City of Hickory Annexation Process

1. Pre-submission Consultation.
    a. Annexations, contiguous and noncontiguous, must comply with the requirements found in NC General Statute §160A.
    b. Unless contiguous to the proper city boundary:
        i. Property cannot be more than three (3) miles from the proper city boundary.
        ii. Property cannot be closer to the proper city boundary of another municipality, unless an annexation agreement is in place.
        iii. Property cannot be annexed unless adequate city services are available.

2. Submission of complete and accurate petition.
    a. Petition must be submitted on a form provided by the city.
    b. All owners must sign the petition. If property has multiple owners, or is owned by married persons, all those persons and spouses must sign.
    c. Properties owned by business entities, such as LLCs, corporations and the like must be signed by the authorized representative and documentation showing the person has such authority must be provided. Their signature must appear in their capacity to represent the entity.
    d. If property is in a trust, or other form of holding, all owners must sign unless authority is granted to an individual to sign on behalf of all having ownership interests. Documentation showing such must be provided.
    e. All signatures as required above must be properly notarized.
    f. Current deeds for the property must accompany the petition.
    g. In addition to the petition and deed, an annexation plat drawn to the specifications outlined within the petition must be submitted. This plat must be an actual filed survey prepared by a licensed land surveyor and provided in a form ready for recordation should the annexation be approved.
    h. At no point in the annexation process can any property involved change ownership. Change in ownership voids any submitted petition, and the process must start over from the beginning no matter where in the process it may be.

3. Certification of Petition (1st City Council Consideration).
    a. Upon receipt of a complete petition, the City Clerk is required by NCGS §160A to attest to Hickory City Council the annexation petition is sufficient to proceed with consideration.
    b. This process requires the City Clerk to verify all signatures on the petition are the rightful owners and are correctly executed. If question arises to the validity the City Attorney will be consulted.
    c. Once this has been verified, the City Clerk sends Hickory City Council a report referred to in the NC General Statues as a Certificate of Sufficiency.
    d. Hickory City Council is required by the NC General Statutes to accept the City Clerk's certificate. This requires the certificate to be placed on a City Council agenda and voted on during a scheduled and open City Council meeting, during which a date for a required public hearing is scheduled.
    e. Between the time the Certificate of Sufficiency is accepted and the public hearing, the City Clerk publishes a notice of public hearing in the newspaper no less than ten (10) days prior to the scheduled hearing.

4. Public Hearing (2nd City Council Consideration).
    a. As required by the NC General Statutes, Hickory City Council conducts a public hearing. At the public hearing, city staff provides Council with an explanation of the request and a determination of the adequacy of public services, after which the public hearing is opened. The owners of the property requesting annexation, as well as anyone from the public are provided with an opportunity to comment on the petition.
    b. After all comments have been received Council closes the public hearing and deliberates the petition. Upon completion of its deliberations, Council takes a vote to either approve or deny the petition to annex the property.

5. Post Approval.
    a. After the public hearing has concluded and Hickory City Council has approved the petition, the property is now set to become part of the city.
    b. Annexations are set by ordinance to become effective on the last day of the month in which the hearing was held.

6. Other Considerations.
    a. Legal:
        i. Under the NC General Statutes, municipalities are under no legal obligation to annex properties, even if adequate services are available.

ii. Once an annexation has been approved it is not reversable. There are no statutory provisions or processes to undo annexations.

7. Land Use (Zoning, Subdivision, Etc.).
    a. When a property is annexed land use regulation implications my need to be addressed.
        i. If an annexed property is in the city's extra-territorial jurisdiction (ETJ), the existing zoning and land use regulation can simply stay in place unless the petitioner request a change in zoning when the annexation petition was submitted. If this is the case the property will need to be rezoned are required by NC General Statute and the City's Land Development Code.
        ii. If the annexed property is outside the City's extra-territorial jurisdiction (ETJ), the property must be rezoned as outlined in the NC General Statutes and the City's Land Development Code.
        iii. Changes in zoning, where appropriate, will run concurrently with annexations so they are considered at the meeting by Hickory City Council.
        iv. In instances where the petitioner is requesting existing zoning to be changed, or having an initial zoning assigned upon annexation. The type of zoning would have been discussed with staff during the pre-submission consultation. During which time the requested zoning would have been reviewed considering legal implications, existing development patterns and surrounding uses, and the city's comprehensive plan to see if what was being sought was realistic and suitable.