

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 588\***

Short Title: Charlotte Storm Drain/Road Projects. (Local)

Sponsors: Representatives Alexander; Earle, Easterling, Gulley, McMahan, Rayfield, Saunders, and C. Wilson.

Referred to: Local Government I.

March 14, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR  
3 CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC  
4 INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING  
5 WITH THE BID LAWS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Charter of the City of Charlotte, being S.L. 2000-26, is  
8 amended by adding a new section to read:

9 "**Section 7.24. Storm Drainage System Improvements.**

10 (a) Authorization. The City may contract with a private party for storm drainage  
11 system improvements that are adjacent or ancillary to a private land development  
12 project. Such a contract shall allow the City to reimburse the private party for costs  
13 associated with the design and construction of storm drainage improvements that are in  
14 addition to those required by the City's land development regulations. Such a contract is  
15 not subject to Article 8 of Chapter 143 of the General Statutes if the public cost will not  
16 exceed two hundred fifty thousand dollars (\$250,000) and the City's Engineering and  
17 Property Management Department determines that: (i) the public cost will not exceed  
18 the estimated cost of providing for such public storm drainage system improvements  
19 through either eligible force account qualified labor or through a public contract let  
20 pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of  
21 separately constructed public storm drainage system improvements would be  
22 impracticable.

23 (b) Property acquisition. The storm drainage system improvements may be  
24 constructed on property owned or acquired by the private party or on property directly  
25 acquired by the City. The private party may assist the City in obtaining storm drainage  
26 easements in favor of the City from private property owners on those properties that will  
27 be involved in or affected by the project. The contract between the City and the private

1 party may be entered into before the acquisition of any real property necessary to the  
2 project."

3       **SECTION 2.** Section 7.107 of the Charter of the City of Charlotte, being  
4 S.L. 2000-26, reads as rewritten:

5       "Section 7.107.—~~Exchange of Property.~~ **Intersection and Roadway**  
6 **Improvements.**

7       (a) In connection with street widening, the City may purchase with any available  
8 funds, property immediately adjacent to property located on a street corner; provided, in  
9 the opinion of the Council, the value of such inside lands does not exceed the value of  
10 the corner property needed for street-widening purposes, and may convey and transfer  
11 such inside lands to the owner of the corner property in exchange for property needed  
12 for street-widening purposes, at private sale.

13       (b) The City may contract with a private party for public intersection or roadway  
14 improvements that are adjacent or ancillary to a private land development project. Such  
15 a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public  
16 cost will not exceed two hundred fifty thousand dollars (\$250,000) and the Charlotte  
17 Department of Transportation determines that: (i) the public cost will not exceed the  
18 estimated cost of providing for such public intersection or roadway improvements  
19 through either eligible force account qualified labor or through a public contract let  
20 pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of  
21 separately constructed public intersection or roadway improvements and the adjacent or  
22 ancillary private land development improvements would be impracticable."

23       **SECTION 3.** This act is effective when it becomes law.