

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

D

**SENATE BILL 315
PROPOSED COMMITTEE SUBSTITUTE S315-PCS35193-RF-7**

Short Title: Southport Annexation Agreement.

(Local)

Sponsors:

Referred to:

February 26, 2009

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION
2 AGREEMENT.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding any applicable provision of the General Statutes or
6 any other public or local law, the City of Southport is granted certain contract powers as
7 follows:

- 8 (1) To enter into an agreement with Carolina Power and Light Company, a
9 North Carolina corporation doing business as Progress Energy Carolinas,
10 Inc., and with the North Carolina Eastern Municipal Power Agency, a joint
11 agency organized and existing under Chapter 159B of the General Statutes,
12 whereby the City of Southport may provide that certain property more
13 particularly described in the agreement may not be involuntarily annexed by
14 the City prior to January 1, 2073, under the General Statutes as they now
15 exist or may be subsequently amended, except as may be provided in that
16 agreement. The City of Southport shall not seek to repeal this act.
- 17 (2) Any agreement entered into as provided in subdivision (1) of this section is
18 deemed to be proprietary and commercial in nature and is specifically
19 determined to be consistent with the public policy of the State of North
20 Carolina.
- 21 (3) Any agreement entered into as provided in subdivision (1) of this section is a
22 continuing agreement and is binding on and enforceable against the current
23 and future members of the governing board of the City of Southport during
24 the full term of such agreement and any extension thereof.
- 25 (4) The parties to any agreement entered into as provided in subdivision (1) of
26 this section are authorized by this section to modify, amend, and extend such
27 agreement on mutual written consent, without the approval of the General
28 Assembly, provided that any such modification or amendment does not
29 materially alter the concept of the agreement.

30 **SECTION 2.** The City of Southport may accept as consideration for the agreement
31 discussed in Section 1 of this act the acquiescence by Carolina Power and Light Company, a
32 North Carolina corporation doing business as Progress Energy Carolinas, Inc., and the North
33 Carolina Eastern Municipal Power Agency, a joint agency organized and existing under



* S 3 1 5 - P C S 3 5 1 9 3 - C S R F - 7 *

1 Chapter 159B of the General Statutes in an annexation by the City of Southport of the areas
2 provided in that agreement.

3 **SECTION 3.** This act is effective when it becomes law and also applies to an
4 agreement dated August 27, 2008, that conforms with this act. That agreement is specifically
5 ratified by the General Assembly.