

**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
Fifth Edition Engrossed 4/26/05**

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 VARIOUS COUNTIES AND
3 MUNICIPALITIES.
4

5 The General Assembly of North Carolina enacts:

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

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

15 **SECTION 3.** A municipality may provide for such reimbursements to be
16 paid from any lawful source.

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

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

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

8 **SECTION 7.** This act is effective when it becomes law.