



SENATE BILL 775: Black Mountain/Montreat Corporate Limits.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 12, 2018
Introduced by:	Sens. Edwards, Van Duyn	Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 775 would deannex four parcels of land from the corporate limits of the Town of Black Mountain and annex those four parcels, as well as another parcel, to the corporate limits of the Town of Montreat.¹ The annexed parcels, totaling 2.22 acres, would mainly be used by the Town of Montreat to construct a new town hall.

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. In addition, the General Assembly may annex property by local act. The General Assembly has not enacted any method for municipalities to *deannex* property; that power remains with the General Assembly.

BILL ANALYSIS: Senate Bill 775 would remove four parcels from the corporate limits of the Town of Black Mountain and add those parcels, as well as another parcel, to the corporate limits of the Town of Montreat. The property added to Montreat would total 2.22 acres and would be used by Montreat to construct a new town hall, provide adequate parking, incorporate current service facilities, and construct a connector between Black Mountain's Montreat Road sidewalk project and Montreat's Greenway, Assembly Drive Bike Lane, Elizabeth's Path walking trail, and Rainbow Trail trailhead.

EFFECTIVE DATE: The act would become effective June 30, 2018. Property being removed from the Town of Black Mountain as of January 1, 2018 would no longer be subject to Black Mountain municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018. Property being added to the Town of Montreat as of January 1, 2018 would be subject to Montreat municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

BACKGROUND: The towns of Black Mountain and Montreat issued a joint resolution requesting the General Assembly to deannex the described tracts of land from Black Mountain and annex the described tracts of land to Montreat. The Town of Montreat identified the property located at 1210 Montreat Road (Parcel Number 0710-53-9360-00000) as the most suitable location to construct their new town hall and purchased this property on December 20, 2017, despite this property being located within the corporate limits of Black Mountain. Montreat already owns or leases the properties adjacent to 1210 Montreat Road, also being annexed, and uses them for parking, storage, and administrative offices.

¹ As introduced, this bill was identical to H1015, as introduced by Reps. Ager, Fisher, which is currently in House State and Local Government I.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578