to a stake in the east Right of Way of County Club Drive; thence along the north Right of Way of Twin Acres Drive Section One as shown on map of Plat Book 14, Page 54 S. 64° 19' W. 250' to a stake the southwest property corner of Lot 1 as shown on Plat Book 14, Page 52; thence with the west property line of Lot 1 N. 24° 21' W. 285.15' to a stake in the south property line of Hoyt Sink and in the north property boundary of Twin Acres Section One and being the northwest property corner of Lot 1 and running with the south property line of Hoyt Sink S. 71° 38' W. 266.25' to a stake the southwest property corner of Hoyt Sink and in the east property boundary of Country Club Estates; thence with the west property line of Hoyt Sink N. 5° 10' E. 309'; thence N. 15° 25' E. 220.75' to a stake in the center line of Country Club Circle; thence

along the south property line of I. N. Hunt N. 80° W. 220' to a stake in the east property line of City of Lexington Golf Course; thence with the east property line of City of Lexington Golf Course S. 4° 30' E. 200' to a stake the southeast property corner of City of Lexington Golf Course; thence with the south property line of City of Lexington Golf Course W. 144' to a stake the northeast property corner of Don Blanton, being the northeast property corner of Lot 28 as shown on map of Country Club Acres Section Two, Plat Book 6, Page 56 and running with the east property line of Don Blanton S. 358.9' to a stake in the north Right of Way of Country Club Circle; thence with the north Right of Way of Country Club Circle 192.9' to a stake in the City of Lexington Golf Course and with the west property boundary line of Country Club Estates S. 11° 10' 50" E. 106.18'; thence S. 11° 10' 50" E. 830.31'; thence S. 02° 30' 40" E. 196.42'; thence S. 06° 27' W. 27.62'; thence S. 71° 31' 10" W. 220.13' thence S. 06° 06' W. 807.64' to a concrete marker the southeast property corner of the City of Lexington Golf Course and the southwest property corner of Country Club Estates and in the north property boundary as shown on map of Country Club Estates Section Two, Plat Book 14, Page 53 and running S. 84° 05' E. 396.58' to a stake the southeast property corner of Lot 23 as shown on map of Country Club Estates Section Two and being the southwest property corner of Lot 9 as shown on map of Country Club Estates Section Two; thence along the west property boundary of Country Club Estates Section Two, Plat Book 14, Page 53 and running N. 58' E. 75'; thence S. 84° 05' E. 20'; thence N. 6° 58' E. 875.90'; thence S. 83° 02' E. 107.70' to a stake in the west property line of G. Arthur Thomason; thence with the west property line of G. Arthur Thomason and the east property boundary of Country Club Estates Section Two, Plat Book 14, Page 53 and running S. 18° 42' E. 386.88'; thence S. 49° 27' E. 274'; thence S. 32° 50' W. 232.80'; thence S. 28° 52' E. 282.96' to a stake in the north Right of Way of Country Club Drive; thence with the Fern Valley property boundary as described in Deed Book 22, Page 44 S. 31° 24' E. 902' to a 4" post oak; thence S. 05° W. 1452' to an iron stake; thence N. 38° 50' W. 909' to a 12" gum; thence W. 00° 1,739' to a rock; thence N. 00° 1283' to a rock in the south property line of Frank Holton, Jr.; thence with the south property line of Frank Holton, Jr. S. 84° 05' E. 514.88' to a concrete marker the southwest property corner of Country Club Estates; thence with the east property line of Frank Holton, Jr. and the west property line of Country Club Estates N. 6° 06' E. 277' to a concrete marker in the south boundary line of City of Lexington Golf Course; thence with the City of Lexington Golf Course and the north property line of Frank Holton, Jr. boundary line N. 83° 02' 01" W. 538.54'; thence N. 04° 11' 40" E. 276.51'; thence N. 84° 09' 20" W. 886.27'; thence N. 04° 21' 40" E. 274.51'; thence N. 40° 27' 00" E. 375'; thence N. 00° 21' 30" E. 492.00'; thence N. 60° 34' 20" W. 545.85'; thence N. 29° 09' 20" W. 534.00'; thence N. 27° 46' E. 171.35'; thence N. 00° 26' 10" W. 95.5' to a stake the southeast property corner of Alton Beck; thence along the south property of Alton Beck N. 83° 37' W. 235' to a stake in the west Right of Way of Fairview Drive; thence along the west Right of Way of Fairview Drive N. 6° 30' E. 130' to a stake; thence along the north property line of Alton Beck S. 84° 11' E. 231.5' to a stake the northeast property corner of Alton Beck and in the west property boundary of City of Lexington Golf Course; thence N. 00° 26' 01" W. 54' to a concrete marker; thence with the City of Lexington Golf Course boundary N.

22° 14' 00" E. 50.02' thence N. 13° 13' 10" E. 102.20'; thence N. 09° 27' E. 123.95' to an iron pipe near a cedar; thence N. 09° 32' 30" E. 204' to an iron stake the southeast property corner of G. F. Koonts; thence with the south property line of G. F. Koonts S. 89° 30' W. 195' to a stake in the east Right of Way of Fairview Drive; thence along the east Right of Way of Fairview Drive S. 6° 43' W. 225' to a stake; thence across Fairview Drive 60° more or less to the southeast property corner of Robert Lee Yarborough, Deed Book 132, Page 168; thence with the south property line of Robert Lee Yarborough and the west property line of Lot 1 as shown on map of G. F. Hankins property, Section One, Plat Book 4, Page 109 S. 85° 32' W. 600' to an iron stake the northwest property corner of Lot 1, Plat Book 1, Page 109 and the northeast property corner of the Lexington Housing Authority; thence with the property boundary lines of Lexington Housing Authority S. 7° 14' W. 582.84' thence N. 84° 18' W. 166.2'; thence S. 7° 14' W. 600'; thence S. 3° 29' W. 279.56'; thence N. 83° 23' W. 398.82'; thence N. 1° 02' W. 915.69'; thence S. 87° 42' W. 1395.11' to a stake on the east side of Cotton Grove Road, said stake being the southwest property corner of Lexington Housing Authority; thence S. 87° 27' W. 60' to a stake in the west Right of Way line of Cotton Grove Road and being the southeast property corner of Lot 36 as shown on map of C. U. G. Biesecker Estate, Plat Book 9, Page 28 and being the southeast property corner of Warren J. Koonts, Jr.; thence with the south property line of Warren J. Koonts, Jr. N. 80° 0' W. 231.66' to a stake the southwest property corner of Lot 65 as shown on Plat Book 9, Page 28; thence along the west Right of Way of Lot 65 N. 4° 55' W. 133.5' to a stake in the south Right of Way line of Charles Avenue and being the northwest property corner of Lot 65; thence along the north property line of Warren J. Koonts, Jr. and the south Right of Way of Charles Avenue N. 86° 20' E. 225' to a stake in the west Right of Way of N. C. #8 (Cotton Grove Road); thence with the west Right of Way of Cotton Grove Road N. 3° 33' W. along the west Right of Way line of the Cotton Grove Road 243.5' to an iron stake in said Right of Way line; thence N. 6° 03' W. along the west Right of Way line of the Cotton Grove Road 270.7' to an iron stake in said Right of Way line; thence N. 4° 01' W. along the west Right of Way line of the Cotton Grove Road 600' more or less to a point in said Right of Way, said point of property of Foy and Shemwell and recorded in Plat Book 2, Page 33, in Register of Deeds Office in Davidson County, thence N. 87° 0' W. 10', more or less, to a new corner; thence N. 5° 0' W. along a new line, and said new line being 10' west at each point of the west Right of Way of a 60' Right of Way of the Cotton Grove Road, and said line to cross a part of Lot No 1 and to cross the front of part of lots 2, 3, 4, 5 and 6 and said lots being shown on map of property of Foy and Shemwell and recorded in Plat Book 2, Page 33, in Register of Deeds Office in Davidson County, and said line to cross the front part of Lots 26, 25 and 34 as shown on map of Manie Hege and C. M. Peeler Estate and recorded in Plat Book 5, Page 91, in Register of Deeds Office in Davidson County, said line to run for a distance of 475.30'; more or less to the property line of Lots Nos 24 and 23 of said Hege and Peeler map; thence S. 84° 10' W. along the property line of Lots Nos. 24 and 23 and also along the property line of Lots 30 and 31 as shown on said map, 261.25' to the east property line of Lot No 32; thence S. 8° 00' W. along the east property line of Lot no 32 and the west property line of Lot no 31 for a distance of

45.94' to the southeast corner of Lot no 32 and the southwest corner of Lot No 32; thence N. 88° 00' W. along the south property line of Lots Nos 32 and 33 for a distance of 151.65' to the southwest corner of Lot No 33; thence N. 15° 14' East along the west property line of Lot No. 33 and said property line being the Right of Way line of the Winston Salem Southbound Railway, for a distance of 221.80' to the northwest corner of Lot No 33 and the southwest corner of Lot No 4; thence in a southeast direction along the north property line of Lots Nos 33 and 32 and the south property line of Lots Nos 4, 5, and 6 for a distance of 122.10' to the south corner of Lot No 6 and the southwest corner of Lot No 27 and the northwest corner of Lot No 28'; thence North 8° 00' E. along the west property line of Lot No 27 and the southeast property line of Lot No 6 for a distance of 22' to the northwest corner of Lot No 27 and the southwest corner of Lot 7; thence in an eastern direction along the north property line of Lot No. 27 and the rear property line of Lot Nos. 7, 8, and 9 for a distance of 78.7' to the rear corner of Lots Nos 16, 17 and 9; thence N. 5° 50' W. along the rear property line of Lots Nos. 16 and 9 for a distance of 35 feet to the common corner of Lots Nos. 9, 10 and 16; thence in a southeast direction along the rear of Lot No. 10 and the north property line of Lot No. 16 for a distance of 32.90' to the common corner of Lots Nos. 10, 11, 15 and 16; thence N. 16° 0' West along the east property line of Lot No. 10 and the west property line of Lot No. 11; thence N. 79° 08' W. 498.10' to a stake in the east Right of Way of Mendota Avenue and as shown on map of Camden Village, Plat Book 15, Page 74 and running with the north Right of Way of Mendota Avenue as shown on map of Smith Development Section Two, Plat Book 5, Page 52 S. 30° E. 100' to a stake in the west Right of Way of Linwood Road; thence S. 46° 15' W. 391.24' to a stake in the east Right of Way of Pennington Avenue; thence along the west Right of Way of Linwood Road S. 42° 06' W. 332.50'; thence S. 34° 42' W. 106.90'; thence N. 56° 49' W. 106.10' thence; S. 79° 40' W. 140.3'; thence S. 76° 39' W. 100.06'; thence S. 83° W. 260' to a stake on the south bank of creek and being the northwest property corner of Lot 8, Block D as shown on map of Washington Park, Plat Book 9, Page 51; thence along the west property lines of Lots 7 and 8 S. 10° W. 47' to a stake the southwest property corner of Lot 7, Block D; and running with the south property line of Lot 7, S. 79° 17' E. 125' to a stake in the west Right of Way of Park Street; thence with the west Right of Way of Washington Drive and being the southeast property corner of Lot 1; thence along the north Right of Way of Washington Drive N. 87° 14' W. 126.20' to a stake the southwest property corner of Lot 1; thence S. 10° 43' W. 610' to a stake in the north Right of Way of Park Street and being the southwest property corner of Lot 23 and the southeast property corner of Lot 24, Block A and running with the north Right of Way of Park Street N. 79° 17' W. 34'; thence S. 10° 43' W. 159.5' to a stake the southwest property corner of Lot 12 and the southeast property corner of Lot 13, Block B and in the north property boundary of Carters Grove Subdivision as shown in Plat Book 16, Page 74 and running with the property boundary of Carters Grove S. 66° 28' E. 155'; thence S. 37° 56' 30" W. 119.69'; thence S. 36° 03' W. 180.61'; thence S. 35° 56' W. 160.19'; thence S. 37° 31' W. 71.73'; thence N. 63° 29' W. 116.90'; thence N. 37° 43' E. 131.66'; thence N. 59° 01' W. 694.76'; thence N. 34° 48' E. 228.89'; thence N. 35° 03' E. 72.62' to a concrete marker the northwest property corner of Lot 8 and in the west



