

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 468  
HOUSE BILL 650

AN ACT TO AUTHORIZE THE TOWN OF CALABASH TO LEVY SPECIAL ASSESSMENTS TO MEET A PORTION OF THE COSTS OF CONSTRUCTING WATER LINES AND DISTRIBUTION SYSTEM PRIOR TO CONSTRUCTION OR COMPLETION OF SUCH A SYSTEM, SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. The Town Council of the Town of Calabash may levy special assessments to meet a projected seventy-five percent (75%) of water distribution facility construction cost. The assessment rolls will become effective on a date set by the Town Council that is at least 30 days following a formal advertising for bids of the proposed work. The Town Council shall levy the special assessments in accord with a schedule that it develops and that is based upon front footage of property on a street or abutting the project, the area of the land served or subject to being served, the value added to the land served by the project, the type of property being served (commercial or residential) or a combination of these factors. The maximum special assessment that the Town Council may levy against any property may not exceed the greater of the following:

- (1) Four hundred dollars (\$400.00) per 60 foot residential lot or fraction thereof.
- (2) Three thousand dollars (\$3,000) for heavy commercial property.
- (3) One thousand dollars (\$1,000) for light commercial property.

The Council may cause notice of the amount of assessment for each parcel of land assessed to be sent by mail to the owner thereof as shown on the tax records of the Town prior to confirmation of the assessment roll, any provision of G.S. 160A-224 to the contrary.

Sec. 2. The Town Council of the Town of Calabash may give owners of assessed property the option of paying the assessment either in cash or in installments, provided however, that the period over which such installments are paid does not exceed 90 days from the date the assessment roll is confirmed. Any portion of an assessment that is not paid within 30 days after publication of the notice that the assessment roll has been confirmed shall bear interest until paid at a rate to be fixed in the assessment resolution but not more than ten percent (10%) per annum. In the event payment is not made within 90 days, collection may be enforced in accordance with the law for foreclosure of property tax liens.

Sec. 3. In the event the execution of a contract or contracts covering the proposed work is not forthcoming within 120 days from the date the assessment roll is confirmed, all assessments for the purpose of meeting a portion of the costs of

constructing water distribution facilities paid to the Town of Calabash shall be returned to each payee within 30 days with interest at not less than six percent (6%) per annum for the period each assessment is held by the Town; however, interest shall not be paid on any assessment funds for a period in excess of 90 days.

Sec. 4. All assessment funds received by the Town of Calabash may be deposited in a special interest bearing account and any interest earned and retained by the Town shall be used to offset expenses incurred with regards to the water distribution facilities.

Sec. 5. In levying the special assessments, the Town Council shall follow, insofar as practicable, the procedure set forth in Article X of Chapter 160A of the North Carolina General Statutes except as modified by this act.

Sec. 6. Sections 1 through 5 of this act shall become effective only if approved by the qualified voters of the Town of Calabash in a referendum. The referendum shall be conducted by the board of elections which conducts elections for that town. The date of the referendum shall be November 3, 1987. The question on the ballot shall be:

- "[ ] FOR authorizing the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution systems prior to construction or completion of such a system.
- [ ] AGAINST authorizing the Town of Calabash to levy special assessments to meet a portion of the costs of constructing water lines and distribution systems prior to construction or completion of such a system."

If a majority of the votes cast thereon are in favor of the question, then Sections 1 through 5 of this act shall become effective. Otherwise, they shall not. The election shall be conducted in accordance with Chapter 163 of the General Statutes, except as otherwise provided by this act.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1987.