

Village of Marvin Voluntary Annexation Process

A property owner can initiate a voluntary annexation. The property in question must be contiguous to the primary corporate limits of the Village. See NC General Statute §160A-31.

Definition of Contiguous Annexation:

An area shall be deemed “contiguous” if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina.

Criteria for Voluntary Annexation in Marvin (the Council may waive these requirements for extenuating circumstances)

- Subdivisions requesting voluntary annexation must have at least 95% participation to be considered for voluntary annexation.
- The annexation must provide the Village with a contiguous identity
- The Village will perform an economic impact study before considering any voluntary annexation petitions

If a property involved in the voluntary annexation changes ownership before the Annexation Ordinance is adopted, and the new owners protest the annexation, the entire petition would fail. Also, if any one property withdraws from or is added to the annexation petition prior to the Annexation Ordinance being adopted, the entire petition would fail. You may add signatures to existing petitions.

Any annexation agreements between the Village of Marvin and neighboring municipalities may prohibit the Village from annexing some properties in the vicinity regardless of whether or not they meet the criteria contained in this policy. Property owners should check with the Village Clerk to determine if any such annexation agreements may apply to their property.

VOLUNTARY ANNEXATION SUBMITTAL DEADLINES

In order to have annexation effective on July 1, annexation petitions must be complete and submitted by March 31.

In order to have annexation effective on January 1, annexation petitions must be complete and submitted by September 30.

Voluntary Annexation Workflow:

1. Applicant submits a petition application to Council.
2. If Council is interested in pursuing the annexation, Council will direct staff to perform an economic impact study.
3. If Council is interested in pursuing the annexation, Council will direct the Clerk to investigate sufficiency of petition and certify results to Council that petition is complete.
4. Clerk certifies sufficiency of petition by doing the following:
 - a. Ascertaining that the petition adequately describes the property(ies) including a description for which annexation is sought. Determine that it is possible to locate the property on the ground.
 - b. Establish the ownership of the real property included in the annexation area via property tax records and register of deed grantor index.

- c. Ensuring that all owners have signed the petition and each owner's printed name and address is included, and that signatures are current owners at time Council adopts the Ordinance.
 - i. When there are multiple property owners, all owners must sign, as follows:
 1. If property is owned by husband and wife, by the entireties, both must sign.
 2. If property is owned in common by a group of persons, including a group of heirs, all must sign.
 3. If property is in an estate, the heirs must sign; the administrator's or executor's signature is not sufficient.
 4. If the property is a condominium complex, all owners must sign (not just the property owners association).
 - ii. When property is owned by an entity, the petition should be signed as follows:
 1. Corporations: the petition should be signed by the corporation's president, or the president's delegate.
 2. Partnerships: Any partner may sign, in the name of the partnership, unless there is notice that the partner is exceeding his authority,
 3. Local governments: The petition should be signed by the chief elected official or by the presiding officer of the governing board if there are no elected officials.
 - iii. Interests that need not sign the petition area; easements, leases, mortgagees, option holders (but if option will be exercised before Ordinance adoption, optionee should sign, perhaps as well as owner), cemetery lot owners.
 - d. Ensure that the proposed annexation area is currently contiguous to the existing city limits.
 - e. Ensuring that all other statutory requirements are met.
5. Once petition is deemed sufficient, the Council must call for a public hearing and cause notice to be published on the annexation.
 6. Public hearing is advertised as required by law. It must be published once, at least 10 days prior to the hearing. At a minimum, notice should give date, time, location and purpose of the public hearing and include a map or description of the annexation area clear enough to permit readers to recognize the property involved.
 7. At the public hearing, the public comments on the sufficiency of the petition and the desirability of the annexation.
 8. Following the public hearing, the Council may adopt an Ordinance annexing the property included in the petition.
 - a. Consideration should be given to determine if all requirements have been met and that the annexation would best serve the public health, safety, and welfare of the inhabitants of the city and of the annexation area.
 - b. There is no deadline for when Council must act on an annexation request. The matter will remain open until Council votes or the applicant withdraws the petition.
 - c. The Council must include in the Ordinance certain findings: They must find that the petition meets the requirements of the NC Statutes.
 - d. If the Council decides to approve the annexation, it can set an effective date of annexation immediately or anytime within the following six months.
 9. Forms must be submitted to the U.S. Department of Justice (DOJ) to show that such annexation is in compliance with Section 5 of the 1965 Voting Rights Act. The Voting Rights Act of 1965

is a Federal Law enacted to protect the voting rights of racial and language minority group members and to prevent dilution of the voting strength of minorities. This submission must be signed by the Village Attorney and submitted as soon as possible after the enactment of the Ordinance. The DOJ may take as long as 60 days to make a determination on the annexation.

10. Annexation – These groups must be notified when annexations occur (Send revised map and certified copy of the annexation Ordinance):
 - County Register of Deeds – G.S. 160A-29
 - Local Board of Elections- G.S. 163-288
 - NC Secretary of State- G.S. 160A-29 (send to Land Records Management Program within 30 days)
 - Gas and Electric companies that have customers in the Village
 - Cable Company
 - County Tax Office
 - City of Charlotte (annexation agreement)
 - Town of Weddington (annexation agreement)
 - Town of Stallings (annexation agreement)

11. The Village Clerk must maintain a map with the updated Village boundaries (per G.S. 160A-22).

Approved by the Village Council May 11, 2010.