property line of Lot 331 and the east property line of Lot 332 as shown on map of Smith Development Section Two, Plat Book 5, Page 52 and running with the east property line of Lot 332 N. 10° 56' E. 1150' more or less to a stake in the south Right of Way of Foyell Street as shown on map of Smith Development Section One, Plat Book 5, Page 51 and running with the south Right of Way of Foyell Street N. 79° 04' W. 190' to a stake the northwest property corner of Lot 332; thence crossing Foyell Street N. 10° 56' E 40' to a stake in the north Right of Way of Foyell Street and the southwest property corner of Lot 45 as shown on map of Dacotah Cotton Mills Section One, Plat Book 4, Page 32 and running with the north Right of Way of Foyell Street N. 79° 04' W. 260' to a stake; thence S. 10° 56' W. 300' to a stake the southwest property corner of Ardell Lanier; thence with the south property line of Ardell Lanier N. 79° 04' W. 180' to a stake in the west Right of Way of Moore Drive; thence with the west Right of Way of Moore Drive N. 10° 56' E. 300' to a stake the south east property corner of H. P. Watkins, Lot 37, Plat Book 4, Page 32; thence N. 79° 04' W. 760' along the south property line of H. P. Watkins to a stake the southwest property corner of Lot 37 and in the west property line of Lot 71, Plat Book 4, Page 32 thence with the east property line of Lot 71, N. 10° 10' E. 800' more or less thence N. 76° 30' W. 410' more or less; thence N. 19° 45' E. 350' more or less to a point in the north Right of Way of South Main Street; thence along the north Right of Way of South Main Street S. 62° 32' W. 296' to a stake the east Right of Way of Lee Street; thence along the east Right of Way of Lee Street N. 14° 37' W. 396.94'; thence along the north property line of Buck Young Oil Company N. 88° 25' E. 135'; thence S 71° 52' E. 28.79'; thence N. 59° 02' 28" E. 185.33'; thence S. 70° 49' 45" E. 87.57'; thence N. 64° 55' E. 183'; thence N. 71° 10' E. 360' more or less to a stake in the west Right of Way of Snider Avenue as shown on map of Dr. G. D. Crutchfield, Plat Book 5, Page 69 and running with the west Right of Way of Snider Avenue N. 44° 20' W. 360'; thence along the west property line of Lot 342 N. 45° 40' E. 190' to a stake the northwest property corner of Lot 342; thence S. 44° 20' E. 200' to a stake in the north Right of Way of Hilton Avenue; thence along the north Right of Way of Hilton Avenue N. 45° 40' E. 160' more or less; thence N. 19° 45' E. 3500' more or less to a stake at the southeast Right of Way of Archdale Drive as shown on map of Glenwood, Inc. Section One N. 85° 10' W. 965' to a point in the center line of Glenwood Drive; thence with the center line of Glenwood Drive N. 5° 20' E. 427.5' to a point in the center of Glenwood Drive; thence N. 87° 40' W. 253'; thence N. 87° 40' W. 200' to a stake in the north property line of Paul Sink and being the southeast property corner of Map of Beamer Barnes, Archie M. Sink and Craver-Essick, Plat Book 10, Page 20; thence with the south boundary line of Plat Book 10, Page 20 and with the north property line of Paul Sink N. 87° 47' W. 326' to a stone; thence with the west property line of Beamer Barnes and Archie Sink N. 19° 15' W. 213.40' to an iron stake the southeast property corner of Lexington Memorial Lodge No 696 A. F. & A. M.; thence with the west property line of Lexington Memorial Lodge No. 696 N. 89° 30' W. 607.6' to an iron stake in the east Right of Way of Highway 29 and 70; thence along the east Right of Way of Highway 29 and 70 N. 34° 30' E. 364.80' to an iron stake the northwest property corner of Lexington Memorial Lodge No 696; thence S. 89° 30' E. 395.60' to an iron stake in the west property line of Beamer Barnes and Archie Sink;

thence with the west property line of Beamer Barnes and Archie Sink N. 01° 20' W. 248.20' to an iron stake; thence N. 29° 32' E. 751'; thence N. 62° 30' W. to a point in the east Right of Way of Highway 29 and 70; thence along the east Right of Way of Highway 29 and 70 N. 34° 30' E. 390' more or less to a point in the south Right of Way of West Fifth Avenue; thence with the south Right of Way of West Fifth Avenue N. 69° 15' W. 700' more or less to a stake the northeast property corner of Lot 47 as shown on map of Berrier Heights, Plat Book 3, Page 78 and being the northeast property corner of Gary Burl Craver; thence along the east property line of Lot 47 S. 20° 45' W. 150' to a stake the southeast property corner of Lot 47; thence N. 69° 15' W. 112.50' to a stake the southwest property corner of Lot 43-A; thence N. 20° 45' E. 150' to a stake in the south Right of Way of Old Highway 64 West.; thence along the south Right of Way of Old Highway 64 West N. 69° 15' W. 170' more or less; thence N. 20° 45' E. 290' to a concrete marker in the south boundary property line as shown on map of Western Heights Development Corporation Section Five, Plat Book 11, Page 15 and being the southwest property corner of Lot 32, Block M; thence with the south boundary line of Western Heights Development Company N. 69° 15' W. 587.75' to a concrete marker in the east property line of Forest Hills Memorial Park; thence N. 3° 49' E. 1123.7' to a concrete marker the northwest property corner of Lot 10; thence with the north property boundary of Western Heights Development Company and the south property line of Frank Shoaf S. 86° 13' E. 2,125' to a stake in the north property line of Lot 1 as shown on map of Western Heights Development Company Section Four, Block J; thence N. 3° 47' E. 300' to an iron in the north Right of Way of New Highway 64 West and being the southwest property corner of Lot 7 as shown on map of Knob Hill Vista, Plat Book 12, Page 94 and being the northeast property corner of Midland Shopping Center and running with the N. C. State Highway 64 West Right of Way and the south property line of Midland Shopping Center N. 74° 23' W. 261'; thence N. 68° 46' W. 204.00'; thence S. 72° 33' W. 86.90'; thence N. 62° 16' W. 866.40' the southeast property corner of Frank Shoaf et als; thence along the north Right of Way of Highway 64 W. N. 55° 21' W. 500' to a stake the southwest property corner of Frank Shoaf et als and being in the east Right of Way of Forest Hill Road; thence along the east Right of Way of Forest Hill Road N. 27° 15' E. 654' to a stake the northwest property corner of Frank Shoaf et als and the southwest property corner of Willey Shoaf Estate and running with the north Right of Way of Frank Shoaf et als and the south property line of Wiley Shoaf Estate S. 62° 45' E. 500' to a stake the northwest property corner of the Midland Shopping Center; thence along the north property line of Midland Shopping Center N. 75' 32' E. 1068.8' to a stake in the west property boundary of Knob Hill Vista, Plat Book 6, Page 76 and running with the west property boundary line of Knob Hill Vista N. 4° E. 849.20' to an iron stake the north property corner of Lot 192 as shown on above plat and in the south property line of J. O. Boaze; thence running along the south property line of J. O. Boaze and the north property boundary line of Knob Hill Vista S. 87° 10' E. 1598' to an iron stake the northeast property corner of Knob Hill Vista and the southeast property corner of J. O. Boaze and in the west property line of Dr. Jerry A. Laws; thence with the east property line of J. O. Boaze and the west property line of Dr. Jerry A. Laws N. 2° 36' E. 142.61' to a stake in the north Right of Way of West Center Street Extension and

