

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50063-LB-70 (01/30)

Short Title: County Approval of Involuntary Annexation.

(Public)

Sponsors: Representative Boylan.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE APPROVAL OF INVOLUNTARY ANNEXATIONS BY
THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE
PROPERTY IS LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-37(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-35 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-35. At any regular or special meeting held no sooner than the tenth day following the public hearing and not later than 90 days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of G.S. 160A-36 and which the governing board has concluded should be ~~annexed~~-annexed, but only if the board of commissioners of the county where the property is located has adopted a resolution approving the annexation. If the property is located in more than one county, the approval of the boards of commissioners of all the counties where the property is located is required. The ordinance shall:

- (1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-36. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-36(c) and (d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.

- 1 (2) A statement of the intent of the municipality to provide services to the
2 area being annexed as set forth in the report required by G.S. 160A-35.
- 3 (3) A specific finding that on the effective date of annexation the
4 municipality will have funds appropriated in sufficient amount to
5 finance construction of any water and sewer lines found necessary in
6 the report required by G.S. 160A-35 to extend the basic water and/or
7 sewer system of the municipality into the area to be annexed, or that
8 on the effective date of annexation the municipality will have authority
9 to issue bonds in an amount sufficient to finance such construction. If
10 authority to issue such bonds must be secured from the electorate of
11 the municipality prior to the effective date of annexation, then the
12 effective date of annexation shall be no earlier than the day following
13 the statement of the successful result of the bond election.
- 14 (4) Fix the effective date for annexation. The effective date of annexation
15 may be fixed for any date not less than 40 days nor more than 400 days
16 from the date of passage of the ordinance."

17 **SECTION 2.** G.S. 160A-49(e) reads as rewritten:

18 "(e) Passage of the Annexation Ordinance. – The municipal governing board shall
19 take into consideration facts presented at the public hearing and shall have authority to
20 amend the report required by G.S. 160A-47 to make changes in the plans for serving the
21 area proposed to be annexed so long as such changes meet the requirements of
22 G.S. 160A-47, provided that if the annexation report is amended to show additional
23 subsections of G.S. 160A-48(c) or (d) under which the annexation qualifies that were
24 not listed in the original report, the city must hold an additional public hearing on the
25 annexation not less than 30 nor more than 90 days after the date the report is amended,
26 and notice of such new hearing shall be given at the first public hearing. At any regular
27 or special meeting held no sooner than the tenth day following the public hearing and
28 not later than 90 days following such public hearing, the governing board shall have
29 authority to adopt an ordinance extending the corporate limits of the municipality to
30 include all, or such part, of the area described in the notice of public hearing which
31 meets the requirements of G.S. 160A-48 and which the governing board has concluded
32 should be ~~annexed~~ annexed, but only if the board of commissioners of the county
33 where the property is located has adopted a resolution approving the annexation. If the
34 property is located in more than one county, the approval of the boards of
35 commissioners of all the counties where the property is located is required. The
36 ordinance shall:

- 37 (1) Contain specific findings showing that the area to be annexed meets
38 the requirements of G.S. 160A-48. The external boundaries of the area
39 to be annexed shall be described by metes and bounds. In showing the
40 application of G.S. 160A-48(c) and (d) to the area, the governing
41 board may refer to boundaries set forth on a map of the area and
42 incorporate same by reference as a part of the ordinance.
- 43 (2) A statement of the intent of the municipality to provide services to the
44 area being annexed as set forth in the report required by G.S. 160A-47.

1 (3) A specific finding that on the effective date of annexation the
2 municipality will have funds appropriated in sufficient amount to
3 finance construction of any major trunk water mains and sewer outfalls
4 and such water and sewer lines as required in G.S. 160A-47(3)b found
5 necessary in the report required by G.S. 160A-47 to extend the basic
6 water and/or sewer system of the municipality into the area to be
7 annexed, or that on the effective date of annexation the municipality
8 will have authority to issue bonds in an amount sufficient to finance
9 such construction. If authority to issue such bonds must be secured
10 from the electorate of the municipality prior to the effective date of
11 annexation, then the effective date of annexation shall be no earlier
12 than the day following the statement of the successful result of the
13 bond election.

14 (4) Fix the effective date for annexation. The effective date of annexation
15 may be fixed for any date not less than 70 days nor more than 400 days
16 from the date of passage of the ordinance."

17 **SECTION 3.** This act becomes effective with respect to annexation
18 ordinances adopted on or after June 30, 2007.