



CITY ATTORNEY

CITY OF DURHAM

DURHAM-CHAPEL HILL ANNEXATION BOUNDARY

Don O'Toole | September 7, 2023

ANNEXATION BOUNDARIES

- What are they?

- And what are they not?



Current Durham-Chapel Hill Boundary

- Insert context map from Planning

How Are They Established?

- Through an annexation agreement approved by the governing bodies of both jurisdictions. *See Gen. Stat. 160A-58.21 et. seq.* Durham has agreements in place with some of our neighboring jurisdictions (E.g. Raleigh, Cary, and Morrisville)
- By court order (E.g. Chapel Hill)

History of the Durham-Chapel Hill Boundary

- In 1985 the Durham and Chapel Hill elected bodies adopting conflicting annexation resolutions
- Chapel Hill initiated litigation against Durham to resolve the conflict (Durham Superior Court 85 CVS 3108)

History cont'd.

- The litigation was resolved by the parties through a Consent Judgment that was approved by the Court on 11/6/86. The Consent Judgment established an annexation boundary between Durham in Chapel Hill.
- In 1994 Chapel Hill and Durham went back to court and sought the modification of the annexation boundary. This was approved through an order entitled “Modification To Consent Judgment” which was approved on 8/19/94. The modification altered the annexation boundary. It further provides that neither party shall annex across the boundary without the prior agreement of the other party.



Further Modification of the Boundary

- By agreement of Durham and Chapel Hill and/or
- Through modification of the Consent Judgment

Chapel Hill's Resolution

- At the request of a property owner, in April of this year Chapel Hill's Town Council approved a resolution directing its staff to collaborate with Durham's staff to seek the modification of the Consent Judgment to change the annexation boundary so that the property owner's property is on the Durham side of the annexation boundary.
- The property owner has requested that this collaboration move forward.



So What Happens if the Boundary is Moved?

- Property is NOT automatically annexed if the boundary is moved
- Annexation requires the following 2 steps:
 - The annexation boundary must be modified; and then
 - A property owner must submit a consolidated annexation request (annexation, zoning, and utility extension agreement) for Council's consideration at a public hearing.

Questions?

Staff and I are happy to respond to any questions you may have for us.