



SENATE BILL 776: Hendersonville Deannexation.

2017-2018 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 12, 2018
Introduced by:	Sen. Edwards	Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: Senate Bill 776 would deannex two parcels of land, totaling 7.2 acres, from the corporate limits of the Town of Hendersonville.

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 776 would remove two parcels, totaling 7.2 acres, from the corporate limits of the Town of Hendersonville.

EFFECTIVE DATE: The act would become effective June 30, 2018. The property deannexed would no longer be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

BACKGROUND: The Hendersonville City Council passed Resolution 18-0208 on February 6, 2018, requesting the General Assembly to deannex the described tracts of land (between Erkwood Drive and Gridley Road) from the corporate limits of Hendersonville.

In September 2007, the Hendersonville City Council approved the satellite annexation of roughly 7.34 acres of land to become part of the proposed Magnolia Creek Development and receive sewer service. The developers chose not to move forward with development of Magnolia Creek. The property annexed in 2007 is currently two parcels owned by two separate owners. One parcel, totaling 6.17 acres, is vacant land, while the other parcel, totaling 1.03 acres, only has the current owner's single family residence on the property. Neither property is connected to sewer service or receives any city services other than fire and police protection, which could instead be provided by the county. Both parcel owners requested deannexation from the City of Hendersonville.

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