



SENATE BILL 218: Franklin/Archdale/Satellite Annexation

2015-2016 General Assembly

Committee: House Finance
Introduced by: Sen. J. Davis
Analysis of: Second Edition

Date: June 11, 2015
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SUMMARY: *Senate Bill 218 would:*

- *Exempt the Town of Franklin from two satellite annexation requirements.*
- *Exempt the City of Archdale from one satellite annexation requirement.*
- *Deannex property from the Town of Murphy.*

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 annexation. The General Assembly has not enacted any method for municipalities to *deannex* property — that power remains with the General Assembly.

G.S. 160A-58.1 governs voluntary municipal annexation of noncontiguous property (i.e., voluntary satellite annexation). If all property owners in a satellite area petition a municipality for voluntary annexation of the noncontiguous property, the municipality may annex the property, if the following 5 requirements are met:

1. The nearest point on the proposed satellite corporate limits must be not more than 3 miles from the primary corporate limits of the annexing city.
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.*
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.*

BILL ANALYSIS: Senate Bill 218 would exempt the Town of Franklin and the City of Archdale from the requirement that all of the subdivision must be included if the area proposed for annexation is partially or wholly contained within a subdivision.

The bill would also add the Town of Franklin to the group of municipalities exempted from the 10% area cap on voluntary satellite annexation.

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The bill would deannex property from the Town of Murphy.

EFFECTIVE DATE: Sections 1 and 2 of Senate Bill 218 that make local modifications to annexation requirements are effective when they become law. Section 3 that deannexes property in Murphy is effective June 30, 2015.

BACKGROUND: The General Assembly has exempted at least 17 other municipalities from the fourth standard and at least 100 other municipalities from the fifth standard.

The current town boundary of Murphy runs through the deannexed property in the middle of a person's home.

Cindy Avrette with the Research Division substantially contributed to this summary.