

NORTH CAROLINA
ORANGE COUNTY

AGREEMENT ESTABLISHING AN ANNEXATION BOUNDARY
AGREEMENT AND ADJUSTING THE
EXTRATERRITORIAL PLANNING JURISDICTION (ETJ) LINE
BY AND BETWEEN THE
TOWN OF CARRBORO AND THE TOWN OF CHAPEL HILL

WHEREAS, the Town of Chapel Hill and the Town of Carrboro, (the “participating cities”), duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating cities and to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes (hereinafter referred to as the “Act”) authorizes cities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such cities as well as residents and property owners in areas adjacent to such cities; and

WHEREAS, Section 9.1(b) of the Charter of the Town of Carrboro and Chapter V, Article 2, Section 5.9 of the Charter of the Town of Chapel Hill allow the relocation of the division line between the extraterritorial jurisdiction of the Town of Carrboro and the Town of Chapel Hill by mutual written agreement of said municipalities;

NOW, THEREFORE, THE PARTICIPATING CITIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act and the charter provisions referenced above.
2. Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for twenty (20) years after its effective date and may thereafter be renewed.
3. The Town of Chapel Hill may not annex areas to the west of the line as described on Map 1 Annexation Boundary (attached). The Town of Carrboro may not annex areas to the east of the line as described on Map 1 Annexation Boundary (attached).
4. The Towns of Carrboro and Chapel Hill mutually agree that the Extraterritorial Planning Jurisdiction (ETJ) boundary line between Carrboro and Chapel Hill is hereby adjusted to correspond with the annexation boundary line as described by Section 3.
5. For the purposes of identifying and defining the boundaries as indicated in section 3 above, the Joint Planning Agreement Land Use Map, as incorporated into the Joint Planning Agreement on November 2, 1987, and last updated April, 2023 and as called the Southern Orange County Planning Jurisdictions Map is hereby incorporated into this Agreement. A true and accurate copy of that map is attached to this Agreement (see Map 2). The Agreement does not modify the terms of the annexation agreement portion of the Joint Planning Agreement.
6. Modification or termination of the Joint Planning Agreement or the Joint Planning Agreement

Land Use Map after the effective date of this Agreement will not modify or terminate the boundaries identified in paragraph 3 above. Modification or termination of the boundaries identified in paragraph 3 above may only occur by the terms of this Agreement.

7. This Agreement is hereby effective as of the date of adoption of the approving ordinance by the last participating city to do so, whichever is later.
8. At least sixty (60) days before the adoption of any annexation ordinance, the participating city which is proposing any annexation in the area(s) subject to this Agreement shall give written notice to the other participating city of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Agreement; roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.
9. This Agreement may be modified or terminated by a subsequent agreement entered into by the participating cities. Any subsequent agreement shall be approved by ordinance after public hearings, notice of which has been provided in accordance with G.S. 160A-58.24(d) and (e).
10. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating city, unless approved by the board of county commissioners with jurisdiction over the area. An area where this Agreement is not binding because of failure to the board of county commissioners to approve it shall become subject to this Agreement if subsequent annexation brings it within three miles. The approval of a board of county commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S. 160A-58.24(c) and (e).
11. This Agreement may be terminated unilaterally by a participating town or a participating town may withdraw from this Agreement, by repealing the ordinance which approved this Agreement and providing five years' written notice to the other participating town. Upon the expiration of the five-year notice period, this Agreement shall terminate.
12. From and after the effective date of this Agreement, neither Carrboro or Chapel Hill may adopt an annexation ordinance as to all or any portion of an area in violation of this Agreement.
13. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
14. Any participating city which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.
15. This agreement includes Maps I-II that are attached hereto.

IN WITNESS WHEREOF, the mayors of the participating cities execute this Agreement, in duplicate, to become effective as provided in paragraph 6 above.

This the _____ day of _____, 2023.

