

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 590

Local Government and Regional Affairs Committee Substitute Adopted 5/15/91

Short Title: Henderson Local Act.

(Local)

Sponsors:

Referred to:

April 11, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE  
3 RELATING TO ASSESSMENTS.

The General Assembly of North Carolina:

Section 1. Section 12.1 of Chapter 874 of the 1971 Session Laws is rewritten to read:

4 "Sec. 12.1. Sidewalks; Assessment of Costs. (a) In addition to any authority  
5 which is now or may hereafter be granted by law to the City for making sidewalk  
6 improvements, the Council may make, or order to be made, sidewalk improvements or  
7 repairs, according to standards and specifications of the City, and to assess the total cost  
8 thereof against abutting property owners according to one or more of the assessment  
9 bases set forth in Article 10 of Chapter 160A of the General Statutes, without the  
10 necessity of a petition upon the following findings of fact:

- (1) That the sidewalk, or part thereof, is unsafe for vehicular traffic and it is in the best interest to make such improvement;
- (2) That it is in the public interest to continue, add to, or otherwise extend or expand portions of sidewalks already improved; or
- (3) That it is in the public interest to widen a sidewalk, or part thereof, that is already improved.

11 (b) If a sidewalk is constructed on only one side of a street in a residential zone,  
12 the cost thereof may be assessed against a property abutting on both sides of the street,  
13 unless there already exists a sidewalk on the other side of the street, the total costs of  
14 which has been assessed against the abutting property.

1 (c) In ordering sidewalk improvements without a petition and assessing the cost  
2 thereof under authority of this section, the Council shall comply with the procedure  
3 provided in Article 10 of Chapter 160A of the General Statutes, except those provisions  
4 relating to the petition of property owners and the sufficiency thereof. The effect of the  
5 act of levying assessments under the authority of this section is the same for all  
6 purposes as if the assessments were levied under the authority of Article 10 of Chapter  
7 160A of the General Statutes.

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

Sec. 2. This act is effective upon ratification.