

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 802  
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Short Title: Laurel Park Assessments.

(Local)

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Sponsors: Representative Justus (by request).

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Referred to: Local and Regional Government I.

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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 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.

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