in the west property line as shown on map of Grimes Property, Plat Book 6, Page 61 and being the southwest property corner of Lot #1, Block A; thence running with the east property line of J. O. Boaze and the west property boundary of the Grimes Property, Plat Book 6, Page 61 and along the west property boundary of map of Woodcrest Section Two, Plat Book 7, Page 78 and as shown on map of Woodcrest Section One N. 3° 32' East 2605' to an iron stake the southeast property corner of Foster Call and the northeast property corner as shown on map of Betty Bishop Subdivision, Plat Book 8, Page 17; thence with the north property boundary of Betty Bishop Subdivision and the south property line of Foster Call N. 75° W. 283.4' to an iron stake on the east side of Larry Drive and the southwest property corner of Foster Call and being the northeast property corner of Lot 12 as shown on map of Betty Bishop Subdivision in Plat Book 8, Page 17; thence running with the east property line of Lot 12 S. 25° W. 214' to a stake in the north Right of Way of Douglas Drive and being the northeast property corner of Lot 39 and the northwest property corner of Lot 38 and running with the south Right of Way of Douglas Drive N. 75° W. 375' to a stake in the east Right of Way of Boaze Road and being the northwest property corner of Lot 54; thence crossing the Boaze Road N. 48° 23' W. 60' to a stake in the west Right of Way of Boaze Road, the southeast property corner of Lot 11 as shown on map of Pleasant Hills Subdivision, Plat Book 14, Page 21 and running N. 69° 35' W. 192.34'; thence S. 20° 26' W. 50'; thence S. 32° 01' W. 75'; thence S. 56° 06' E. 150' to a point in the west Right of Way of the Boaze Road; thence along the west Right of Way of the Boaze Road S. 41° 36' W. 130' more or less to a stake in the southeast Right of Way of Hammond Road and being the northeast property corner of Lot 36; thence along the west Right of Way of the Boaze Road S. 36° 01' W. 195.60'; thence S. 11° 10' W. 83.40' to a stake the southeast property corner of Pleasant Hills; thence N. 79° 30' W. 138.5'; thence S. 5° 51' W. 90.00' to a stake in the north property line of J. O. Boaze; thence N. 79° 30' W. 543.47' to an iron pipe the southwest property corner of Pleasant Hills and the southeast property corner of Peeler Thompson Subdivision as shown on Plat Book 3, Page 75; thence N. 4° 36' W. 1093.60' to an iron stake the northwest property corner of Pleasant Hills Subdivision thence S. 84° 50' E. 206.39' to an iron stake; thence S. 5° 46' E. 253.30'; thence S. 69° 36' E. 467.90'; thence N. 5° 46' W. 251.37' to an iron stake; thence S. 88° 36' E. 479.90' to an iron stake the northeast property corner of Lot #3 as shown on map of Pleasant Hills Subdivision and in the west property line of Hazel Greene Marshall as described in Deed Book 425, Page 13 and running N. 4° 18' E. 290' more or less to a stake the northwest property corner of Hazel Greene Marshall and in the south property line of Fredrick D. Carlton, Deed Book 410, Page 319 and running with the north property line line of Hazel Greene Marshall S. 88° 36' W. 100' to an iron stake the southwest property corner of Robert E. Walker; thence with the west property line of Robert E. Walker, Deed Book 304, Page 192 N. 4° 18' W. 75' to an iron stake the northwest property corner of Robert E. Walker and in the south property line of Thomas J. Younts, Deed Book 493, Page 107; thence along the west property line of Robert E. Walker and in the south property line of Thomas J. Younts; thence along the north property line of Robert E. Walker S. 88° 36' W. 100' to an iron stake in the west Right of Way of Boaze Road and being the northeast property corner of Robert E. Walker;

thence with the west Right of Way of the Boaze Road S. 4° 18' W. 265' more or less; thence crossing Boaze Road and running with the north property line of Bobby Milam S. 88° 36' E. 180' to an iron stake the northeast property corner of Bobby Milam, Deed Book 412, Page 222; thence along the east property line of Bobby Milam S. 4° 18' E. 75' to an iron stake the southwest property corner of Bobby Milam; thence S. 88° 36' E. 351' more or less to an iron stake in the west property line as shown on map of Woodcrest Section One, Plat Book 7, Page 78 and being the northeast property corner of Lot 20 as shown on Tax Map 331-B and running with the west property line of Woodcrest Section One, Plat Book 7, Page 78 N. 3° 32' E. 500' more or less to the beginning.

(b) Whenever the corporate boundaries of the City are altered in accordance with law, such changes in the corporate boundaries shall be indicated by appropriate additions to the official map or description of the boundaries of the City, to be maintained in the office of the City Clerk.

#### "ARTICLE II. MAYOR AND CITY COUNCIL.

"Sec. 2.1. Governing Body. The Mayor and City Council, elected and constituted as herein set forth, shall be the governing body of the City. On behalf of the City, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers, and shall be charged with the general government of the City.

"Sec. 2.2. Mayor; Term of Office; Duties. The Mayor shall be elected by and from the qualified voters of the City for a term of two years, in the manner provided by Article III of this Charter; provided, the Mayor shall serve until his successor is elected and qualified. The Mayor shall be the official head of the City government, shall preside at all meetings of the City Council, and shall have the powers and duties of Mayor as prescribed by this Charter and the General Statutes. The Mayor shall have the right to vote on matters before the Council only where there are an equal number of votes in the affirmative and in the negative.

