ORDINANCE #11656

4/1/99 To: Bonnie From: Dick

ATTACHMENT 3D

1/28/99

(City of Raleigh)- Ordinance No. 1999-525
(City of Durham)- Ordinance No. 11656

AN ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF DURHAM, NORTH CAROLINA AND THE CITY OF RALEIGH, NORTH CAROLINA FOR THE AREA BETWEEN THESE TWO MUNICIPALITIES IN THE VICINITY OF THE WAKE/DURHAM COUNTY LINE

WHEREAS, N.C.G.S. Chapter 160A Article 4A Part 6 authorizes cities to enter into agreements in order to enhance orderly planning by such cities as well as residents and property owners in areas adjacent to such cities; and

WHEREAS, both The City of Raleigh and the City Of Durham seek to have planned development for their respective areas that carries out mutually agreed upon plans for such important public facilities as sewer and water services; and

WHEREAS, this ordinance has been adopted following a public hearing notice as required by law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Durham, North Carolina and the City Council of the City of Raleigh, North Carolina:

Section 1.
That the area west and north of said line described in Section 7 hereinbelow, is subject to annexation by the City of Durham and no portion of said area is subject to annexation by the City of Raleigh during the term of this agreement.

Section 2.
That the area east and south of a line described in Section 7 hereinbelow, is subject to annexation by the City of Raleigh and no portion of said area is subject to annexation by the City of Durham during the term of this agreement.

Section 3.
That whenever the City of Durham proposes any annexation within Wake County, or whenever the City of Raleigh proposes any annexation within Durham County, or whenever either municipality proposes any annexation within 1000 feet of the mutual annexation agreement line described in Section 7 hereinbelow, the municipality proposing such annexation must give written notice to the other municipality of the

annexation at least 60 days before the adoption of any annexation ordinance. The notice shall be in compliance with G.S. 160A-58.24(a)(5) and shall be sent by mail to the City Manager of Durham or the City Manager of Raleigh. Either City may waive the time period for receiving notice by giving a written waiver to the other party. Copies of above correspondence shall also be distributed to respective County Managers.

Section 4.

That the area described in Section 1 is mutually understood to be a water and sewer service area of the City of Durham. The area described in Section 2 is mutually understood to be a water and sewer service area of the City of Raleigh.

Section 5.

That either municipality may install, repair, replace, remove, improve, inspect, and maintain water or sewer pipelines, manholes, meters, pumps and other appurtenant fixtures and facilities within the service area of the other, provided however, that no retail service may be provided by either municipality through such facilities except with prior written approval of the municipality in whose service area the facilities are located.

Section 6.

Prior to the installation of any water or sewer pipelines, meters, manholes, pumps, and other appurtenant fixtures and facilities within that portion of the right-of-way of Leesville Road, Carpenter Pond Road, Shady Grove Road, Olive Branch Road, Hickory Grove Road, Mt. Herman Road, Glenwood Avenue, Page Road, Lumley Road, and the future Aviation Parkway that is adjacent to the service area boundary line, each municipality agrees to provide written copy of the planned installation to the other municipality and agrees to locate the installation so that said installation will not unduly interfere with later installations of the other municipality.

Section 7.

That the City of Raleigh agrees not to annex or extend urban services to the area west and north of the line described below and shown on the attached map (Attachment A) and the City of Durham agrees not to annex or extend urban services to any area east and south of the line described below and shown on the attached map (Attachment A):

BEGINNING at a point in the Durham/Wake County line approximately 3400± feet south along said County line from its intersection with the southern right-of-way line of Globe Road(SR 1970), said point of BEGINNING also being a point in the southern property line of Wake County PIN 0758.03 42 8054 and corresponding with a point in the southern property line Of Durham County Parcel No. 581-03-009; thence westerly along the southern property line extended of Durham County Parcel No. 581-03-009 440± feet to its intersection with the centerline of Page Road(SR 1973); thence northerly along the centerline of Page Road 6500± feet to its intersection with the southern property line extended of Durham County Parcel No. 580-01-09; thence easterly along said extended property line 1480± feet to its intersection with the Durham/Wake

