

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 633  
HOUSE BILL 620

AN ACT TO ALLOW A PROCEDURE FOR EXTENSION OF AND ASSESSMENT  
FOR WATER LINES INTO DEVELOPED SUBDIVISIONS IN BRUNSWICK  
COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-206. **Assessment for lines in developed subdivisions.** – (a) If an existing subdivision, shopping center, multi-family development or mobile home park water service extension is constructed which requires connection to a main water transmission line of the county to provide county water service to the service area, the following procedures shall be followed by the developer in order for said developer to be reimbursed for the costs associated with the said extension.

(b) As used in this section 'developer' means one or more individuals, firms, partnerships or corporations or a collection of two or more of the above, acting as the entity through which construction activity set forth herein is conducted. The developer as herein defined shall be such an entity as to be able to contract, sue and be sued, convey good title to real and personal property and act as payee for documents of commercial paper as contemplated in the provisions of the Uniform Commercial Code, Chapter 25 of the General Statutes.

(c) Upon petition of the developer to the county, signed and concurred with by at least seventy-five percent (75%) of the property owners of real property in the service area, the board of county commissioners shall conduct a public hearing concerning the developer's proposal. Notice of the hearing shall be given by advertisement at least one week prior to the hearing in a newspaper of general circulation in the county. Following the hearing, the county may certify the developer's water service extension as eligible for total cost reimbursement. At the time the petition is submitted, the said developer shall certify good faith attempted compliance with all requirements and procedures set forth herein. All signatures attached to the petition must be verified by the county as representing property owners owning real property within the water service area. Said petition must include a plat clearly showing the boundaries of the proposed water service area. The proposed water service area may not be expanded or limited without the approval of the county following submission of the aforementioned plat.

(d) The developer shall extend at the developer's complete expense any main water distribution line to the specifications set forth in policy by the county.

(e) Complete ownership of any main water distribution line and any other line extensions so constructed shall be deeded to the county and perpetual easements over private roads or other private property shall be granted to the county if such roads or property are involved.

(f) The developer shall submit to the county engineer all maps, plats, surveys, executed documents of deed and/or easement for review by the county and acceptance by the county of the main water distribution lines and any other extensions thereto. The developer must also submit water line construction costs documentation prior to or with instruments of dedication and/or easement.

(g) The county shall be deemed to have accepted any water main distribution line and extensions thereof on the date of the recording of all documents of transfer and/or easement in the office of the register of deeds of the county.

(h) When the project is complete, the developer shall present to the county an affidavit certifying that all cost associated with the project has been paid in full and that no outstanding liens or suits in law are pending as against the project. The affidavit shall further certify any sums received from landowners within the service area and the amount of such sums so received. The affidavit further shall contain the name and address of the agent so designated by the developer for receipt of payments under this section.

(i) The county shall prepare a scroll of all benefited landowners in the water service area. Pro rata assessments shall then be made against the number of lots served or subject to being served by the project and an amount equal to ten percent (10%) of the total construction costs shall be added to the total assessment amount to cover administrative expenses of the county. If it appears from the affidavit required in subsection (h) of this section that any landowner has paid a sum equal to his pro rata assessment amount, that landowner shall not be assessed.

(j) Said assessments shall be mailed, certified mail, return receipt requested, to each lot owner as reflected on the assessment scroll. Assessment shall be due and payable 60 days following receipt of said assessment by the lot owner. If the said assessment is not paid within 60 days, said amount shall bear interest at the rate of eight percent (8%) per annum until paid. The county may foreclose assessment liens under any procedure provided by law for the foreclosure of property tax liens, except that foreclosure may be begun at any time after 30 days after the due date. The county is not entitled to a deficiency judgment in an action to foreclose an assessment lien. The lien of special assessments is inferior to all prior and subsequent liens for State, local and federal taxes and superior to all other liens.

(k) On the six month anniversary date of the assessment, payment shall be made to the developer of such sums as may then be collected pursuant to the assessment less than ten percent (10%) administrative fee. Said payment shall be made every six months, if funds have been received, until construction cost as documented is paid in full.

(l) Verified delivery to or service upon the county engineer shall constitute notice to the county under the provisions of this section.

(m) In addition to the requirements of this section, each developer must execute a release in form prepared by and satisfactory to the county releasing the county, its employees, agents, officials, and assignees from any liability, in law or in equity regarding any and all phases and requirements of this section."

Sec. 2. This act applies to Brunswick County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.