"Sec. 2.3. City Council; Terms of Office. The City Council shall be composed of six members, one resident in each of the five electoral wards of the city, as established by the Council, and one representing the city at large, each of whom shall be elected for terms of four years, in the manner provided by Article III of this Charter; provided Council members shall serve until their successors are elected and qualified.

"Sec. 2.4. Mayor Pro Tempore. In accordance with applicable State laws, the City Council shall appoint one of its members to act as Mayor pro tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

#### "ARTICLE III. ELECTIONS.

"Sec. 3.1. Regular Municipal Elections; Conduct. Regular municipal elections shall be held in the City every two years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the Council shall be elected according to the nonpartisan plurality method.

"Sec. 3.2. Election of the Mayor. At the regular municipal election in 1981, and every two years thereafter, there shall be elected a Mayor to serve a term of two years. The Mayor shall be elected by the qualified voters of the City voting at large.

"Sec. 3.3. Election of Council Members. The City shall be divided into five electoral wards. With the exception of the one at-large council member, candidates shall reside in and represent the districts according to the wards designated by the City Council, but all candidates shall be elected by all the qualified voters of the City. At the regular municipal election in 1981, and every four years thereafter, there shall be elected three council members to represent the East, West and North 2 electoral wards. At the regular municipal election in 1983, and every four years thereafter, there shall be elected two council members to represent the South and North 1 electoral wards, and one council member to represent the City at large.

#### "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The City shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. City Manager. The City Council shall appoint a City Manager who shall be the administrative head of the City government, and who shall be responsible to the Council for the proper administration of the affairs of the City. The City Manager shall hold office at the pleasure of the City Council, and shall receive such compensation as the Council shall determine.

"Sec. 4.3. City Attorney. The City Council shall appoint a City Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the City Attorney to prosecute and defend suits against the City; to advise the Mayor, City Council and the other City officials with respect to the affairs of the City; to draft all legal documents relating to the affairs of the City; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend meetings of the City Council; and to perform other duties required by law or as the Council may direct.

"Sec. 4.4. City Clerk. The City Council shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Council may direct.

"Sec. 4.5. City Finance Officer. The City Manager shall appoint a Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. City Tax Collector. The City Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other revenues accruing to the City, subject to the General Statutes, the provisions of this Charter and the ordinances of the City. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

"Sec. 4.7. Consolidation of Functions. The City Council may provide for the consolidation of any two or more positions of City Manager, City Clerk, Tax Collector and Finance Officer, or may assign the functions of any one or more of these positions

to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. Other Administrative Officers and Employees. Consistent with applicable State laws, the Manager and City Council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the City government in order to promote the orderly and efficient administration of the affairs of the City.

"ARTICLE V. PUBLIC IMPROVEMENTS.

"Sec. 5.1. (Reserved).

"ARTICLE VI. SPECIAL PROVISIONS.

"Sec. 6.1. Firemen's Supplemental Retirement Fund. (a) Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Lexington, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Lexington Firemen's Supplemental Retirement Fund hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the City of Lexington, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this section.

(b) Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Lexington shall:

- (1) Prior to January 1, 1972, transfer to the Supplemental Retirement Fund all funds, including earnings on investments of the Local Relief Fund in excess of ten thousand dollars (\$10,000);
- (2) In each subsequent calendar year, and within thirty (30) days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, transfer to the Supplemental Retirement Fund such funds;
- (3) At the end of any calendar year when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than ten thousand dollars (\$10,000), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars (\$10,000);
- (4) As soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Subsection (c).

(c) Supplemental Retirement Benefits.

- (1) Subject to the limitation prescribed in subsection (3) of this section, each fireman of the City who retires with twenty (20) years' service or

more as a City fireman shall be entitled to and shall receive the following supplemental retirement benefits:

- (A) One share for each full year of service as a full-time and fully paid fireman of the City;
  - (B) One-half of one share for each full year of service as a volunteer fireman of the City;
  - (C) One-half of one share for each full year of service in the armed forces of the United States after having served as a fireman of the City; provided, that in no event shall any person be entitled to receive more than two full shares for such military service.
- (2) Any former fireman of the City, either full-time and fully paid or volunteer, who is not otherwise entitled to supplemental retirement benefits under subsection (1) of this section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:
- (A) That he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and
  - (B) That, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and
  - (C) That, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and
  - (D) That, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and
  - (E) That there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (A), (B) and (C) of this subsection, need not specify such findings in subsequent calendar years.
- (3) No person shall receive in any calendar year more than three hundred dollars (\$300.00) in supplemental retirement benefits under the provisions of this section.

(d) Intention. It is the intention of section (c) above to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and the Local Relief Fund. It is the intention of section (b) above to require that the funds paid

into the Supplemental Retirement Fund pursuant to subsections (1) and (2) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsections (1) and (2) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by subsection (3) thereof.

(e) Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G.S. 159-30, only in accordance with the provisions thereof.

(f) Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest or donation of money for the use of the Supplemental Retirement Fund.

(g) Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums on the bond of the Treasurer.

(h) If any provision of this section shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this section are declared to be severable.

"Sec. 6.2. Retirement Credit. If the City of Lexington becomes a participant in the North Carolina Local Governmental Employees Retirement System, the City Council of the City of Lexington may provide for its employees to receive prior service credit in the Local Governmental Employees Retirement System equal to the period of credited service which the respective employees have in the City of Lexington Retirement Plan at the time the City becomes a participant in the Local Governmental Employees Retirement System, and no other prior service credit shall be given for service with the City of Lexington.

#### "ARTICLE VII. BOARDS AND COMMISSIONS.

"Sec. 7.1. Alcoholic Beverage Control Board. (a) The City Council of the City of Lexington may on its own motion and shall upon a petition to said Council, signed by at least fifteen percent (15%) of the qualified voters who voted in the last election, order an election to be held on the question of whether or not City liquor control stores may be operated in the City of Lexington and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said City, but if a majority of the votes cast in said election shall be against the operation of City liquor control stores, no such stores shall be set up or operated in said City under provision of this act.

(b) In calling for such special liquor election, the said council shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be



necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition:

☐ FOR City of Lexington Liquor Control Stores.

☐ AGAINST City of Lexington Liquor Control Stores.'

Those favoring setting up and operating liquor control stores in the City of Lexington shall mark in the voting squares to the left of the words 'FOR City of Lexington Liquor Control Stores' printed on the ballot, and those opposed to City liquor control stores shall mark in the voting square to the left of the words 'AGAINST City of Lexington Liquor Control Stores.' Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to elections for the Mayor of the City of Lexington. The cost of such election shall be paid from the general fund of the City of Lexington.

