

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**SENATE BILL 315
State and Local Government Committee Substitute Adopted 3/18/09**

Short Title: Southport Annexation Agreement.

(Local)

Sponsors:

Referred to:

February 26, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION
AGREEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any applicable provision of the General Statutes or any other public or local law, the City of Southport is granted certain contract powers as follows:

- (1) To enter into an agreement with Carolina Power and Light Company, a North Carolina corporation doing business as Progress Energy Carolinas, Inc., and with the North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under Chapter 159B of the General Statutes, whereby the City of Southport may provide that certain property more particularly described in the agreement may not be involuntarily annexed by the City prior to January 1, 2073, under the General Statutes as they now exist or may be subsequently amended, except as may be provided in that agreement. The City of Southport shall not seek to repeal this act.
- (2) Any agreement entered into as provided in subdivision (1) of this section is deemed to be proprietary and commercial in nature and is specifically determined to be consistent with the public policy of the State of North Carolina.
- (3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the governing board of the City of Southport during the full term of such agreement and any extension thereof.
- (4) The parties to any agreement entered into as provided in subdivision (1) of this section are authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

SECTION 2. The City of Southport may accept as consideration for the agreement discussed in Section 1 of this act the acquiescence by Carolina Power and Light Company, a North Carolina corporation doing business as Progress Energy Carolinas, Inc., and the North Carolina Eastern Municipal Power Agency, a joint agency organized and existing under Chapter 159B of the General Statutes in an annexation by the City of Southport of the areas provided in that agreement.



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1 **SECTION 3.** This act is effective when it becomes law and also applies to an
2 agreement dated August 27, 2008, that conforms with this act. That agreement is specifically
3 ratified by the General Assembly.