

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 320
HOUSE BILL 691

AN ACT TO ALLOW CITIES AND TOWNS IN DARE COUNTY TO MAKE
STREET IMPROVEMENTS AND ASSESS WITHOUT PETITION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 160A of the General Statutes is amended by adding a new Article to read:

"ARTICLE 10A.

"Street Assessments Without Petition.

"§ 160A-293.1. Assessments for street improvements; petition necessary.--(a) In addition to any authority which is now or hereafter may be granted to a city by this Chapter or in its Charter, a city is hereby authorized to make street improvements and to assess the total cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The council may order street improvements and assess the costs thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Board as a fact that the street improvement project does not exceed 2,000 linear feet, and

- (1) such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvements, 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 portion of street without a petition under this subdivision shall be limited to the cost of widening and otherwise improving such streets 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) 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 curbs, gutters and street drainage facilities.

"§ 160A-293.2. Procedure.—In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Board shall comply with the procedure provided by Article 10 of this Chapter, except those provisions relating to the petition of property owners and the sufficiency thereof."

Sec. 2. This act applies only to incorporated cities and towns within Dare County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1981.