(c) If a subsequent election shall be held and at such election a majority of the votes shall be cast 'AGAINST City of Lexington Liquor Control Stores', the City of Lexington Liquor Control Board shall within three months from the canvassing of such votes and declaration of the result thereof, close said stores and shall thereafter cease to operate the same, and within three months the City of Lexington Liquor Control Board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the City Treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said City of Lexington in force and effect prior to the authorization to operate City of Lexington Liquor Control Stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this act in which a majority of the votes shall be cast 'FOR City of Lexington Liquor Control Stores'. No election shall be called and held in the City of Lexington under the provisions of this act within two years from the holding of the last election thereunder. It shall be the duty of the City Council of the City of Lexington to order the special liquor election herein authorized within sixty days after a sufficient petition has been filed requesting the same. But no election under this act shall be held on the day of the biennial, county, or City of Lexington general election or primary election, or within thirty days of any such election.

(d) If the operation of City liquor control stores is authorized under the provisions of this act, the Mayor and City Council of the City of Lexington shall immediately create a City board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as 'The City of Lexington Board of Alcoholic Control.' The chairman of said board shall be designated by the Mayor and City Council of the City of Lexington and shall be designated by the Mayor and City Council of the City of Lexington and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of

their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the Mayor and the governing body of the City of Lexington.

All members of the City of Lexington Board of Alcoholic Control shall be residents of the City of Lexington, and establishment of residence outside the City of Lexington shall be grounds for removal of a member of the City of Lexington Board of Alcoholic Control upon resolution of the City Council of the City of Lexington. No member of the Board of Alcoholic Control shall serve more than two three-year terms consecutively; but a member shall be eligible for reappointment after the expiration of one year after serving two consecutive three-year terms. Members of the Board of Alcoholic Control serving on the date of ratification of this act may serve an additional three-year term at the expiration of their current terms. Serving part of an unexpired term shall not be considered as serving a three-year term.

(e) The said City of Lexington Board of Alcoholic Control shall have all of the powers and duties imposed by the General Statutes of North Carolina on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in the General Statutes.

The said City of Lexington Board of Alcoholic Control and the operation of any City liquor stores authorized under the provisions of this act shall be subject to and in pursuance with the provisions of Article 2 of Chapter 18A of the General Statutes, except to the extent which the same may be in conflict with the provisions of this act. Wherever the word 'county' board of alcoholic control appears in said Article, it shall include the City of Lexington Board of Alcoholic Control.

The Lexington Board of Alcoholic Control shall have the authority to employ one or more ABC law enforcement officers to be appointed by and directly responsible to the Board. The officers so appointed shall have the same powers, authority and jurisdiction throughout the County of Davidson, and the municipalities therein, as other peace officers of the County and its municipalities, including the powers conferred upon local ABC officers in G.S. 18A-20. The Board shall expend for law enforcement not less than five percent (5%) nor more than fifteen percent (15%) of the gross profits derived from operation of liquor control stores to be determined by quarterly audits.

(f) The net profits derived from the operation of liquor control stores in the City of Lexington, after deducting the necessary funds for law enforcement as provided herein, shall be divided as follows:

- (1) Fifteen percent (15%) to the general fund of the City of Lexington for the acquisition and improvement of lands and buildings for public parks, playgrounds, and recreational centers and the maintenance and operation of the same.
- (2) Fifteen percent (15%) to the City of Lexington Administrative School Unit to operate the City of Lexington Administrative School Unit Schools at a higher standard than provided by county or State support, including the use of said funds for capital improvements, and to

supplement the salaries of public school teachers teaching in the City of Lexington Administrative School Unit.

- (3) The remaining net profits shall be paid to the City Council of the City of Lexington to be used for general fund purposes.

"Sec. 7.2. Utilities Commission. 1. Creation; Composition; Terms.

- A. A commission of the City of Lexington to be known as the Lexington Utilities Commission is hereby created. The Commission shall be composed of six members, five of whom shall be residents of the respective voting wards which are currently or hereafter established for the election of City Councilmen and one of whom shall be a resident of the City at large. Appointments to the membership of the Lexington Utilities Commission for South Ward and for North Ward II shall be made at the regular meeting of the City Council of the City of Lexington in December 1983. Appointments to the membership of the Lexington Utilities Commission for the West Ward and for the City at large shall be made at the regular meeting of the City Council in December 1981. Appointments to the membership of the Lexington Utilities Commission for the East Ward and for North Ward I shall be made at the regular meeting of the City Council in December 1982. Each appointment to the Lexington Utilities Commission shall be for a term of three years, and no person shall be eligible for reappointment who has previously served two consecutive three-year terms until one year after the expiration of the last term served, except that the members serving as of June 18, 1980, may be appointed for one additional three-year term regardless of prior years' service and any present or future member who has not served two consecutive three-year terms may be reappointed.
- B. The membership of the six-member Utilities Commission established by this section shall be initially constituted as follows:  
Fred W. Fite and Jack Phillips shall serve until the first meeting of the City Council in December 1983.  
L. Klynt Ripple and Robert L. Lowe shall serve until the first meeting of the City Council of the City of Lexington in December 1982.  
Earl Riddle and Evelyn Bingham shall serve until the first meeting of the City Council in December 1981.

As the term of each of the above enumerated members of the Commission expires, a successor shall be appointed as provided in Part A of this section for a term of three years by the City Council at the first regular meeting of the Council in December of each respective year. The City Council shall fill vacancies on the Commission occurring otherwise than by expiration of term, by appointment for the unexpired term. Appointments to fill vacancies on the Commission, occurring by reason of expiration of a term or otherwise, shall be upon majority vote of the membership of the City Council. The Mayor shall vote if there is a tie vote.

- C. If a member of the Utilities Commission establishes a residence outside of the City of Lexington or outside of the ward from and for which he was appointed then this shall be grounds for his removal as a member of the Lexington Utilities Commission by resolution of the City Council.

2. Qualifications of Commissioners. The members of the Commission shall be residents of the City of Lexington, and shall be citizens of recognized ability and good business judgment and standing who, in the opinion of the City Council can and will perform their official duties to the best interest of the City and its inhabitants.

