

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1058
HOUSE BILL 2069

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FUQUAY-VARINA
RELATING TO STREET AND SIDEWALK IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. Section 20 of Chapter 167 of the Private Laws of 1915 is hereby rewritten as follows:

"SEC. 20. STREET AND SIDEWALK IMPROVEMENTS

(a) Street Improvements; assessment of cost. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

(b) When petition unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

- (1) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or
- (2) That it is in the public interest to connect two streets, or portions of a street already improved, or
- (3) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portions of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(c) Street improvement defined. For the purpose of this Article, the term 'Street Improvement' shall include 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.

(d) Sidewalks; assessment of cost. In addition to any authority which is now or may hereafter be granted by the General Statutes to the Town for making sidewalk improvements, the Town Council is hereby authorized to order to be made or to make sidewalk improvements or repairs without petition according to standards and

specifications of the Town, and to assess the total cost thereof against abutting property owners.

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 cost of which has been assessed against the abutting property.

(e) Assessment procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided in the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(f) Effect of assessment. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if assessed where levied under authority of the General Statutes of North Carolina."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1974.