GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 464
HOUSE BILL 278

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LONG BEACH TO ALLOW THE TOWN TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING OF UTILITIES, AND FOR CONSTRUCTION OF PUBLIC STREETS BY NECESSITY.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 259 of the 1965 Session Laws, being a revision and consolidation of the Charter of the Town of Long Beach, is amended by adding a new Article to the Charter to read:

"ARTICLE X. SPECIAL ASSESSMENT PROVISIONS

"Section 10.1. Assessments for Street Improvements; Petition Unnecessary.

(a) In addition to any authority granted by general law, the Council may order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this Article.

(b) The Board of Commissioners 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 without the necessity of a petition, if the Board makes a finding of fact that the street improvement project does not exceed 2,500 linear feet, and that any of the following apply:

(1) 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; or

(2) It is in the public interest to connect two streets or portions of a street already improved; or

(3) It is in the public interest to widen a street, or part thereof, which is already improved.

Assessments for widening any street or portion of a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with street classification and improvement standards established by the Town, as applied to the particular street or part thereof.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way and construction or reconstruction of curbs, gutters and street drainage facilities.

"Section 10.2. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In addition to any authority granted by general law, the Board of Commissioners may, without the necessity of a petition, order sidewalk improvements or repairs according to standards and specifications of the Town, and assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes provided that regardless of the assessment basis or bases employed, the Board of Commissioners may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Section 10.3. **Procedure; Effect of Assessment.** In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this Article, the Board of Commissioners shall comply with the procedures required by Article 10 of Chapter 160A of the General Statutes except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"Section 10.4. **Special Assessment for Placement of Utilities Underground.** In addition to the authority provided in G.S. 160A-216, the Board of Commissioners may make special assessments against benefited property within the corporate limits of the Town for placing utility lines underground. For purposes of this section, utility lines include electrical distribution, telephone and cable television lines. Any assessments made under this section shall be made in accordance with the procedural requirements of Article 10 of Chapter 160A of the General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1991.

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James C. Gardner
President of the Senate

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Daniel Blue, Jr.
Speaker of the House of Representatives