

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 802

Short Title: Laurel Park Assessments.

(Local)

Sponsors: Representative Justus (by request).

Referred to: Local and Regional Government I.

April 15, 1991

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE TOWN OF LAUREL PARK TO ASSESS BENEFITED PROPERTY OWNERS FOR STREET AND SIDEWALK IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 100 of the 1925 Private Laws, being the Charter of the Town of Laurel Park, as amended by Chapter 35 of the 1935 Private Laws, Chapter 95 of the 1961 Session Laws, and Chapter 878 of the 1989 Session Laws, is further amended by adding a new section to read:

"Sec. 6b. Assessment for Street and Sidewalk Improvements.

(a) In addition to any authority granted by general law, the Board may order street improvements and assess the costs thereof against abutting property in accordance with the provisions of this section.

(b) The Board may order street improvements and assess the total costs thereof against abutting property, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes, upon request of a minimum of thirty percent (30%) in number of the owners of the property owners to be assessed, if the Board makes a finding of fact that the street improvement project does not exceed 1,200 linear feet, and

(1) That the street or part thereof is unsafe for vehicular traffic or creates a safety or health hazard and it is in the public interest to make such improvements;

(2) That it is in the public interest to connect two streets or portions of a street already improved; or

1 (3) That it is in the public interest to widen a street, or part thereof, which
2 is already improved; provided that assessments for widening any street
3 or portion of a street shall be limited to the cost of widening and
4 otherwise improving such street in accordance with street
5 classification and improvement standards established by the Town, as
6 applied to the particular street or part thereof.

7 (c) For the purposes of this section, the term 'street improvement' includes
8 grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of
9 right-of-way, and construction or reconstruction of curbs, gutters, and street drainage
10 facilities.

11 (d) In addition to any authority granted by general law, the Board may, upon
12 request of a minimum of thirty percent (30%) in number of the property owners to be
13 assessed, order sidewalk improvements or repairs according to standards and
14 specifications of the Town, and to assess the total costs thereof against abutting
15 property, according to one or more of the assessment bases set forth in Article 10 of
16 Chapter 160A of the General Statutes; provided that regardless of the assessment basis
17 or bases employed, the Board may order the costs of sidewalk improvements made only
18 on one side of a street to be assessed against property abutting both sides of such street.

19 (e) In ordering street and sidewalk improvements and assessing the costs thereof
20 under authority of this section, the Board shall comply with the procedures required by
21 Article 10 of Chapter 160A of the General Statutes, except those provisions relating to
22 petitions of property owners and sufficiency thereof. The effect of the act of levying
23 assessments under authority of this section shall be the same as if assessments were
24 levied under authority of Article 10 of Chapter 160A of the General Statutes.

25 (f) The Board shall adopt procedures to provide for an exemption from the
26 obligation to pay assessments levied under the authority of this section, such exemption
27 to be based on demonstrated hardship and inability to pay."

28 Sec. 2. This act is effective upon ratification.