

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 896

Short Title: Guilford Interlocal Agreements.

(Local)

Sponsors: Representatives Sizemore; Wood, Decker, Gist, and Bowie.

Referred to: Infrastructure.

March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE GUILFORD COUNTY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH A MUNICIPALITY OR MUNICIPALITIES WITHIN GUILFORD COUNTY TO ACQUIRE LAND FOR ROAD RIGHTS-OF-WAY BY DEDICATION AND ACCEPTANCE, PURCHASE, OR EMINENT DOMAIN.

The General Assembly of North Carolina enacts:

Section 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-451. Interlocal agreements for the purchase of rights-of-way.

(a) The Board of County Commissioners and one or more municipalities in the County may enter into interlocal participatory agreements to provide funds to pay for road or street rights-of-way.

(b) Any agreement entered into pursuant to subsection (a) of this section shall:

- (1) Specify the names of the local units of government participating.
- (2) State the effective date and duration of the agreement.
- (3) Describe the project rights-of-way subject to the agreement and state the general purpose to be served.
- (4) Specify the method for financing the undertaking, including the apportionment of costs and revenues and the manner in which the payments shall be made and accounted for.
- (5) State that when a municipality or the Department of Transportation constructs the road, title to the right-of-way land shall be transferred to

1 the unit constructing the road, and the County shall be paid its direct
2 cost of the land for rights-of-way plus twenty-five percent (25%), not
3 to exceed the appraised value of the land at the time it is transferred.

4 (6) Provide that funds reimbursed to the County by this process may be
5 used by the County for additional purchases of rights-of-way under the
6 process outlined above.

7 (c) The local units of government participating in an interlocal participatory
8 agreement to fund design costs for a future State highway system street project may use
9 non-ad valorem tax revenues and any other revenues not otherwise restricted by law,
10 including funds authorized by vote of the citizens of any participating local unit of
11 government, to fund the design costs for a project.

12 (d) Any interlocal agreement shall be subject to the adoption of a
13 Transportation Plan approved by the participating units governing boards and, if the
14 road is a part of the State road system, by the North Carolina Department of
15 Transportation.

16 (e) If a right-of-way is determined to be no longer needed, by agreement of the
17 governing bodies, the County may dispose of the land or use it for other public purposes
18 according to law.

19 (f) Nothing in this section shall be construed to limit or otherwise interfere with
20 the rights and privileges of the Board of Transportation with respect to any project
21 which is under the authority and control of the Board of Transportation."

22 Sec. 2. This act applies to Guilford County only.

23 Sec. 3. Guilford County may appropriate and spend up to five hundred
24 thousand dollars (\$500,000) per annum for the purpose of acquiring road and street
25 rights-of-way. The appraised value of rights-of-way acquired in whole or in part by
26 donation, gift, or contribution shall count against the funding limitation only to the
27 amount of monies actually expended by the County.

28 Sec. 4. This act is effective upon ratification.