

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 609**

Short Title: Chatham Recreation Exaction Fee.

(Local)

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Sponsors: Senator Atwater.

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Referred to: Finance.

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March 12, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS  
2 RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND  
3 ACQUIRE RECREATIONAL FACILITIES IN CHATHAM COUNTY.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 153A-331(c) reads as rewritten:

7 "(c) A subdivision control ordinance may provide that a developer may provide  
8 funds to the county whereby the county may acquire recreational ~~land or areas to serve~~  
9 ~~the development or subdivision, including the purchase of land that may be used to~~  
10 ~~serve more than one subdivision or development within the immediate area.~~ land,  
11 facilities, parks, and open space (collectively "recreational facilities") to serve the  
12 development or subdivision, including the purchase of land and the construction of  
13 recreational facilities that may be used to serve the entire county. All funds received by  
14 the county pursuant to this paragraph shall be used only for the acquisition of land or the  
15 development of recreational facilities, including, without limitation, debt service on  
16 such land and facilities. Any formula enacted to determine the amount of funds that are  
17 to be provided under this paragraph shall be based on the value of the development or  
18 subdivision for property tax purposes. The ordinance may allow a combination or  
19 partial payment of funds and partial dedication of land when the governing body of the  
20 county determines that this combination is in the best interests of the citizens of the  
21 county.

22 The ordinance may provide that in lieu of required street construction, a developer  
23 may provide funds to be used for the development of roads to serve the occupants,  
24 residents, or invitees of the subdivision or development. All funds received by the  
25 county under this section shall be transferred to the municipality to be used solely for  
26 the development of roads, including design, land acquisition, and construction. Any  
27 municipality receiving funds from a county under this section is authorized to expend  
28 such funds outside its corporate limits for the purposes specified in the agreement  
29 between the municipality and the county. Any formula adopted to determine the amount

1 of funds the developer is to pay in lieu of required street construction shall be based on  
2 the trips generated from the subdivision or development. The ordinance may require a  
3 combination of partial payment of funds and partial dedication of constructed streets  
4 when the governing body of the county determines that a combination is in the best  
5 interest of the citizens of the area to be served.

6 The ordinance may provide for the more orderly development of subdivisions by  
7 requiring the construction of community service facilities in accordance with county  
8 plans, policies, and standards. To assure compliance with these and other ordinance  
9 requirements, the ordinance may provide for performance guarantees to assure  
10 successful completion of required improvements. If a performance guarantee is  
11 required, the county shall provide a range of options of types of performance  
12 guarantees, including, but not limited to, surety bonds or letters of credit, from which  
13 the developer may choose. For any specific development, the type of performance  
14 guarantee from the range specified by the county shall be at the election of the  
15 developer.

16 The ordinance may provide for the reservation of school sites in accordance with  
17 comprehensive land use plans approved by the board of commissioners or the planning  
18 board. For the authorization to reserve school sites to be effective, the board of  
19 commissioners or planning board, before approving a comprehensive land use plan,  
20 shall determine jointly with the board of education with jurisdiction over the area the  
21 specific location and size of each school site to be reserved, and this information shall  
22 appear in the plan. Whenever a subdivision that includes part or all of a school site to be  
23 reserved under the plan is submitted for approval, the board of commissioners or the  
24 planning board shall immediately notify the board of education. The board of education  
25 shall promptly decide whether it still wishes the site to be reserved and shall notify the  
26 board of commissioners or planning board of its decision. If the board of education does  
27 not wish the site to be reserved, no site may be reserved. If the board of education does  
28 wish the site to be reserved, the subdivision may not be approved without the  
29 reservation. The board of education must acquire the site within 18 months after the  
30 date the site is reserved, either by purchase or by exercise of the power of eminent  
31 domain. If the board of education has not purchased the site or begun proceedings to  
32 condemn the site within the 18 months, the subdivider may treat the land as freed of the  
33 reservation."

34 **SECTION 2.** This act applies to Chatham County only

35 **SECTION 3.** This act is effective when it becomes law.