

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 180
SENATE BILL 436

AN ACT CLARIFYING THE AUTHORITY OF THE CITY OF WILMINGTON TO PARTICIPATE WITH DEVELOPERS AND OWNERS OF LAND IN CONSTRUCTION OF PUBLIC IMPROVEMENTS AND TO INCLUDE CERTAIN COSTS IN THE PURCHASE OF REAL PROPERTY.

The General Assembly of North Carolina enacts:

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

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

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of June, 1989.