

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 871
Finance Committee Substitute Adopted 6/11/14
PROPOSED HOUSE COMMITTEE SUBSTITUTE S871-PCS35579-STx-123

Short Title: Raleigh/Durham/Deannexation/Annexation.

(Local)

Sponsors:

Referred to:

May 29, 2014

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM AND TO MAKE CHANGES TO S.L. 2013-386.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The following described property is removed from the corporate limits of the City of Raleigh:

PIN 0768-39-2255 (0.35 acre)

PIN 0768-39-4288 (0.07 acre)

PIN 0768-39-6587 (0.65 acre).

SECTION 1.(b) This section has no effect upon the validity of any liens of the City of Raleigh for ad valorem taxes or special assessments outstanding before the effective date of this act. Such liens may be collected or foreclosed upon after the effective date of this act as though the property were still within the corporate limits of the City of Raleigh.

SECTION 1.(c) The following described property is added to the corporate limits of the City of Durham:

PIN 0768-39-2255 (0.35 acre)

PIN 0768-39-4288 (0.07 acre)

PIN 0768-39-6587 (0.65 acre).

SECTION 1.(d) This section becomes effective June 30, 2014.

SECTION 2. G.S. 160A-329(b) reads as rewritten:

"(b) For purposes of this section, prior to the effective date of the annexation of the property, the term "municipal services" only means water ~~or~~and sewer services, but only if the municipality has water ~~or~~and sewer capacity. For purposes of this section, prior to or after the effective date of annexation into a municipality, for any property subject to a declaration of covenants, conditions, and restrictions of a subdivision that permits an association to enter into agreement with utility providers prior to July 1, 2014, "municipal services" includes water service but not sewer service despite any language to the contrary in an executed and recorded utility extension agreement. For purposes of this section, prior to the effective date of annexation, the term "municipal services" specifically does not include any of the following services of the municipality: police protection, fire protection, solid waste services, or street maintenance services."

SECTION 3. Section 2 of S.L. 2013-386 reads as rewritten:



* S 8 7 1 - P C S 3 5 5 7 9 - S T X - 1 2 3 *

1 "SECTION 2. Effective June 3, 2023, the corporate limits of the City of Durham are
2 extended by adding the following described property:

3 ~~COLVARD FARMS TRACT~~

4 ~~Beginning at an iron pin at the northeastern corner of the United States of America situated on~~
5 ~~the western right of way of N.C. Highway 751, said point being located N 34 deg.19'27" W,~~
6 ~~1034.39 ft. from North Carolina Geodic Survey monument "Lucas" having NAD 1983~~
7 ~~coordinates of North 771,088.0540, and East 2,016,390.0780; thence from the point of~~
8 ~~Beginning leaving the western right of way of N.C. Highway 751 along the northern line of~~
9 ~~United States of America, S 38 deg.41'06"W, 378.28 ft. to an iron pin; thence S 09~~
10 ~~deg.12'15"W, 261.17 ft. to an iron pin; thence S 09 deg.12'15"W, 316.59 ft. to an iron pin;~~
11 ~~thence S 45d eg.38'27"W, 341.73 ft. to a point in the centerline of a stream; thence S 07~~
12 ~~deg.47'55"W, 517.91 ft. to an iron pin in a Duke Energy Company easement; thence S 70 deg.~~
13 ~~27'24"W, 211.58 ft. to an iron pin at the northeastern corner of Jeffrey W. Massey; thence~~
14 ~~along the northern line of Jeffrey W. Massey and Lloyd Allen Massey, N 88 deg.45'27"W,~~
15 ~~1133.83 ft. to 5/8" diameter iron pipe; thence S 16 deg.24'44"W, 156.24 ft. to a point in the~~
16 ~~northern line of Cleo Cole, et al; thence S 86 deg.55'26"W, 403.22 ft. to an iron pin; thence~~
17 ~~leaving the northern line of Cleo Cole, et al, along the eastern line of Colvard Farms~~
18 ~~Homeowners Association, N 01 deg.49'11"E, 214.46 ft. to an iron pin; thence N 00 deg.~~
19 ~~30'28"W, 214.46 ft. to an iron pin; thence N 02 deg.41'48"W, 106.32 ft. to a 3/4" diameter iron~~
20 ~~pipe at the southeastern corner of L&K Properties of NC, LLC; thence along the eastern line of~~
21 ~~L&K Properties, LLC and Walter J. Kozak, N 04 deg.59'54"W, 421.90 ft. to a 3/4" diameter~~
22 ~~pipe on the southern line of Millennium Commercial Properties, LLC; thence along the~~
23 ~~southern line of Millennium Commercial Properties, LLC, N 87 deg.53'31"E, 480.87 ft. to a~~
24 ~~point; thence N 01 deg. 40'48"E, 97.74 ft. to an iron pin; thence N 88 deg.18'25"E, 4.94 ft. to a~~
25 ~~point; thence N 00 deg.23'08"E, 22.43 ft. to an iron pin; thence S 87 deg.52'37"W, 257.24 ft. to~~
26 ~~a 5/8" diameter iron pipe; thence N 17 deg.49'10"W, 650.46 ft. to a 3/4" diameter iron pipe on~~
27 ~~the southern line of United States of America; thence N 67 deg.58'57"E, 130.79 ft. to a 5/8"~~
28 ~~diameter pipe; thence N 54 deg.56'04"W, 389.78 ft. to a 5/8" diameter iron pipe; thence N 75~~
29 ~~deg.06'12"W, 185.89 ft. to a 3/4" diameter iron pipe on the southern line of Southern Durham~~
30 ~~Development, LLC; thence along the southern line of Southern Durham Development, LLC, S~~
31 ~~89 deg.29'57"E, 839.78 ft. to a 3/4" diameter iron pipe; thence S 89 deg.56'10"E, 670.70 ft. to~~
32 ~~an iron pin; thence S 89 deg.09'36"E, 909.21 ft. to a 1" diameter iron pipe; thence S 89~~
33 ~~deg.07'00"E, 269.18 ft. to a 3/4" diameter iron pipe on the western right of way of N.C.~~
34 ~~Highway 751; thence along the western right of way of N.C. Highway 751, S 35 deg.33'20" E,~~
35 ~~200.13 ft. to an iron pin; said point being the point and place of Beginning; containing 87.125~~
36 ~~acres and being a parcel situated near the southwestern corner of N.C. Highway 751 and the~~
37 ~~Chatham County line.~~

