

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 425

Short Title: Cary Reimbursement.

(Local)

Sponsors: Senators Stevens and Cowell.

Referred to: Finance.

March 9, 2005

A BILL TO BE ENTITLED
AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.

The General Assembly of North Carolina enacts:

SECTION 1. A town may enter into reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the town's Capital Improvement Plan and serves the developer or property owner. For the purpose of this act, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

SECTION 2. A town shall enact ordinances setting forth procedures and terms under which such agreements may be approved.

SECTION 3. A town may provide for such reimbursements to be paid from any lawful source.

SECTION 4. No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be deemed to be a violation or evasion of any provision of said Article. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a developer or property owner who is a party to such reimbursement agreement without complying with the requirements of G.S. 143-129 and G.S. 143-128.2 relating to public advertising and bid opening requirements which would be applicable if the construction contract had been awarded by the town.

SECTION 5. This act applies only to the Town of Cary.

SECTION 6. This act is effective when it becomes law.