

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 438
SENATE BILL 590

AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE
RELATING TO ASSESSMENTS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives