

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 436

Short Title: Wilmington Public Facilities.

(Local)

Sponsors: Senator Block.

Referred to: Local Government.

March 15, 1989

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING THE AUTHORITY OF THE CITY OF WILMINGTON TO
2 PARTICIPATE WITH DEVELOPERS AND OWNERS OF LAND IN
3 CONSTRUCTION OF PUBLIC IMPROVEMENTS AND TO INCLUDE
4 CERTAIN COSTS IN THE PURCHASE OF REAL PROPERTY.
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6 The General Assembly of North Carolina enacts:

7 Section 1. The Charter of the City of Wilmington, being Section 1 of Chapter
8 495 of the 1977 Session Laws is amended by adding a new Section 13.7 to read:

9 **"§ 13.7. Construction of public facilities by developer or property owner.**

10 (a) The City of Wilmington may enter into contracts with developers or owners
11 of property within the City's territorial jurisdiction to construct utilities, drainage
12 facilities, parks, streets and related public facilities funded with public money as part of
13 the development of the property. The contract shall include such provisions as the City
14 Council deems sufficient to assure that the public facilities included as part of the
15 development meet the needs of the City and are constructed at a reasonable price. The
16 construction of facilities pursuant to this paragraph is not subject to Article 8 of Chapter
17 143 of the General Statutes provided that the facilities are constructed in connection
18 with the developer's or property owner's dedication of property for such facilities or
19 construction of facilities to be dedicated to the public.

20 (b) The City of Wilmington may enter into contracts to purchase real property
21 that permit the property owner to excavate fill material and grade the property prior to
22 the conveyance consistent with the City's plans for the use of the property. Any
23 contract entered into pursuant to this paragraph is not subject to Article 8 of Chapter
24 143 of the General Statutes."

25 Sec. 2. This act is effective upon ratification.