

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 427
HOUSE BILL 724

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

Whereas, Article 36 of Chapter 160 of the General Statutes of North Carolina contains no provision for the annexing of areas, territories or subdivisions not contiguous to the municipal boundaries of the City of Jacksonville; and

Whereas, it would be in the interest of the public health, safety and welfare of the inhabitants of said City and would permit a more orderly growth of the municipal boundaries of said City to allow the annexation of noncontiguous areas, territories or subdivisions by petition of the property owners who desire that their property be annexed; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. That the owner or owners of any area, territory or subdivision within the boundaries of Onslow 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 Jacksonville, may, by petition directed to the City Council of the City of Jacksonville, request that the property described in the petition be annexed and made a part of the City of Jacksonville 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 Jacksonville 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 Jacksonville 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 receipt of the petition, the City Council of the City of Jacksonville 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 a date for a public hearing on the question of annexation and shall cause notice of the public hearing to be published twice 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 residents of Onslow 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 Jacksonville, 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 Jacksonville, either alone or in conjunction with others, 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 Jacksonville may adopt an ordinance annexing that area described in the petition: provided the ordinance annexing the area, territory or subdivision shall be passed at a meeting of the City Council after a public hearing has been held as hereinbefore provided. From and after the effective date of said ordinance, which date shall not be less than 90 days from and after the final passage of said ordinance the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Jacksonville 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. Provided, however, that property so annexed belonging to the County of Onslow, the State of North Carolina, or a Hospital Authority under Article 12 of Chapter 131 of the North Carolina General Statutes, shall not be subject to the debts or taxes of the City of Jacksonville.

Sec. 3. The City Council of the City of Jacksonville 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, for such services furnished by it, in excess of those charged within the municipal limits wherein is located the City Hall.

Sec. 5. Whenever the limits of the City of Jacksonville are enlarged in accordance with the provisions of this act, it shall be the duty of the Mayor of the City of Jacksonville to cause an accurate map of the said area, territory or subdivision, newly annexed, together with a copy of the ordinance duly certified to be recorded in the office of the Register of Deeds of Onslow County and in the office of the Secretary of State of North Carolina.

Sec. 6. 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 Jacksonville pursuant to the extension of the boundaries of said City pursuant to Article 36, Chapter 160, of the General Statutes of North Carolina.

Sec. 7. 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 Jacksonville 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 provisions 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 Jacksonville wherein is located the City Hall. Any area, territory or subdivision annexed pursuant hereto may be included at only forty percent (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. 8. The authority of the City of Jacksonville to annex under this act shall be restricted and limited to that territory herein described:

BEGINNING at an iron stake in the western right-of-way line of Western Boulevard, State Road 1470 which stake is 1184.88 feet from the center line of Carolina Power and Light Company 100 foot right-of-way when measured along Western Boulevard right-of-way in a northern direction; thence from said BEGINNING South 85 degrees 52 minutes West 250.0 feet to an iron stake; thence South 4 degrees 08 minutes East 642.10 feet to an iron stake in the center of a 30 foot drainage and utility easement; thence following the center of the easement South 35 degrees 30 minutes West 174.47 feet to a point on top of a corrugated metal pipe in the northern right-of-way of Oxford Road; thence following said right-of-way North 53 degrees 02 minutes West 1350.61 feet to an iron stake; thence South 26 degrees 31 minutes West 20.34 feet to an iron stake in the northern right-of-way line of Carolina Power and Light Company right-of-way; thence following said right-of-way North 52 degrees 59 minutes West 610.50 feet to an iron stake in the Stiles and White property line; thence following the said line North 26 degrees 31 minutes East 412.82 feet to a Railroad iron, Arnold heirs corner; thence following the Arnold line North 17 degrees 50 minutes East 628.80 feet to an iron stake; thence South 65 degrees 08 minutes East 1207.01 feet to the point of curvature; said curve having a radius of 411.97 feet; thence with the curve in a northeastern direction an arc distance of 217.14 feet to the point of tangency; thence North 84 degrees 40 minutes East 138.83 feet to an iron stake in the right-of-way curve of Western Boulevard; said curve having a radius of 3111.46 feet; thence in a southeastern direction with the right-of-way an arc distance of 65.0 feet to the point of tangency; thence continuing with the right-of-way South 4 degrees 08 minutes East 735.0 feet to the point of BEGINNING; being a small portion of the Weyerhaeuser

Properties, Inc., Land, Parcel 8, recorded in Map Book 9, Page 45, and Parcel 3, recorded in Map Book 10, Page 42, Onslow County Registry.

Subject to a 20 foot easement across the Western Boulevard frontage used jointly by Jones-Onslow Electric Membership Corporation; Brynn Marr Utility Company, utility easement; Weyerhaeuser Properties, Inc., drainage easement.

Sec. 9. The total area of all noncontiguous portions of the City annexed pursuant to this act shall at no time exceed ten percent (10%) of the total area of the City of Jacksonville wherein is located City Hall.

Sec. 10. 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 Jacksonville.

Sec. 11. 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 affect, 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. 12. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1973.