

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 281
HOUSE BILL 757

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF GARNER.

The General Assembly of North Carolina enacts:

Section 1. The Town of Garner may enact ordinances which provide a procedure for entering into reimbursement agreements with private developers who construct utility infrastructure, including the provisions for town reimbursement to the developer for that portion of the total construction cost which represents a public benefit, and is required by the town rather than being required to serve only the developer, including, but not limited to, oversized mains, alternate location of lift stations, or similar public benefits which may be accrued by supplementing the private developer's initial investment.

Sec. 2. The Town of Garner may enter into valid written contracts relating to such reimbursements.

Sec. 3. The Town of Garner may, by such ordinances and contracts, provide for reimbursement out of either the town's utility fund or out of future impact fees paid by other developers whose projects tie onto the subject infrastructure.

Sec. 4. No such reimbursement of the public portion of such infrastructure development shall be deemed to be construction, subject to Article 8 of Chapter 143 of the General Statutes, Public Contracts, or be deemed to be an evasion of the provisions of said Article, provided that the contract for the construction project complies with the requirements of G.S. 143-129 relating to public advertising and bid opening requirements which would be applicable, if the contract had been let by the Town of Garner.

Sec. 5. This act applies only to the Town of Garner.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July,
1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives