

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 267
HOUSE BILL 640

AN ACT TO AMEND THE CHARTER OF THE CITY OF SHELBY, CHAPTER 194 OF THE PRIVATE LAWS OF 1901, AS AMENDED, TO AUTHORIZE THE IMPROVEMENTS OF STREETS AND SIDEWALKS AND TO ASSESS THE COST THEREOF WITHOUT PETITION.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Shelby, Cleveland County, North Carolina, as the same appears in Chapter 194, Private Laws of 1901, as amended by Chapter 194, Private Laws of 1909, and by Chapter 113, Private Laws of 1913 Extra Session, is hereby further amended by adding three new sections following Section 49 thereof to read as follows:

"Section 49.1. Authority. – In addition to any power which is now or may hereafter be granted to it, the City of Shelby shall have power, by resolution of its Board of Aldermen, to make street and sidewalk improvements and to defray the expense of such improvements by local assessment without the necessity of petition being made therefor; provided, however, the following conditions are met:

(a) For a period of not less than six weeks immediately prior to the meeting of the Board of Aldermen at which its resolution to cause such local improvements to be made is considered, the Board of Aldermen shall cause to be circulated among the owners of the property abutting upon such street or sidewalk a petition for such improvements;

(b) The Board of Aldermen shall give at least ten days written notice to each owner of property to be assessed of a public hearing to be held by the Board of Aldermen immediately prior to its considering any resolution to make street or sidewalk improvements and to defray the expense of such improvements by local assessment, without petition therefor being made;

(c) Immediately after such hearing and immediately prior to acting upon such resolution, the Board of Aldermen shall find as a fact in the case of proposed street improvements that the street to be improved is an unimproved portion of a continuous street between improved portions thereof, or is an unimproved street between improved parallel streets; that the length of unimproved portion of street does not exceed 2,400 lineal feet; and that the public interest requires that the improvement of said street be made by reason of heavy traffic which renders it unsafe to the traveling public; or, in the case of proposed sidewalk improvements, that such proposed sidewalk improvement is an unimproved portion of sidewalk between two improved portions of sidewalk; that the length of unimproved portion sidewalk does not exceed 2,400 lineal feet; and that by

reason of heavy pedestrian traffic in the street parallel to said sidewalk, it is necessary in the interest of pedestrian safety that such sidewalk improvement be made.

"Section 49.2. Where a street or sidewalk improvement is made without petition as provided herein, no more than one-half of the assessment authorized by Section 85 of Article 9 of Chapter 160 of the General Statutes (or any statute amending or replacing it) shall be made; and no assessment made without petition as provided herein shall be confirmed which is in excess of the amount of the increase in the fair market value of the lot or parcel assessed caused by reason of the making of the improvement. Any dissatisfied person assessed shall be entitled to a trial de novo on the issue of the amount of such increase upon appeal to Superior Court as provided by Section 89 of Article 9 of Chapter 160 of the General Statutes (or any statute amending or replacing it).

"Section 49.3. In ordering improvements without a petition and in assessing the costs thereof as provided herein, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes (or any statute amending or replacing it) except those provisions relating to the petition of the property owners and the sufficiency thereof. The effect of the acts of levying and confirming assessments under authority of this section shall for all purposes be the same as if the assessments were levied and confirmed under authority of and pursuant to Article 9, Chapter 160 of the General Statutes (or any statute amending or replacing it)."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. 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 29th day of April, 1971.