

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 771
HOUSE BILL 1092

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DENTON, DAVIDSON
COUNTY, SO AS TO AUTHORIZE LOCAL IMPROVEMENTS AND
ASSESSMENTS WITHOUT PETITION.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Denton, Davidson County, is hereby amended by adding the following provisions:

"(1) When Petition Unnecessary. Whenever in the judgment of the governing body of the Town of Denton any street or part of a street is unsafe and dangerous, or whenever unpaved, the dust from such street is detrimental to health and injurious to property, or whenever the paving or repaving of any street or part thereof is necessary in order to connect streets already paved, or whenever the paving of any street is necessary in order to connect any paved portion of such municipality's streets with a paved highway outside the corporate limits of such municipality, or whenever the paving of any street or part thereof is necessary to provide a paved approach to any railroad underpass or overpass or other bridge, or whenever any paved street or part thereof has been widened, if in such case, in the opinion of the governing body, public interest requires that said improvement be made, and if, in the opinion of the governing body, the abutting property will be benefited by said improvement to the extent of the part of the cost thereof to be assessed against such abutting property, the governing body may without petition of the property owners order the making of such improvement. Whenever any such improvement is ordered made by authority of this subsection the ordering of the paving of any street or part thereof may include the necessary water main and sewer improvements and the necessary water and sewer laterals, and it may, but need not, include the construction of sidewalks on one or both sides of the street.

"(2) Preliminary Resolution. When it is proposed to make without petition any improvement or improvements authorized to be made without petition by subsection (1) of this Act, the governing body shall adopt a resolution which shall contain substantially the following:

- (a) A statement of the reasons for making the proposed improvements;
- (b) A brief description of the proposed improvement or improvements;
- (c) The proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;
- (d) A notice of the time and place, when and where a public hearing will be held on the proposed improvement or improvements. (The time fixed for such public hearing

shall be such as to allow of notice being given thereof not less than ten (10) days prior thereto);

(e) A notice that all objections to the legality of the making of the proposed improvement or improvements 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, or if there be no such newspaper, such resolution shall be posted in three public places in the municipality for at least five (5) days, the date of publication or posting of the resolution to be not less than ten (10) days prior to the date fixed for the hearing.

"(3) Public Hearing on Preliminary Resolution. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider such objections to the legality of the making of the improvement or improvements as have been made in compliance with paragraph (e) of subsection (2) of this Act, together with such objections as may be made to the policy or expediency of the making of the improvement or improvements; and the governing body shall thereafter determine whether it will order the makings of said improvement or improvements. Any objection against the legality of the making of the improvement or improvements not made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time or adjourned time of such bearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the governing body, the adoption of the resolution ordering the making of the improvement or improvements as provided in the next following Section, shall be the final adjudication of the issues presented, unless within ten (10) days after the adoption of such resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

"(4) Resolution Ordering Improvements; Procedure. After public hearing, if the governing body determines to make the improvement or improvements proposed, it shall adopt a resolution to such effect and except as herein otherwise provided, follow the general law and procedure as is set forth in Article 9, Chapter 160 of the General Statutes."

Sec. 2. Any and all acts heretofore done and steps taken by the governing body of the Town of Denton in the paving of streets or other local improvements in said town and the assessments levied therefor are hereby in all respects approved and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1963.