

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1580

Short Title: Municipal Deannexation. (Public)

Sponsors: Representative Starnes.

Referred to: Rules, Calendar, and Operations of the House.

April 18, 2007

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE MUNICIPALITIES TO DEANNEX PROPERTY BY
ORDINANCE FROM THEIR CORPORATE LIMITS IF THE DEANNEXATION
IS REQUESTED BY THE PROPERTY OWNER AND THE AREA TO BE
DEANNEXED IS THREE HUNDRED ACRES OR LESS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4A of Chapter 160A of the General Statutes is amended by adding a new Part to read:

"Part 7. Deannexation.

"§ 160A-58.30. Deannexation by petition.

(a) Petition. – The governing board of any municipality may deannex by ordinance any area of 300 acres or less that is part of the municipality upon presentation to the governing board of a petition signed by the owners of all the real property located within the area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) Form of Petition. – The petition shall be prepared in substantially the following form:

DATE:

To the _____ (name of governing board) of the (City or Town)

of _____

1. We the undersigned owners of real property respectful request that the area described in paragraph 2 below be deannexed to the (City or Town) of _____

2. The area to be deannexed is part of the (City or Town) of _____ and the boundaries of such territory are as follows:

(c) Public Hearing. – Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of deannexation,

1 and shall cause notice of the public hearing to be published once in a newspaper having
2 general circulation in the municipality at least 10 days prior to the date of the public
3 hearing; provided, if there be no such paper, the governing board shall have notices
4 posted in three or more public places within the area to be deannexed and three or more
5 public places within the municipality.

6 (d) Authority to Enact Ordinance. – At the public hearing all persons owning
7 property in the area to be deannexed who allege an error in the petition shall be given an
8 opportunity to be heard, as well as residents of the municipality who question the
9 necessity for deannexation. The governing board shall then determine whether the
10 petition meets the requirements of this section. Upon a finding that the petition meets
11 the requirements of this section, the governing board shall have authority to pass an
12 ordinance deannexing the territory described in the petition. The governing board shall
13 have authority to make the deannexing ordinance effective immediately or on any
14 specified date within six months from the date of passage of the ordinance.

15 (e) Effect of Deannexation. – From and after the effective date of the
16 deannexation ordinance, the territory and its citizens and property shall not be subject to
17 the debts, laws, ordinances and regulations in force in such municipality , but shall
18 continue to be subject to any debts for taxes incurred prior to the effective date of the
19 ordinance."

20 **SECTION 2.** This act is effective when it becomes law.