

ORDINANCE #10-01:

**AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN
FOXFIRE VILLAGE AND THE VILLAGE OF PINEHURST**

THAT WHEREAS, a Public Hearing was held at 1:00 p.m. on December 15, 2009 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering a proposed annexation agreement between the Village of Pinehurst and Foxfire Village, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed annexation agreement; and

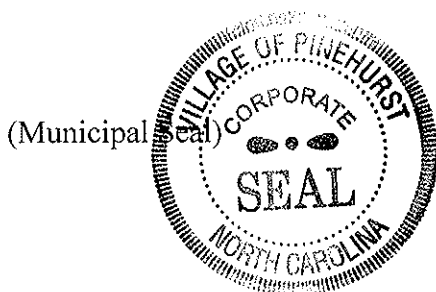
WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed annexation agreement, have determined that it is in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction that the annexation agreement be approved;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in work session assembled on the 12th day of January, 2010, as follows:

SECTION 1. The "Annexation Agreement" between the Village of Pinehurst and Foxfire Village, attached hereto and incorporated herein, is hereby approved. The Village of Pinehurst Mayor is authorized to sign, and the Village Clerk is authorized to attest, this Agreement on behalf of the Village.

SECTION 2. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 12th day of January, 2010.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: _____

George P. Lane
George P. Lane, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form: _____

Michael J. Newman
Michael J. Newman, Village Attorney

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

ANNEXATION AGREEMENT

THAT WHEREAS, Foxfire Village (“Foxfire”) and the Village of Pinehurst (“Pinehurst”), 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 the participating municipalities and also to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 143 Part 6 of Article 4A of General Statutes Chapter 160A (hereinafter referred to as the "Act") authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities; and

WHEREAS, both parties to this Agreement have adopted ordinances approving it following a public hearing by their respective governing bodies in accordance with G.S. 160A-58.24(c);

NOW, THEREFORE, Foxfire and Pinehurst hereby enter into this agreement this 14th day of January 2010 as follows:

1. This Agreement shall terminate twenty (20) years after its effective date.
2. A. Foxfire may not annex any portion of the area designated as “Foxfire Non-Annexation Area” and shown on the map attached as “Exhibit A” hereto and incorporated herein. Nor may Foxfire extend its extraterritorial planning jurisdiction into such area pursuant to N.C.G.S. 160A-360 or any other general law or local act.
B. Pinehurst may not annex any portion of the area designated as “Pinehurst Non-Annexation Area” and shown on the map attached as “Exhibit A” hereto and incorporated herein. Nor may Pinehurst extend its extraterritorial plan jurisdiction into such area pursuant to N.C.G.S. 160A-360 or any other general law or local act.
3. At least sixty (60) days before the adoption of any annexation ordinance, the participating municipality which is proposing any annexation shall give written notice to the other participating municipality of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, and shall clearly and accurately show the boundaries of the area to be annexed in relation to this Agreement, roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days. The participating municipality that is entitled to such notice may agree to waive the time period of the notice.
4. This Agreement may be modified or terminated by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as required by G.S. 160A-58.24(d).
5. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating municipality, unless approved by the Moore County

Board of Commissioners. Provided, however, that an area where this Agreement is not binding because of failure of the Board of County Commissioners to approve it, shall become subject to this Agreement if subsequent annexation brings it within three miles. As provided in G.S. 160A-58.24(e), the approval of the Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing. Notice of such hearing shall be published in accordance with 160A-31(c).

6. A participating municipality may unilaterally terminate or withdraw from this Agreement by repealing the ordinance which approved this Agreement and providing five years' written notice to the other participating municipality. Upon the expiration of the five-year period, this Agreement shall terminate.
7. From and after the effective date of this Agreement, no participating municipality may adopt an annexation ordinance as to all or any portion of an area in violation of the Act or this Agreement.
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.
9. Any participating municipality 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.
10. This writing contains the entire agreement between the participating municipalities.

IN WITNESS WHEREOF, the mayors of the participating municipalities have executed this Agreement, in duplicate, effective on the day and year first above written.

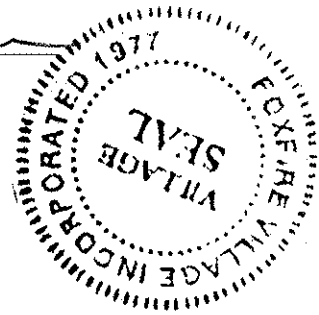
FOXFIRE VILLAGE

ATTEST:

Lisa G. Kwell
Village Clerk

BY:

George E. Eichen
Mayor



VILLAGE OF PINEHURST

ATTEST:

Linda L. Brown
Village Clerk

BY:

George L. Payne
Mayor



Foxfire-Pinehurst Annexation Agreement Exhibit A

