

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1295*

Short Title: Matthews Public-Private Projects. (Local)

Sponsors: Senators Rucho; Clodfelter, Goodall, and Graham.

Referred to: Finance.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO PARTICIPATE IN
PUBLIC-PRIVATE PROJECTS OUTSIDE THE DOWNTOWN AREA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definition. – For purposes of this act, a "public-private development project" is defined as a capital project that is: (i) located in either the Town's central business district, as defined by the Town's Board of Commissioners, located in or along a major transportation corridor, or located in a development zone designated pursuant to G.S. 105-129.3A; (ii) comprised of one or more buildings or other improvements; and (iii) includes both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building or publicly or privately owned sports complex facility.

SECTION 1.(b) Authorization. – If the Town Board of Commissioners finds that it is likely to be of significant economic benefit to the area of the Town where the project is to be located, the Town may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of a public-private development project or of specific facilities within the project. The Town may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating the project. The contract may, among other provisions, specify the following:

- (1) The property interests of both the Town and the developer or developers in the project.
- (2) The responsibilities of the Town and the developer or developers for construction of the project.
- (3) The responsibilities of the Town and the developer or developers with respect to financing the project.
- (4) The responsibilities of the Town and the developer or developers with respect to the operation of the project.

The contract may be entered into before the acquisition of any real property necessary to the project.

SECTION 1.(c) Project Acquisition. – A public-private development project may be constructed on property acquired by the developer or developers or on property directly acquired by the Town by purchase.

SECTION 1.(d) Property Disposition. – In connection with a public-private development project, the Town may lease or convey interests in property owned by it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes shall not apply to the dispositions.



1 **SECTION 1.(e)** Construction of the Project. – The contract between the Town and
2 the developer or developers may provide that the developer or developers shall be responsible
3 for construction of the entire public-private development project. If so, the contract shall
4 include such provisions as the Town Board of Commissioners deems sufficient to assure that
5 the public facility or facilities included in the project meet the needs of the Town and are
6 constructed at a reasonable price. A project constructed pursuant to this subsection is not
7 subject to Article 8 of Chapter 143 of the General Statutes, provided that Town funds constitute
8 no more than fifty percent (50%) of the total costs of the project.

9 **SECTION 1.(f)** Operation. – The Town may contract for the operation of any
10 public facility or facilities included in a public-private development project by a person,
11 partnership, firm, or corporation, public or private. The contract shall include provisions
12 sufficient to assure that any such facility or facilities are operated for the benefit of the citizens
13 of the Town.

14 **SECTION 1.(g)** Grant Funds. – To assist in the financing of its share of a
15 public-private development project, the Town may apply for, accept, and expend grant funds
16 from the federal or State government.

17 **SECTION 2.** This act applies to the Town of Matthews only.

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