

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 174  
HOUSE BILL 727

AN ACT AUTHORIZING THE ANNEXATION OF INTERIOR ISLANDS OF  
TERRITORY BY MUNICIPALITIES IN WAKE COUNTY AND IN CERTAIN  
OTHER COUNTIES.

The General Assembly of North Carolina enacts:

**Section 1.** (a) In addition to annexation of territory pursuant to other provisions of law, the governing body of any municipality may annex by ordinance any area which meets the following standards:

- (1) the area to be annexed is completely surrounded by the existing municipal boundary.
- (2) the total area to be annexed does not equal more than ten percent (10%) of the total area of all the territory within the existing municipal boundary.

(b) Prior to adoption of an ordinance pursuant to subsection (a) of this section, the governing body shall fix a date for a public hearing on the question of annexation, and shall cause a notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing. At the public hearing all persons owning property in, and all citizens of, the area to be annexed shall be given an opportunity to be heard, as well as residents of the municipality who question the necessity of annexation.

(c) Following the public hearing, immediately thereafter or at any time within 60 days, the governing body may adopt its annexation ordinance. The annexation ordinance shall fix its effective date for any date within 12 months from its adoption.

(d) The municipality shall, from and after the effective date of the annexation ordinance, provide within the annexed area all municipal services, other than utility services, on substantially the same basis and in the same manner as such services are provided within the rest of the municipality. The municipality shall provide for extension of major water mains and major sewer lines into the area to be annexed, if necessary, so that property owners therein will be able to secure public water and sewer services according to the policies in effect in the municipality for extending water and sewer lines to individual lots or subdivisions. If the municipality, at its own expense, extends its major water mains and major sewer lines into the area before property owners therein can, according to its policies, make connection to such lines, then it shall cause construction of such mains and lines to begin within one year following the effective date of annexation; provided that such one year period shall be extended by the

period or periods of any delays caused by litigation or necessary administrative approvals by any State or federal agency.

(e) From and after the effective date of the annexation ordinance, the annexed area and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the municipality and shall be entitled to the same privileges and benefits as other parts of the municipality. The newly annexed area shall be subject to municipal taxes levied for the fiscal year following the effective date of annexation.

(f) If not earlier than one year and not later than 15 months from the effective date of annexation, any person owning property in the annexed area shall believe that the municipality has not complied with the service requirements of subsection (d) of this section such person may apply for a writ of mandamus under the provision of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the judge of superior court:

- (1) If the municipality has not provided the services other than utility services on substantially the same basis and in the same manner as such services were provided in the rest of the municipality prior to the effective date of annexation, and,
- (2) If at the time the writ is sought such services are still being provided in the rest of the municipality on substantially the same basis and in the same manner as on the date of annexation.

Relief may also be granted by the judge of superior court if contracts have not yet been let for extension to the annexed area of any major water mains and major sewer lines necessary in order to enable property owners therein to make connection to such mains and lines according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

If such writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality.

(g) Whenever an area is annexed in accordance with this section, it shall be the duty of the mayor to cause an accurate map of such annexed area, together with a copy of the annexation ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such area is situated, and in the office of the Secretary of State.

**Sec. 2.** This act shall apply to municipalities in the following counties only:  
Wake

**Sec. 3.** All laws and clauses of laws in conflict with this act are hereby repealed.

**Sec. 4.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1973.