

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 715
HOUSE BILL 1032

AN ACT TO PROVIDE FOR VOLUNTARY ANNEXATION BY THE CITY OF
FAYETTEVILLE OF AREAS, TERRITORIES OR SUBDIVISIONS NOT
CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE CITY OF
FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the owner or owners of any area, territory or subdivision within the boundaries of Cumberland County but not within the boundaries or extraterritorial jurisdiction of any other municipality, whose property is not contiguous to the municipal boundaries of the City of Fayetteville, may, by petition directed to the City Council of the City of Fayetteville, request that the property described in the petition be annexed and made a part of the City of Fayetteville as hereinafter set out; provided any property annexed as herein provided must be located at the closest point not more than three miles from the City of Fayetteville municipal limits wherein is located and situated the City Hall.

Sec. 2. That said petition shall be directed to the City Council of the City of Fayetteville and shall contain:

- (1) The names of the owners of the real property for which a request to annex is made.
- (2) A description of the area to be annexed by metes and bounds.
- (3) The signatures of all property owners of the area, territory or subdivision requesting annexation.

In the case of annexing a subdivision under this Act, the petition must be signed by all owners of property within the subdivision; provided nothing herein shall be construed to authorize the annexation of a portion of a subdivision.

Upon the receipt of the petition, the City Council of the City of Fayetteville shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the results of his investigation.

Upon receipt of the certification and petition, the City Council shall fix dates for two public hearings on the question of annexation and shall cause notice of the public hearings to be published twice in a newspaper having general circulation in the municipality at least ten (10) days prior to the date of the first public hearing, and published in like manner preceding the second public hearing. The second public hearing shall be held at least twenty (20) days after the first public hearing. At such public hearings, all residents of Cumberland County opposing or favoring the annexation or alleging an error in the petition shall be given an opportunity to be heard.

The City Council shall then determine whether the petition meets the requirements of this Act.

Upon further finding and determination by the City Council that:

(1) The public health, safety and welfare of the inhabitants of the City of Fayetteville, as well as those of the area, territory or subdivision requesting such annexation will best be served by such annexation, and

(2) The City of Fayetteville will be able to provide the same services to the annexed area, territory or subdivision in the same manner in which other areas within the municipal boundaries of said city are served, the City Council of the City of Fayetteville may adopt an ordinance annexing that area described in the petition; provided the ordinance annexing the area, territory or subdivision shall be passed at each meeting of the City Council where a public hearing is held as hereinbefore provided. From and after the effective date of said ordinance, which date shall not be less than ninety (90) days from and after the final passage of said ordinance, unless an election is required as hereinafter provided, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Fayetteville and shall be entitled to the same benefits and privileges of other parts of said city. The newly annexed area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 3. The City Council of the City of Fayetteville may make said annexation contingent on such conditions as it may desire in order to insure that the area, territory or subdivision proposed to be annexed will not receive preferential treatment.

Sec. 4. The City Council in its discretion may charge in any noncontiguous area, territory or subdivision annexed water or sewer rates in excess of those charged within the municipal limits wherein is located the City Hall, and from time to time the council shall review the expenses related to any noncontiguous area to determine that said expenses are not in excess of taxes and revenues derived therefrom.

Sec. 5. If, before the effective date of an annexation as provided herein, a petition is filed by at least ten per cent (10%) of the qualified voters of the City of Fayetteville requesting a referendum on the question of annexation of that property described in the petition, the City Council of the City of Fayetteville shall submit the question of annexation to an election to be held as hereinafter provided or in the City Council's discretion said council may adopt an ordinance revoking its prior action and request for annexation. If the petition for annexation is not denied and a petition for a referendum is filed as provided herein, the City Council shall order the Board of Elections of Cumberland County to call an election to determine whether or not the proposed area, territory or subdivision shall be annexed to the City of Fayetteville. Said order to the Board of Elections shall set forth that date on which the election shall be held but, in no event, shall said date be less than sixty (60) days from the date of the adoption of the order.

Sec. 6. Such election shall be called by resolution or resolutions of the Cumberland County Board of Elections which shall:

(1) Describe the area, territory or subdivision petitioning to be annexed as set out in the order of said City Council.

(2) Provide that the matter of annexation shall be, submitted to the vote of the qualified voters of the City of Fayetteville.

(3) Designate the precincts and voting places for such election.

(4) Name the registrars and judges of such election.

(5) Make all other necessary provisions for the conducting and holding of such election, the canvassing of returns and the declaration of the results of such election.

Said resolution or resolutions of the Cumberland County Board of Elections shall be published in one or more newspapers of such county once a week for thirty (30) days prior to the opening of the registration books. All the cost of holding such election shall be paid by the City of Fayetteville. Except as herein provided, said election shall be held under the same statutes, rules and regulations as are applicable to other elections in the City of Fayetteville.

Sec. 7. At such election, those qualified voters of the City of Fayetteville who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "for extension" and "against extension". If, at such election, the majority of votes cast shall be "for extension", then from and after the date of the declaration of the result of such election, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Fayetteville and shall be entitled to the same benefits and privileges of other parts of said city. The newly elected area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 8. Any ordinance adopted pursuant to this Act shall be subject to referendum only as herein provided, notwithstanding any laws or parts of laws to the contrary.

Sec. 9. Whenever the limits of the City of Fayetteville are enlarged in accordance with the provisions of this Act, it shall be the duty of the Mayor of the City of Fayetteville to cause an accurate map of the said area, territory or subdivision, newly annexed, together with a copy of the ordinance duly certified and the official results of the election, if conducted, to be recorded in the office of the Register of Deeds of Cumberland County and in the office of the Secretary of State of North Carolina.

Sec. 10. Any area, territory or subdivision annexed pursuant to this Act shall cease to be noncontiguous for all intents and purposes when and in the event said area shall touch the municipal limits of the City of Fayetteville pursuant to the extension of the boundaries of said city pursuant to Article 36, Chapter 160, of the General Statutes of North Carolina.

Sec. 11. Any area, territory or subdivision annexed pursuant to this Act shall not be included in that area of the municipal boundaries used for determining any extraterritorial jurisdiction of the City of Fayetteville and further shall not be considered within the municipal boundaries for the purposes of defining an area as contiguous to the city limits within the provision of Part 3 of Article 36 of Chapter 160 of the General

Statutes of North Carolina with reference to further annexation unless and until the area, territory or subdivision annexed pursuant hereto shall, by extension of the municipal boundaries pursuant to Article 36 of Chapter 160 of the General Statutes of North Carolina, touch and become a part of the municipal boundaries of the City of Fayetteville wherein is located the City Hall. Any area, territory or subdivision annexed pursuant hereto may be included at only forty per cent (40%) of the normal rate for the purposes of population density or character of any larger area, territory or subdivision to be annexed at any time in the future pursuant to the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina.

Sec. 12. The total area of all noncontiguous portions of the city annexed pursuant to this Act shall at no time exceed ten per cent (10%) of the total area of the City of Fayetteville wherein is located City Hall.

Sec. 13. This Act shall be supplemental and in addition to any other methods or procedure for annexation heretofore available or hereafter provided for the City of Fayetteville.

Sec. 14. If any clause, sentence, paragraph, subsection, Section or any part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this Act but shall be confined in its operation to the part thereof directly involved in said judgment.

Sec. 15. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 16. This Act shall be full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1969.