

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**HOUSE BILL 911
Committee Substitute Favorable 5/15/24
PROPOSED SENATE COMMITTEE SUBSTITUTE H911-PCS10582-STxfr-64**

Short Title: Various Local Provisions II. (Local)

Sponsors:

Referred to:

April 25, 2024

1 A BILL TO BE ENTITLED
2 AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORIES; TO ANNEX CERTAIN
3 DESCRIBED TERRITORIES; AND TO MAKE OTHER CHANGES TO VARIOUS
4 LOCAL LAWS.

5 The General Assembly of North Carolina enacts:

6
7 **TOWN OF ANDREWS DEANNEXATION**

8 **SECTION 1.(a)** The following described property is removed from the corporate
9 limits of the Town of Andrews:

10 Tract 1 of Parcel 2 as described in Exhibit A in the North Carolina General Warranty
11 Deed filed with the Cherokee County Register of Deeds, Book 1426, Page 1017.

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

16 **SECTION 1.(c)** This section becomes effective June 30, 2024. Property in the
17 territory described in this section as of January 1, 2024, is no longer subject to municipal taxes
18 for taxes imposed for taxable years beginning on or after July 1, 2024.

19
20 **CITY OF ASHEVILLE DEANNEXATION**

21 **SECTION 2.(a)** The following described property, identified by Buncombe County
22 Tax Property Identification Numbers, is removed from the corporate limits of the City of
23 Asheville: 965444585500000 and 965444792300000.

24 **SECTION 2.(b)** This section has no effect upon the validity of any liens of the City
25 of Asheville for ad valorem taxes or special assessments outstanding before the effective date of
26 this section. Such liens may be collected or foreclosed upon after the effective date of this section
27 as though the property were still within the corporate limits of the City of Asheville.

28 **SECTION 2.(c)** This section becomes effective June 30, 2024. Property in the
29 territory described in this section as of January 1, 2024, is no longer subject to municipal taxes
30 for taxes imposed for taxable years beginning on or after July 1, 2024.

31
32 **TOWN OF BEAUFORT LEASES**

33 **SECTION 3.(a)** Notwithstanding the provisions of G.S. 160A-272, the Town of
34 Beaufort may lease any or all of the real property owned by the Town or under the control of the
35 Town, together with all littoral and riparian rights appurtenant thereto, in the area south of Front



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1 Street to Taylor Creek, upon such terms and conditions as the Town's Board of Commissioners
2 may determine, for longer than 10 years as long as it follows the requirements of G.S. 160A-272
3 for leases of 10 years or less if the Town's Board of Commissioners determines that the real
4 property will not be needed by the Town for the term of the lease.

5 **SECTION 3.(b)** Notwithstanding the provisions of G.S. 160A-272, the Town of
6 Beaufort may renew or extend any lease entered into under subsection (a) of this section for
7 periods longer than 10 years as long as it follows the requirements of G.S. 160A-272 for leases
8 of 10 years or less if the Town's Board of Commissioners determines that the real property will
9 not be needed by the Town for the term of the renewal or extension.

10 **SECTION 3.(c)** Chapter 371 of the 1979 Session Laws is repealed.

11 **SECTION 3.(d)** Chapter 100 of the 1983 Session Laws is repealed.

12 **SECTION 3.(e)** Section 2 of Chapter 1199 of the 1981 Session Laws shall not apply
13 to any real property described in subsection (a) of this section.

14 **SECTION 3.(f)** This section is effective when it becomes law and applies to property
15 owned, acquired, or controlled on or after that date and to leases entered into or renewed or
16 extended on or after that date.

17 18 **CITY OF BOILING SPRING LAKES DEANNEXATIONS**

19 **SECTION 4.(a)** The following described properties are removed from the corporate
20 limits of the City of Boiling Spring Lakes, as identified by Brunswick County Parcel
21 Identification Numbers: 208915742849, 208916838833, 208916846076, 208916930807,
22 217012868467, and 11300039. Parcel 11300039 is further described as: Being all of Lot 47,
23 Section 24, pursuant to a map titled "Boiling Spring Lakes, Section 24, Investment Tracts", as
24 prepared by Gerrit C. Greer, Reg. Land Surveyor, said map being recorded in Book G of Maps
25 at Page 111, Brunswick County Registry.

