

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-200
SENATE BILL 666

AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF RALEIGH, PROVIDING THAT THE CITY OF RALEIGH MAY BY RESOLUTION DEEM THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, AND TO ANNEX AN AREA TO THE VILLAGE OF PINEHURST.

The General Assembly of North Carolina enacts:

Section 1. Section 1(a) of S.L. 1997-432 reads as rewritten:

"(a) G.S. 160A-58.1(b) is amended by adding a new subdivision to read:

'(2a) If any territory proposed for annexation under this Part is an area that another city has agreed not to annex under an agreement with the annexing city under Part 6 of this Article, then the proximity to that other city shall not be considered in applying subdivision (2) of this subsection. This subdivision applies only where the annexing city is the Town of ~~Wake Forest~~. Wake Forest or the City of Raleigh."

Section 2. (a) G.S. 160A-485(a) reads as rewritten:

"(a) Any city is authorized to waive its immunity from civil liability in tort by the act of purchasing liability insurance. Participation in a local government risk pool pursuant to Article 23 of General Statute Chapter 58 shall be deemed to be the purchase of insurance for the purposes of this section. Immunity shall be waived only to the extent that the city is indemnified by the insurance contract from tort liability. No formal action other than the purchase of liability insurance shall be required to waive tort immunity, and no city shall be deemed to have waived its tort immunity by any action other than the purchase of liability insurance. If a city uses a funded reserve instead of purchasing insurance against liability for wrongful death, negligence or intentional damage to personal property, or absolute liability for damage to person or property caused by an act or omission of the city or any of its officers, agents, or employees acting within the scope of their authority and the course of their employment, the city council may adopt a resolution that deems the creation of a funded reserve to be the same as the purchase of insurance under this section. Adoption of such a resolution waives the city's governmental immunity only to the extent specified in the council's resolution, but in no event greater than funds available in the funded reserve for the payment of claims."

(b) This section applies to the City of Raleigh only.

Section 2.1. (a) The corporate limits of the Village of Pinehurst are extended by adding the following described areas:

A:

A certain tract or parcel of land in Mineral Springs Township, Moore County, North Carolina, owned by Casavant Homes, Inc., described by Moore County Tax Map and Parcel # 8564 12 75 7275 and 8564 16 83 2653 and described by a petition, filed with the Village Clerk of the Village of Pinehurst:

BEGINNING at the southwesternmost corner of the tract conveyed to G. Wilson Lea in Deed Book 254 at Page 475 of the Moore County Public Registry, the said beginning corner being located in the eastern right-of-way of U.S. Highway 15-501 and running thence from the beginning, with the eastern right-of-way of U.S. Highway 15-501 N. 16° 16' E. 150 feet to a new concrete monument in said eastern right-of-way; thence, leaving said right-of-way a new line S. 85° 27.5' E. 761.03 feet to a new concrete monument located in the G. Wilson Lea Tract as described in Deed Book 759 at Page 220; running thence S. 0°0' W. 135.94 feet to a marked pine tree in the northern right-of-way of a 30 foot access way; running thence N 89° 48' W. 150 feet to an existing iron pipe, the southwesternmost corner of the said parcel described in Deed Book 759 at Page 220; running thence N. 85°27.5' W. 652.72 feet to an existing iron pipe, the beginning corner, containing 2.62 acres, more or less, and being a portion of the Grantors parcels recorded in Deed Book 254 at Page 475 and Deed Book 759 at Page 220, both of the Moore County Public Registry and being more particularly shown on that certain plat entitled "Survey for Casavant Homes, Incorporated, dated December 17, 1993, prepared by Carl A. Samuelson, III, Registered Land Surveyors, Carthage, North Carolina.

B:

A certain tract or parcel of land in Mineral Springs Township, Moore County, North Carolina, being the land described in Deed Book 274, Page 528, and having a boundary described as follows:

BEGINNING at an existing iron stake on the south bank of the big ditch, the southeast corner of Black (DB 598, P 848) and running thence as the Black line, North 01° 05' West 1,382.28 feet, crossing Nick's Creek to an old iron pipe in an old road in front of an old house, thence North 04° 55' East 121.97 feet to a new iron stake set in the line of Sadler (DB 528, P 848); thence as the Sadler line, South 89° 41' East 682.98 feet to a tall iron pipe; thence North 07° 35' East 1,856.76 feet to an existing iron pipe [tie to NCGS "BUNCH" from this pipe is North 26° 23' 44" West 1,083.83 feet ground distance - NCGS "BUNCH" N=546,148.756 E=1, 667,542.648]; thence South 05° 12' West, 3,272.66 feet to an existing concrete monument on the north side of the big ditch, thence South 87° 08' West 1,556.45 feet to the BEGINNING, containing 96.01 acres, more or less, according to survey by Carl A. Samuelson, RLS, dated 1 November, 1993.

C:

A certain tract of land in Mineral Springs Township, Moore County, North Carolina, believed to be a part of the D.A. McKeithan Estate property, more particularly described as follows:

BEGINNING at an existing concrete monument, the southwest corner of Parcel #1 above and running thence as an extension of its eastern boundary South 05° 12' West to a point on the south bank of a big ditch in common with the Pinehurst Farms north boundary; running thence as the north line of the Pinehurst Farms line, up the ditch about 1980 feet to an old concrete monument on its south bank, a common corner with Parcel #1 above; thence as the reverse of the southern line of Parcel #1 above, North 87° 08' East slightly less than 1556.45 feet to the beginning.

(b) Until and unless the area annexed by this section becomes contiguous to the primary corporate limits of the Village of Pinehurst by future annexations, the corporate limits of the area annexed by this section shall be considered satellite corporate limits within the meaning of Part 4 of Article 4A of Chapter 160A of the General Statutes and they shall not be considered to be external boundaries for the purposes of Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes.

(c) Real and personal property in the territory annexed pursuant to this section is subject to municipal taxes as provided in G.S. 160A-58.10.

(d) This section becomes effective December 1, 1998.

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of October, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives