

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 660

Short Title: Parkwood Annexation Referenda.

(Local)

Sponsors: Representatives Pulley; Capps, Eddins, and Miner.

Referred to: Local and Regional Government I.

March 30, 1995

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR REFERENDA ON ANNEXATION IN PARKWOOD IN
DURHAM 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 requirements of G.S. 160A-48 and which the governing board has concluded should be

~~annexed~~ annexed, provided if no later than adjournment of the public hearing, a petition, signed by twenty-five percent (25%) of the registered voters who are freeholders in the area proposed to be annexed, is received by the city, opposing the annexation, then the annexation ordinance shall become effective only if approved by the voters of the area to be annexed in a referendum conducted under subsection (e1) of this section.

The ordinance shall:

- (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.
- (3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any major trunk water mains and sewer outfalls and such water and sewer lines as required in G.S. 160A-47(3)(b) found necessary in the report required by G.S. 160A-47 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.
- (4) Fix the effective date for annexation. The effective date of annexation may be fixed for any date not less than 40 days nor more than 400 days from the date of passage of the ordinance."

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

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

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

- (1) Describe the territory proposed to be annexed to the said city or town as set out in the order of the said local governing body;
- (2) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the territory proposed to be annexed; and

(3) Provide for registration of voters in the territory proposed to be annexed for said election in accordance with G.S. 163-288.2.

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

At such election the question on the ballot shall be:

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

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

Sec. 3. G.S. 160A-37(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-35 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-35. 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 requirements of G.S. 160A-36 and which the governing board has concluded should be ~~annexed~~-annexed, provided if no later than adjournment of the public hearing, a petition, signed by twenty-five percent (25%) of the registered voters who are freeholders in the area proposed to be annexed, is received by the city, opposing the annexation, then the annexation ordinance shall become effective only if approved by the voters of the area to be annexed in a referendum conducted under subsection (e1) of this section. The ordinance shall:

- (1) Contain specific findings showing that the area to be annexed meets the requirements of G.S. 160A-36. The external boundaries of the area 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 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-35.
- (3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines found necessary in the report required by G.S. 160A-35 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue

1 bonds in an amount sufficient to finance such construction. If authority
2 to issue such bonds must be secured from the electorate of the
3 municipality prior to the effective date of annexation, then the effective
4 date of annexation shall be no earlier than the day following the
5 statement of the successful result of the bond election.

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

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

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

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

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

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

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

30 **'[] FOR [] AGAINST**
31 **ANNEXATION.'**

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

35 Sec. 5. This act applies only as to the following described territory in Durham
36 County:

37 BEGINNING at a point located at the southeast corner of tract 6 of the
38 Research Square Associates Property as shown in Plat Book 100, page 65 of the Durham
39 County Registry and also being located on the existing City limits line also being on the
40 West right-of-way line of the Durham and Southern Railroad; thence in a southerly
41 direction along said City limits line an approximate distance of 3225 feet to a point, said
42 point being the northeast corner of Tax Map 541A-1-5 and shown in Plat Book 29, page
43 84; thence along the existing City limits line in the following courses and distances: N84-

1 45-00W a distance of 277.00 feet to point located on the East right-of-way line of N.C.
2 Highway 55; thence in a westerly direction across said N.C. Highway 55 an approximate
3 distance of 150 feet to a point located on the West right-of-way line of said N.C.
4 Highway 55; thence N86-23-16W a distance of 780.62 feet to a point; thence S28-08-06E
5 a distance of 957.42 feet to a point, said point located on the new North right-of-way line
6 of Sedwick Road; thence in a southeasterly direction across said Sedwick Road an
7 approximate distance of 63 feet to a point located on the South right-of-way line of
8 Sedwick Road; thence along said Sedwick Road and the existing City limits line the
9 following courses and distances: S56-46-05W a distance of 40 feet to a point; thence
10 S55-20-41W a distance of 79.03 feet to a point; thence S54-06-06W a distance of 88.14
11 feet to a point; thence S53-13-18W a distance of 82.93 feet to a point; thence S51-33-
12 04W a distance of 107.95 feet to a point; thence S49-21-17W a distance of 119.00 feet to
13 a point, said point being the southwest corner of tract 2 as shown in Plat Book 99, page
14 85; thence leaving the existing City limits line and continuing along said South right-of-
15 way line of Sedwick Road in a southwesterly direction an approximate distance of 720
16 feet to a point, said point being the northeast corner of lot 13 as shown in Plat Book 111,
17 page 115, Frenchmans Creek Subdivision, and recorded in the Durham County Registry;
18 thence S84-11-37E along the east property line of lots 13 thru 18 of the aforementioned
19 map of Frenchmans Creek Subdivision a distance of 673.20 feet to a point, said point
20 being the southeastern most corner of lot 18; thence N84-08-52W a distance of 918.80
21 feet to a point, said point being the southwest corner of a 2.11 acre tract as shown in Plat
22 Book 86, page 12 said point also located in the east property line of Buttonwood Acres,
23 Section 2B, Map 1, in Plat Book 72, page 20; thence S00-18-00E along the East property
24 line of lots "Park Area" and 731, 730, 729 and 728 of the aforementioned Plat Book 72,
25 page 20 a distance of 409.71 feet to a point, said point being the southeast corner of lot
26 728; thence N89-12-30W a distance of 178.54 feet to a point located in the center line of
27 Revere Road; thence N89-21-00W a distance of 111.27 feet to a point; thence N88-56-
28 00W a distance of 620.41 feet to a point, said point being the northeast corner of lot 706
29 of Buttonwood Acres, Section 2B, Map 2 as shown in Plat book 74, page 44; thence S02-
30 34-00W a distance of 138.19 feet to a point, said point being the southeast corner of lot
31 706; thence S01-10-00E a distance of 427.22 feet to a point, said point being located on
32 the east property line of lot 701; thence S01-38-00E a distance of 418.20 feet to a point,
33 said point being located on the east property line of lot 696; thence S02-28-00E a
34 distance of 92.14 feet to a point, said point being the southeast corner of lot 695 as shown
35 in the aforementioned Plat book 74, page 44; thence N89-30-00W a distance of 1283.09
36 feet to a point, said point being the southwest corner of lot 665 of Plat Book 74, page 44;
37 thence N89-30-00W an approximate distance of 1180 feet to a point, said point being
38 located on the West right-of-way line of Grandale Drive; thence in a northerly direction
39 along the West right-of-way line of Grandale Drive an approximate distance of 4070 feet
40 to a point, said point being the northeast corner of the B.G. Mars property as shown in
41 Deed Book 331, page 257; thence S89-33-31W a distance of 1389.57 feet to a point, said
42 point being the southwest corner of lot 15 of Settlers Mill Subdivision as shown in Plat
43 Book 126, page 111; thence N05-21-50E a distance of 489.02 feet to a point; thence S85-

1 44-59E a distance of 700.93 feet to a point said point being located on the west right-of-
2 way line of Grandale Drive; thence along said west right-of-way line of Grandale Drive
3 the following course and distance: N38 43-25W a distance of 34.17 feet to a point; thence
4 along a curve to the right said curve having a radius of 1667.08 feet an arc distance of
5 283.53 feet to a point; thence N 28-23-30W a distance of 582.66 feet to a point said point
6 also being the southeast corner of lot 1 as shown in Plat book 125, page 108; thence S46-
7 40-19W a distance of 210.23 feet to a point; thence S28-24-42W a distance of 434.31 feet
8 to a point; thence S36-17-05W a distance of 204.65 feet to a point; thence S07-10-04W a
9 distance of 262.15 feet to a point; thence S30-15-40W a distance of 273.15 feet to a
10 point; thence N86-10-26W a distance of 261.48 feet to a point, said point being the
11 southwest corner of tract 1 (one) as shown in Plat Book 122, page 15; thence N03-20-00E
12 a distance of 1337.42 feet to a point; thence N05-41-41E a distance of 705.42 feet to a
13 point said point being located on the new right-of-way line of Grandale Road and also
14 being the northwest corner of Grandale Forest Subdivision, Phase 1A, as shown in Plat
15 Book 125, page 108; thence continuing in a northerly direction along the West right-of-
16 way line of Grandale Road an approximate distance of 840 feet to a point, said point
17 being the southeast corner of tract 3; thence N83-57-26W across said Herndon Road a
18 distance of 60 feet to a point located at the southeast corner of tract 3, Block B, as shown
19 in Plat Book 71, page 24 In the Durham County Registry; thence N83-57-26W along the
20 south property line of said tract 3 a distance of 929.37 feet to a point located on the East
21 right-of-way line of Herndon Road and also being the southwest corner of tract 3; thence
22 N83-57-26W across said Herndon Road a distance of 60 feet to a point located at the
23 southeast corner of tract 3, Block A as shown in Plat Book 71, page 24; thence N16-35-
24 24E along the West right-of-way of said Herndon Road a distance of 360.68 feet to a
25 point; thence along a curve to the left said curve having a radius of 692.77 feet an arc
26 distance of 79.95 feet to a point; thence S83-57-26E a distance of 60 feet to a point said
27 point being located on the east right-of-way line of Herndon Road and also being the
28 northwest corner of tract 2 as shown in Plat book 71, page 24; thence S83-57-26E along
29 said north property line of tract 2 a distance of 273.26 feet to a point; thence N10-59-57E
30 a distance of 198.04 feet to a point; thence N89-36-44W a distance of 299.98 feet to a
31 point said point being located on the east right-of-way line of Herndon Road; thence in a
32 westerly direction across said Herndon Road an approximate distance of 60 feet to a point
33 located on the western right-of-way line of Herndon Road; thence along said west right-
34 of-way line along a curve to the left said curve having a radius of 692.77 feet an
35 approximate distance of 35 feet to a point; thence N06-51-32W a distance of 1033.77 feet
36 to a point said point being located at the point of intersection of the West right-of-way
37 line of Herndon Road and the South right-of-way line of Massey Chapel Road; thence in
38 a northeasterly direction across Barbee Road an approximate distance of 80 feet to a
39 point, said point being located on the North right-of-way line of Barbee Road and also
40 being located on the existing City limits line; thence along said right-of-way line and
41 existing City limits line the following courses and distances: S89-05-28E a distance of
42 93.60 feet to a point; thence S88-06-56E a distance of 85.30 feet to a point; thence S89-
43 03-11E a distance of 130.90 feet to a point; thence S88-45-12E a distance of 96.62 feet to

1 a point; thence N86-22-54E a distance of 96.52 feet to a point; thence N83-15-43E a
2 distance of 96.50 feet to a point; thence N79-19-20E a distance of 96.82 feet to a point;
3 thence N77-29-46E a distance of 96.54 feet to a point; thence N76-25-55E a distance of
4 361.96 feet to a point; thence N77-51-31E a distance of 45.16 feet to a point said point
5 being the southeast corner of tract I of the Raleigh Properties Annexation Map; thence
6 N81-05E a distance of 205.62 feet to a point said point being the southeast corner of lot
7 21 as being shown in Plat book 49 page 42 of the Durham County Registry and also
8 being the point of intersection of the north right-of-way of Barbee Road and the west
9 right-of-way line of Amherst Street; thence in a northeasterly direction across said
10 Amherst Street an approximate distance of 60 feet to a point said point being the
11 southwest corner of lot 21 of the aforementioned Plat book 49 page 42; thence N82-23-
12 00E along the north right-of-way line of Barbee Road a distance of 299.52 feet to a point;
13 thence along a curve to the left said curve having a radius of 884.86 feet an arc distance
14 of an approximate distance of 384.45 feet to a point of reverse curve to the right said
15 curve having a radius of 873.98 feet an arc distance of an approximate distance of 202.36
16 feet to a point located at the southeast corner of lot 15 as shown in Plat book 49 page 60
17 and also being the point of intersection of the north right-of-way line of Barbee Road and
18 the west right-of-way line of Grenfell Drive; thence across said Grenfell Drive and
19 approximate distance of 60 feet to a point being the southwest corner of lot 16 of the
20 aforementioned Plat book; thence along a curve to the right said curve having a radius of
21 873.98 feet an arc distance of 177.00 feet to a point; thence N76-40-00E a distance of
22 266.2 feet to a point said point being the southeast corner of lot 19 as shown in Plat book
23 49 page 60; thence N04-11-00E an approximate distance of 135 feet to a point said point
24 being located in the existing City limits line; thence along the existing City limits line the
25 following courses and distances: southeasterly an approximate distance of 1920 feet to a
26 point; thence in a northerly direction a distance of 216 feet to a point said point being
27 located on the South right-of-way line of N. C. Highway 54; thence in a southeasterly
28 direction an approximate distance of 2060 feet to a point, said point being the northeast
29 corner of tract 3, section 1, Parkwood Subdivision as shown in Plat Book 36, page 18;
30 thence continuing along said existing City limits line in a southerly direction 200 feet to a
31 point, said point being located 200 feet from the South right-of-way line of N.C.
32 Highway 54; thence in an easterly direction along said parallel line a distance of 1370
33 feet to a point located in the center line of Northeast Creek; thence in a southwesterly
34 direction along said center line of Northeast Creek an approximate distance of 1300 feet
35 to a point located on the north property line of tract 1 as shown in Plat Book 91, page
36 154; thence leaving the existing City limits line N83-37-08W an approximate distance of
37 355 feet to a point, said point being the northwest corner of tract 1 as shown in Plat Book
38 122, page 41; thence S03-47-18W a distance of 604.81 feet to a point, said point being
39 the southwest corner of tract II as shown in Plat Book 122, page 141; thence S83-42-31E
40 a distance of 2072.45 feet to a point, said point being located on the West right-of-way
41 line of N.C. Highway 55; thence in a northeasterly direction along said West right-of-way
42 line an approximate distance of 630 feet to a point, said point being located on the
43 existing City limits line and also being the northeast corner of tract I as shown Plat Book

1 91, page 154; thence continuing along said City limits line in a easterly direction a
2 distance of 805.72 feet to a point, said point being the point and place of beginning.

3 The above description contains _____ acres. For further reference see Map
4 of "Parkwood Annexation," prepared by Robert W. Young, L. No. 1755 dated February
5 1994 and recorded in the office of the Register of Deeds of Durham County in Plat book
6 _____, page _____.

7 Sec. 6. This act becomes effective October 20, 1994. Any annexation
8 ordinance adopted on or after that date as to any of the territory described in Section 5 of
9 this act is void, but the city may adopt a resolution of intent to annex some or all of that
10 territory at any time after ratification of this act without adopting a resolution of
11 consideration.