



SENATE BILL 219: Indian Beach Annex/Morehead City Charter Chgs.

2017-2018 General Assembly

Committee:	House State and Local Government I	Date:	June 12, 2017
Introduced by:	Sen. Sanderson	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *Senate Bill 219 would add certain described territory to the corporate limits of the Town of Indian Beach and would amend the Charter of the Town of Morehead City to repeal a specific article dealing with the disposal of surplus real and personal property.*

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, 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.

Article 8 of the Charter of the Town of Morehead City provides the procedures the Town must follow when disposing of surplus real and personal property.

BILL ANALYSIS: Senate Bill 219 would annex Phase I, Phase II, and Phase III, and the "Bulkhead and Dock" areas of Mariner's Point Condominium to the corporate limits of the Town of Indian Beach and place them in the town's General Business District (B-1) zone. The annexed property would be deemed conforming to the Town's land use ordinances and any existing damages may be repaired, restored or rebuilt at any time after June 30, 2017 unless such actions are prohibited in order to maintain eligibility for participation in the National Flood Insurance Program. The bill would also repeal Article 8 of the Charter of the Town of Morehead City regarding the disposal of surplus real and personal property at which time Article 12 of Chapter 160A of the General Statutes would then govern such disposal.

EFFECTIVE DATE: Sections 1 through 3 of this act would become effective June 30, 2017. Property in the territory described by Section 1 of this act as of January 1, 2017, would be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. The remainder of this act would become effective when it becomes law.

Staff attorney Nicholas Giddings substantially contributed to this bill summary.

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