

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**HOUSE BILL 501
Committee Substitute Favorable 5/9/13
Third Edition Engrossed 5/13/13**

Short Title: Buncombe Cty/Community College Projects.

(Local)

Sponsors:

Referred to:

April 3, 2013

A BILL TO BE ENTITLED

1 AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT
2 COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF
3 ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE
4 COUNTY.

5
6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Notwithstanding G.S. 115D-9, 115D-15.1(c), and 143-341(3) or any
8 other provisions of law, Buncombe County (County) is hereby authorized to construct
9 community college buildings, as that term is defined in G.S. 143-336, on the campuses of
10 Asheville-Buncombe Technical Community College (College) located within Buncombe
11 County. Buncombe County may finance the construction of these buildings in accordance with
12 Article 8 of Chapter 159 and Chapter 160A-20 of the General Statutes. In constructing the
13 buildings, the County does not have to comply with the provisions of G.S. 115D-9 or Part 1 of
14 Article 36 of Chapter 143 of the General Statutes. However, the County shall comply with the
15 provisions of Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural,
16 Engineering, and Surveying Services) and Article 8 of Chapter 143 of the General Statutes
17 (Public Contracts). The County shall consult with the Board of Trustees of the College about
18 programming requirements for the buildings and shall keep the Board informed as to the
19 construction process and progress. Upon the completion of the construction of the buildings,
20 the County shall lease the buildings to the College under the terms and conditions agreed to by
21 both the County and College.

22 **SECTION 2.** The Board of Trustees of the College shall transfer title to the
23 following properties to the County for the life of the debt: (i) Tract 1 as shown on a survey
24 recorded in Plat Book 78, Page 23, and as described in Deed Book 2360, Page 507, recorded in
25 the Buncombe County Registry of Deeds; (ii) a 7.9 acre tract as described in Deed Book 2870,
26 Page 607, as recorded in the Buncombe County Registry of Deeds; and (iii) a 12.87 acre parcel
27 of land as described in Deed Book 1492, Page 339, as recorded in the Buncombe County
28 Registry of Deeds. Upon the satisfaction of the debt, the County shall transfer title to the
29 property back to the Board of Trustees of the College.

30 **SECTION 3.** The memorandum of understanding by and between the County and
31 the Board of Trustees of the College executed on March 20, 2012, is null and void. Any
32 provision of any other interlocal or other agreement between the County and College that is
33 inconsistent with the provisions of this act is null and void. However, notwithstanding the
34 provisions of this act, the County and Board of Trustees of the College may enter into another
35 memorandum of understanding to allow for the construction of community college buildings by



1 the County on the campuses of the College located within the County if deemed appropriate by
2 the County and College and if the terms of the memorandum will allow for the construction to
3 be completed in a timely fashion and cost-efficient manner.

4 **SECTION 4.** This act is effective when it becomes law and applies only to
5 construction projects and renovations funded entirely with county funds and coordinated by the
6 County for College uses and purposes between January 1, 2012, and December 31, 2018.