

ORDINANCE #98-22

AN ORDINANCE AMENDING THE ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE VILLAGE OF PINEHURST AND THE TOWN OF SOUTHERN PINES.

THAT WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Article 4A, Part 6 of G.S. Chapter 160A have been met; and

WHEREAS, the Village Council of the Village of Pinehurst has taken into consideration the statements presented at the public hearing held on the 26th day of October, 1998, on the proposed amendment to the Annexation Agreement; and

WHEREAS, the Village Council has concluded and hereby declares that it is appropriate and desirable for the Village of Pinehurst to amend the Agreement;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst in special session this 26th day of October, 1998, that:

SECTION 1. The proposed Amended Annexation Agreement between the Village of Pinehurst and the Town of Southern Pines is hereby approved and ratified and the Mayor of Pinehurst is directed to execute the Agreement with the Mayor of the Town of Southern Pines as soon as possible to become effective as provided therein.

SECTION 2. The approved Amendment Agreement is attached to this ordinance and is incorporated herein, and this Ordinance and the executed Agreement shall be spread upon the minutes of this meeting.

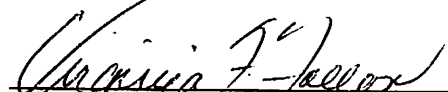
SECTION 3. This approving ordinance is effective November 1, 1998.

Adopted this 26th day of October, 1998.

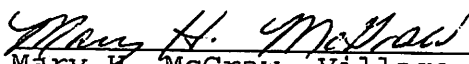
(Municipal Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

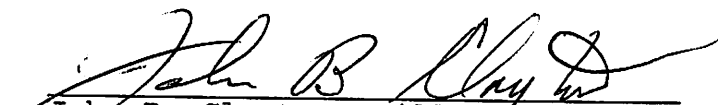
By:


Virginia F. Fallon, Mayor

Attest:


Mary H. McGraw, Village Clerk

Approved as to form:


John B. Clayton, Village Attorney

NORTH CAROLINA

MOORE COUNTY

**AMENDMENT TO AN
ANNEXATION AGREEMENT**

THAT WHEREAS, the Village of Pinehurst (hereinafter referred to as the "VILLAGE") and the Town of Southern Pines (hereinafter referred to as the "TOWN") both being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to and in the vicinity of the VILLAGE and TOWN and also to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 143 of the Sessions Laws of the North Carolina General Assembly (hereinafter referred to as the "Act") authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE COVENANTS, PROMISES, TERMS AND CONDITIONS HEREIN SET FORTH, THE VILLAGE AND THE TOWN HEREBY COVENANT AND AGREE AS FOLLOWS:

SECTION 1. This Agreement is executed pursuant to the authority of Chapter 143 of the Session Laws of the North Carolina General Assembly (1989), but exclusive of Section 58.27, (i) of G.S. 160A.

SECTION 2. This Agreement shall terminate twenty (20) years after its effective date.

SECTION 3. Attached hereto and incorporated by reference is Exhibit A, a map which shows a section of Moore County with an area on the map marked Pinehurst and shaded in red ink. No portion of the map shaded in red ink is subject to annexation by the TOWN during the life of this Agreement.

SECTION 4. On Exhibit A referred to above, an area shaded in green is shown and marked Southern Pines. No portion of the map shaded in green ink is subject to annexation by the VILLAGE during the life of this Agreement.

SECTION 5. The effective date of this Agreement is November 1, 1998.

SECTION 6. At least sixty (60) days before the adoption of any annexation ordinance by either party, the party which is considering annexation shall give written notice to the other party of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this Agreement; roads, streams, and other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

SECTION 7. From and after the effective date of this Agreement, neither the VILLAGE nor the TOWN may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, neither the VILLAGE nor the TOWN may annex all or any portion of any area in violation of the Act or this Agreement.

SECTION 8. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

SECTION 9. Any party, which shall believe that a violation of the Act or this Agreement has occurred shall have available to

it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

SECTION 10. This Agreement may not be amended or terminated except upon written agreement by the VILLAGE and the TOWN, approved by ordinance of the governing boards and executed by the mayors of the VILLAGE and TOWN.

This the 26th day of October, 1998.

(MUNICIPAL SEAL)

VILLAGE OF PINEHURST

ATTEST:

By:

Virginia F. Fallon
Virginia F. Fallon, Mayor

Mary H. McGraw
Mary H. McGraw, Village Clerk

Approved as to form:

John B. Clayton
John B. Clayton, Village Attorney

ATTEST:

TOWN OF SOUTHERN PINES

Eleanore Dreher, Town Clerk

By:

Frank Quis, Mayor

Approved as to form:

(SEAL)

Douglas R. Gill, Town Attorney