26 **SECTION 4.(b)** This section has no effect upon the validity of any liens of the City
27 of Boiling Spring Lakes for ad valorem taxes or special assessments outstanding before the
28 effective date of this section. Such liens may be collected or foreclosed upon after the effective
29 date of this section as though the property were still within the corporate limits of the City of
30 Boiling Spring Lakes.

31 **SECTION 4.(c)** The property in the territory described in this section shall not be
32 subject to the extraterritorial powers of any municipality.

33 **SECTION 4.(d)** This section becomes effective June 30, 2024. Property in the
34 territory described in this section as of January 1, 2024, is no longer subject to municipal taxes
35 for taxes imposed for taxable years beginning on or after July 1, 2024.

36 37 **TOWN OF EDENTON ANNEXATION**

38 **SECTION 5.(a)** The following described property is added to the corporate limits of
39 the Town of Edenton:

40 **TRACT I**

41 Being that 141.83 Acre tract as shown on "A SURVEY AND PLAT FOR THE STATE OF
42 NORTH CAROLINA – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH CAROLINA"
43 by Josiah A. Webb, III, Professional Land Surveyor, dated June 3, 2022, and recorded in Plat
44 Cabinet 3, Slide 6I, Chowan County Registry.

45 **TRACT II**

46 Being that 1.13 Acre tract labeled PARCEL ONE as shown on "A SURVEY AND PLAT
47 FOR THE CONSERVATION FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH
48 CAROLINA" by Josiah A. Webb, III, Professional Land Surveyor, dated January 27, 2022, and
49 recorded in Plat Cabinet 3, Slide 4H, Chowan County Registry.

50 **TRACT III**

1 Being that 19.06 Acre tract labeled PARCEL TWO as shown on "A SURVEY AND PLAT
2 FOR THE CONSERVATION FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH
3 CAROLINA" by Josiah A. Webb, III, Professional Land Surveyor, dated January 27, 2022, and
4 recorded in Plat Cabinet 3, Slide 4H, Chowan County Registry.

5 TRACT IV

6 Being that 1.76 Acre tract labeled PARCEL ONE as shown on "A SURVEY AND PLAT
7 FOR THE CONSERVATION FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH
8 CAROLINA" by Josiah A. Webb, III, Professional Land Surveyor, dated October 5, 2021, and
9 recorded in Plat Cabinet 3, Slide 3A, Chowan County Registry.

10 TRACT V

11 Being that 8.05 Acre tract labeled PARCEL TWO as shown on "A SURVEY AND PLAT
12 FOR THE CONSERVATION FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH
13 CAROLINA" by Josiah A. Webb, III, Professional Land Surveyor, dated October 5, 2021, and
14 recorded in Plat Cabinet 3, Slide 3A, Chowan County Registry.

15 TRACT VI

16 Being that 17.16 Acre tract labeled PARCEL THREE as shown on "A SURVEY AND PLAT
17 FOR THE CONSERVATION FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH
18 CAROLINA" by Josiah A. Webb, III, Professional Land Surveyor, dated October 5, 2021, and
19 recorded in Plat Cabinet 3, Slide 3A, Chowan County Registry.

20 TRACT VII

21 Being that 5.10 Acre tract shown on "A SURVEY AND PLAT FOR THE CONSERVATION
22 FUND – FIRST TOWNSHIP – CHOWAN COUNTY – NORTH CAROLINA" by Josiah A.
23 Webb, III, Professional Land Surveyor, dated October 5, 2021, and recorded in Plat Cabinet 3,
24 Slide 3B, Chowan County Registry.

25 **SECTION 5.(b)** This section becomes effective June 30, 2024. Property in the
26 territory described in this section as of January 1, 2024, is subject to municipal taxes for taxes
27 imposed for taxable years beginning on or after July 1, 2024.

29 CITY OF HENDERSONVILLE VACANCIES

30 **SECTION 6.(a)** Notwithstanding Section 3.3 of the Charter of the City of
31 Hendersonville, being Chapter 874 of the 1971 Session Laws, as amended by S.L. 2016-15, and
32 G.S. 160A-63, the following shall apply to vacancies on the City Council of Hendersonville:

- 33 (1) Any vacancy in the office of Mayor shall be filled by majority vote of the
34 members of the City Council from the membership of the City Council. The
35 successor shall serve the remainder of the unexpired term.
- 36 (2) Any vacancy in the office of City Council shall be filled by majority vote of
37 the Mayor and the remaining members of the City Council. The successor
38 shall serve for the remainder of the unexpired term.

39 **SECTION 6.(b)** This section is effective when it becomes law and applies to any
40 vacancy occurring on or after that date and before the organizational meeting of the City Council
41 following the municipal election for the City of Hendersonville in 2026.

43 TOWN OF LAUREL PARK SATELLITE ANNEXATION CAP REMOVAL

44 **SECTION 7.** G.S. 160A-58.1(b)(5) reads as rewritten:

- 45 "(5) The area within the proposed satellite corporate limits, when added to the area
46 within all other satellite corporate limits, may not exceed ten percent (10%)
47 of the area within the primary corporate limits of the annexing city.

48 This subdivision does not apply to the Cities of Archdale, Asheboro,
49 Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia,
50 Greenville, Hickory, Kannapolis, Kings Mountain, Locust, Lowell, Marion,
51 Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke

1 Rapids, Rockingham, Saluda, Sanford, Salisbury, Shelby, Southport,
 2 Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden,
 3 Belville, Benson, Bladenboro, Bridgeton, Bunn, Burgaw, Calabash, Carthage,
 4 Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell,
 5 Dallas, Dobson, Four Oaks, Franklin, Franklinton, Franklinville,
 6 Fuquay-Varina, Garner, Godwin, Goldston, Granite Quarry, Green Level,
 7 Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills,
 8 Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Laurel
 9 Park, Liberty, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan,
 10 Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant,
 11 Nashville, North Wilkesboro, Norwood, Oak Island, Oakboro, Ocean Isle
 12 Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ramseur, Ranlo,
 13 Richlands, Rockwell, Rolesville, Rutherfordton, Shallotte, Siler City,
 14 Smithfield, Spencer, Spring Lake, Stanley, Stem, Stovall, Surf City,
 15 Swansboro, Taylorsville, Troutman, Troy, Vass, Wallace, Warsaw, Watha,
 16 Waynesville, Weldon, Wendell, West Jefferson, Wilson's Mills, Windsor,
 17 Wingate, Yadkinville, Youngsville, and Zebulon."

18 19 TOWN OF NEWPORT DEANNEXATION

20 **SECTION 8.(a)** The following described property, identified by Carteret County
 21 Parcel Identification Number, is removed from the corporate limits of the Town of Newport:
 22 633920716415000.

23 **SECTION 8.(b)** This section has no effect upon the validity of any liens of the Town
 24 of Newport for ad valorem taxes or special assessments outstanding before the effective date of
 25 this section. Such liens may be collected or foreclosed upon after the effective date of this section
 26 as though the property were still within the corporate limits of the Town of Newport.

27 **SECTION 8.(c)** This section becomes effective June 30, 2024. Property in the
 28 territory described in this section as of January 1, 2024, is no longer subject to municipal taxes
 29 for taxes imposed for taxable years beginning on or after July 1, 2024.

30 31 TOWN OF NORTHWEST RESIDENCY DISTRICTS

32 **SECTION 9.(a)** Section 3.2 of the Charter of the City of Northwest, being Chapter
 33 222 of the 1993 Session Laws, is recodified as Section 4.2 of the Charter of the City of Northwest.

34 **SECTION 9.(b)** Chapter IV of the Charter of the City of Northwest, being Chapter
 35 222 of the 1993 Session Laws, as amended by Section 1(a) of this act, reads as rewritten:

36 "CHAPTER IV.

37 "ELECTIONS.

38 "Sec. 4.1. **Conduct of Town Elections.** The Town officers shall be elected on a nonpartisan
 39 basis, and the results determined by plurality as provided in G.S. 163-292. Elections shall be
 40 conducted by the Brunswick County Board of Elections.

41 "Sec. 4.2. **Manner of Electing Council.** The qualified voters of the entire City elect the
 42 members of the Council. To be eligible for election, a ~~person~~candidate must reside in the
 43 ~~City district for which that person is seeking election.~~

44 "Sec. 4.3. **Residency Districts.** For the purpose of conducting elections, the City shall be
 45 divided into geographical subdivisions known as residency districts. Districts 1, 2, and 4 shall be
 46 single-member districts, and District 3 shall be a two-member district. The residency districts
 47 may be revised by the Council from time to time."

48 **SECTION 9.(c)** Section 3.3 of the Charter of the City of Northwest, being Chapter
 49 222 of the 1993 Session Laws, reads as rewritten:

50 "Sec. 3.3. **Term of Office of Council Members.** Members of the Council are elected to
 51 four-year ~~terms except that of those elected at the initial election in 1993, the three highest vote~~

1 ~~getters who are elected shall serve for four-year terms and the next two highest vote getters shall~~
2 ~~serve for two-year terms. In 1995 and quadrennially thereafter, two members of the Council shall~~
3 ~~be elected for four-year terms. In 1997 and quadrennially thereafter, three members of the~~
4 ~~Council shall be elected for four-year staggered terms."~~

5 **SECTION 9.(d)** Nothing in this section shall affect the terms of office of any person
6 elected in 2021 or 2023 to the Council of the City of Northwest who shall continue to hold
7 at-large positions on the Council until the end of their term or a vacancy occurs due to resignation
8 or other causes.

9 **SECTION 9.(e)** In 2025 and quadrennially thereafter, three members of the Council
10 of the City of Northwest shall be elected, one member from each of Districts 1, 2, and 4, for
11 four-year terms. In 2027 and quadrennially thereafter, two members of the Council of the City
12 of Northwest shall be elected from District 3 for four-year terms.

13 **SECTION 9.(f)** This section is effective when it becomes law and applies to
14 elections held on or after that date.

15 16 **CITY OF SOUTHPORT ETJ**

17 **SECTION 10.(a)** Notwithstanding the provisions of G.S. 160D-202(a), the City of
18 Southport shall not exercise any of the powers granted to cities under Chapter 160D of the
19 General Statutes or its predecessor, Article 19 of Chapter 160A of the General Statutes, beyond
20 its contiguous corporate limits.

21 **SECTION 10.(b)** The relinquishment of jurisdiction over an area that the City of
22 Southport is regulating under the authority of Chapter 160D of the General Statutes or its
23 predecessor, Article 19 of Chapter 160A of the General Statutes, shall become effective July 1,
24 2024.

25 **SECTION 10.(c)** Upon relinquishment of jurisdiction over an area that the City of
26 Southport is regulating under the authority of Chapter 160D of the General Statutes or its
27 predecessor, Article 19 of Chapter 160A of the General Statutes, the following shall apply:

- 28 (1) The City's regulations and powers of enforcement shall remain in effect until
29 (i) Brunswick County has adopted the regulation or (ii) a period of 60 days
30 has elapsed following July 1, 2024, the date the relinquishment becomes
31 effective, whichever is sooner. Prior to the transfer of jurisdiction, Brunswick
32 County may hold hearings and take other measures consistent with
33 G.S. 160D-204 that may be required in order to adopt and apply its
34 development regulations for the area at the same time it assumes jurisdiction.
- 35 (2) Any person who has acquired vested rights in the City of Southport may
36 exercise those rights as if no change of jurisdiction had occurred. Brunswick
37 County, in acquiring jurisdiction over the area, may take any action regarding
38 the development approval, certificate, or other evidence of compliance that
39 could have been taken by the City of Southport pursuant to its development
40 regulations. Except as provided in this subdivision, any building, structure, or
41 other land use in an area over which Brunswick County has acquired
42 jurisdiction is subject to the development regulations of Brunswick County.

43 44 **BEAUFORT COUNTY LOCAL MATTERS**

45 **SECTION 11.(a)** Section 2 of S.L. 2022-34 reads as rewritten:

46 **"SECTION 2.** The Airport Authority shall consist of seven members appointed by the
47 ~~Washington City Council as provided in this section~~ to serve staggered three-year terms. Each
48 member shall take and subscribe an oath of office before the Clerk of Superior Court of Beaufort
49 County and file the same with the clerk to the board of the Beaufort County Commissioners and
50 the clerk to the board of the Washington City Council. Members of the Airport Authority may
51 be appointed to one or more successive terms by the ~~Washington City Council~~. appointing

1 ~~authority. The Washington City Council appointing authority shall fill any vacancies arising on~~
 2 ~~the Airport Authority. In appointing members or filling vacancies to Members of the Airport~~
 3 ~~Authority, the Washington City Council shall appoint members.~~ Authority shall be appointed as
 4 follows:

- 5 (1) ~~Two members.~~ One member appointed by the Washington City Council who
 6 shall be a registered voter of the City of Washington with aviation or
 7 drone experience in aviation or business management expertise.
- 8 (2) One member appointed by the Beaufort County Commissioners who shall be
 9 a registered voter of the County of Beaufort and of the City of
 10 ~~Washington.~~ Washington with business management or financial expertise.
- 11 (3) Two members appointed by the Beaufort County Commissioners who shall
 12 be registered voters of the County of Beaufort ~~with experience in aviation and~~
 13 ~~shall not be registered voters of the City of Washington.~~ Washington with
 14 aviation or drone experience.
- 15 (4) ~~One member shall be a registered voter of the County of Beaufort and shall~~
 16 ~~not be a registered voter of the City of Washington.~~
- 17 (5) ~~One member shall be a registered voter of the County of Beaufort and may be~~
 18 ~~a registered voter of the City of Washington.~~ Three members who shall be
 19 registered voters of the County of Beaufort selected and appointed by the
 20 remaining members of the Airport Authority."

