

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 489
Committee Substitute Favorable 3/23/05
Third Edition Engrossed 3/28/05
Senate State and Local Government Committee Substitute Adopted 4/21/05

Short Title: Public-Private Reimbursement Agreements.

(Local)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

1 AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
2 FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY, THE
3 TOWN OF HOLLY SPRINGS, AND CABARRUS COUNTY AND THE
4 MUNICIPALITIES WHOLLY OR PARTIALLY LOCATED WITHIN
5 CABARRUS COUNTY.
6

7 The General Assembly of North Carolina enacts:

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

15 **SECTION 2.** A town shall enact ordinances setting forth procedures and
16 terms under which such agreements may be approved.

17 **SECTION 3.** A town may provide for such reimbursements to be paid from
18 any lawful source.

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

1 **SECTION 5.** This act applies only to the Town of Cary and the Town of
2 Holly Springs and to Cabarrus County and all municipalities located wholly or partially
3 within Cabarrus County.

4 **SECTION 6.** This act is effective when it becomes law.