

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-430
SENATE BILL 346**

AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, AND TO MODIFY THE FILING PERIOD FOR THE ELECTION OF MEMBERS TO THE CABARRUS COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the City of Kannapolis are reduced by removing the following described area:

BEGINNING at a point in the Rocky River on the municipal boundary for the City of Kannapolis as described in N.C. House Bill 224, said point being a corner of Christopher Davis, now or formerly (Book 8035, page 100 Mecklenburg County Registry); thence leaving Rocky River and entering Mecklenburg County with the line of Davis, S. 78-01-45 W. 1,288.86 feet to an existing iron pin on the east side of Shearer Road; thence within the right-of-way of Shearer Road the following two lines: 1) N. 04-55-47 E. 15.68 feet to an existing iron pin; and 2) N. 04-56-41 E. 31.39 feet to a set iron pin a corner of Hubert M. Howard, now or formerly (Book 4567, page 166 Mecklenburg County Registry); thence with the line of Howard, N. 78-02-01 E. 1,287.33 feet to a point in Rocky River on the County line, (passing an existing 1" iron pin at 1,235.17 feet); thence continuing with the Cabarrus County line South 03-10-25 West 46.55 feet to the point of BEGINNING.

The tract described above encompasses 1.330 acres more or less and is intended to describe that entire portion of the City of Kannapolis within Mecklenburg County as described in N.C. House Bill 224, S.L. 2004-39.

SECTION 2.(a) The Board of Commissioners of Cabarrus County and the Cabarrus County Board of Education may jointly select and negotiate with a contractor to build school facilities using the repetitive design approach without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. Nothing herein waives the requirements to comply with minority business participation goals in G.S. 143-128.2, 143-128.3, and 143-128.4. The Board of Commissioners of Cabarrus County and the Cabarrus County Board of Education must jointly determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule. The county, the Board of Education, or any trustee or fiduciary responsible for disbursing funds for the school facilities constructed under this section shall obtain certification acceptable to the county or Board of Education in the amount due for work done or materials supplied for which payment will be paid from such disbursements. If the county, Board of Education, or any trustee or fiduciary responsible for disbursing funds for the facilities receives notice of a claim from any person who would be entitled to a mechanic's or materialman's lien but for the fact that the claim relates to work performed on or supplies provided to the school facilities constructed under this section, then either no disbursement of funds may be made until the county, trustee, or fiduciary receives satisfactory proof of resolution of the claim or funds in the amount of the claim shall be set aside for payment thereof upon resolution of the claim.

SECTION 2.(b) This section expires June 30, 2014.

SECTION 3. Section 3 of S.L. 1989-102 reads as rewritten:

"Sec. 3. The filing period for the election of a member shall ~~begin at 12:00 Noon on the first Friday in July next preceding the general election in even-numbered years and shall expire at 12:00 Noon on the first Friday in August next preceding the general election in even-numbered years.~~ be the same as for county officers generally under G.S. 163-106."



SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 6th day of August,
2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives