

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 293

Short Title: Parkwood Annexations.

(Local)

Sponsors: Representatives Mosley; Rayfield and Capps.

Referred to: Local and Regional Government I, if favorable, Finance.

February 24, 1997

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A SUPERMAJORITY OF THE DURHAM CITY COUNCIL
2 TO APPROVE A SPECIFIC ANNEXATION IF A SUFFICIENT PROTEST
3 PETITION IS SUBMITTED.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 160A-49 is amended by adding a new subsection to read:

7 "(1) Protest Petition. –

8 (1) Protest authorized. – Upon submission of a protest petition signed by
9 twenty percent (20%) or more of the landowners affected by a proposed
10 annexation, the annexation ordinance shall not become effective except
11 by favorable vote of three-fourths vote of the city council.

12 (2) Procedure. – No protest against any proposed annexation ordinance
13 shall be valid unless it be in the form of a written petition actually
14 bearing the signatures of the requisite number of property owners and
15 stating that the signers do protest the proposed annexation and unless it
16 shall have been received by the city clerk in sufficient time to allow the
17 city at least two normal workdays, excluding Saturdays, Sundays, and
18 legal holidays, before the date established for a public hearing on the
19 annexation ordinance to determine the sufficiency and accuracy of the
20 petition. The city council may by ordinance require that all protest

1 petitions be on a form prescribed and furnished by the city, and such
2 form may prescribe any reasonable information deemed necessary to
3 permit the city to determine the sufficiency and accuracy of the petition.

4 (3) Effect of failure of three-fourths vote after protest petition. – If the city
5 council fails to adopt the annexation ordinance by the required three-
6 fourths vote following submission of the protest petition, the city
7 council may not consider an annexation ordinance under this Part
8 affecting the same parcels of land for a period of one year from the date
9 of the submission of the protest petition."

10 Section 2. This act applies only as to the following described territory in
11 Durham County:

12 BEGINNING at a point located at the southeast corner of tract 6 of the
13 Research Square Associates Property as shown in Plat Book 100, page 65 of the Durham
14 County Registry and also being located on the existing City limits line also being on the
15 West right-of-way line of the Durham and Southern Railroad; thence in a southerly
16 direction along said City limits line an approximate distance of 3225 feet to a point, said
17 point being the northeast corner of Tax Map 541A-1-5 and shown in Plat Book 29, page
18 84; thence along the existing City limits line in the following courses and distances: N84-
19 45-00W a distance of 277.00 feet to point located on the East right-of-way line of N.C.
20 Highway 55; thence in a westerly direction across said N.C. Highway 55 an approximate
21 distance of 150 feet to a point located on the West right-of-way line of said N.C.
22 Highway 55; thence N86-23-16W a distance of 780.62 feet to a point; thence S28-08-06E
23 a distance of 957.42 feet to a point, said point located on the new North right-of-way line
24 of Sedwick Road; thence in a southeasterly direction across said Sedwick Road an
25 approximate distance of 63 feet to a point located on the South right-of-way line of
26 Sedwick Road; thence along said Sedwick Road and the existing City limits line the
27 following courses and distances: S56-46-05W a distance of 40 feet to a point; thence
28 S55-20-41W a distance of 79.03 feet to a point; thence S54-06-06W a distance of 88.14
29 feet to a point; thence S53-13-18W a distance of 82.93 feet to a point; thence S51-33-
30 04W a distance of 107.95 feet to a point; thence S49-21-17W a distance of 119.00 feet to
31 a point, said point being the southwest corner of tract 2 as shown in Plat Book 99, page
32 85; thence leaving the existing City limits line and continuing along said South right-of-
33 way line of Sedwick Road in a southwesterly direction an approximate distance of 720
34 feet to a point, said point being the northeast corner of lot 13 as shown in Plat Book 111,
35 page 115, Frenchmans Creek Subdivision, and recorded in the Durham County Registry;
36 thence S84-11-37E along the east property line of lots 13 thru 18 of the aforementioned
37 map of Frenchmans Creek Subdivision a distance of 673.20 feet to a point, said point
38 being the southeastern most corner of lot 18; thence N84-08-52W a distance of 918.80
39 feet to a point, said point being the southwest corner of a 2.11 acre tract as shown in Plat
40 Book 86, page 12 said point also located in the east property line of Buttonwood Acres,
41 Section 2B, Map 1, in Plat Book 72, page 20; thence S00-18-00E along the East property
42 line of lots "Park Area" and 731, 730, 729 and 728 of the aforementioned Plat Book 72,
43 page 20 a distance of 409.71 feet to a point, said point being the southeast corner of lot

