

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1495

Short Title: County Approval of Involuntary Annexation. (Public)

Sponsors: Representatives Boylan; Brown, Current, Moore, Pate, and Starnes.

Referred to: Rules, Calendar, and Operations of the House.

April 17, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE APPROVAL OF INVOLUNTARY ANNEXATIONS BY
3 THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE
4 PROPERTY IS LOCATED.

5 The General Assembly of North Carolina enacts:

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

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

- 21 (1) Contain specific findings showing that the area to be annexed meets
22 the requirements of G.S. 160A-36. The external boundaries of the area
23 to be annexed shall be described by metes and bounds. In showing the
24 application of G.S. 160A-36(c) and (d) to the area, the governing
25 board may refer to boundaries set forth on a map of the area and
26 incorporate same by reference as a part of the ordinance.
- 27 (2) A statement of the intent of the municipality to provide services to the
28 area being annexed as set forth in the report required by G.S. 160A-35.

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

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

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

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

1 finance construction of any major trunk water mains and sewer outfalls
2 and such water and sewer lines as required in G.S. 160A-47(3)b found
3 necessary in the report required by G.S. 160A-47 to extend the basic
4 water and/or sewer system of the municipality into the area to be
5 annexed, or that on the effective date of annexation the municipality
6 will have authority to issue bonds in an amount sufficient to finance
7 such construction. If authority to issue such bonds must be secured
8 from the electorate of the municipality prior to the effective date of
9 annexation, then the effective date of annexation shall be no earlier
10 than the day following the statement of the successful result of the
11 bond election.
12 (4) Fix the effective date for annexation. The effective date of annexation
13 may be fixed for any date not less than 70 days nor more than 400 days
14 from the date of passage of the ordinance."

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