

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1133
HOUSE BILL 1463

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOT SPRINGS
CONCERNING ECONOMIC DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Hot Springs, being Chapter 210, Private Laws of 1929, is amended by adding a new section to read:

"Sec. 5.1. Economic Development Projects. (a) Definition. In this section, 'economic development projects' means a capital project as defined by the Board of Aldermen in the town's corporate limits comprising one or more buildings or other improvements and including both public and private facilities.

(b) Authorization. If the Board of Aldermen finds that it is likely to have a significant effect on the revitalization of the town, the town may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an economic development project or of specific facilities within such a project. The town may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

- (1) the property interest of both the town and the developer or developers in the project;
- (2) the responsibilities of the town and the developer or developers for construction of the project;
- (3) the responsibilities of the town and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. An economic development project may be constructed on property acquired by the developer or developers or on property directly acquired by the town by purchase.

(d) Property disposition. In connection with an economic development project, the town may lease or convey interests in property owned by it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the town and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire economic development project. If so, the contract shall include such provisions as the Board of Aldermen deems sufficient to assure that the public

facility or facilities included in the project meet the needs of the town and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General Statutes.

(f) Operation. The town may contract for the operation of any public facility or facilities included in an economic development project by a person, partnership, firm, or corporation, public or private. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the town.

(g) Grant funds. To assist in the financing of its share of an economic development project, the town may apply for, accept and expend grant funds from the federal or State governments.

(h) To carry out the purpose of this act, the town can exercise the power of eminent domain just as if it had appointed a redevelopment commission or had by resolution decided to assume the powers and duties of a redevelopment commission."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.