

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 693
Committee Substitute Favorable 5/4/95

Short Title: Wake Annexation Referenda.

(Local)

Sponsors:

Referred to:

March 30, 1995

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATION IN BARCLAY
DOWNS, LYNNWOOD ESTATES, AND HODGE ROAD IN WAKE COUNTY IF
REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-49(e) reads as rewritten:

"(e) Passage of the Annexation Ordinance. – The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by G.S. 160A-47 to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of G.S. 160A-47, provided that if the annexation report is amended to show additional subsections of G.S. 160A-48(c) or (d) under which the annexation qualifies that were not listed in the original report, the city must hold an additional public hearing on the annexation not less than 30 nor more than 90 days after the date the report is amended, and notice of such new hearing shall be given at the first public hearing. At any regular or special meeting held no sooner than the tenth day following 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 limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the

1 requirements of G.S. 160A-48 and which the governing board has concluded should be
2 ~~annexed~~-annexed, provided if no later than adjournment of the public hearing, a petition,
3 signed by twenty-five percent (25%) of the registered voters who are freeholders in the
4 area proposed to be annexed, is received by the city, opposing the annexation, then the
5 annexation ordinance shall become effective only if approved by the voters of the area to
6 be annexed in a referendum conducted under subsection (e1) of this section.

7 The ordinance shall:

- 8 (1) Contain specific findings showing that the area to be annexed meets the
9 requirements of G.S. 160A-48. The external boundaries of the area to be
10 annexed shall be described by metes and bounds. In showing the
11 application of G.S. 160A-48(c) and (d) to the area, the governing board
12 may refer to boundaries set forth on a map of the area and incorporate
13 same by reference as a part of the ordinance.
- 14 (2) A statement of the intent of the municipality to provide services to the
15 area being annexed as set forth in the report required by G.S. 160A-47.
- 16 (3) A specific finding that on the effective date of annexation the
17 municipality will have funds appropriated in sufficient amount to
18 finance construction of any major trunk water mains and sewer outfalls
19 and such water and sewer lines as required in G.S. 160A-47(3)(b) found
20 necessary in the report required by G.S. 160A-47 to extend the basic
21 water and/or sewer system of the municipality into the area to be
22 annexed, or that on the effective date of annexation the municipality
23 will have authority to issue bonds in an amount sufficient to finance
24 such construction. If authority to issue such bonds must be secured from
25 the electorate of the municipality prior to the effective date of
26 annexation, then the effective date of annexation shall be no earlier than
27 the day following the statement of the successful result of the bond
28 election.
- 29 (4) Fix the effective date for annexation. The effective date of annexation
30 may be fixed for any date not less than 40 days nor more than 400 days
31 from the date of passage of the ordinance."

32 Sec. 2. G.S. 160A-49 is amended by adding a new subsection to read:

33 "(e1) If a referendum is required under subsection (e) of this section, the city council
34 shall order the board of elections which conducts elections for that city to call an election
35 to determine whether or not the proposed territory shall be annexed to the city or town.
36 Within 90 days after receiving such order from the governing body, the county board of
37 elections shall proceed to hold an election on the question.

38 Such election shall be called by a resolution or resolutions of said county board of
39 elections which shall:

- 40 (1) Describe the territory proposed to be annexed to the said city or town as
41 set out in the order of the said local governing body;

- 1 (2) Provide that the matter of annexation of such territory shall be submitted
2 to the vote of the qualified voters of the territory proposed to be
3 annexed; and
4 (3) Provide for registration of voters in the territory proposed to be annexed
5 for said election in accordance with G.S. 163-288.2.

6 Said resolution shall be published in one or more newspapers of the said county once
7 a week for 30 days prior to the closing of the registration books. All costs of holding
8 such election shall be paid by the city or town. Except as herein provided, the election
9 shall be held under the same statutes, rules, and regulations as are applicable to elections
10 in the municipality whose corporate limits are being enlarged.

11 At such election the question on the ballot shall be:

12 **'[] FOR [] AGAINST**
13 **ANNEXATION.'**

14 If at the election a majority of the votes cast from the area proposed for annexation shall
15 be 'For Annexation', the annexation ordinance shall become effective as provided by this
16 Part."

17 Sec. 3. G.S. 160A-37(e) reads as rewritten:

18 "(e) Passage of the Annexation Ordinance. – The municipal governing board shall
19 take into consideration facts presented at the public hearing and shall have authority to
20 amend the report required by G.S. 160A-35 to make changes in the plans for serving the
21 area proposed to be annexed so long as such changes meet the requirements of G.S.
22 160A-35. At any regular or special meeting held no sooner than the tenth day following
23 the public hearing and not later than 90 days following such public hearing, the
24 governing board shall have authority to adopt an ordinance extending the corporate limits
25 of the municipality to include all, or such part, of the area described in the notice of
26 public hearing which meets the requirements of G.S. 160A-36 and which the governing
27 board has concluded should be ~~annexed~~-annexed, provided if no later than adjournment
28 of the public hearing, a petition, signed by twenty-five percent (25%) of the registered
29 voters who are freeholders in the area proposed to be annexed, is received by the city,
30 opposing the annexation, then the annexation ordinance shall become effective only if
31 approved by the voters of the area to be annexed in a referendum conducted under
32 subsection (e1) of this section.

33 The ordinance shall:

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

1 finance construction of any water and sewer lines found necessary in the
2 report required by G.S. 160A-35 to extend the basic water and/or sewer
3 system of the municipality into the area to be annexed, or that on the
4 effective date of annexation the municipality will have authority to issue
5 bonds in an amount sufficient to finance such construction. If authority
6 to issue such bonds must be secured from the electorate of the
7 municipality prior to the effective date of annexation, then the effective
8 date of annexation shall be no earlier than the day following the
9 statement of the successful result of the bond election.

- 10 (4) Fix the effective date for annexation. The effective date of annexation
11 may be fixed for any date not less than 40 days nor more than 400 days
12 from the date of passage of the ordinance."

13 Sec. 4. G.S. 160A-37 is amended by adding a new subsection to read:

14 "(e1) If a referendum is required under subsection (e) of this section, the city council
15 shall order the board of elections which conducts elections for that city to call an election
16 to determine whether or not the proposed territory shall be annexed to the city or town.
17 Within 90 days after receiving such order from the governing body, the county board of
18 elections shall proceed to hold an election on the question.

19 Such election shall be called by a resolution or resolutions of said county board of
20 elections which shall:

- 21 (1) Describe the territory proposed to be annexed to the said city or town as
22 set out in the order of the said local governing body;
23 (2) Provide that the matter of annexation of such territory shall be submitted
24 to the vote of the qualified voters of the territory proposed to be
25 annexed; and
26 (3) Provide for registration of voters in the territory proposed to be annexed
27 for said election in accordance with G.S. 163-288.2.

28 Said resolution shall be published in one or more newspapers of the said county once
29 a week for 30 days prior to the closing of the registration books. All costs of holding
30 such election shall be paid by the city or town. Except as herein provided, the election
31 shall be held under the same statutes, rules, and regulations as are applicable to elections
32 in the municipality whose corporate limits are being enlarged.

33 At such election the question on the ballot shall be:

34 **'[] FOR [] AGAINST**
35 **ANNEXATION.'**

36 If at the election a majority of the votes cast from the area proposed for annexation shall
37 be 'For Annexation', the annexation ordinance shall become effective as provided by this
38 Part."

39 Sec. 5. This act applies only as to the following described territory in Wake
40 County:

41 BEGINNING at a point located at an existing iron axle located in the southern
42 property line of the Green Pines Subdivision and the northeast corner of the Annie P.
43 Rainey property said beginning point being South 69 degrees 30 minutes 56 seconds

