



HOUSE BILL 218: Clayton Annexation

2015-2016 General Assembly

Committee:	Senate Re-ref to State and Local Government. If fav, re-ref to Finance	Date:	May 19, 2015
Introduced by:	Rep. Daughtry	Prepared by:	Kelly Tornow
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 218 would annex a 489.24 acre parcel, constituting the North Carolina State University Central Crops Research Center, into the Town of Clayton. The bill also contains limitations on the Town's ability to impose land use regulation on the property.*

[As introduced, this bill was identical to S264, as introduced by Sen. Newton, which is currently in Senate Re-ref to State and Local Government. If fav, re-ref to Finance.]

CURRENT LAW: Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable."

Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which governs municipal annexations. Annexation is the method by which municipalities expand the boundaries of the municipality, following certain statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area.

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal-Initiated Annexation subject to a referendum. – The municipality initiates annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

BILL ANALYSIS:

Section 1 of the bill annexes a parcel of land, approximately 489.24 acres, constituting the North Carolina State University Central Crops Research Center, and adjoining US 70 and NC Railroad rights-of-way, into the corporate limits of the Town of Clayton.

Section 2 of the bill prohibits the Town from regulating the parcel under Article 19 of Chapter 160A (planning and regulation of development).

Section 3 restates the existing application of G.S. 106-701 to the parcel, which protects certain agricultural and forestry operations from nuisance claims.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 2 1 8 - S M T H - 7 7 E 2 - V 2 *

House Bill 218

Page 2

Section 4 provides that the keeping of swine as part of a research or educational mission on the North Carolina State University Central Crops Research Station tract is exempt from any municipal ordinance governing the keeping of swine.

EFFECTIVE DATE: This act becomes effective June 30, 2015.

BACKGROUND: According to the Clayton Town Manager, the North Carolina State University Central Crops Research Center adjoins the Town's western boundary and creates a barrier to extension of services and economic development. The annexation and associated extension of services would allow development in the area towards the economic hub of Raleigh and RTP.

Giles S. Perry and Greg Roney with the Research Division substantially contributed to this summary.