

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1040

Short Title: Swansboro Road Improvements.

(Local)

Sponsors: Representative Cleveland.

Referred to: Local Government I, if favorable, Finance.

March 27, 2007

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO ROAD IMPROVEMENTS IN THE TOWN OF
3 SWANSBORO.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-217 reads as rewritten:

6 "**§ 160A-217. Petition for street or sidewalk improvements.**

7 (a) ~~A~~ Except as provided by subsection (a1) of this section, a city shall have no
8 power to levy special assessments for street or sidewalk improvements unless it receives
9 a petition for the improvements signed by at least a majority in number of the owners of
10 property to be assessed, who must represent at least a majority of all the lineal feet of
11 frontage of the lands abutting on the street or portion thereof to be improved. Unless the
12 petition specifies another percentage, not more than fifty percent (50%) of the cost of
13 the improvement may be assessed (not including the cost of improvements made at
14 street intersections).

15 (a1) A city may assess a new residential developer for sidewalks along exterior
16 roads of a subdivision developed by that developer. The amount of the assessment
17 authorized by this subsection may be set by the city in an amount up to fifty percent
18 (50%) of the construction costs of the sidewalk. Nothing in this subsection shall be
19 construed to require any developer other than a new developer to build sidewalks.

20 (b) Property owned by the United States shall not be included in determining the
21 lineal feet of frontage on the improvement, nor shall the United States be included in
22 determining the number of owners of property abutting the improvement. Property
23 owned by the State of North Carolina shall be included in determining frontage and the
24 number of owners only if the State has consented to assessment in the manner provided
25 in G.S. 160A-221. Property owned by railroad companies shall be included in
26 determining frontage and the number of owners to the extent that the property is subject
27 to assessment under G.S. 160A-222. Property owned by railroad companies that is not
28 subject to assessment shall not be included in determining frontage and the number of
29 owners. If it is necessary to exclude property owned by the United States, the State of

1 North Carolina, or a railroad company in order to obtain a valid petition under
2 subsection (a), not more than fifty percent (50%) of the cost (not including the cost of
3 improvement at street intersections) may be assessed unless all of the owners subject to
4 assessment agree to a higher percentage.

5 (c) No right of action or defense asserting the invalidity of street or sidewalk
6 assessments on grounds that the city did not comply with this section in securing a valid
7 petition shall be asserted except in an action or proceeding begun within 90 days after
8 publication of the notice of adoption of the preliminary assessment resolution."

9 **SECTION 2.** This act applies to the Town of Swansboro only.

10 **SECTION 3.** This act is effective when it becomes law and applies to
11 subdivisions for which preliminary plats were filed during the period from September 1,
12 2004, until March 1, 2007.