38
39 751 SOUTH ANNEXATION AREA TRACTS/PARCELS

40 A certain tract or parcel of land lying and being in the county of Durham, Triangle Township,
41 North Carolina, being more fully described as follows:

42 Commencing at NC Grid Monument "Martine" having NAD 83 North Carolina State Plane
43 values of $y = 236649.284\text{m}$ and $x = 613545.162\text{m}$; thence from said monument S $30^{\circ}57'01''\text{e}$,
44 for a distance of 768.77' to an existing iron pipe having North Carolina State Plane values of y
45 $= 236448.339\text{m}$ and $x = 613665.665\text{m}$ and being the true point of beginning; thence in a
46 northeasterly direction, N $57^{\circ}07'16''\text{e}$, for a distance of 34.66' to a point; thence with the line of
47 the center line of NC Highway 751, S $32^{\circ}52'44''\text{e}$, for a distance of 1,551.59' to a point; thence
48 in a generally northeasterly direction, N $57^{\circ}07'16''\text{e}$, for a distance of 32.72' to an existing iron
49 pipe; thence in a southeasterly direction, S $86^{\circ}16'29''\text{e}$, for a distance of 10.45' to an existing
50 iron pipe; thence with the line of now or formerly Chancellors Ridge HOA, S $86^{\circ}24'07''\text{e}$, for a
51 distance of 216.17' to an existing iron pipe; thence with the line of now or formerly Mary C.

1 Turner, S 00°26'30"w, for a distance of 335.16' to an existing iron pipe; thence in a
2 southwesterly direction, S 57°18'26"w, for a distance of 30.52'; thence with the center line of
3 NC Highway 751, S 32°41'34"e, for a distance of 118.62' to a point; thence continuing with
4 said line, S 33°02'59"e, for a distance of 731.00' to a point; thence continuing with said line, S
5 32°57'53"e, for a distance of 415.55' to a point; thence continuing with said line, S 32°56'08"e,
6 for a distance of 1,126.65' to a point; thence in a northwesterly direction, N 89°14'00"w, for a
7 distance of 36.68' to an existing iron pipe; thence with the line of now or formerly Seven Five
8 One Investments, LLC, N 89°14'00"w, for a distance of 268.97' to an existing iron pipe; thence
9 with the line of now or formerly Seven Five One Investments, LLC, N 89°29'56"w, for a
10 distance of 1,579.97' to an existing iron pipe; thence with the line of now or formerly Seven
11 Five One Investments, LLC, n89°30'43"w, for a distance of 839.77' to an existing iron pipe;
12 thence with the line of now or formerly United States of America, N 75°00'42"w, for a distance
13 of 519.06' to an existing concrete monument; thence continuing with said line, N 30°11'02"e,
14 for a distance of 1,029.17' to an existing concrete monument; thence continuing with said line,
15 N 38°16'43"w, for a distance of 784.32' to an existing iron pipe; thence continuing with said
16 line, S 86°37'55"e, for a distance of 642.69' to an existing iron pipe; thence continuing with
17 said line, N 16°46'38"w, for a distance of 176.43' to an existing iron pipe; thence with the line
18 of now or formerly United States of America, N 16°47'45"w, for a distance of 433.28' to an
19 existing iron pipe; thence continuing with said line, N 89°31'40"w, for a distance of 871.70' to
20 an existing iron pipe; thence continuing with said line, N 38°08'32"e, for a distance of 416.49'
21 to an existing iron pipe; thence continuing with said line, N 78°44'36"w, for a distance of
22 514.35' to an existing iron pipe; thence continuing with said line, N 16°19'20"e, for a distance
23 of 927.30' to an existing iron pipe; thence continuing with said line, N 44°29'56"e, for a
24 distance of 498.53' to an existing concrete monument; thence continuing with said line, S
25 73°14'47"e, for a distance of 857.25' to an existing iron pipe; thence continuing with said line,
26 S 86°33'52"e, for a distance of 24.92' to the point and place of beginning, containing 7,426,585
27 square feet or 170.491 acres, more or less according to survey entitled "Land Title Survey
28 Prepared for Southern Durham Development, Inc." dated December 2007 prepared by Jonathan
29 F. Murphy Pls 1-4382, with Murphy Geomatics located at 6308 J. Richard Drive, Raleigh, N.C.
30 27617, to which reference is made for a more perfect and complete description.

31 Also, a certain tract or parcel of land lying and being in the county of Durham, Triangle
32 Township, North Carolina, being more fully described as follows:

33 Commencing at NC Grid Monument "Martine" having NAD 83 North Carolina State Plane
34 values of $y = 236649.284\text{m}$ and $x = 613545.162\text{m}$; thence from said monument S 30°57'01"e,
35 for a distance of 768.77' to an existing iron pipe having North Carolina State Plane values of y
36 $= 236448.339\text{m}$ and $x = 613665.665\text{m}$ and being the true point of beginning; thence with the
37 line of the southwesterly right-of-way of NC Highway 751, S 32°52'44"e, for a distance of
38 1,507.27' to an existing iron pipe; thence continuing with said line, S 32°33'08"w, for a distance
39 of 210.87' to an existing iron pipe; thence continuing with said line, S 32°41'34"e, for a
40 distance of 366.69' to an existing iron pipe in the westerly right-of-way of NC Highway 751;
41 thence in a generally northwesterly direction, N 05°27'49"w, for a distance of 133.40' to an
42 existing iron pipe in the easterly right-of-way of NC Highway 751 and said iron pipe being the
43 point of beginning; thence with the line of the right-of-way of NC Highway 751, N
44 32°37'02"w, for a distance of 414.82' to an existing iron pipe; thence continuing with said line,
45 S 86°16'29"e, for a distance of 10.45' to an existing iron pipe; thence with the line of now or
46 formerly Chancellors Ridge HOA, S 86°24'07"e, for a distance of 216.17' to an existing iron
47 pipe; thence with the line of now or formerly Mary C. Turner, S 00°26'30"w, for a distance of
48 335.16' to the point and place of beginning, containing 37,918 square feet or 0.870 acres, more
49 or less according to survey entitled "Rezoning Plat Prepared for Seven Five One Investments,
50 LLC. of Colvard Farms Property" dated December 2007 prepared by Jonathan F. Murphy Pls

1 I-4382, with Murphy Geomatics located at 6308 J. Richard Drive, Raleigh, N.C.27617, to
2 which reference is made for a more perfect and complete description."

3 **SECTION 4.(a)** The City of Durham may annex the property described in Section
4 4(b) of this act under the following conditions:

5 (1) The City annexes the described property during the 180 days after June 3,
6 2023.

7 (2) The City annexes the described property in one of the following ways:

8 a. Under the process set forth in Article 4A of Chapter 160A of the
9 General Statutes.

