

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 456

Senate Local Government & Regional Affairs Committee Substitute Adopted 6/17/93

Short Title: New Bern/Burlington Conveyances.

(Local)

Sponsors:

Referred to:

March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN PROPERTY OWNED BY THE CITY OF NEW BERN TO THE NEUSE RIVER COMMUNITY DEVELOPMENT CORPORATION, INC., AND TO AUTHORIZE THE BURLINGTON CITY SCHOOL ADMINISTRATIVE UNIT TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-279 reads as rewritten:

"§ 160A-279. Sale of property to entities carrying out a public purpose; procedure.

(a) Whenever a city or county is authorized to appropriate funds to any public or private entity which carries out a public purpose, the city or county may, in lieu of or in addition to the appropriation of funds, convey by private sale to such an entity any real or personal property which it owns; ~~provided no property acquired by the exercise of eminent domain may be conveyed under this section;~~ provided that no such conveyance may be made to a for-profit corporation. The city or county shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity. The procedural provisions of G.S. 160A-267 shall apply.

(b) Notwithstanding any other provision of law, this section applies only to cities and counties and not to any other entity which this Article otherwise applies to.

~~(c) The resolution or order required under G.S. 160A-267 for conveyances under this section must be approved by the unanimous affirmative vote of the council~~

~~1 members or county board of commissioners, not counting vacancies or members
2 excused from voting in order to be effective under this section.~~

3 (d) This section does not limit the right of any entity to convey property by
4 private sale when that right is conferred by another law, public, or local."

5 Sec. 2. The City of New Bern may convey in accordance with G.S. 160A-
6 279, as amended by this act, to the Neuse River Community Development Corporation,
7 Inc., a nonprofit corporation, certain property described in this section for development
8 into affordable housing for persons of low and moderate income notwithstanding that
9 the property was acquired originally by the City of New Bern for parks, playgrounds,
10 and recreational use, and for the widening, extending, or improving of streets, alleys,
11 and sidewalks within the City of New Bern, to wit:

12 All that certain tract or parcel of land situate, lying, and being in the City of
13 New Bern, Craven County, North Carolina, and being more particularly described as
14 follows:

15 Beginning at the point of intersection of the southerly right-of-way line of
16 New South Front Street with the easterly right-of-way line of Norwood Street;
17 THENCE FROM SAID POINT OF BEGINNING South 05°16'43" East, along and with
18 the easterly right-of-way line of Norwood Street 276.05 feet, more or less, to the
19 southwest corner of Lot 15 of the proposed subdivision known as "Lawson Creek
20 Estates," a copy of which has been filed with the Planning and Zoning Board of the City
21 of New Bern and is on file in the office of the Director of Planning & Inspections of
22 said City of New Bern; thence North 76°04'15" East, 44.91 feet, more or less, along and
23 with the southern lines of Lots 15, 16, 17, 18, 19, 20, and 21 of said proposed
24 subdivision to the westerly right-of-way line of Jones Street extended southwardly to
25 Lawson Creek; thence southwardly along and with the westerly right-of-way line of
26 Jones Street extended to Lawson Creek; thence northeastwardly along and with Lawson
27 Creek to its point of intersection with the easterly right-of-way line of Jones Street
28 extended; thence North 05°56'07" West, along and with the easterly right-of-way line of
29 Jones Street extended 146.76 feet, more or less, to the southwestern corner of Lot 22 of
30 said proposed subdivision; thence along and with the southern line of said Lot 22 North
31 73°02'02" East, 100 feet to the southeastern corner of said Lot 22; thence North
32 05°56'07" West, along and with the easternmost line of Lots 22 and 23 and a portion of
33 Lot 24 of said proposed subdivision 147.49 feet to the southwestern corner of Lot 26 of
34 said proposed subdivision; thence North 73°02'02" East, 171.61 feet along and with
35 southern lines of Lots 26 and 27 of said proposed subdivision to the westernmost corner
36 of Lot 28 of said proposed subdivision; thence South 32°33'22" East, 175.00 feet, more
37 or less, along and with the westerly lines of Lots 28, 29, and 30 of said proposed
38 subdivision to the southwestern corner of said Lot 30 of said proposed subdivision;
39 thence North 72°42'01" East, 115.32 feet, more or less, to the southwesterly right-of-
40 way line of Liberty Street extended southwardly to Lawson Creek; thence North
41 32°33'22" West, 180 feet, more or less, along and with the southwesterly right-of-way
42 line of Liberty Street and Liberty Street extended to the northeastern corner of Lot 28 of
43 said proposed subdivision; thence South 73°02'02" West, 96.51 feet along and with the
44 northern line of said Lot 28 to a point in the eastern line of Lot 27 of said proposed

