

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-41
HOUSE BILL 489**

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
FOR INFRASTRUCTURE DEVELOPMENT BY VARIOUS COUNTIES AND
MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1. A municipality or county may enter into reimbursement agreements with private developers and property owners for the design and construction of public infrastructure that is included on the municipality's or county's Capital Improvement Plan and serves the developer or property owner. For the purpose of this act, public infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

SECTION 2. A municipality or county shall enact ordinances setting forth procedures and terms under which such agreements may be approved.

SECTION 3. A municipality or county may provide for such reimbursements to be paid from any lawful source.

SECTION 4. No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be deemed to be a violation or evasion of any provision of said Article. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a developer or property owner who is a party to such reimbursement agreement without complying with the requirements of G.S. 143-129 and G.S. 143-128.2 relating to public advertising and bid opening requirements which would be applicable if the construction contract had been awarded by the municipality or county.

SECTION 5. For the purpose of this act, "municipality" has the same meaning as "city" under G.S. 160A-1, and thus also includes a town or village.

SECTION 6. This act applies only to the Towns of Apex, Broadway, Cary, Goldston, Holly Springs, Pittsboro, and Siler City, to the City of Sanford, to all municipalities located wholly or partially within Cabarrus County, and to Cabarrus, Chatham, Durham, and Lee Counties, but as to the Town of Broadway only applies as to municipal infrastructure located in Lee County.

SECTION 7. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 16th day of
May, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

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