10 b. Notwithstanding Article 4A of Chapter 160A of the General Statutes,
11 the City holds a public hearing on the question of annexation, upon at
12 least 10 days' notice published at least once in a newspaper having
13 general circulation in the City. At the public hearing, any person
14 resident or owning property in the area to be annexed or the City
15 shall be given an opportunity to be heard. The City Council may
16 then, in its sole discretion, approve or disapprove an ordinance
17 annexing the described property.

18 **SECTION 4.(b)** The City of Durham may extend its corporate limits in accordance
19 with Section 4(a) of this act by adding the following described property:
20

21 COLVARD FARMS TRACT

22 Beginning at an iron pin at the northeastern corner of the United States of America situated on
23 the western right-of-way of N.C. Highway 751, said point being located N 34 deg.19'27" W,
24 1034.39 ft. from North Carolina Geodic Survey monument "Lucas" having NAD 1983
25 coordinates of North 771,088.0540, and East 2,016,390.0780; thence from the point of
26 Beginning leaving the western right-of-way of N.C. Highway 751 along the northern line of
27 United States of America, S 38 deg.41'06"W, 378.28 ft. to an iron pin; thence S 09
28 deg.12'15"W, 261.17 ft. to an iron pin; thence S 09 deg.12'15"W, 316.59 ft. to an iron pin;
29 thence S 45 deg.38'27"W, 341.73 ft. to a point in the centerline of a stream; thence S 07
30 deg.47'55"W, 517.91 ft. to an iron pin in a Duke Energy Company easement; thence S 70 deg.
31 27'24"W, 211.58 ft. to an iron pin at the northeastern corner of Jeffrey W. Massey; thence
32 along the northern line of Jeffrey W. Massey and Lloyd Allen Massey, N 88 deg.45'27"W,
33 1133.83 ft. to 5/8" diameter iron pipe; thence S 16 deg.24'44"W, 156.24 ft. to a point in the
34 northern line of Cleo Cole, et al.; thence S 86 deg.55'26"W, 403.22 ft. to an iron pin; thence
35 leaving the northern line of Cleo Cole, et al., along the eastern line of Colvard Farms
36 Homeowners Association, N 01 deg.49'11"E, 214.46 ft. to an iron pin; thence N 00
37 deg.30'28"W, 214.46 ft. to an iron pin; thence N 02 deg.41'48"W, 106.32 ft. to a 3/4" diameter
38 iron pipe at the southeastern corner of L&K Properties of NC, LLC; thence along the eastern
39 line of L&K Properties, LLC, and Walter J. Kozak, N 04 deg.59'54"W, 421.90 ft. to a 3/4"
40 diameter pipe on the southern line of Millennium Commercial Properties, LLC; thence along
41 the southern line of Millennium Commercial Properties, LLC, N 87 deg.53'31"E, 480.87 ft. to a
42 point; thence N 01 deg.40'48"E, 97.74 ft. to an iron pin; thence N 88 deg.18'25"E, 4.94 ft. to a
43 point; thence N 00 deg.23'08"E, 22.43 ft. to an iron pin; thence S 87 deg.52'37"W, 257.24 ft. to
44 a 5/8" diameter iron pipe; thence N 17 deg.49'10"W, 650.46 ft. to a 3/4" diameter iron pipe on
45 the southern line of United States of America; thence N 67 deg.58'57"E, 130.79 ft. to a 5/8"
46 diameter pipe; thence N 54 deg.56'04"W, 389.78 ft. to a 5/8" diameter iron pipe; thence N 75
47 deg.06'12"W, 185.89 ft. to a 3/4" diameter iron pipe on the southern line of Southern Durham
48 Development, LLC; thence along the southern line of Southern Durham Development, LLC, S
49 89 deg.29'57"E, 839.78 ft. to a 3/4" diameter iron pipe; thence S 89 deg.56'10"E, 670.70 ft. to
50 an iron pin; thence S 89 deg.09'36"E, 909.21 ft. to a 1" diameter iron pipe; thence S 89
51 deg.07'00"E, 269.18 ft. to a 3/4" diameter iron pipe on the western right-of-way of N.C.

1 Highway 751; thence along the western right-of-way of N.C. Highway 751, S 35 deg.33'20" E,
2 200.13 ft. to an iron pin; said point being the point and place of Beginning; containing 87.125
3 acres and being a parcel situated near the southwestern corner of N.C. Highway 751 and the
4 Chatham County line.

5 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
6 law.