

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 392
HOUSE BILL 767

AN ACT TO GRANT AUTHORITY TO THE TOWN OF LIBERTY TO MAKE AND
TO ASSESS COST FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. In addition to the authority that may now or hereafter be granted by general law to the Town of Liberty for making street improvements and providing for the assessment of costs thereof against abutting property owners, the town council is authorized to make street improvements and assess the cost thereof in accordance with the requirements of this act.

Sec. 2. Whenever a majority of the owners owning a majority of the lineal footage of property abutting a street which is not more than six blocks in length or a maximum total distance of 3,000 lineal feet, are unwilling or fail to petition for a needed street improvement, the town council may order such improvement without petition, and may assess the total cost, or any part thereof, less the cost at street intersections, against the abutting property owners at an equal rate per front foot; provided, no street improvement without petition shall be ordered or undertaken and the cost thereof assessed to abutting property owners as authorized herein unless and until the town council finds as a fact:

- (a) that the street improvement project does not exceed six blocks in length or a maximum total distance of 3,000 linear feet; and
- (b) that such street or part thereof is unsafe for vehicular traffic and it is in the best public interest to make such improvement; or
- (c) that it is in the best public interest and for the welfare of the citizens of the town to connect two streets already paved.

Sec. 3. Street improvements authorized by this act shall include grading, regrading, surfacing or resurfacing, widening, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Sec. 4. In ordering street improvements and levying assessments for the cost thereof under the authority granted by this section, the town council shall pass and publish a resolution in substantial compliances with G.S. 160A-223, levy the assessments and prepare an assessment roll in compliance with G.S. 160A-227 and G.S. 160A-228 and advertise and conduct a public hearing in compliance with G.S. 160A-224 and G.S. 160A-225; provided, no improvement authorized herein or the procedure authorized hereby shall be applicable or permit assessments for sidewalk or utility

improvements. In addition, the provisions of G.S. 160A-229 through G.S. 160A-238 shall be applicable when the authority authorized by this act is exercised.

Sec. 5. The authority granted to the Town of Liberty by this act shall not be exercised by the town council unless four of the five members of the town council who are present and voting at a regular or special meeting cast their vote in favor of the use of this method for improving a street or part of a street in accordance with the requirements of this act.

Sec. 6. All laws in conflict with this act are hereby repealed.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1977.