

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 773**

Short Title: Morrisville Street Assessments.

(Local)

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Sponsors: Representative Stamey.

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Referred to: Local and Regional Government II.

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April 6, 1993

**A BILL TO BE ENTITLED**

**AN ACT TO ENABLE THE TOWN OF MORRISVILLE TO ASSESS BENEFITED  
PROPERTY FOR STREET AND SIDEWALK IMPROVEMENTS.**

The General Assembly of North Carolina enacts:

Section 1. Chapter 776 of the 1947 Session Laws of North Carolina, being the Charter of the Town of Morrisville, as amended by Chapter 640 of the 1949 Session Laws, Chapter 802 of the 1975 Session Laws, and Chapter 1202 of the 1977 Session Laws, is further amended by adding a new section to read:

"Sec. 13. Assessment for Street and Sidewalk Improvements.

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

(b) The Commissioners 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 property owners to be assessed, who must represent a minimum of thirty percent (30%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved, if the Commissioners make a finding of fact that the street improvement project does not exceed 5,280 linear feet, and:

(1) 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;

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

3           (3) It is in the public interest to widen a street, or part thereof, which is  
4           already improved.

5 Assessments for widening any street or portion of a street shall be limited to the cost of  
6 widening and otherwise improving such street in accordance with street classification  
7 and improvement standards established by the Town, as applied to the particular street  
8 or part thereof.

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

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

22       (e) In ordering street and sidewalk improvements and assessing the costs thereof  
23 under authority of this section, the Commissioners shall comply with the procedures  
24 required by Article 10 of Chapter 106A of the General Statutes, except those provisions  
25 relating to petitions of property owners and the sufficiency thereof. The effect of the act  
26 of levying assessments under authority of this section shall be the same as if  
27 assessments were levied under authority of Article 10 of Chapter 160A of the General  
28 Statutes.

29       (f) The Commissioners may adopt procedures to provide for an exemption from  
30 the obligation to pay assessments levied under the authority of this section, such  
31 exemption to be based on demonstrated hardship and inability to pay."

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