

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-248
SENATE BILL 534**

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Charlotte, being S.L. 2000-26, is amended by adding a new section to read:

"Section 7.23. Storm Drainage System Improvements.

(a) Authorization. The City may contract with a private party for storm drainage system improvements that are adjacent or ancillary to a private land development project. Such a contract shall allow the City to reimburse the private party for costs associated with the design and construction of storm drainage improvements that are in addition to those required by the City's land development regulations. Such a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public cost will not exceed one hundred seventy-five thousand dollars (\$175,000) and the City's Engineering and Property Management Department determines that: (i) the public cost will not exceed the estimated cost of providing for such public storm drainage system improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of separately constructed public storm drainage system improvements would be impracticable.

(b) Property Acquisition. The storm drainage system improvements may be constructed on property owned or acquired by the private party or on property directly acquired by the City. The private party may assist the City in obtaining storm drainage easements in favor of the City from private property owners on those properties that will be involved in or affected by the project. The contract between the City and the private party may be entered into before the acquisition of any real property necessary to the project."

SECTION 2. Section 7.107 of the Charter of the City of Charlotte, being S.L. 2000-26, reads as rewritten:

"Section 7.107.—Exchange of Property, Intersection and Roadway Improvements.

(a) In connection with street widening, the City may purchase with any available funds, property immediately adjacent to property located on a street corner; provided, in the opinion of the Council, the value of such inside lands does not exceed the value of the corner property needed for street-widening purposes, and may convey and transfer such inside lands to the owner of the corner property in exchange for property needed for street-widening purposes, at private sale.

(b) The City may contract with a private party for public intersection or roadway improvements that are adjacent or ancillary to a private land development project. Such a contract is not subject to Article 8 of Chapter 143 of the General Statutes if the public cost will not exceed one hundred seventy-five thousand dollars (\$175,000) and the Charlotte Department of Transportation determines that: (i) the public cost will not exceed the estimated cost of providing for such public intersection or roadway

improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the General Statutes; or (ii) the coordination of separately constructed public intersection or roadway improvements and the adjacent or ancillary private land development improvements would be impracticable."

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

In the General Assembly read three times and ratified this the 27th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives