

Village of Pinehurst Ordinance No. 2010- 40
Town of Aberdeen Ordinance No. AC223

AN ORDINANCE ESTABLISHING AN ANNEXATION
AGREEMENT BETWEEN
THE VILLAGE OF PINEHURST, NORTH CAROLINA
AND
THE TOWN OF ABERDEEN, NORTH CAROLINA
FOR THE MUTUAL BOUNDARY LINE BETWEEN THESE TWO
MUNICIPALITIES

WHEREAS, North Carolina General Statutes Chapter 160A, Article 4A, Part 6 authorizes two or more municipalities to enter into binding agreements regarding future annexation in order to enhance orderly planning by such municipalities; and

WHEREAS, the governing boards of the Village of Pinehurst and the Town of Aberdeen seek to carry out plans for future land uses; the provision of important public facilities such as sewer and water services, roadways, and recreation; and the protection of open space and other sensitive areas; and

WHEREAS, potential conflict and confusion may occur along the interface between two jurisdictions when the future municipal boundaries between the two are unclear; and

WHEREAS, both the Village of Pinehurst and the Town of Aberdeen desire to foster good intergovernmental relations; and

WHEREAS, the governing boards and the staffs of these two communities have engaged in a process of discussion that has led to determination of an ultimate municipal and utility service boundary between the two communities; and

WHEREAS, Public hearings on this ordinance were held by the Village of Pinehurst on July 2, 2010, 2010 and the Town of Aberdeen on June 14, 2010, 2010 with notice provided in accordance with G.S. § 160A-31(c).

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst, North Carolina and the Board of Commissioners of the Town of Aberdeen, North Carolina:

Section 1. Boundary. The areas to be included within the Annexation Agreement (the "Agreement") are set forth in Attachment A of this document. As indicated in Attachment A, the Village of Pinehurst may not annex within the annexation area of the Town of Aberdeen, and the Town of Aberdeen may not annex within the annexation area of the Village of Pinehurst.

Section 2. Notice of Adjacent Annexations. When either municipality proposes to

annex property within its respective annexation area, it must give notice of the annexation to the other municipality in compliance with G.S. § 160A-58.24(a)(5) and (b), which require the following:

- (i) The notice must be in writing;
- (ii) The notice must be given at least 60 days before the adoption of any annexation ordinance. Either party may waive the sixty (60) day notice requirement by delivering a written waiver to the Manager of the other municipality; and
- (iii) The notice must describe the area to be annexed by reference to a legible map, which shall clearly and accurately show the boundaries of the area to be annexed in relation to roads, streams and any other prominent geographical features.

The notice shall be sent by mail to the Manager of the other municipality. The notice shall only be effective for 180 days, and if the proposed annexation is not approved within that time period, then a new notice of annexation must be given.

Section 3. Limitations. Pursuant to G.S. § 160A-58.24(e) unless the Agreement is approved by the Moore County Board of Commissioners, it shall not be binding beyond three (3) miles of the primary corporate limits of either municipality. An area not within the three (3) mile limit shall become subject to this Agreement if subsequent annexation brings it within three (3) miles of the primary corporate limits of either municipality.

Section 4. Term of Agreement. The term of this Agreement shall be twenty (20) years.

Section 5. Effective Date. This Agreement shall become effective immediately following its adoption by ordinance by the governing boards of both the Village of Pinehurst and the Town of Aberdeen.

Section 6. Replacement of Prior Agreement. This Agreement supersedes any previously adopted annexation agreements between the parties that are in effect as of the effective date of this Agreement.

Section 7. Modifications and Mutual Termination. Pursuant to G.S. § 160A-58.24(d), the parties may jointly modify this Agreement by adopting a subsequent agreement or they may jointly terminate the Agreement immediately. All modifications or a mutual termination shall be approved by ordinance adopted after public hearings by both municipalities held in accordance with G.S. § 160A-58.24(c).

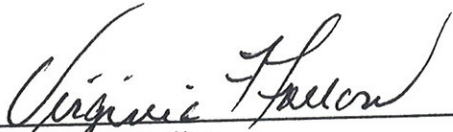
Section 8. Unilateral Termination of Agreement. Either party may unilaterally terminate this Agreement at any time in the manner prescribed by G.S. 160A-58.24(f), which requires that the terminating municipality do the following:

- (i) Repeal the ordinance adopting the Agreement, and
- (ii) Provide written notice to the other municipality five (5) years prior to the effective

date of the termination of the Agreement.

The Village of Pinehurst:


Date: 7-13-10



Virginia F. Fallon
Village of Pinehurst Mayor

Attest:

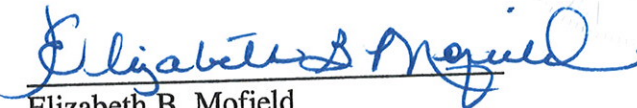
Date: 7-13-10



Linda S. Brown
Village of Pinehurst Clerk

The Town of Aberdeen:

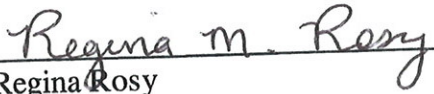
Date: 6/15/2010



Elizabeth B. Mofield
Town of Aberdeen Mayor

Attest:

Date: 6/15/2010



Regina Rosy
Town of Aberdeen Clerk

Effective Date:

7-13-10
Date:

Attachment "A" Annexation Agreement Map



Pinehurst/Aberdeen Annexation Agreement Map. Prepared by KP Liles, Town of Aberdeen.
For Public Hearing and Adoption. June 2010. PHAGR3.