3. Duties of Commission. The Commission shall have full charge and control and the general supervision and management of the electric light plant, gas distribution system, the waterworks and sewerage, and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same.

4. Organization. That the members of the said Commission shall meet as soon after their election as possible, and shall elect out of their number a Chairman, a Secretary and a Treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said Commission from time to time, not inconsistent with the provisions of this act. The Chairman selected shall not vote unless there is a tie vote.

5. Records to be Kept. That the said Commission shall keep a complete and full record of all meetings held and official action taken, and of all other transactions, items and facts necessary to the proper and intelligent conduct of the business affairs and shall keep a separate account of each item of property under their control, showing in detail the income of each, the disbursements on account of each, and the net income or loss on each of the same.

6. Fiscal Procedures. The Lexington Utilities Commission shall operate under the provisions of Article 3 of Chapter 159 of the General Statutes of North Carolina.

7. Supervision of Electric Light, Water and Sewerage Plants. That said Commission shall have full charge and control and shall supervise the construction, repairing and alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant, gas distribution system, with full power and authority to make all necessary contracts, relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of the necessary labor and help in said construction, repairing, alteration or enlargement; and all other public utilities, now owned or which may hereafter be owned by the City of Lexington. Said Council shall make a monthly settlement with said Utility Commission for all lights and water used by the City during the preceding month, and said Commission shall at all times have credit with said Council, for the purpose of properly conducting the business, equal to one month's charge from the light, water and sewerage of the City.

8. Contract by Commission. That no contract shall be entered into by said Commission without the concurrence of at least two members thereof, and all contracts made by said Commission, required to be in writing, shall be in the name of the City of Lexington, signed by the Chairman and attested by the Secretary of the said Commission and sealed with the corporate seal of said City. The title to all property

under the management and control of said Commission shall be and remain in the City of Lexington, and the title to all property purchased or acquired by said Commission shall vest in said City: Provided, that nothing in this act shall be construed as conferring upon said Commission any power or authority to convey title to any public utilities, buildings or other real property under their management and control. All contracts relative to the purchase of power or gas from power or utility companies, or other persons, firms or corporations engaged in the wholesale sale of electrical power, or the erection of power plants, shall be in the name of the City of Lexington executed by the Commission but said contract or contracts must have the approval of the City Council before same can become effective.

9.     Proceeds of Bonds and Special Funds. That the proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in Section 7 of this act, shall be paid over to the Treasurer of said Commission, who shall disburse the same as provided in this act, including the proceeds from the sale of any obligations issued by the said City to the Federal Emergency Administration of Public Works; however, in the event the City of Lexington should authorize and issue revenue bonds against any or all of its utilities properties, revenues or income received from any or all special revenue bonded utility shall be kept separate and disbursed as provided in the resolution or bond order of the Board of Commissioners of the City of Lexington, encumbering the said utility.

10.    Power of Commission in Management of Property. That said Commission is hereby fully authorized and empowered to make all necessary contracts in the proper management of said public utilities and other property under its management and control, and to employ and discharge all necessary superintendents, clerks, utilities managers, accountants, laborers, artisans and other help in said management; to prescribe the duties and fix the salaries of each, and to require such bonds of each as said Commission may deem proper to the successful management of said property.

11.    Power to Fix Rates and Rents. Said Commission is hereby fully authorized and empowered to fix rates for water, lights, sewage and gas subject to the limitations fixed in any franchise heretofore granted and which may hereafter be granted for the same.

12.    Annual Budget. The Utility Commission shall prepare and adopt an annual budget which shall be submitted to the City Council for inclusion as a part of the annual budget for the City of Lexington. Said Commission shall render a full report to the City Council of Lexington not later than the second Monday of each month which shall show the revenues and expenditures for the month, the revenues and expenditures for the fiscal year to date, and the unencumbered balances in the various accounts of the Utility Commission. At the beginning of the fiscal year the Utility Commission shall estimate the profits which shall result from operations during that year, and shall monthly pay to the Treasurer of the City of Lexington a prorated amount of those estimated profits. At the end of the fiscal year, or sooner, if it should be determined by the Utility Commission and the City Council that the amount of profits shall not be as great as the amount estimated, the annual budget shall be amended by the City Council to make

appropriate adjustments in revenues and appropriations. At the end of each fiscal year necessary adjustments shall be made so as to reflect the actual amount of profits in the payment by the Utility Commission to the City of Lexington.

13. Annual Report. That at the end of each fiscal year said Commission shall publish a complete report for the year, which shall include all financial operations of said Commission during the year and all items, facts and information required by the provisions of this act to be reported monthly to the said Council.

14. Salary of Commission and Utilities Manager. As compensation for their services each member of said Commission shall be paid the same salary paid members of the City Council. The City Manager shall serve as Utilities Manager for the Utility Commission.

15. Neglect of Duty. That if any member of said Commission shall willfully neglect or fail to perform any duty required by the provisions of this act or required by any rule or regulation by said Commission in pursuance of the authority contained in said act, such member may be removed from office by a two-thirds vote of the Utility Commission and the City Council of the City of Lexington in joint session.

16. Appropriation of Revenues. That it shall be the duty of said Commission to provide for a strict segregation of revenue and funds derived from the said utilities and it shall be the duty of the City of Lexington to appropriate and apply and expend the said revenue as follows: (1) To the necessary expense incident to the operation of said utilities. As to these expenses the nature and amount thereof, the decision of the Commission shall be final; (2) For the necessary replacement, repairs and additions to the said utilities; (3) The amount of surplus remaining shall be paid to the Treasurer of the City of Lexington and shall be subject to the control of the City Council in the same way as public funds of the City.

17. Powers of City. Nothing contained in this act shall limit in any way the powers of the City of Lexington under the Revenue Bond Act of 1938, as amended, and any covenants made or action taken pursuant to said Revenue Bond Act by the City Council of the City of Lexington shall be binding upon the Lexington Utility Commission.

"Sec. 7.3. Lexington and Thomasville Joint Water Supply System. A. Authority. The City of Lexington and the City of Thomasville, as municipal corporations, shall have authority as hereinafter provided and set forth by the adoption of resolutions to be passed by the governing body of each of said municipal corporations to acquire, construct, improve, maintain and operate jointly a waterworks reservoir system. In order to render more effectual exercise of the authority herein granted the said municipal corporations may enter into any and all contracts which may be appropriate to that end among or between themselves or with other parties.

