

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 908  
HOUSE BILL 1606

AN ACT TO ALLOW THE COUNTY OF DURHAM TO PARTICIPATE IN URBAN  
DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. (a) Definition. For the purpose of this act, an "urban development project" is defined as a capital project which is comprised of one or more buildings or other improvements and includes both public and private facilities. By way of illustration and not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center, and a privately owned hotel or office building.

(b) Authorization. If the Board of Commissioners of Durham County determines that the County will significantly benefit from the County's participation in the development of an urban development project, as defined, then the County may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an urban development project, or of specific facilities within such a project, including the making of loans and grants from moneys lawfully available therefor. The County may enter into binding contracts with the City of Durham or one or more private developers, or both, 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 the County and all other participants in the development of the project.
- (2) The responsibilities of the County and all other participants in the development of the project.
- (3) The responsibilities of the County and all other participants with respect to financing of the project.

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

(c) Property acquisition. An urban development project may be constructed on property acquired by the developer or developers, on property acquired by the County, on property acquired by the City, or on property acquired by the County, City, and developers.

(d) Property disposition. The County may lease or convey its interest in urban development projects property or other property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A- 176 and G.S.

160A-266 including private negotiation and sale without limitation as to value of the interest conveyed.

(e) Construction of the project. The contract between the County and the developer or developers may provide that the developer or developers shall be responsible for the construction of the entire urban development project. If so, the contract shall include such provisions as the Board of County Commissioners deems sufficient to assure that the public facility or facilities included in the project are constructed at a reasonable price, and the provisions of Article 8 of Chapter 143 of the General Statutes shall not apply to such a project.

(f) Operation. The County may contract for the operation of any public facility or facilities included in an urban development project by any person, firm, or corporation, public or private.

(g) Financing. To assist in the financing of its share of an urban development project, the County may apply for, accept, and expend funds from the federal or State government or any other lawful source.

(h) Other authority. The authority granted by this section is in addition to and not in derogation of any other lawful authority granted to the County by law. The County may exercise any authority granted to it by local act or general statute or law in furtherance of an urban development project. By way of illustration but not of limitation, the County may exercise the following authority in furtherance of an urban development project:

- (1) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A with respect to the public or private sale, lease, rent, exchange, or other conveyance of property.
- (2) The authority of G.S. 153A-13 and G.S. 153A-449 with respect to contracts with, and appropriation of money to, persons, associations or corporations for the accomplishment of public purposes.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of July, 1986.