

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 600
Committee Substitute Favorable 7/3/97

Short Title: Foxfire Assessment Clarification.

(Local)

Sponsors:

Referred to:

March 25, 1997

A BILL TO BE ENTITLED

AN ACT CLARIFYING THAT IN MODIFYING THE REQUIREMENTS FOR MAKING STREET ASSESSMENTS IN FOXFIRE VILLAGE UNDER CERTAIN CIRCUMSTANCES, UNDERGROUNDING OF UTILITIES, WHICH WAS PART OF THE PROJECT, IS ALSO SUBJECT TO ASSESSMENT.

The General Assembly of North Carolina enacts:

Section 1. (a) Section 8.1 of the Charter of Foxfire Village, being Chapter 237 of the 1977 Session Laws as added by Chapter 574 of the 1995 Session Laws, reads as rewritten:

"Sec. 8.1. Street Assessments.

(a) In addition to any authority which is now or hereafter may be granted by general law to the town for making street improvements, the Village Council may make street improvements and assess the cost thereof against abutting property owners in accordance with the provisions of this section.

(b) The Village Council may order street improvements and assess the cost thereof against the abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes without the necessity of a petition meeting the requirements of that Article, upon the finding by the Village Council as a fact that:

- 1 (1) The street improvement project does not exceed 30,000 lineal front
2 footage;
- 3 (2) The street improvement project involves no more than 200 lots;
- 4 (3) The street improvement project consists of a series of streets all of
5 which are contiguous to at least one other street in the project;
- 6 (4) The street improvement project abuts at least one other paved street in
7 the Village;
- 8 (5) The street improvement project consists solely of a collection of streets
9 for which petitions under Article 10 of Chapter 160A of the General
10 Statutes were received within two years before a preliminary assessment
11 resolution is adopted under the authority of this Article, in accordance
12 with G.S. 160A-223, where:
- 13 a. The petitions taken as a whole were signed by at least forty
14 percent (40%) of the owners of property to be assessed, who
15 represent at least forty percent (40%) of all the lineal front
16 footage of the lands abutting on the streets or portions thereof to
17 be improved; but
- 18 b. Where for at least five streets in the project, the petitions were
19 signed by at least two-thirds of the owners of property to be
20 assessed, who represent at least two-thirds of all the lineal front
21 footage of the lands abutting on the streets or portions thereof to
22 be improved.

23 (c) For the purpose of this Article, the term 'street improvement' shall include
24 grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of
25 right-of-way, underground electrical systems, and the construction or reconstruction of
26 curbs, gutters, and street drainage facilities.

27 (d) In ordering street improvements without a petition and assessing the cost
28 thereof under authority of this Article, the Village Council shall comply with the
29 procedure provided by Article 10 of Chapter 160A of the General Statutes, except those
30 provisions relating to the petition of property owners and the sufficiency thereof. Any
31 assessment under the authority of this act must be under a preliminary assessment
32 resolution adopted under G.S. 160A-223 no later than December 31, 1998.

33 (e) The effect of the act of levying assessments under the authority of this Article
34 shall for all purposes be the same as if the assessments were levied under authority of
35 Article 10 of Chapter 160A of the General Statutes."

36 (b) In order to assess for underground electrical systems under the authority of
37 this act, the Village Council may either commence a new assessment proceeding, or may
38 amend the preliminary resolution for an existing assessment proceeding, and may act
39 under petitions already received for the project.

40 Section 2. This act is effective when it becomes law.