21 **SECTION 11.(b)** The terms of all current members of the Washington-Warren
 22 Airport Authority shall expire October 1, 2024. Upon the expiration of those terms, appointments
 23 shall be promptly made to the Airport Authority as provided in Section 2 of S.L. 2022-34, as
 24 amended by this act, and, after establishing the staggered terms, all terms of office shall be for
 25 three years as provided in Section 2 of S.L. 2022-34, as amended by this act. If an appointing
 26 authority fails to make an initial appointment under subdivisions (1) through (3) of Section 2 of
 27 S.L. 2022-34, as amended by this act, by October 31, 2024, and the number of vacancies on the
 28 board is such that a quorum of the board cannot be obtained, the Clerk of Superior Court of
 29 Beaufort County may fill the vacancies upon the request of any remaining member of the Airport
 30 Authority. To implement staggering of the terms, the following shall apply:

- 31 (1) The member appointed by the Washington City Council shall serve a two-year
 32 term.
- 33 (2) One of the members appointed by the Beaufort County Commissioners shall
 34 serve a two-year term. One of the members appointed by the Beaufort County
 35 Commissioners shall serve a three-year term. One of the members appointed
 36 by the Beaufort County Commissioners shall serve a four-year term.
- 37 (3) One of the members selected and appointed by the remaining members of the
 38 Airport Authority shall serve a two-year term. One of the members selected
 39 and appointed by the remaining members of the Airport Authority shall serve
 40 a three-year term. One of the members selected and appointed by the
 41 remaining members of the Airport Authority shall serve a four-year term.

42 **SECTION 11.(c)** Section 16 of S.L. 2022-34 is repealed.

43
 44 **CURRITUCK COUNTY EMINENT DOMAIN**

45 **SECTION 12.(a)** G.S. 40A-3(b1) reads as rewritten:

46 "(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the
 47 public use or benefit, the governing body of each municipality or county shall possess the power
 48 of eminent domain and may acquire by purchase, gift or condemnation any property or interest
 49 therein, either inside or outside its boundaries, for the following purposes:

50 ...

1 The board of education of any municipality or county or a combined board may exercise the
2 power of eminent domain under this Chapter for purposes authorized by Chapter 115C of the
3 General Statutes.

4 The power of eminent domain shall be exercised by local public condemnors under the
5 procedures of Article 3 of this chapter.

6 This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach,
7 Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills,
8 Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine
9 Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village
10 of Bald Head Island. This subsection, excluding subdivision (11) of this subsection, applies to
11 Currituck County and the Towns of Duck and Southern Shores."

12 **SECTION 12.(b)** G.S. 40A-42(a)(2) reads as rewritten:

13 "(2) Modified Provision for Certain Localities. – When a local public condemnor
14 is acquiring property by condemnation for a purpose set out in
15 G.S. 40A-3(b1)(1), (4), (7), (10), or (11), or when a city is acquiring property
16 for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a
17 county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or
18 (3), or when a local board of education or any combination of local boards of
19 education is acquiring property for any purpose set forth in G.S. 115C-517, or
20 when a condemnor is acquiring property by condemnation as authorized by
21 G.S. 40A-3(c)(8), (9), (10), (12), or (13) title to the property and the right to
22 immediate possession shall vest pursuant to this subsection. Unless an action
23 for injunctive relief has been initiated, title to the property specified in the
24 complaint, together with the right to immediate possession thereof, shall vest
25 in the condemnor upon the filing of the complaint and the making of the
26 deposit in accordance with G.S. 40A-41.

27 This subdivision applies only to ~~Carteret~~ Carteret, Currituck, and Dare
28 Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach,
29 Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty
30 Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle
31 Beach, Pine Knoll Shores, Southern Shores, Sunset Beach, Surf City, Topsail
32 Beach, and Wrightsville Beach, and the Village of Bald Head Island."

33
34 **EFFECTIVE DATE**

35 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
36 law.