1 West a distance of 958.00 feet from N.C. Grid Monument "Zero" whose N.C. Grid
2 Coordinates are as follows: Y = 743418.169 and X = 2141876.428. THENCE North 89
3 degrees 21 minutes 55 seconds East a distance of 2049.07 feet with the southern line of
4 Green Pines Subdivision to a point in the property of line of the J.T. Keith Estate;
5 THENCE South 01 degrees 18 minutes 19 seconds West a distance of 617.81 feet with a
6 reference line and following a branch as the annexation line; THENCE South 34 degrees
7 46 minutes 48 seconds West a distance of 46.50 feet with the branch to a existing iron
8 pipe; THENCE South 24 degrees 04 minutes 41 seconds West a distance of 947.01 feet
9 to existing concrete monument at the present City Limits for the Town of Knightdale;
10 THENCE South 24 degrees 02 minutes 12 seconds West a distance of 423.13 feet to a
11 point at the northeast corner for Lynnwood Estates Subdivision; THENCE South 24
12 degrees 02 minutes 12 seconds West a distance of 184.86 feet with the west City Limits
13 line and the eastern line of Lynnwood Estate to an existing iron pipe on R/W Lynnwood
14 Drive; THENCE South 23 degrees 35 minutes 10 seconds West a distance of 78.17 feet
15 to an existing iron pipe; THENCE South 23 degrees 36 minutes 31 seconds West a
16 distance of 1525.03 feet to an existing iron pipe and the southeastern corner of Lynnwood
17 Estates; THENCE South 88 degrees 51 minutes 22 seconds West a distance of 1561.26
18 feet leaving the City Limits of Line of Knightdale to an existing iron pipe in the east R/W
19 of Hodge Road SW corner Lynnwood Estates; THENCE South 89 degrees 38 minutes 15
20 seconds West a distance of 62.52 feet to the southeastern corner of Barclay Downs
21 Subdivision and an existing iron pipe; THENCE South 88 degrees 31 minutes 32 seconds
22 West a distance of 2790.41 feet with the south line of Barclay Downs to a point 15' feet
23 east of the eastern bank of the Neuse River; THENCE South 88 degrees 31 minutes 32
24 seconds West a distance of 15 feet to the east bank of the Neuse River; THENCE with
25 the east bank of the Neuse River in a northerly direction a distance of 1656 feet to a
26 point; THENCE North 04 degrees 36 minutes 46 seconds East a distance of 375.03 feet
27 to an existing iron pipe located 30' east of the east bank of the Neuse River; THENCE
28 North 04 degrees 37 minutes 53 seconds East a distance of 103.93 feet to an existing iron
29 pipe located 30' east of the east bank of the Neuse River; THENCE North 11 degrees 35
30 minutes 19 seconds East a distance of 160.60 feet to an existing iron pipe located 30' east
31 of the east bank of the Neuse River; THENCE North 09 degrees 29 minutes 46 seconds
32 East a distance of 1015.97 feet to an existing iron pipe 10' east of east bank of the Neuse
33 River; THENCE North 88 degrees 49 minutes 21 seconds East a distance of 10 feet to an
34 existing iron pipe; THENCE North 88 degrees 43 minutes 21 seconds East a distance of
35 1643.95 feet with the North line of Barclay Downs Subdivision to a point being the
36 southwest corner of Dorothy C. Helms lot; THENCE North 88 degrees 43 minutes 21
37 seconds East a distance of 90 feet, more or less, with the North line of Barclay Downs
38 Subdivision; THENCE North 13 degrees 09 minutes 38 seconds East a distance of 55
39 feet, more or less to a point; THENCE North 13 degrees 09 minutes 38 seconds East a
40 distance of 441.27 feet around the boundaries of Lynnwood Estates Section 5; THENCE
41 South 72 degrees 45 minutes 29 seconds East a distance of 645.14 feet to a point for
42 corner; THENCE North 11 degrees 43 minutes 28 seconds East a distance of 204.93 feet
43 to a point for corner; THENCE North 70 degrees 29 minutes 28 seconds West a distance

1 of 104.02 feet to a point for corner; THENCE North 27 degrees 32 minutes 32 seconds
2 East a distance of 109.20 feet to a point for corner; THENCE North 27 degrees 31
3 minutes 28 seconds West a distance of 89.84 feet to a point for corner; THENCE North
4 39 degrees 29 minutes 32 seconds East a distance of 64.86 feet to a point for corner;
5 THENCE South 56 degrees 05 minutes 28 seconds East a distance of 290.13 feet to a
6 point for corner; THENCE South 87 degrees 31 minutes 28 seconds East a distance of
7 161.74 feet to an existing iron pipe; THENCE South 87 degrees 31 minutes 28 seconds
8 East a distance of 396.17 feet to an existing iron pipe located at a fence corner in the Old
9 Hodge Road; THENCE North 23 degrees 10 minutes 40 seconds East a distance of
10 156.00 feet with the existing fence to a fence corner; THENCE North 09 degrees 51
11 minutes 21 seconds East a distance of 176.34 feet following the Old Hodge Road to an
12 existing iron pipe; THENCE North 20 degrees 25 minutes 24 seconds East a distance
13 217.62 feet following the Old Hodge Road to an existing iron pipe; THENCE North 13
14 degrees 35 minutes 14 seconds East a distance of 154.66 feet following the Old Hodge
15 Road to an existing pipe; THENCE North 09 degrees 27 minutes 53 seconds East a
16 distance of 97.70 feet following the Old Hodge Road to a point; THENCE North 00
17 degrees 05 minutes 39 seconds East a distance of 47.83 feet following the Old Hodge
18 Road to an existing iron pipe; THENCE North 03 degrees 02 minutes 59 seconds West a
19 distance of 546.98 feet to the POINT AND PLACE OF BEGINNING.

20 The above description contains _____ acres. For further reference see
21 Map of "Western ETJ, Annexation Area A".

22 Sec. 6. This act becomes effective January 1, 1995, and expires when the
23 1995-96 Session of the North Carolina General Assembly adjourns sine die. Any
24 annexation ordinance adopted on or after the effective date as to any of the territory
25 described in Section 5 of this act is void, but the city may adopt a resolution of intent to
26 annex some or all of that territory at any time after ratification of this act without
27 adopting a resolution of consideration.