



CITY OF DURHAM
Office of the City Clerk
101 CITY HALL PLAZA | DURHAM, NC 27701
919.560.4166 | F 919.560.4835

www.durhamnc.gov

ATTACHMENT A

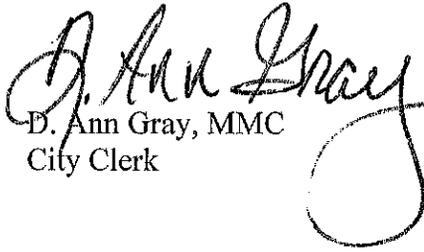


NORTH CAROLINA DURHAM COUNTY

I, D. Ann Gray, duly appointed City Clerk of the City of Durham, North Carolina, do hereby certify that the ownership is sufficient for the following Voluntary Annexation Petition based on information (Certificate of Title) submitted to the Budget Department and received in the City Clerk's Office on May 18, 2012:

Snow Hill Middle School B

WITNESS my hand and the corporate seal of the City of Durham, North Carolina, this the 22nd day of May, 2012.


D. Ann Gray, MMC
City Clerk



FY2011-03 Snow Hill Middle School B
ATTACHMENT A

**PETITION FOR VOLUNTARY ANNEXATION TO THE CITY OF DURHAM
OF A NONCONTIGUOUS AREA**

To the Mayor and Members of the City Council of the City of Durham,

The undersigned respectfully petition the City Council of the City of Durham, such annexation to be pursuant to Part 1 of the General Statutes (G.S. 160A-58 et seq.). In support of this petition and I hereby respectfully submit the following information:

*Received on
5-18-2012
@ 2:49 p.m.
S.B.*

1. The undersigned whose names are signed to this petition with the exception of the following: Owners of real property taxation under the Constitution and laws of North Carolina defined in G.S. 62-3(23); Electric Membership Corporation
2. The nearest point of the area described herein to the primary corporate limits of another city is more than three (3) miles.
3. No part of the area described herein is closer to the primary corporate limits of another city than to the primary corporate limits of the City of Durham.
4. If any part of the area described herein is a part of a subdivision as defined in G.S. 160A-376, then all of said subdivision is included within the area described.
5. This area proposed for annexation under this petition is described by metes and bounds as follows:

(ATTACH A METES AND BOUNDS DESCRIPTION FOR THE AREA TO BE ANNEXED)

Respectfully submitted this 28 day of OCT., 20 11.

Type or Print Name of Property Owner(s)	Address and Phone Number:	Property PIN#/ Parcel ID #
<u>DURHAM PUBLIC SCHOOLS</u>	<u>2011 HAMLIN RD</u> <u>DURHAM 27704</u> <u>560-2216</u>	<u>0835-01-38-4685</u> <u>PID 201634</u>
<u>CITY OF DURHAM</u>	<u>101 CITY HALL PLAZA</u> <u>DURHAM 27701</u>	<u>0835-01-22-3261</u> <u>PID 206284</u> <u>0835-01-57-2763-SPL</u> <u>PID 201632</u>

Please sign and complete the requested information on the Signature page of this petition

(For Budget and Management Services Use)

Date Received: _____ Total Land Mass: _____
Received by: _____ % Satellite: _____ If > 10%, return _____

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TITLE AND OWNERSHIP INFORMATION
FOR VOLUNTARY PETITIONED ANNEXATIONS

Instructions:

The following information should be supplied at the time a voluntary annexation petition is submitted, unless a later date is approved by the Budget Department. The date through which title is examined should be one week before the submittal of the annexation petition, or later. NOTE that the certificate is limited to holders of fee simple interests. Among other things, holders of mortgages or deeds of trust, or trustees for the same; easements; taxes or assessments; or defects not disclosed by public records need not be listed.

CERTIFICATE OF TITLE

The undersigned attorney, who is licensed to practice law in the State of North Carolina, hereby certifies that the record owner(s) of all fee simple interests in the tract of land submitted for annexation to the City of Durham on a petition dated December 1, 2010 and described on such petition as (name of development) New Middle School B. Snow Hill Road, which tract is described by the metes and bounds description submitted as part of such petition, is Durham Public Schools. And that the deed(s) showing such title are recorded at Book 6495, Page 35; Book N/A, Page N/A; Book N/A, Page N/A Durham County Register of Deeds. In addition, the undersigned attorney certifies that the execution of the aforesaid petition is legally sufficient in form, manner, and substance to bind all owners of the property being annexed.

This the 25 day of October, 20 11.

Maxwell, Freeman & Bowman, P. A.

By: Homa J. Freeman, Jr. (Signature of Attorney)

(Type or Print Name of Attorney)

919-493-6464
(Attorney Phone Number)

NOTARIZATION

NORTH CAROLINA
Durham COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that Homa J. Freeman, Jr. personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 25 day of October, 20 11.

[Signature]
Notary Public

My commission expires 6-8-12.

ATTACHMENT A

§ 2.3

DURHAM CITY CODE

(2) No other procedural requirement of Article 4A of Chapter 160A of the General Statutes (G.S. 160A-29 et seq.), except for G.S. 160A-29, 160A-51, and 160A-58.8 as applicable, applies to the adoption of such an ordinance amendment.

(d) Any annexation ordinance adopted pursuant to Article 4A of Chapter 160A of the General Statutes (G.S. 160A-29 et seq.) or this Charter may be repealed by ordinance at any time prior to the effective date of the ordinance.

(Laws 1993, Ch. 342, § 1; Ord. No. 12281, § 1, 5-7-2001)

* **Sec. 2.4. Annexation petition signatures.**

A petition for annexation of property submitted pursuant to G.S. 160A-31 need not be signed by any owner of real property that is wholly exempt from property taxation under the constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

(Laws 1993, Ch. 342, § 1)

Sec. 2.5. (Repealed by S.L. 2001-480, § 1)

Sec. 2.5A. Annexation of streets adjacent to city limits.