1 728; thence N89-12-30W a distance of 178.54 feet to a point located in the center line of
2 Revere Road; thence N89-21-00W a distance of 111.27 feet to a point; thence N88-56-
3 00W a distance of 620.41 feet to a point, said point being the northeast corner of lot 706
4 of Buttonwood Acres, Section 2B, Map 2 as shown in Plat book 74, page 44; thence S02-
5 34-00W a distance of 138.19 feet to a point, said point being the southeast corner of lot
6 706; thence S01-10-00E a distance of 427.22 feet to a point, said point being located on
7 the east property line of lot 701; thence S01-38-00E a distance of 418.20 feet to a point,
8 said point being located on the east property line of lot 696; thence S02-28-00E a
9 distance of 92.14 feet to a point, said point being the southeast corner of lot 695 as shown
10 in the aforementioned Plat book 74, page 44; thence N89-30-00W a distance of 1283.09
11 feet to a point, said point being the southwest corner of lot 665 of Plat Book 74, page 44;
12 thence N89-30-00W an approximate distance of 1180 feet to a point, said point being
13 located on the West right-of-way line of Grandale Drive; thence in a northerly direction
14 along the West right-of-way line of Grandale Drive an approximate distance of 4070 feet
15 to a point, said point being the northeast corner of the B.G. Mars property as shown in
16 Deed Book 331, page 257; thence S89-33-31W a distance of 1389.57 feet to a point, said
17 point being the southwest corner of lot 15 of Settlers Mill Subdivision as shown in Plat
18 Book 126, page 111; thence N05-21-50E a distance of 489.02 feet to a point; thence S85-
19 44-59E a distance of 700.93 feet to a point said point being located on the west right-of-
20 way line of Grandale Drive; thence along said west right-of-way line of Grandale Drive
21 the following course and distance: N38 43-25W a distance of 34.17 feet to a point; thence
22 along a curve to the right said curve having a radius of 1667.08 feet an arc distance of
23 283.53 feet to a point; thence N 28-23-30W a distance of 582.66 feet to a point said point
24 also being the southeast corner of lot 1 as shown in Plat book 125, page 108; thence S46-
25 40-19W a distance of 210.23 feet to a point; thence S28-24-42W a distance of 434.31 feet
26 to a point; thence S36-17-05W a distance of 204.65 feet to a point; thence S07-10-04W a
27 distance of 262.15 feet to a point; thence S30-15-40W a distance of 273.15 feet to a
28 point; thence N86-10-26W a distance of 261.48 feet to a point, said point being the
29 southwest corner of tract 1 (one) as shown in Plat Book 122, page 15; thence N03-20-00E
30 a distance of 1337.42 feet to a point; thence N05-41-41E a distance of 705.42 feet to a
31 point said point being located on the new right-of-way line of Grandale Road and also
32 being the northwest corner of Grandale Forest Subdivision, Phase 1A, as shown in Plat
33 Book 125, page 108; thence continuing in a northerly direction along the West right-of-
34 way line of Grandale Road an approximate distance of 840 feet to a point, said point
35 being the southeast corner of tract 3; thence N83-57-26W across said Herndon Road a
36 distance of 60 feet to a point located at the southeast corner of tract 3, Block B, as shown
37 in Plat Book 71, page 24 In the Durham County Registry; thence N83-57-26W along the
38 south property line of said tract 3 a distance of 929.37 feet to a point located on the East
39 right-of-way line of Herndon Road and also being the southwest corner of tract 3; thence
40 N83-57-26W across said Herndon Road a distance of 60 feet to a point located at the
41 southeast corner of tract 3, Block A as shown in Plat Book 71, page 24; thence N16-35-
42 24E along the West right-of-way of said Herndon Road a distance of 360.68 feet to a
43 point; thence along a curve to the left said curve having a radius of 692.77 feet an arc