County line, said intersection also corresponding with the southwestern most point of Wake County PIN 0758.02 67 3847; thence easterly along the southern property line of Wake County PIN 0758.02 67 3847 280± feet to its intersection with the proposed centerline of Aviation Parkway; thence northerly along the proposed centerline of Aviation Parkway 300± feet to its intersection with the eastern property line of Wake County PIN 0758.02 67 3847, said point of intersection also being a point in the existing Raleigh city limits as of 12-31-98; thence northerly along the eastern property line of Wake County PIN 0758.02 67 3847 (said eastern property line also corresponding with the existing Raleigh city limits as of 12-31-98) 700± feet to its intersection with the southern property line of Wake County PIN 0758.02 69 8122; thence easterly along the southern property line of Wake County PIN 0758.02 69 8122(said southern property line also corresponding with the existing Raleigh city limits as of 12-31-98) 200± feet to its intersection with the proposed centerline of Aviation Parkway; thence northerly along the proposed centerline extended of Aviation Parkway 4400± feet to its intersection with the northern right-of way line of Glenwood Avenue(US Highway 70); thence southeasterly along the northern right-of-way Glenwood Avenue 6120± feet to its intersection with the southeastern most point of Wake County PIN 0768.01 29 7399; thence northwesterly along the eastern property line of Wake County PIN 0768.01 29 7399 1190± feet to its intersection with the southern property line of Wake County PIN 0768.01 39 3677; thence easterly along the southern property line of Wake County PIN 0768.01 39 3677 530± feet to its intersection with the eastern property line of Wake County PIN 0768.01 39 3677; thence northerly along the eastern property line of Wake County PIN 0768.01 39 3677 810± feet to its intersection with the southern property line of Wake County PIN 0769.03 30 5331; thence easterly along the southern property line of Wake County PIN 0769.03 30 5331 240± feet to its intersection with the southern property line of Wake County PIN 0769.03 40 4545; thence easterly along the southern property line of Wake County PIN 0769 03 40 4545 1192± feet to its intersection with the eastern property line of Wake County PIN 0769.03 40 4545; thence northerly along the eastern property line of Wake County PIN 0769.03 40 4545 297± feet to its intersection with the southern property line of Wake County PIN 0769.04 50 5565; thence easterly along the southern property line of Wake County PIN 0769.04 50 5565 1402± feet to its intersection with the eastern property line of Wake County PIN 0769.04 50 5565; thence northerly along the eastern property line extended of Wake County PIN 0769.04 50 5565 152± feet to its intersection with the southern property line of Durham County Parcel No. 981-01-07; thence easterly along the southern property line of Durham County Parcel No. 981-01-07 1015± feet to its intersection with the western property line of Durham County Parcel No. 981-01-22; thence southerly along the western property line of Durham County Parcel No. 981-01-22 and continuing southerly and crossing the Durham/Wake County line along the western property line of Durham County Parcel No. 981-01-23 470± feet to its intersection with the southern property line of Durham County Parcel No. 981-01-23; thence easterly along the southern property line extended of Durham County Parcel No. 981-01-23 680± feet to a point on the eastern right-of-way of Blue Hill Lane, said point also being southwestern most point of Durham County Parcel No. 981-01-24A; thence easterly along the southern property line of Durham County Parcel No.

981-01-24A 480± feet to its intersection with the western property line of Durham County Parcel No. 981-01-34; thence southerly along the western property line of Durham County Parcel No. 981-01-34 153± feet to its intersection with the southern property line of Durham County Parcel No. 981-01-34; thence easterly along the southern property line extended of Durham County Parcel No. 981-01-34 1190± feet to its intersection with the centerline of Mt. Herman Road; thence northerly along the centerline of Mt. Herman Road 2200± feet to its intersection with the centerline of Leesville Road(SR1906); thence westerly along the centerline of Leesville Road 200± feet to its intersection with the centerline of Olive Branch Road(SR 1905); thence northwesterly along the centerline of Olive Branch Road 400± feet to its intersection with the northern property line extended of Durham County Parcel No. 980-02-28A; thence easterly along the northern property line extended of Durham County Parcel No. 980-02-28A 630± feet to its intersection with the centerline of Shady Grove Road(SR 1981); thence northerly along the centerline of Shady Grove Road 2750± feet to its intersection with the centerline of Carpenter Pond Road(SR 1901); thence easterly along the centerline of Carpenter Pond Road 4300± feet to its intersection with the centerline of Hickory Grove Road(SR 1904); thence southerly along the centerline of Hickory Grove Road to 1050± feet to its intersection with the Durham/Wake County line.

Section 8.

That both governing bodies identify the following roadway corridors as significant links between the two communities which offer opportunities for cooperation in land use planning and coordination of development regulations that will seek compatible uses of land and natural resources along each corridor, achieve a smooth transition between areas of development within each jurisdiction, provide appropriate entryways into each jurisdiction from the other and encourage orderly development and the efficient delivery of urban services which will maintain and enhance property values in each jurisdiction. These mutually identified corridors are Glenwood Avenue(US Highway 70), Lumley Rd., Alexander Pkwy.(Southern Parkway), Page Road, proposed Aviation Parkway, Leesville Rd., and Carpenter Pond Road.

Section 9.

That both governing bodies direct the administrative staffs of each jurisdiction to pursue joint efforts to coordinate plans for improvements to the public rights-of-way in the corridors identified in Section 8 above, said efforts shall include streetscape improvement plans, landscaping projects, coordinated signage and other development regulations unique to the corridor and roadway construction.

Section 10.

That both governing bodies direct the administrative staffs of their respective jurisdictions to mutually exchange information, review and report to their respective boards, on a timely basis, the contents of any zoning, subdivision or site plan request for land referred to by this ordinance within 1000 feet of the mutual annexation agreement line described in Section 7 above.