B. Financing. The City of Lexington and the City of Thomasville upon determining the need of such waterworks reservoir are hereby granted the same authority to issue bonds or other means of financing for the acquisition, construction and improvement of such works as is now given to any municipal corporation under the general laws of North Carolina and particularly under the Municipal Finance Act as amended.

C. Cost to be Apportioned. The cost of any such joint acquisition, construction, improvement, maintenance and operation for a waterworks reservoir shall be apportioned between or among the City of Lexington and the City of Thomasville in a manner to be by them agreed upon and determined.

D. Powers, Repeal of Special and Local Laws, Conflicts. The governing bodies of the two (2) municipalities shall not only have power to acquire, provide, construct, establish, maintain and operate a waterworks system reservoir jointly and protect and regulate the same by adequate rules and regulations, but said governing bodies of the two (2) cities, either separately or jointly, also shall have the right to condemn lands, right-of-way necessary for the impounding and storage of water and the proceedings for such condemnation shall be as provided under the general laws of North Carolina for opening new streets and other municipal purposes. It is the intention of this act that the powers herein granted to the two (2) municipalities shall not repeal any special or local law, or affect any proceedings under any special or local law relative to providing, constructing, establishing, maintaining or operating any system of waterworks in any municipality, or for the raising of funds therefor, but shall be deemed to be additional and independent legislation for such purposes and to provide an alternative method of procedure for such purposes, and supplementary to those powers granted municipalities in their charters. In any case in which the provisions of this act are in conflict with the provision of any local statute or charter, then the governing body of each municipality, or both, may in its discretion, proceed in accordance with the provisions of such local statute or charter, or as an alternative method of procedure in accordance with the provisions of this act."

**Sec. 2.** The purpose of this act is to revise the Charter of the City of Lexington and to consolidate herein certain acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

**Sec. 3.** This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the City of Lexington.

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

**Sec. 4.** The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Ch. 51, Priv. Acts of 1827-28

Ch. 37, Priv. Acts of 1829-30

Ch. 177, Priv. Laws of 1833-34, as to the Town of  
Lexington

Ch. 168 (Priv.) Reg. Sess., Laws of N.C., 1860-61

Ch. 115, Priv. Laws of 1868-69

Ch. 19, Priv. Laws of N.C., 1870-71

Ch. 49 (Priv.) Laws of N.C., 1873-74  
 Ch. 160 (Pub.) Laws of N.C., 1876-77  
 Ch. 55 (Priv.) Laws of N.C., 1883  
 Ch. 281 (Priv.) Laws of N.C., 1893  
 Ch. 552, Pub. Laws of N.C., 1897  
 Ch. 131, Priv. Laws of N.C., 1897  
 Ch. 157, Priv. Laws of N.C., 1897  
 Ch. 41, Priv. Laws of 1899  
 Ch. 317, Pub. Laws of N.C., 1899  
 Ch. 304, Priv. Laws of N.C., 1903  
 Ch. 21, Priv. Laws of N.C., 1905  
 Ch. 138, Priv. Laws of N.C., 1905  
 Ch. 14, Priv. Laws of N.C., 1907  
 Ch. 348, Priv. Laws of N.C., 1909  
 Ch. 369, Priv. Laws of N.C., 1909  
 Ch. 47, Reg. Sess., Priv. Laws of N.C., 1913  
 Ch. 71, (Pub.-Loc., Ex. Sess.) Pub., Pub.-Loc. and Priv.  
     Laws of N.C., 1913  
 Ch. 50 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1919  
 Ch. 22, Priv. Laws, Extra Session 1924, as to the City  
     of Lexington  
 Ch. 122 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1925  
 Ch. 179 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1929  
 Ch. 18 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1931  
 Ch. 58 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1931  
 Ch. 70 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1933  
 Ch. 164 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1933  
 Ch. 231, Priv. Laws of 1933, as to the City of  
     Lexington  
 Ch. 366, Pub. Laws of 1935, as to the City of  
     Lexington  
 Ch. 22 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1935  
 Ch. 136 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1935  
 Ch. 160 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1935  
 Ch. 36 (Priv.), Pub.-Loc. and Priv. Laws of N.C., 1937  
 Ch. 5 (Pub.-Loc.), Pub.-Loc. and Priv. Laws of N.C.,  
     1941  
 Ch. 6 (Pub.-Loc.), Pub.-Loc. and Priv. Laws of N.C.,  
     1941  
 Ch. 1258, S.L., 1949  
 Ch. 231, S.L., 1951  
 Ch. 352, S.L., 1951  
 Ch. 428, S.L., 1951  
 Ch. 500, S.L., 1951



Ch. 84, S.L., 1953  
Ch. 161, S.L., 1953  
Ch. 504, S.L., 1953  
Ch. 1056, S.L., 1953  
Ch. 351, S.L., 1957  
Ch. 414, S.L., 1957  
Ch. 1323, S.L., 1957  
Ch. 45, S.L., 1959  
Ch. 46, S.L., 1959  
Ch. 125, S.L., 1959  
Ch. 208, S.L., 1959  
Ch. 1225, S.L., 1959  
Ch. 5, S.L., 1963  
Ch. 6, S.L., 1963, as to the City of Lexington  
Ch. 84, S.L., 1963  
Ch. 292, S.L., 1963  
Ch. 310, S.L., 1963  
Ch. 836, S.L., 1963, as to the City of Lexington  
Ch. 837, S.L., 1963  
Ch. 63, S.L., 1965  
Ch. 653, S.L., 1965  
Ch. 56, S.L., 1967  
Ch. 148, S.L., 1967  
Ch. 948, S.L., 1969  
Ch. 81, S.L. 1971  
Ch. 123, S.L., 1971  
Ch. 772, S.L., 1971  
Ch. 934, S.L., 1973 (Second Session, 1974)  
Ch. 1095, S.L., 1979 (Second Session, 1980)  
Ch. 1103, S.L., 1979 (Second Session, 1980)  
Ch. 1104, S.L., 1979 (Second Session, 1980)

**Sec. 5.** No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

**Sec. 6.** No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

**Sec. 7.** (a) All existing ordinances and resolutions of the City of Lexington and all existing rules or regulations of departments or agencies of the City of Lexington, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending at the effective date of this act by or against the City of Lexington or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Sec. 8.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Sec. 9.** Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

**Sec. 10.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Sec. 11.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.