

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 346
HOUSE BILL 756

AN ACT TO AUTHORIZE THE REDEVELOPMENT COMMISSION OF THE TOWN OF CHAPEL HILL TO PERMIT DISPOSITION OF LAND FOR A SPECIAL PURPOSE AT FAIR MARKET VALUE WITHOUT COMPETITIVE BIDDING; TO PERMIT DISPOSITION OF LAND ON THE BASIS OTHER THAN THE HIGHEST MONETARY BID, WHERE SUCH DISPOSITION IS FOUND TO SERVE THE BEST INTEREST OF THE MUNICIPALITY, AND TO DISPOSE OF PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160-464 is hereby amended by adding the following subdivision (5) after subsection (e), subdivision (4):

"(5) After a public hearing advertised in accordance with the provisions of G.S. 160-463 (e) and subject to the approval of the governing body of the municipality, the Commission may determine that in the best interest of the municipality certain property should be developed for one purpose only, which purpose shall be designated. The Commission shall advertise such property and designated purpose, and shall invite redevelopment proposals by public notice, by publication once a week for two consecutive weeks in a newspaper having general circulation in the municipality, and shall make available all pertinent information to any persons interested in undertaking a purchase of such property and the redevelopment of such property or any part thereof. Any property sold in accordance with this subsection shall be sold at public auction to the highest bidder for cash at a price not less than the fair market value thereof, as fixed by the Commission. All conveyances made under the authority of this subsection shall contain restrictive covenants limiting the use of property so conveyed to the designated purpose for which the conveyance is made."

Sec. 2. G.S. 160-464(d) is hereby amended by inserting the following at the end thereof:

"Regardless of the preceding provisions, the Commission may reject the highest responsible bid and accept a lesser bid where it makes the following specific findings and where such findings are verified and approved by the governing body of the municipality after a public hearing advertised in accordance with the provisions of G.S. 160-463(e):

The general public welfare and proper development of the community will be better served by the bid which was accepted than by the higher bid or bids which were rejected, for one or more of the following reasons:

(1) The proposed use or development of the land under the successful bid will result in an assessed valuation for ad valorem taxation greater than that of the use or uses proposed by the higher bidders;

(2) The proposed use or development of the land under the successful bid will have a substantially greater beneficial effect upon neighboring property, the project area, and the community as a whole than the use or uses proposed by the higher bidders and will tend to induce greater investment in the development of other property in the area;

(3) The proposed use or development of the land under the successful bid will facilitate the relocation of persons or firms displaced by redevelopment projects to a substantially greater degree than the use or uses proposed by the higher bidders."

Sec. 3. G.S. 160-464(d) is hereby amended by inserting the following clause between the word "section" and the word "provided" in line 16: "or to a developer under the special circumstances set forth in subdivision (6) of subsection (e)".

Sec. 4. G.S. 160-464(e) is hereby amended by adding the following new subdivision (6):

"(6) Convey at private sale to any other redeveloper particular properties within a redevelopment area where it finds the proposed redeveloper is the only known available, qualified and willing redeveloper for the contemplated use and makes one or more of the following findings and all such findings are verified and approved by the governing body of the municipality after a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published in the municipality, by posting such notice at four public places in the municipality, said notice to be published the first time, or posted, not less than 15 days prior to the date fixed for said hearing:

a. That the proposed use or redevelopment is necessary in order to facilitate the relocation of persons or firms displaced by a redevelopment project or other governmental action;

b. That the proposed use or redevelopment is reasonably necessary in order to assure development which will have the desired beneficial effect upon neighboring property, the project area, and the community as a whole, as contemplated by the redevelopment plan;

c. That the proposed use or redevelopment will assure that the property will not remain unused for an unduly long period and will result in a return to the local ad valorem rolls at a substantially earlier date than uses or redevelopments obtainable by other methods of disposition.

Such conveyance shall be for such consideration as may be agreed upon by the Commission and the redeveloper and approved by the governing body of the municipality, which shall not be less than the fair, actual value of the property as determined by the Commission and by the governing body of the municipality, based on competent evidence."

Sec. 5. This act shall apply only to the Town of Chapel Hill.

Sec. 6. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1973.