

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE DRS55104-LBx-189* (03/01)

Short Title: Alamance/Orange 9% Boundary.

(Local)

Sponsors: Senators Gunn and Kinnaird (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections within and among Alamance County, Orange County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled "Uncertain or Disputed Boundary," both county boards of commissioners passed resolutions (Alamance County, December 17, 2007, and Orange County, January 18, 2008) to request that North Carolina Geodetic Survey (NCGS) perform a preliminary resurvey and present a proposed map for consideration by both counties.

SECTION 2. The Alamance County Board of Commissioners agreed, by vote on April 21, 2008, and the Orange County Board of Commissioners on May 20, 2008, to approve authorizing NCGS to conduct the preliminary survey and the placing of monuments by NCGS consistent with their research to form a boundary baseline. On July 8, 2010, the North Carolina General Assembly enacted S.L. 2010-61, which enabled Alamance County and Orange County to transition properties between the two counties for the purpose of recommending to the North Carolina General Assembly a mutually agreed upon boundary line between the two counties.

SECTION 3. Following an extended process pursuant to the terms of S.L. 2010-61, Alamance County and Orange County have agreed upon and have recommended the General Assembly, through a separate local act, establish and adopt ninety-one percent (91%) of the boundary line separating Alamance County and Orange County.

SECTION 4. The Alamance County and Orange County Boards of Commissioners require further time to determine the most appropriate location of the final nine percent (9%) of the boundary line separating Alamance County and Orange County in order to make a final recommendation to the General Assembly. The Alamance County Board of Commissioners at its regular meeting December 6, 2010, and the Orange County Board of Commissioners at its regular meeting December 14, 2010, mutually agreed upon ninety-one percent (91%) of the



1 boundary line. The remaining nine percent (9%) portion of the boundary line not described and
2 approved by the county commissioners at their respective meetings December 6, 2010, and
3 December 14, 2010, shall be resurveyed as set out in Section 5(b) of this act.

4 **SECTION 5.(a)** The Alamance County and Orange County Boards of
5 Commissioners may review the remaining nine percent (9%) of the boundary separating the
6 two counties and shall determine, in their discretion, the most appropriate location for a
7 boundary line separating the two counties along the remaining nine percent (9%) of the
8 boundary area. The Boards of Commissioners shall make the determination of the most
9 appropriate location for a boundary line on or before October 31, 2011.

10 **SECTION 5.(b)** Alamance County and Orange County shall cause areas within the
11 nine percent (9%) of the boundary area to be surveyed for purposes of locating a boundary line.
12 The counties shall not be responsible for the costs of such surveys where owners of property
13 located within the remaining nine percent (9%) of the boundary area request their property, or
14 any portion thereof, be located within a specific county. All such surveys shall be completed
15 by January 31, 2012. A lien in the form of a tax lien under Chapter 105 of the General Statutes
16 may be placed on an owner's property to recover the costs of any surveys for which the
17 counties have advanced funds, and said lien may be enforced under the laws available for the
18 collection of taxes. A lien for this purpose may also be placed on any property involved in a
19 transition in whole or in part from one county to the other pursuant to S.L. 2010-61 or any other
20 local act regarding the establishment of the Alamance County/Orange County boundary line.

21 **SECTION 5.(c)** The Alamance County and Orange County Boards of
22 Commissioners shall, prior to the reconvening of the 2011 Regular Session of the General
23 Assembly in 2012, submit a recommendation in the form of a local bill for the location of a
24 final boundary line along the remaining nine percent (9%) of the area separating the two
25 counties.

26 **SECTION 5.(d)** All owners of property within the remaining nine percent (9%) of
27 the boundary area shall be notified in writing via first class United States mail not less than 30
28 days prior to a public hearing being conducted

29 **SECTION 5.(e)** Any such owners of property shall have the right to address the
30 Alamance County and Orange County Boards of Commissioners regarding the status of their
31 property located within the nine percent (9%) area, as that status relates to the Alamance
32 County/Orange County boundary, at any public regularly scheduled meeting at which public
33 comment is traditionally accepted.

34 **SECTION 6.** The establishment of a county boundary line is, pursuant to Section 1
35 of Article VII of the North Carolina Constitution, the responsibility of the North Carolina
36 General Assembly. Further, it is vital to the State of North Carolina and all affected local
37 governments that county boundary lines be fixed and any uncertainty as to the location of
38 county boundary lines be resolved. For this reason and in the interest of justice, neither
39 Alamance County nor Orange County, nor any agent, employee, or appointed or elected
40 official, shall be liable to any individual, group, organization, for-profit or not-for-profit
41 business entity of any kind, of governmental entity or agency of any type or kind for any
42 damages, costs, fees, or fines, and no court action shall be maintained against said counties,
43 agents, employees, or officials for any recommendation, act, failure to act, or conduct related to
44 S.L. 2010-61, any pending local bill which subsequently becomes law related to the location of
45 the Alamance County/Orange County Boundary Line, this act, or the adoption of a fixed
46 boundary line separating the two counties. Effective upon this act becoming law, Alamance
47 County and Orange County, their officials, employees, and agents are released from all liability
48 for any claims made, and no court action shall be maintained against said counties, officials,
49 employees, and agents for any act or failure to act pursuant to the terms of this act or S.L.
50 2010-61, and no further relief shall be granted or cause of action sustained except as provided
51 herein.

1 **SECTION 7.** Pending the establishment of a final boundary line separating
2 Alamance County and Orange County, the two counties shall maintain, in the nine percent
3 (9%) boundary area, the currently recognized boundary line for all governmental purposes,
4 including, but not limited to, taxation, elections, emergency services, zoning, and education.
5 **SECTION 8.** This act is effective when it becomes law.