

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

S

1

SENATE BILL 848*

Short Title: Cary Charter Amendments. (Local)

Sponsors: Senators Barringer, Chaudhuri, and Foushee (Primary Sponsors).

Referred to: State and Local Government

May 11, 2016

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO CLARIFY THE
2 TOWN'S AUTHORITY TO CONDITION SITE PLAN APPROVAL, TO DELEGATE TO
3 THE TOWN MANAGER THE AUTHORITY TO GRANT UTILITY EASEMENTS,
4 AGREEMENTS, AND OTHER SIMILAR INTERESTS IN REAL PROPERTY OVER
5 TOWN-OWNED PROPERTY, AND TO AUTHORIZE THE TOWN TO SELL,
6 EXCHANGE, OR OTHERWISE TRANSFER REAL PROPERTY SUBJECT TO
7 RESTRICTIONS.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Article IX of the Charter of the Town of Cary, being Chapter 117 of the
11 2005 Session Laws, as amended, is amended by adding a new section to read as follows:

12 "Section 9.1A. Site plans. As part of its zoning regulations, the Town of Cary shall have the
13 same authority to condition the approval of site plans upon (i) compliance with the zoning
14 regulations, (ii) dedication or reservation of property, (iii) the making of public improvements, or
15 (iv) the payment of fees in lieu of dedication, reservation, or public improvements as the Town has
16 under its power to regulate subdivision of land. For purposes of this section, the term "site plan"
17 excludes plans for single-family detached residences."

18 **SECTION 2.** Article XI of the Charter of the Town of Cary, being Chapter 117 of the
19 2005 Session Laws, as amended by S.L. 2015-84, is amended by adding new sections to read as
20 follows:

21 "Section 11.2. Granting of utility easements and agreements. The Town Council may authorize
22 the Town Manager or Deputy Town Manager to grant utility easements and agreements, or similar
23 interests, in real property over Town-owned property without obtaining Town Council approval.

24 "Section 11.3. Conveyance of real property with restrictions. When the Town Council
25 determines that a sale or disposition of real property is in the public interest, the Town may, in
26 addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in real
27 property, either by public sale or by negotiated private sale. The Town may attach to the transfer
28 and to the interest conveyed any covenants, conditions, or restrictions, or a combination of them,
29 the Town deems necessary to further the public interest. The consideration received by the Town,
30 if any, for the conveyance may reflect the restricted use of the property resulting from the
31 covenants, conditions, or restrictions. The Town may invite bids or written proposals, including
32 detailed development plans and site plans, for the purchase of any such property or property
33 interest, whether by sale, exchange, or other transfer, pursuant to the specifications as may be
34 approved by the Town. A sale, exchange, or other transfer of real property, or interest therein,
35 pursuant to this section may be made contingent upon any necessary rezoning of the property. Any
36 conveyance under this section may be made only pursuant to a resolution of the Town Council



1 authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days
2 prior to adoption of the resolution by publication, and the notice shall generally describe (i) the
3 property involved, (ii) the nature of the interest to be conveyed, and (iii) all of the material terms
4 of the proposed transaction, including any covenants, conditions, or restrictions which may be
5 applicable. The notice shall give the time and place of the Town Council meeting where the
6 proposed transaction will be considered and shall announce the Council's intention to authorize the
7 proposed transaction. The authority contained in this section is in addition to, and not in limitation
8 of, any other authority granted by this Charter or any other general or local law."

9 **SECTION 3.** This act is effective when it becomes law.