Attachments:

Map 1 Annexation Boundary

Map 2 Southern Orange County Planning Jurisdictions

Chapel Hill/Carrboro Annexation Agreement (con't)

TOWN OF CARRBORO

By: _____
Mayor

ATTEST:

Town Clerk
APPROVED AS TO FORM:

Town Attorney

TOWN OF CHAPEL HILL

By: _____
Mayor

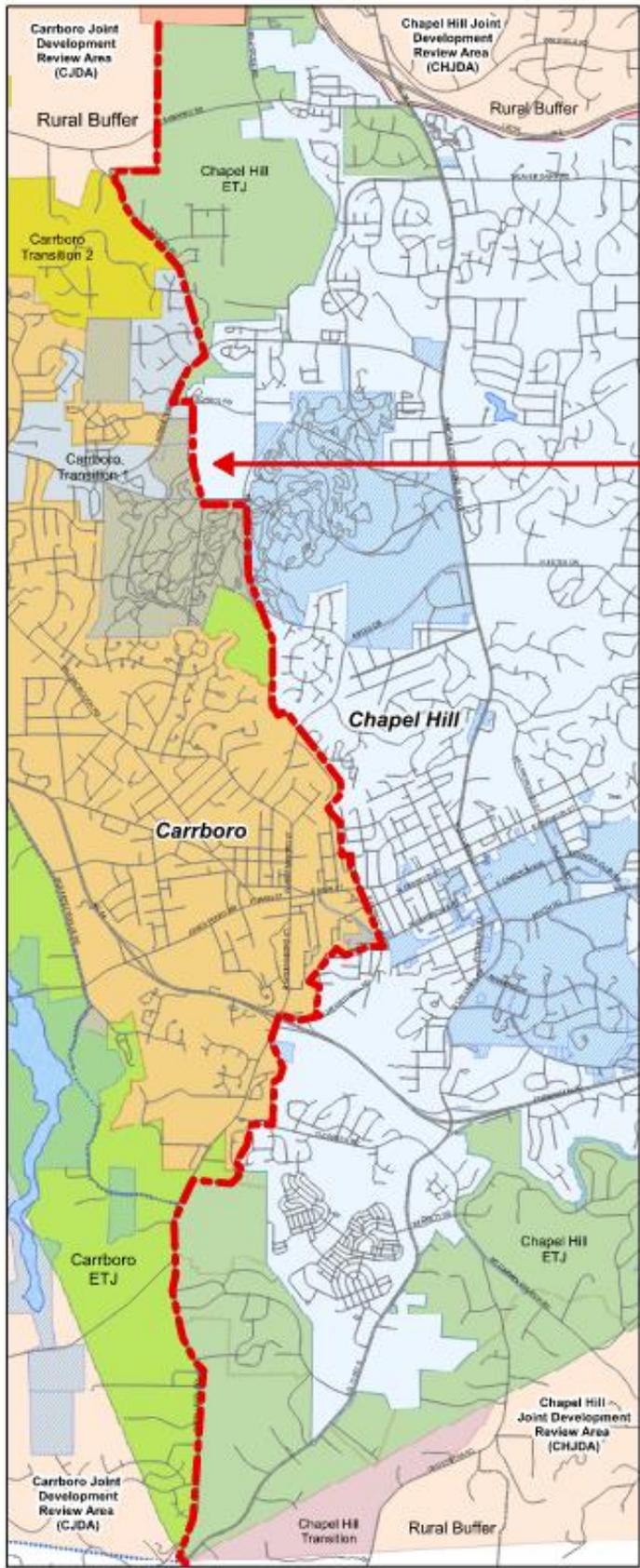
ATTEST:

Town Clerk
APPROVED AS TO FORM:

Town Attorney

Map 1 Annexation Boundary

Proposed ETJ / Annexation Boundary Agreement between Carrboro and Chapel Hill



No change to the existing boundary: ETJ/Annexation boundary to follow existing Corporate Limits, ETJ, and Joint Planning Area boundaries.

This map is not a certified survey and no reliance may be placed in its accuracy.

Michael Sudol, GIS Analyst II

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|-------------------------------------|----------------------------|---|--------------------|
| DESCRIPTION | | Carrboro Planning Areas | |
| Chapel Hill City Limits | Carrboro City Limits | Carrboro Extra-Territorial Jurisdiction | |
| Chapel Hill ETJ | Carrboro Transition Area 1 | Carrboro Transition Area 2 | |
| Chapel Hill Transition | Lakes & Ponds | UNC Property | |
| Chapel Hill Urban Service Area | Joint County Review | Orange Co. Rural Buffer | |
| Orange County Planning Areas | | Rural Buffer, University Lake Watershed | Durham City Limits |

Map Prepared by Team of Chapel Hill Technology Services - 11/16/10 - April 2011

Map 2 Southern Orange County Planning Jurisdictions

To be inserted.

DRAFT