

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 353
HOUSE BILL 444

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNING BODY OF THE CITY OF SALISBURY TO CONSTRUCT AND INSTALL, OR CONTRACT FOR THE CONSTRUCTION AND INSTALLATION OF, CURBS AND CUTTERS ON ITS PUBLIC STREETS, AND TO SPECIALLY ASSESS THE COST THEREOF AGAINST PROPERTY ABUTTING UPON SUCH PUBLIC STREET SO IMPROVED; AND PRESCRIBING THE PROCEDURE THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Supplemental to and independent of the powers and authority heretofore granted by the General Assembly of North Carolina as contained in the General Statutes and as contained in Chapter 224, Private Laws, 1927, as amended, the Governing Body of the City of Salisbury is hereby authorized and empowered, without the necessity of having a petition filed by the owner or owners of abutting property, to construct and install or contract for the construction and installation of curbs and gutters on any of the public streets of said municipality and specially assess the entire cost of such construction and installation against the property upon the street or streets which are so improved.

Sec. 2. When it is proposed to make without petition any improvement described in Section 1 hereof, the governing body shall adopt a resolution which shall contain substantially the following:

(a) That the proceeding is taken under and will be governed by the provisions of this Act.

(b) A statement of the reasons proposed for the making thereof.

(c) A brief description of the proposed improvement.

(d) The cost of the improvement to be specially assessed and the terms of payment.

(e) A notice of the time and place when and where a public hearing will be held on the proposed improvement. The time fixed for such public hearing shall be such as to allow notice being given thereof not less than ten days prior thereto.

(f) A notice that all objections to the legality of the making of the proposed improvement shall be made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the municipality, the date of publication to be not less than ten days prior to the date fixed for the hearing.

Sec. 3. In the event that the governing body elects to proceed under this Act to construct curbs and gutters and specially assess all of the cost thereof against abutting property without the filing of a petition therefor, as is authorized by this Act, and does not adopt the resolution provided for in Section 2 of this Act, then and in such event the procedure applicable to such proceedings from that point to the final completion of the improvement, the final confirmation of the assessment roll, and the remedies available shall be as particularly set forth and provided in Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 29 of Chapter 224, Private Laws, 1927, as amended; and said enumerated and designated Sections of said Chapter 224, Private Laws, 1927, as amended, are hereby incorporated and adopted as a part of this Act as fully and to all intents and purposes as if set out word for word in this Act. Provided, that when an improvement is constructed under this Act, the governing body may, in its discretion, and notwithstanding the provisions of Section 22 of said Chapter 224 of the Private Laws of 1927, provide that assessments therefor not paid in cash shall be payable in not less than two nor more than five equal annual installments, according to the original resolution authorizing the improvement.

Sec. 4. When electing to construct curbs and gutters and specially assess the cost thereof upon abutting property, as authorized by this Act, the governing body shall specially state in the resolution as provided for in Section 2 hereof that it is proceeding under and by virtue of this Act.

Sec. 5. All laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall apply only to the City of Salisbury.

Sec. 7. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.