

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 278

Short Title: Long Beach Assess Streets/Utilities.

(Local)

Sponsors: Representative Redwine.

Referred to: Local Government I.

March 21, 1991

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CHARTER OF THE TOWN OF LONG BEACH TO
2 ALLOW THE TOWN TO ASSESS BENEFITED PROPERTY FOR
3 UNDERGROUNDING OF UTILITIES, AND FOR CONSTRUCTION OF
4 PUBLIC STREETS BY NECESSITY.
5

6 The General Assembly of North Carolina enacts:

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

10 "ARTICLE X. SPECIAL ASSESSMENT PROVISIONS

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

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

15 (b) The Board of Commissioners may order street improvements and assess the
16 total costs thereof against abutting property, exclusive of the costs incurred at street
17 intersections, according to one or more of the assessment bases set forth in Article 10 of
18 Chapter 160A of the General Statutes without the necessity of a petition, if the Board
19 makes a finding of fact that the street improvement project does not exceed 2,500 linear
20 feet, and that either:

- 21 (1) The street or part thereof is unsafe for vehicular traffic or creates a
22 safety or health hazard and it is in the public interest to make such
23 improvements; or

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

3 (3) It is in the public interest to widen a street, or part thereof, which is
4 already improved; provided that assessments for widening any street or
5 portion of a street without a petition shall be limited to the cost of
6 widening and otherwise improving such street in accordance with
7 street classification and improvement standards established by the
8 Town, as applied to the particular street or part thereof.

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

13 "Section 10.2. **Assessments for Sidewalk Improvements; Petition Unnecessary.**
14 In addition to any authority granted by general law, the Board of Commissioners may,
15 without the necessity of a petition, order sidewalk improvements or repairs according to
16 standards and specifications of the Town, and to assess the total costs thereof against
17 abutting property, according to one or more of the assessment bases set forth in Article
18 10 of Chapter 160A of the General Statutes provided that regardless of the assessment
19 basis or bases employed, the Board of Commissioners may order the costs of sidewalk
20 improvements made only on one side of a street to be assessed against property abutting
21 both sides of such street.

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

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

36 Sec. 2. This act is effective upon ratification.