

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 30
SENATE BILL 88

AN ACT TO AMEND CHAPTER 899 OF THE 1985 SESSION LAWS (REGULAR SESSION, 1986) TO PROVIDE CHANGES ONLY WITH RESPECT TO A WHOLLY SELF-LIQUIDATING PROJECT.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to amend Section 2, Chapter 899, 1985 Session Laws (Regular Session, 1986), as it relates to The University of North Carolina at Chapel Hill ("UNC-CH"), by increasing the amount authorized for the Alumni Center from six million nine hundred sixty-seven thousand dollars (\$6,967,000) to twelve million one hundred fifty thousand three hundred dollars (\$12,150,300) on a wholly self-liquidating basis and by authorizing an additional means of constructing and financing this project within the authorized amount as amended by this act.

Sec. 2. Section 2 of Chapter 899, 1985 Session Laws (Regular Session, 1986), under the institutional subheading as indicated, and affecting only the project as listed in this act, is amended to read as follows:

"2. The University of North Carolina at Chapel Hill
Alumni Center \$12,150,300".

Sec. 3. Section 2, Chapter 899, 1985 Session Laws (Regular Session, 1986), is further amended by this act to authorize an additional means of constructing and financing the UNC-CH Alumni Center project. In addition to the means of constructing and financing projects authorized by Section 1, Chapter 899, 1985 Session Laws (Regular Session, 1986), with respect to constructing and financing of the said Alumni Center (the "Project") UNC-CH is authorized to lease, with option to purchase at a price not to exceed one thousand dollars (\$1,000), the Project from The University of North Carolina at Chapel Hill Foundation, Inc., (the "Foundation"), a North Carolina nonprofit corporation; to make payments pursuant to the lease obligation with funds available to UNC-CH from gifts, grants, receipts, self-liquidating indebtedness, or other funds, or any combination of such funds, but not including student fees, overhead receipts, or funds appropriated from the General Fund of the State; and to act as construction management agent, all as herein more fully described below.

Sec. 4. The Project hereby authorized by this act is to be a facility for the use of the General Alumni Association of The University of North Carolina at Chapel Hill, which may be constructed and owned by the Foundation, which may be leased by UNC-CH as lessee with an option to purchase at a price not to exceed one thousand dollars (\$1,000), and which is to be located on the campus of The University of North Carolina at Chapel Hill.

Sec. 5. For the purposes of contracting for the design, construction, and equipping of the Project authorized by this act, UNC-CH may contract with the Foundation to serve as the Foundation's construction management agent and, as such, to have general supervision of the constructing and equipping of the Project. The Project shall be exempt from the requirements of G.S. 143-128, and the Foundation and UNC-CH may enter into combined contracts for the design of the Project, combined contracts for the construction of the Project or combined contracts for the design, construction and construction management of the Project.

Sec. 6. For the purpose of designing, equipping, constructing or financing the Project authorized by this act, UNC-CH is authorized, in its discretion:

- (1) To lease as lessee for such period or periods of years not exceeding 30 years, with option to purchase at a price not to exceed one thousand dollars (\$1,000), provided further that any lease agreement specifically provide UNC-CH with the right to specifically enforce abatement of any public nuisance in or on the Project and to dispose of the Project in the exercise of its powers and the performance of its duties hereunder, any existing statute or regulation to the contrary notwithstanding;
- (2) To sublease the Project as sublessor to the General Alumni Association of The University of North Carolina at Chapel Hill as sublessee for such period or periods of years, such sublease not to exceed 30 years, upon terms and conditions including, but not limited to, the following:
 - a. The sublease payments to be made by the General Alumni Association to UNC-CH shall reflect the fair market rental value of the Project;
 - b. The General Alumni Association shall not, either voluntarily or by operation of law, transfer its rights to sublease the Project, or sublease the Project or any part thereof without the prior written consent of UNC-CH;
 - c. The General Alumni Association will maintain the Project in a manner acceptable to UNC-CH. If the General Alumni Association does not maintain the Project in a manner acceptable to UNC-CH, UNC-CH may take such action as it deems necessary, including, but not limited to, taking the necessary maintenance actions and charging the General Alumni Association for those actions, to insure that the Project is maintained to its satisfaction;
 - d. UNC-CH shall have the right to specifically enforce abatement of any public nuisance in or on the Project; and
 - e. Such other terms and conditions as the Board of Trustees of The University of North Carolina at Chapel Hill may determine.
- (3) To establish and enforce, and to agree through any resolution to make and enforce, rules and regulations for the use of and services rendered by the Project or to provide for the maximum use of the Project;

- (4) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in UNC-CH's judgment in connection with the Project and to fix their compensation;
- (5) To make and enter into all contracts and agreements necessary or incidental to the performance of UNC-CH's duties and the execution of its powers under this act;
- (6) To receive and accept from any federal, State, or other public agency and any private agency, person or other entity donations, loans, grants, aid, or contributions of any money, property, labor, or other things of value for the Project or any project or projects, and to agree to apply and use the same in accordance with the terms and conditions under which the same are provided; and
- (7) To do all acts and things necessary or convenient to carry out the powers granted by this act.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of March, 1989.