

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 521
HOUSE BILL 746

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN
OF MOUNT AIRY TO ORDER THE PAVING OF STREETS WITHOUT A
PETITION.

The General Assembly of North Carolina do enact:

Section 1. Supplemental to and independent of the powers and authority heretofore granted by the General Assembly of North Carolina as contained in the General Statutes and as contained in Chapter 224, Private Laws of 1927, as amended, the Board of County Commissioners of the Town of Mount Airy is hereby authorized and empowered, without the necessity of having a petition filed by the owners of abutting property, to construct and install or contract for the construction and installation of the paving of any of the public streets and alleys of the said town when the town board feels that it is in the best interests of the Town of Mount Airy that the street be paved. The said governing board may specially assess less than the total costs against said abutting property if it should determine by resolution that it would be inequitable to specially assess the entire costs thereof; and in determining whether it would be inequitable, the governing body is authorized to take into consideration the location, width and use, and general importance of such street as it relates to the public welfare, safety, health and convenience.

Sec. 2. When it is proposed to make without petition any paving described in Section 1 hereof, the governing body shall adopt a resolution which shall contain substantially the following:

(a) That this proceeding is taken under and will be governed by the provisions of this Act, (stating the number of the Chapter and the Session at which passed by the General Assembly);

(b) A statement of the reasons proposed for the making thereof;

(c) A brief description of the proposed paving;

(d) The proportion of the costs of the paving to be especially assessed and the terms of payment;

(e) A notice served on the property owners of the time and place, when and where a public hearing will be held on the proposed paving (the time fixed for such public hearing shall be such as to allow a notice being given thereof not less than ten (10) days prior thereto); however, if the property owners involved cannot, after due diligence, be found, the proper notification of the public hearing shall be by publication once a week for four successive weeks in a designated newspaper, which newspaper must be one qualified for legal advertising pursuant to G. S. 1-597.

(f) A notice that all objections to the legality of the making of the proposed paving shall be made in writing, signed in person or by an attorney, and filed with the clerk of the municipality at or before the time of such hearing; and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the municipality, the date of publication to be not less than ten (10) days prior to the date fixed for the hearing.

Sec. 3. In the event the said governing body elects to proceed under this Act to make local pavings and specially assess the costs thereof against abutting property without the filing of a petition therefor, as is authorized by this Act, and does adopt the resolution provided for in Section 2 of this Act, then and in such event the procedure applicable to such proceedings from that point to the final completion of the paving, the final confirmation of the assessment role, and the remedies available shall be particularly set forth and provided for as is required by law.

Sec. 4. When electing to order local paving and specially assess the costs thereof upon abutting property, without petition therefor, as authorized by this Act, the governing body shall specially state in the resolution adopted as provided in Section 2 hereof that it is proceeding under and by virtue of the provisions of this Act.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall apply only to the Town of Mount Airy.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.