

ORDINANCE #19-02

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

WHEREAS, North Carolina General Statutes (N.C.G.S.) Chapter 160A, Article 4A, Part 6 authorizes two or more cities to enter into binding agreements regarding future annexation in order to enhance orderly planning by such cities; and

WHEREAS, the governing boards of the Village of Pinehurst and the Town of Southern Pines seek to carry out plans for future land uses; 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 Southern Pines desire to foster good intergovernmental relations; and

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

WHEREAS, that ordinance was adopted following independent public hearings by the Village of Pinehurst on July 28, 2009 and the Town of Southern Pines on August 11, 2009, with notice provided in accordance with N.C.G.S. 160A-31(c); and

WHEREAS, the governing boards of the Village of Pinehurst and the Town of Southern Pines have agreed to modify the boundary as set out in that agreement; and

WHEREAS, this ordinance has been adopted following independent public hearings by the Village of Pinehurst on January 22, 2019 and the Town of Southern Pines on January 8, 2019;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Pinehurst, North Carolina and the Town Council of the Town of Southern Pines, North Carolina:

SECTION 1. Boundary. The areas to be included within the modified annexation agreement are depicted on Exhibit "A" of this document.

SECTION 2. Notice of Adjacent Annexations. That each participating municipality which proposes any annexation of property immediately adjacent to the boundary line that is established by this agreement must give written notice to the other municipality of such

annexation, at least 60 days before the adoption of any such annexation ordinance. The notice shall be in compliance with N.C.G.S. 160A- 58.24(a) (5) and (b) and shall be sent by mail to the Manager of the other municipality. Either Municipality may waive the time period for notice by giving a written waiver to the other party.

SECTION 3. Replacement of Prior Agreement. This agreement supersedes any previously adopted annexations that are in effect at the adoption date of this ordinance.

SECTION 4. Effective Date. That this Agreement shall become effective immediately following its adoption by ordinance by the governing board of both the Village of Pinehurst and the Town of Southern Pines.

SECTION 5. Modifications or Amendments. That this ordinance may be modified or amended with a subsequent agreement entered into by both participating municipalities pursuant to G.S. 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.

SECTION 6. Term of Agreement. That the term of this agreement shall be for a period of 20 years from the latest adoption of this ordinance dated below.

SECTION 7. Termination of Agreement. That this agreement may be terminated by either town in the manner prescribed by G.S. 160A-58.24(f). This agreement shall be effective until such termination occurs or 20 years, whichever comes first.

SECTION 8. Applicability of regulations. The Town of Southern Pines regulations and powers of enforcement shall remain in effect until the Village of Pinehurst has applied its regulations and powers of enforcement to the area that was within the jurisdiction of the Town of Southern Pines before the adoption of this ordinance.

Adopted this 22nd day of January, 2019.

VILLAGE OF
PINEHURST VILLAGE
COUNCIL

(Municipal Seal)



By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

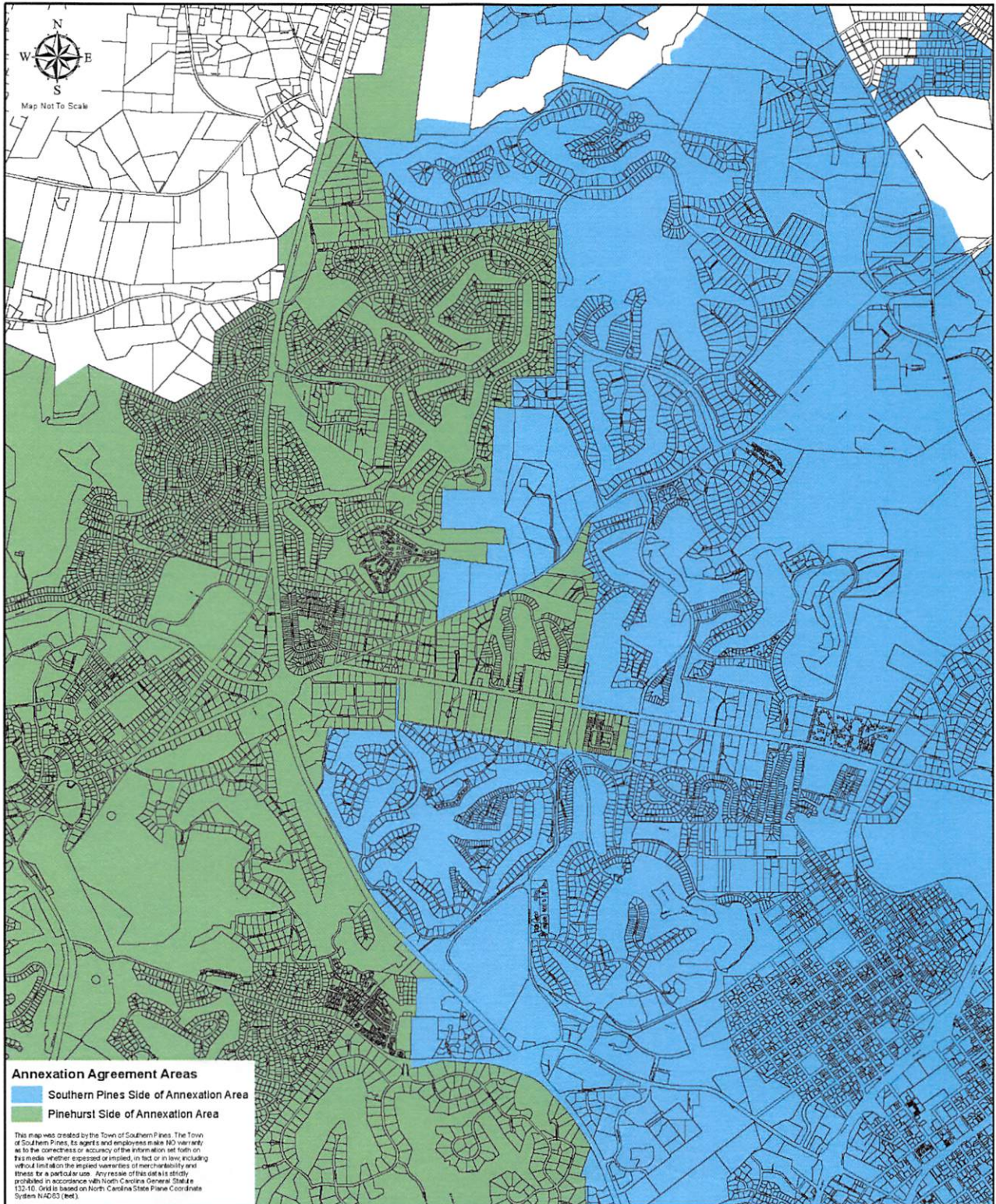
Attest:

Approved as to Form:

Beth Dunn
Beth Dunn, Village Clerk

Michael J. Newman
Michael J. Newman, Village Attorney

Exhibit A: The Village of Pinehurst & The Town of Southern Pines Annexation Agreement Map



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Adopted by the Town of Southern Pines: January 8, 2019



David McNeill, Mayor
Town of Southern Pines

Agreement Effective on: January 22, 2019
Date