

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 418
HOUSE BILL 661

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES TO CONSTRUCT AND INSTALL, OR CONTRACT FOR THE CONSTRUCTION AND INSTALLATION, OF LOCAL IMPROVEMENTS ON ITS PUBLIC STREETS AND ALLEYS, AND TO SPECIALLY ASSESS SUCH PORTION OF THE COSTS THEREOF, EXCLUSIVE OF THAT INCURRED AT STREET INTERSECTIONS, AS IT MAY DETERMINE AGAINST THE PROPERTY ABUTTING UPON SUCH PUBLIC STREET OR ALLEY SO IMPROVED; AND PRESCRIBING THE PROCEDURE THEREFOR.

The General Assembly of North Carolina enacts:

Section 1. The Town Council of the Town of Southern Pines is hereby authorized and empowered without the necessity of having a petition filed by the owners of abutting property, to construct and install or contract for the construction and installation of paving, repaving, macadamizing, and remacadamizing of any of the public streets and alleys, and the construction, reconstruction, and altering of curbs, gutters and drains in any of the public streets and alleys and the construction and installation of sidewalks, sanitary sewers, water mains, and sanitary sewer and water laterals in any of such public street and alley rights-of-way, and specially assess the entire cost of such construction and installation, except such part thereof as is incurred at the street intersections against the property abutting upon the street or alley or streets or alleys which are so improved. The said town council may specially assess less than the total cost against the said abutting property if it should determine by resolution that it would be inequitable to specially assess the entire cost thereof; and in determining whether it would be inequitable, the town council is authorized to take into consideration the location, width, use, and general importance of such street or alley as it relates to the public welfare, safety, health and convenience.

Sec. 2. When it is proposed to make without petition any improvement or improvements described in Section 1 hereof, the town council shall adopt a resolution which shall contain substantially the following:

- (a) that this proceeding is taken under and will be governed by the provisions of this act (stating the number of the Chapter and the session at which passed by the General Assembly);
- (b) a statement of the reasons proposed for the making thereof;
- (c) a brief description of the proposed improvement or improvements;

(d) the proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;

(e) a notice of the time and place, when and where a public hearing will be held on the proposed improvement or improvements; (The time fixed for such public hearing shall be such as to allow notice being given thereof not less than 10 days prior thereto.);

(f) a notice that all objections to the legality of the making of the proposed improvement or improvements shall be made in writing signed in person or by attorney, and filed with the clerk of the Town of Southern Pines at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the Town of Southern Pines, the date of publication to be not less than 10 days prior to the date fixed for the hearing.

Sec. 3. In the event the said town council elects to proceed under this act to make local improvements and specially assess the cost thereof against the abutting property without the filing of a petition therefor, as is authorized by this act, and thus adopt the resolution provided for in Section 2 of this act, then, and in such event, the procedure applicable to such proceedings from that point to the final completion of the improvement, the final confirmation of the assessment role and the remedies available shall be as particularly set forth and provided in Private Laws of 1927, Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 29 of Chapter 224, as amended by Chapter 197, Private Laws of 1929, which provisions of said laws are hereby incorporated in this act as fully and to the same extent and to all intents and purposes as if set out word for word in this act. In the event said statutes shall be repealed or amended, such repeal or amendment shall not affect this application to the Town of Southern Pines.

Sec. 4. When electing to make local improvements and specially assess the cost thereof upon abutting property, without petition therefor, as authorized by this act, the town council shall specially state in the resolution adopted as provided in Section 2 hereof that it is proceeding under and by virtue of the provisions of this act.

Sec. 5. All laws in conflict herewith are hereby repealed.

Sec. 6. This act shall apply only to the Town of Southern Pines.

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

In the General Assembly read three times and ratified, this the 23rd day of May, 1977.