1 distance of 79.95 feet to a point; thence S83-57-26E a distance of 60 feet to a point said
2 point being located on the east right-of-way line of Herndon Road and also being the
3 northwest corner of tract 2 as shown in Plat book 71, page 24; thence S83-57-26E along
4 said north property line of tract 2 a distance of 273.26 feet to a point; thence N10-59-57E
5 a distance of 198.04 feet to a point; thence N89-36-44W a distance of 299.98 feet to a
6 point said point being located on the east right-of-way line of Herndon Road; thence in a
7 westerly direction across said Herndon Road an approximate distance of 60 feet to a point
8 located on the western right-of-way line of Herndon Road; thence along said west right-
9 of-way line along a curve to the left said curve having a radius of 692.77 feet an
10 approximate distance of 35 feet to a point; thence N06-51-32W a distance of 1033.77 feet
11 to a point said point being located at the point of intersection of the West right-of-way
12 line of Herndon Road and the South right-of-way line of Massey Chapel Road; thence in
13 a northeasterly direction across Barbee Road an approximate distance of 80 feet to a
14 point, said point being located on the North right-of-way line of Barbee Road and also
15 being located on the existing City limits line; thence along said right-of-way line and
16 existing City limits line the following courses and distances: S89-05-28E a distance of
17 93.60 feet to a point; thence S88-06-56E a distance of 85.30 feet to a point; thence S89-
18 03-11E a distance of 130.90 feet to a point; thence S88-45-12E a distance of 96.62 feet to
19 a point; thence N86-22-54E a distance of 96.52 feet to a point; thence N83-15-43E a
20 distance of 96.50 feet to a point; thence N79-19-20E a distance of 96.82 feet to a point;
21 thence N77-29-46E a distance of 96.54 feet to a point; thence N76-25-55E a distance of
22 361.96 feet to a point; thence N77-51-31E a distance of 45.16 feet to a point said point
23 being the southeast corner of tract I of the Raleigh Properties Annexation Map; thence
24 N81-05E a distance of 205.62 feet to a point said point being the southeast corner of lot
25 21 as being shown in Plat book 49 page 42 of the Durham County Registry and also
26 being the point of intersection of the north right-of-way of Barbee Road and the west
27 right-of-way line of Amherst Street; thence in a northeasterly direction across said
28 Amherst Street an approximate distance of 60 feet to a point said point being the
29 southwest corner of lot 21 of the aforementioned Plat book 49 page 42; thence N82-23-
30 00E along the north right-of-way line of Barbee Road a distance of 299.52 feet to a point;
31 thence along a curve to the left said curve having a radius of 884.86 feet an arc distance
32 of an approximate distance of 384.45 feet to a point of reverse curve to the right said
33 curve having a radius of 873.98 feet an arc distance of an approximate distance of 202.36
34 feet to a point located at the southeast corner of lot 15 as shown in Plat book 49 page 60
35 and also being the point of intersection of the north right-of-way line of Barbee Road and
36 the west right-of-way line of Grenfell Drive; thence across said Grenfell Drive and
37 approximate distance of 60 feet to a point being the southwest corner of lot 16 of the
38 aforementioned Plat book; thence along a curve to the right said curve having a radius of
39 873.98 feet an arc distance of 177.00 feet to a point; thence N76-40-00E a distance of
40 266.2 feet to a point said point being the southeast corner of lot 19 as shown in Plat book
41 49 page 60; thence N04-11-00E an approximate distance of 135 feet to a point said point
42 being located in the existing City limits line; thence along the existing City limits line the
43 following courses and distances: southeasterly an approximate distance of 1920 feet to a

1 point; thence in a northerly direction a distance of 216 feet to a point said point being
2 located on the South right-of-way line of N. C. Highway 54; thence in a southeasterly
3 direction an approximate distance of 2060 feet to a point, said point being the northeast
4 corner of tract 3, section 1, Parkwood Subdivision as shown in Plat Book 36, page 18;
5 thence continuing along said existing City limits line in a southerly direction 200 feet to a
6 point, said point being located 200 feet from the South right-of-way line of N.C.
7 Highway 54; thence in an easterly direction along said parallel line a distance of 1370
8 feet to a point located in the center line of Northeast Creek; thence in a southwesterly
9 direction along said center line of Northeast Creek an approximate distance of 1300 feet
10 to a point located on the north property line of tract 1 as shown in Plat Book 91, page
11 154; thence leaving the existing City limits line N83-37-08W an approximate distance of
12 355 feet to a point, said point being the northwest corner of tract 1 as shown in Plat Book
13 122, page 41; thence S03-47-18W a distance of 604.81 feet to a point, said point being
14 the southwest corner of tract II as shown in Plat Book 122, page 141; thence S83-42-31E
15 a distance of 2072.45 feet to a point, said point being located on the West right-of-way
16 line of N.C. Highway 55; thence in a northeasterly direction along said West right-of-way
17 line an approximate distance of 630 feet to a point, said point being located on the
18 existing City limits line and also being the northeast corner of tract I as shown Plat Book
19 91, page 154; thence continuing along said City limits line in a easterly direction a
20 distance of 805.72 feet to a point, said point being the point and place of beginning.

21 The above description contains _____ acres. For further reference see Map
22 of "Parkwood Annexation," prepared by Robert W. Young, L. No. 1755 dated February
23 1994 and recorded in the office of the Register of Deeds of Durham County in Plat book
24 _____, page _____.

25 Section 3. This act is effective when it becomes law. This act also applies to
26 annexation ordinances adopted prior to the date this act becomes law where:

- 27 (1) The ordinance did not receive a three-fourths vote of the city council
28 upon its adoption;
- 29 (2) The effective date of the ordinance has not passed when this act
30 becomes law; and
- 31 (3) The petition required by G.S. 160A-49(l), as enacted by Section 1 of
32 this act, is received by the city clerk no later than 60 days after the date
33 this act becomes law. If the city council requires under G.S. 160A-
34 49(l), as enacted by Section 1 of this act, that the petitions be on a form
35 required by ordinance, that ordinance must be adopted within 14 days of
36 ratification of this act, and in such case the deadline for submitting the
37 petition shall be 60 days after adoption of the ordinance specifying the
38 form.

39 When the city has determined the petition to be sufficient, the ordinance is repealed, and
40 it may not be adopted again except in accordance with G.S. 160A-49(l), as enacted by
41 Section 1 of this act. The city council may then proceed to a vote on the adoption of the
42 ordinance.