In addition to its authority to annex streets under this Charter and under general law, the city may annex the portions of public or private streets that are directly contiguous on 2 opposing sides to property that is within the city limits. When the city proposes to annex a street under this authority and the annexation is of the street alone, and no other property, the city may accomplish the annexation using the procedure described in this section. The city council shall pass a resolution describing the street area to be annexed, and setting a date for a public hearing. Notice and a public hearing as required under Part[s] 1 and 4 of Article 4A of Chapter 160A of the General Statutes [G.S. 160A-29 et seq. or G.S. 160A-58 et seq.] shall be provided. Upon compliance with these requirements, the city council may pass an ordinance annexing the described area, and no other requirements shall apply. The time period for appeal of the annexation shall be as provided in section 2.6 of this Charter.

(S.L. 2003-26, § 1)

Sec. 2.6. Petition annexation appeals.

Any judicial action contesting the validity of an annexation by the city pursuant to Part 1 or 4 of Article 4A of Chapter 160A of the General Statutes (G.S. 160A-29 et seq. or G.S. 160A-58 et seq.) shall be filed within 30 days after the adoption of the annexation ordinance.

Sec. 2.7. Restrictions on annexation and extraterritorial jurisdiction as to the City of Durham.

Notwithstanding the provisions of G.S. 160A-58.1(b)(2) and provided the remainder of the requirements of Part 4 of Article 4A of Chapter 160A of the General Statutes are met, the City

ATTACHMENT A

§ 160A-58.1. Petition for annexation; standards, NC ST § 160A-58.1

West's North Carolina General Statutes Annotated
Chapter 160A, Cities and Towns
Article 4A, Extension of Corporate Limits (Refs & Annos)
Part 4, Annexation of Noncontiguous Areas

N.C.G.S.A. § 160A-58.1

§ 160A-58.1. Petition for annexation; standards

Currentness

* (a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

(1) It is unsigned.

(2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate

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§ 160A-58.1. Petition for annexation; standards, NC ST § 160A-58.1

limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Holly Ridge, Holly Springs, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by S.L. 2004-203, §§ 13(a) and 13(d), eff. Aug. 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated.

Credits

Added by Laws 1973, c. 1173, § 2. Amended by Laws 1989 (Reg. Sess., 1990), c. 996, § 4; S.L. 2001-37, §§ 1, 2, eff. April 26, 2001; S.L. 2001-438, § 1, eff. Oct. 15, 2001; S.L. 2002-121, § 1, eff. Sept. 24, 2002; S.L. 2003-30, § 1, eff. May 1, 2003; S.L. 2004-57, § 1, eff. July 6, 2004; S.L. 2004-99, § 1, eff. July 15, 2004; S.L. 2004-203, §§ 13(a), 13(c), 13(d), eff. Aug. 17, 2004; S.L. 2005-52, § 1, eff. May 18, 2005; S.L. 2005-71, § 1, eff. June 1, 2005; S.L. 2005-173, § 1, eff. July 11, 2005; S.L. 2005-433, § 9, eff. Sept. 22, 2005; S.L. 2006-62, § 1, eff. July 6, 2006; S.L. 2006-122, § 1, eff. July 18, 2006; S.L. 2006-130, § 1, eff. July 19, 2006; S.L. 2007-17, § 1, eff. April 19, 2007; S.L. 2007-26, § 1, eff. April 26, 2007; S.L. 2007-62, § 1, eff. June 6, 2007; S.L. 2007-225, § 1, eff. July 17, 2007; S.L. 2007-311, § 1, eff. July 28, 2007; S.L. 2007-342, § 1, eff. Aug. 2, 2007; S.L. 2008-24, § 1, eff. June 30, 2008; S.L. 2008-30, § 1, eff. June 30, 2008; S.L. 2009-40, § 2, eff. May 27, 2009; S.L. 2009-53, § 1, eff. June 2, 2009; S.L. 2009-111, § 1, eff. June 16, 2009; S.L. 2009-156, § 1, eff. June 23, 2009; S.L. 2009-323, § 1, eff. July 22, 2009; S.L. 2011-57, § 1, eff. April 28, 2011.

Notes of Decisions (6)

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§ 160A-58.1. Petition for annexation; standards, NC ST § 160A-58.1

The statutes and Constitution are current through S.L. 2012-1 of the 2011 Regular Session of the General Assembly.

End of Document

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ATTACHMENT A

ANNEXATION PETITION SIGNATURE PAGE – Continued -

ATTORNEY-IN-FACT OR OTHER AGENT:

Note: A copy of the paper that appointed you to be Attorney-in-fact or Agent must be attached with this petition.

DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION

Name of Property Owner (Type or Print)

The Owner is a(n)

X Individual

Corporation (if so, affix Seal)

General Partnership

Limited Partnership

Attorney-in-fact (Signature)

Attorney-in-fact (Type or Print)

Minnie Forte-Brown

Other Agent (Signature)

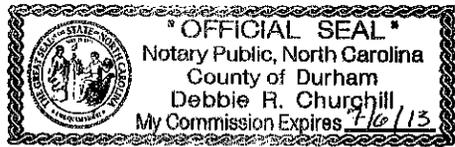
Other Agent (Type or Print)

NOTARIZATION

NORTH CAROLINA
Durham COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that Minnie Forte-Brown personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 21st day of October, 2011.



Debbie R. Churchill
Notary Public

My commission expires 7/6/2013

ALL SIGNATURES MUST BE NOTARIZED!!!