

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**SENATE BILL 215
PROPOSED COMMITTEE SUBSTITUTE S215-PCS35323-RW-30**

Short Title: Robbins Deannexation.

(Local)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Robbins are reduced by deannexing the following described parcels:

Lying and being in Bensalem Township, Moore County, Robbins, North Carolina, and being more particularly described as follows:

TRACT ONE: Beginning at the center of the intersection of Highways #27 and #705, leading to Robbins, N.C., running thence as Highway #27 South 88 East 263 feet to a point in the center of said highway; thence North 3 East 186.5 feet to an iron stake; then South 81 1/4 West 333 feet to the center of Highway #705; thence as the center of said highway South 20 East 136.5 feet to the beginning, containing 1 acre, more or less.

TRACT TWO: On the north side of Highway No. 27, Beginning at a stake by a pine pointer, and runs thence South 84 West 3.33 chains to a stake; thence South 1 West 57 links to a stake, thence South 80 East 1.43 chains to an iron stake; thence South 3 West 2.84 chains to the center of Highway No. 27; thence with the center of said Highway South 86 East 1.95 chains, thence North 1 East 4.03 chains to the beginning, containing .8 acres, more or less.

For further reference see Deed Book 134, Page 160 in the Moore County Registry.

SECTION 2. This act shall not affect the duty to pay taxes for any prior year and shall not eliminate any liens for taxes for prior years.

SECTION 3. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the Town of Robbins is granted certain contract powers as follows:

- (1) The Town of Robbins may, by agreement, limit the circumstances under which that certain property described in Section 1 (the "Property") of this act may be involuntarily annexed by the Town under the General Statutes as they now exist or may be subsequently amended. The Town of Robbins shall not seek to repeal this act upon its approval by the General Assembly. Nothing in this act impairs the right of the General Assembly to annex the property by special local act. That agreement may include, among others, these provisions: that the Town of Robbins provide utility services to the Property at nonresident out-of-town rates; that so long as the Property is not



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1 annexed to the Town of Robbins the owner of the Property will pay to the
2 Town an amount equivalent to the property tax that would be paid if the
3 Property were in the city limits of the Town, including any other taxes
4 normally collected with the property tax, including, but not limited to the
5 Fire District tax and ALS tax; and that the agreement is perpetual and
6 binding on the owner of the Property, the Town, and their successors and
7 assigns, and may be recorded in the Moore County Registry.

8 (2) Any agreement entered into as provided in subdivision (1) of this section is
9 deemed by this act to be commercial and proprietary in nature and is
10 specifically determined to be consistent with the public policy of the State of
11 North Carolina.

12 (3) Any agreement entered into as provided in subdivision (1) of this section is a
13 continuing agreement and is binding on and enforceable against the current
14 and future members of the Board of Commissioners of the Town of Robbins
15 during the full term of such agreement and any extension thereof.

16 (4) The parties to any agreement entered into as provided in subdivision (1) of
17 this section are authorized by this section to modify, amend, and extend such
18 agreement on mutual written consent, without the approval of the General
19 Assembly, provided that any such modification or amendment does not
20 materially alter the concept of the agreement.

21 **SECTION 4.** The Town of Robbins may accept, as consideration for such
22 agreement, "payments in lieu of taxes" and may agree to provide to the Property ongoing
23 response and protection by the Robbins Police Department. The jurisdiction of the Robbins
24 Police Department shall extend to the Property.

25 **SECTION 5.** The agreement under subdivision (1) of Section 3 of this act shall
26 apply to the Property described in Section 1 of this act.

27 **SECTION 6.** No portion of the Property shall be subject to involuntary annexation
28 or designation as an urban tax district or otherwise subjected to the power of a municipal taxing
29 authority by the Town of Robbins or any other town or municipality or consolidated
30 government during the term of the agreement referred to in Section 1 of this act, but payments
31 in lieu of taxes do not constitute being subject to the power of municipal taxing authority.

32 **SECTION 7.** This act is effective when it becomes law.