Section 11.
That both municipalities will coordinate the logical and efficient provision of other municipal services in the area as it urbanizes and work with appropriate County agencies and other entities such as the volunteer fire departments and providers of solid waste services to assure the orderly transition of these services to the municipalities as their boundaries expand.

Section 12.
That this ordinance shall become effective immediately following its adoption by both governing bodies.

Section 13.
That this ordinance may not be modified or amended without a subsequent agreement entered into by both participating Cities pursuant to G.S. 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.

Section 14.
That this agreement may be terminated at any time by either the mutual consent of both municipalities in accordance with procedures outlined in Section 3 relating to annexations above or by either city in the manner prescribed by G.S. 160A-58.24(f). This agreement shall be effective until such termination occurs or 20 years, whichever comes first.

Adopted by the City of Raleigh: (Date) March 2, 1999

Mayor - City of Raleigh

Adopted by the City of Durham: (Date) March 1, 1999

Mayor - City of Durham

Effective: See Section 12 above. Date:_____

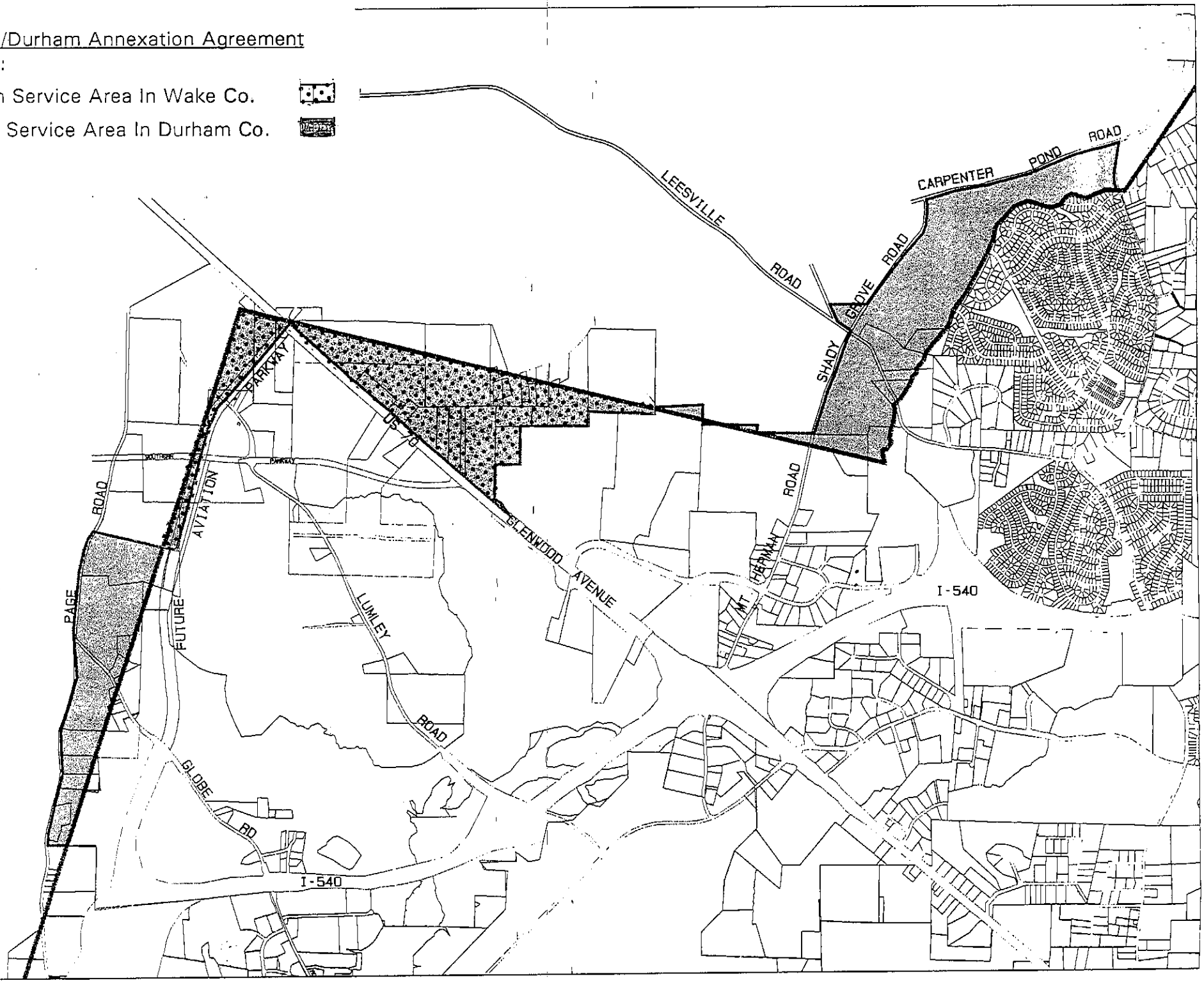
APPROVED BY
CITY COUNCIL

MAR 1 1999

CITY CLERK

Raleigh/Durham Annexation Agreement

Legend:

Durham Service Area In Wake Co.

Raleigh Service Area In Durham Co.