# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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#### HOUSE BILL 1021

Short Title: County Approval of Involuntary Annexation.	(Public)
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Sponsors:	Representative Allred.
Referred to:	Local Government II.

### April 10, 2003

#### A BILL TO BE ENTITLED 1 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: **SECTION 1.** G.S. 160A-37(e) reads as rewritten: 6 7 Passage of the Annexation Ordinance. - The municipal governing board shall "(e) 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 G.S. 11 160A-35. At any regular or special meeting held no sooner than the tenth day following 12 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 13 14 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 15 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 approving the annexation. If the property is located in more than one county, the 18 approval of the boards of commissioners of all the counties where the property is 19 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 application of G.S. 160A-36(c) and (d) to the area, the governing 24 25 board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance. 26 A statement of the intent of the municipality to provide services to the 27

A statement of the intent of the municipality to provide services to the
area being annexed as set forth in the report required by G.S. 160A-35.

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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	SECT	<b>FION 2.</b> G.S. 160A-49(e) reads as rewritten:
16	"(e) Passa	ge of the Annexation Ordinance. – The municipal governing board shall
17	take into consid	leration facts presented at the public hearing and shall have authority to
18	amend the report	rt required by G.S. 160A-47 to make changes in the plans for serving the
19	area proposed t	o be annexed so long as such changes meet the requirements of G.S.
20	160A-47, provi	ided that if the annexation report is amended to show additional
21		G.S. 160A-48(c) or (d) under which the annexation qualifies that were
22	not listed in the	e original report, the city must hold an additional public hearing on the
23		less than 30 nor more than 90 days after the date the report is amended,
24	and notice of su	ich new hearing shall be given at the first public hearing. At any regular
25	•	ing held no sooner than the tenth day following the public hearing and
26		0 days following such public hearing, the governing board shall have
27	•	opt an ordinance extending the corporate limits of the municipality to
28		such part, of the area described in the notice of public hearing which
29	meets the requir	rements 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:

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(1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-48. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of G.S. 160A-48(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.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by G.S. 160A-47.

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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 October 1, 2003

16 ordinances adopted on or after October 1, 2003.