1 subdivision; thence North 32°33'22" West, 101.31 feet to the southerly right-of-way line
2 of New South Front Street; thence westwardly along and with the southern right-of-way
3 line of New South Front Street the following courses and distances to the point of
4 beginning: South 73°02'02" West, 241.77 feet; South 75°16'08" West, 60.72 feet; and
5 South 76°04'15" West, 498.25 feet to the point of intersection of the southerly right-of-
6 way line of New South Front Street with the easterly right-of-way line of Norwood
7 Street. SAVING AND EXCEPTING from the terms of this description the right-of-
8 way of Jones Street, including Jones Street extended southwardly to Lawson Creek.

9 Sec. 3. Notwithstanding G.S. 115C-518(a) or Article 12 of Chapter 160A of
10 the General Statutes, the Burlington City Board of Education may convey at private
11 negotiation and sale, with exchange for other property, or monetary consideration, or
12 both, any or all of its right, title, and interest to the following described property, or any
13 part thereof:

14
15 TRACT ONE: That certain tract or parcel of land in Boone Station Township,
16 Alamance County, North Carolina, adjoining the lands of R.K. Lasley, Dewey Florence,
17 Claude D. May and K.E. Overman and bounded and described as follows:

18
19 BEGINNING at an iron stake, corner with Dewey Florence in R. K. Lasley's line;
20 running thence with the said Florence S. 39° 10' W. 833.7 feet to an iron stake, corner
21 with Claude D. May in the said Florence line; thence with the said Claude D. May S.
22 37° 20' E. 893.6 ft. to a point in the center of public road, corner with Claude D. May in
23 K. E. Overman's line (iron stake set on this line N. 37° 20' W. 20 ft. from the corner in
24 the road); thence along the center of the said public road and with the line of K. E.
25 Overman N. 46° E. 888.5 ft. to a point in the center of the said public road and corner
26 with the said Overman; thence with the said Overman N. 41° 50' W. 60.5 ft. to a hickory
27 tree (iron stake set on this line 20 ft. from the corner in the road), corner with K. E.
28 Overman and R. K. Lasley; thence with the said Lasley, N. 41° 50' W. 924.5 ft to the
29 Beginning, containing 18.4 acres, more or less, as shown by survey made by W. T. Hall,
30 County Surveyor, June 1, 1943.

31
32 TRACT TWO: A certain tract or parcel of land in Boone Station Township, Alamance
33 County, North Carolina, more particularly described as follows:

34
35 BEGINNING at an iron stake in the line of Bill Price, corner with Mrs. R. K. Lasley;
36 thence with the line of Mrs. Lasley and Claude May, S. 39° 3' W. 928.8 ft to an iron
37 stake in the line of Claude May, corner with James Graham (formerly J. N. May);
38 thence with the line of Graham, N. 43° 38' W. 1112.1 ft. to an iron stake, corner with
39 Graham; thence with Graham, S. 73° 20' W. 104.62 ft. to an iron stake near a branch,
40 corner with Graham; thence with the line of the property of Joseph F. Robertson the
41 following courses and distances: N. 4° 13' E. 340.75 ft.; N. 19° 27' W. 325 ft.; N. 14°
42 23' E. 486 ft. to an iron stake, corner with Robertson and in the line of Duke Power
43 Company; thence with the line of Duke Power Company, S. 41° 7' E. 263.3 ft. to an iron
44 stake, corner with Duke Power; thence with Duke Power Company, N. 42° 58' E. 299.9

1 ft. to an iron stake in the line of the George J. Albright property (now J.A. Crumpler),
2 corner with Duke Power Company; thence with the Albright property, S. 41° 7' E. 649
3 ft. to an iron stake, corner with the Albright property and Bill Price; thence with the line
4 of Bill Price, S. 40° E. 403.3 ft. to a rock and iron stake and in the line of Bill Price;
5 thence again with Price, S. 42° E. 529.4 ft. to the BEGINNING.

6 Sec. 4. Sections 1 and 2 of this act apply to the City of New Bern only, and
7 Section 1 applies only to the conveyance authorized by Section 2 of this act.

8 Sec. 5. This act is effective upon ratification.