

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 727
HOUSE BILL 1422

AN ACT TO AMEND THE DURHAM CITY CHARTER TO PROVIDE FOR
URBAN DEVELOPMENT PROJECTS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, Session Laws of 1975, is amended by adding a new section to read:

"Sec. 108.1. Urban Development Projects. (a) Definition. The term 'urban development project' means a capital project comprising one or more buildings or other improvements in which part of the project is privately owned and part is publicly owned. By way of illustration but not limitation, such a project might include a publicly owned parking structure, a publicly owned convention center and a privately owned hotel and/or office building.

(b) Authorization. The city may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an urban development project or of specific facilities within such a project, including the making of loans and grants from any monies lawfully available therefor.

The city may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract may specify the following:

- (1) The property interests of both the city and the developer or developers in the project.
- (2) The responsibilities of the city and the developer or developers for construction of the project.
- (3) The responsibilities of the city and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property Acquisition. An urban development project may be constructed on property acquired by the developer or developers, on property acquired by the city or on property acquired jointly by the city and the developer or developers.

(d) Property Disposition. The city may lease or convey interests in urban development project property or other property owned by it, including air rights over public facilities.

(e) Construction of the Project. The contract between the city and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire urban development project. If so, the contract shall include

such provisions as the city council deems sufficient to assure that the public facility or facilities included in the project are constructed at a reasonable price and the provisions of Article 8 of Chapter 143 of the North Carolina General Statutes shall not apply to such project.

(f) Operation. The city may contract for the operation of any public facility or facilities included in an urban development project by any person, partnership, firm, or corporation, public or private.

(g) Financing. To assist in the financing of its share of an urban development project, the city may apply for, accept and expend funds from the federal or State government or from any other lawful source.

(h) The authority granted by this section is in addition to and not in derogation of any other authority granted to the city by law. The city may exercise any authority granted to it by any other section of this charter or by local act or general law in furtherance of an urban development project. By way of illustration but not limitation, the city may exercise the following authority in furtherance of an urban development project:

- (1) The authority granted by Section 86 of this charter with respect to the public or private sale, lease, rent, exchange or other conveyance of property.
- (2) The authority granted by Section 8 of this charter with respect to contracts with, and appropriation of money to, persons, associations or corporations for the accomplishment of public purposes.
- (3) The authority granted by Section 112 of this charter with respect to the installation and rental of storerooms, restaurants, observation decks, heliports and other facilities in and upon certain specified public facilities."

Sec. 2. A new section is added to the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, to read:

"Section 114.1. Drainage. The City may provide for drainage projects.

The city may provide for drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or to improve drainage facilities. The authority contained in this section is in addition to any authority contained in Chapter 156 of the General Statutes."

Sec. 3. A new section is added to the Charter of the City of Durham, being Chapter 671, Session Laws of 1975, to read:

"Section 59.1. Public records. In enacting ordinances regulating toxic or hazardous substances, the city council may provide procedures for evaluating claims to 'trade secret' protection and maintaining the confidentiality of any 'trade secret' disclosed to the City pursuant to any such ordinance as an exception to the public records disclosure and inspection provisions otherwise provided by Chapter 132 of the General Statutes."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.