

ORDINANCE #95-6:

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

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 23rd day of January, 1995, on the proposed Annexation Agreement; and

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

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst 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 March 20, 1995.

Adopted this 20th day of March, 1995.

(Municipal Seal)

VILLAGE OF PINEHURST

VILLAGE COUNCIL

By: Charles L. Mangers
Charles L. Mangers, Mayor

Attest:

Mary H. McGraw
Mary H. McGraw, Village Clerk

Approved as to form:

John B. Clayton
John B. Clayton, Village Attorney

April 5, 1995

I, Mary H. McGraw, Village Clerk of the Village of Pinehurst hereby certify that this is a true and accurate copy of Ordinance #95-6 adopted by the Pinehurst Village Council on March 20, 1995.

WITNESS MY HAND AND OFFICIAL SEAL this 5th day of April, 1995.

Mary H. McGraw
Mary H. McGraw

North Carolina--Moore County

The foregoing attached copy of the ordinance of The Village of Pinehurst has been certified by Mary H. McGraw. This 12th day of April, 1995.

Judith M. Adams, Register of Deeds
Judith M. Adams Assistant

Recording: 12.00 pd.
Return: Village of Pinehurst
Attention: Mary McGraw
PO BOX 5589, Pinehurst, NC

196107

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

APR 12 8 06 AM '95

**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 Session 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. 160-A.

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. On Exhibit A referred to above, an area where the green and red areas overlap is marked by green and red cross-hatching. This area is excluded from all of the provisions of this agreement, and is not subject to this agreement.

SECTION 6. The effective date of this Agreement is March 20, 1995.

SECTION 7. 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 8. 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 9. 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 10. 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 11. 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 20th day of March, 1995.

ATTEST:

VILLAGE OF PINEHURST

Mary H. McGraw
Mary H. McGraw, Village Clerk

By:

Charles L. Mangers
Charles L. Mangers, Mayor

APPROVED AS TO FORM:

John B. Clayton
John B. Clayton, Village Attorney

ATTEST:

TOWN OF SOUTHERN PINES

Eleanore D. Ogletree
Eleanore D. Ogletree, Town Clerk

By:

Michael D. Fields
Michael D. Fields, Mayor

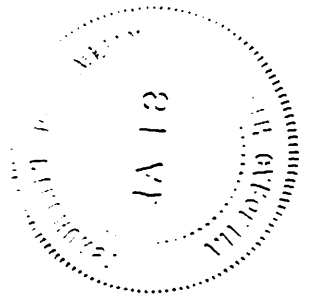
APPROVED AS TO FORM:

Douglas R. Gill
Douglas R. Gill, Town Attorney

Clerk's Notation: Color Coded Maps defined in this Ordinance are on file in the Office of the Village Clerk for the Village of Pinehurst and in the Office of the Town Clerk for the Town of Southern Pines and the Register of Deeds Office, Moore County, NC.

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