

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 757

Short Title: Garner Infrastructure Reimbursements.

(Local)

Sponsors: Representative Ellis.

Referred to: Local and Regional Government I.

April 6, 1993

A BILL TO BE ENTITLED

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF GARNER.

The General Assembly of North Carolina enacts:

Section 1. A city may enact ordinances which provide a procedure for entering into reimbursement agreements with private developers who construct utility infrastructure, including the provisions for town reimbursement to the developer for that portion of the total construction cost which represents a public benefit, and is required by the town rather than being required to serve only the developer, including, but not limited to, oversized mains, alternate location of lift stations, or similar public benefits which may be accrued by supplementing the private developer's initial investment.

Sec. 2. A city may enter into valid written contracts relating to such reimbursements.

Sec. 3. A city may, by such ordinances and contracts, provide for reimbursement out of either the town's utility fund or out of future impact fees paid by other developers whose projects tie onto the subject infrastructure.

Sec. 4. No such reimbursement of the public portion of such infrastructure development shall be deemed to be construction, subject to Article 8 of Chapter 143 of the General Statutes, Public Contracts, or be deemed to be an evasion of the provisions of said Article, provided that the contract for the construction project complies with the requirements of G.S. 143-129 relating to public advertising and bid opening requirements which would be applicable, if the contract had been let by the city.

Sec. 5. This act applies only to the Town of Garner.

Sec. 6. This act is effective upon ratification.