

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 289
House Committee Substitute Favorable 6/26/17

Short Title: Various Deannexations.

(Local)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT REMOVING CERTAIN DESCRIBED TERRITORY FROM THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND THE CITY OF KINSTON AND TO REQUIRE THAT VOLUNTARY ANNEXATION IS NOT CONTINGENT ON RECEIVING CITY SERVICES IN THE CITY OF KINSTON.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is removed from the corporate limits of the Town of Sunset Beach:

BEING ALL THAT CERTAIN lot or parcel of land lying and being located in Shallotte Township, Brunswick County, North Carolina, and being more particularly described as follows:

BEGINNING at a 1/2" rebar set in the eastern right-of-way of NC Highway 904 (60-foot right-of-way), said rebar having NC grid coordinates (NAD 83/86) of N = 56,756.6469' and E = 2,154,937.6319'; thence from said point and place of BEGINNING North 87°15'02" East, a distance of 127.37 feet to a 1/2" rebar set; thence North 79°27'13" East, a distance of 94.01 feet to a 1/2" rebar set; thence along a curve to the left having a radius of 189.50 feet, an arc length of 42.57 feet, and a chord bearing and distance of North 73°01'03" East, a distance of 42.48 feet to a 1/2" rebar set; thence North 66°34'53" East, a distance of 924.41 feet to a 1/2" rebar set; thence South 08°40'20" East, a distance of 542.20 feet to a point in the center of Calabash Creek; thence with the run of Calabash Creek the following seven calls: (1) South 66°23'43" West, a distance of 50.49 feet to a point; (2) South 63° 31'28" West, a distance of 34.25 feet to a point; (3) South 63°41'31" West, a distance of 62.72 feet to a point; (4) South 50°34'20" West, a distance of 74.29 feet to a point; (5) South 59°44'42" West, a distance of 55.60 feet to a point; (6) South 62°31'45" West, a distance of 97.58 feet to a point; and (7) South 65°42'52" West, a distance of 60.39 feet to a point; thence leaving said Calabash Creek North 09°17'38" West, a distance of 530.44 feet to a 1/2" rebar set; thence South 66°34'53" West, a distance of 484.18 feet to a 1/2" rebar set; thence along a curve to the right having a radius of 239.50 feet, an arc length of 53.81 feet, and a chord bearing and distance of South 73°01'03" West, a distance of 53.69 feet to a 1/2" rebar set; thence South 79°27'13" West, a distance of 133.32 feet to a 1/2" rebar set; thence South 72°51'33" West, a distance of 88.22 feet to a 1/2" rebar set in the eastern right-of-way of NC Highway 904; thence with the eastern right-of-way of NC Highway 904 the following two calls: (1) North 09°57'05" West, a distance of 41.07 feet to a 1/2" rebar set; and (2) North 10°02'08" West, a distance of 36.34 feet to a 1/2" rebar set, being the point and place of BEGINNING, containing 6.22 acres, more or less, as shown on a survey entitled "ALTA/ACSM Land Title Survey For: Sunset Creek Commons" prepared by Norris & Ward Land Surveyors, P.A., dated June 17, 2015.



1 **SECTION 1.(b)** This section becomes effective June 30, 2017. Property in the
2 territory described in this section as of January 1, 2017, is no longer subject to municipal taxes
3 for taxes imposed for taxable years beginning on or after July 1, 2017.

4 **SECTION 2.(a)** The following described property, referenced by the Lenoir
5 County Tax Office Parcel Identification Number, is removed from the corporate limits of City
6 of Kinston:

7 2783, 37414, 37415, 37416, 37417, 37418, 37419, 37420, 2233, 2510, 3928, 1499,
8 2246, 2239, 1522, 3824, 1621, 1633, 3246, 3920, 1535, 2242, 2243, 2473, 3405, 29150, 2771,
9 29151, 2152, 35514, 2256, 35220, 35219, 2247, 2188, 2062, 2244, 2245, 2638, 2843, 2705,
10 1811, 3287, 3318, 2023, 2240, 2960, 2431, 3352, 1786, 2474, 2933, 3893, 32017, 2045, 3912.

11 **SECTION 2.(b)** The City of Kinston shall not amend, enforce, or otherwise seek to
12 force any party to abide by the terms and conditions of the sewer service agreement recorded in
13 Book 802, Page 905, of the Lenoir County Register of Deeds.

14 **SECTION 2.(c)** This section becomes effective June 30, 2017. Property in the
15 territory described in this section as of January 1, 2017, is no longer subject to municipal taxes
16 for taxes imposed for taxable years beginning on or after July 1, 2017.

17 **SECTION 3.(a)** G.S. 160A-31(a) reads as rewritten:

18 "(a) The governing board of any municipality may annex by ordinance any area
19 contiguous to its boundaries upon presentation to the governing board of a petition signed by
20 the owners of all the real property located within such area. The petition shall be signed by each
21 owner of real property in the area and shall contain the address of each such ~~owner.~~ owner and
22 a statement that the owner's petition for annexation is not based upon any representation by the
23 municipality that a public enterprise service available outside the corporate limits of that
24 municipality would be withheld from the owner's property without the petition for annexation."

25 **SECTION 3.(b)** G.S. 160A-58.1(c) reads as rewritten:

26 "(c) The petition shall contain the names, addresses, and signatures of all owners of real
27 property within the proposed satellite corporate limits (except owners not required to sign by
28 subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall
29 have attached thereto a map showing the area proposed for annexation with relation to the
30 primary corporate limits of the annexing city. The petition shall also contain a statement from
31 the owner that the owner's petition for annexation is not based upon any representation by the
32 municipality that a public enterprise service available outside the corporate limits of that
33 municipality would be withheld from the owner's property without the petition for annexation.
34 When there is any substantial question as to whether the area may be closer to another city than
35 to the annexing city, the map shall also show the area proposed for annexation with relation to
36 the primary corporate limits of the other city. The city council may prescribe the form of the
37 petition."

38 **SECTION 3.(c)** This section applies only to the City of Kinston.

39 **SECTION 3.(d)** This section is effective when it becomes law.

40 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
41 law.