

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 140
HOUSE BILL 77

AN ACT TO PERMIT CHOWAN COUNTY TO ASSIST IN THE FINANCING OF
IMPROVEMENTS TO RURAL SUBDIVISION AND RESIDENTIAL STREETS
AND LEVY SPECIAL ASSESSMENTS THEREFOR.

The General Assembly of North Carolina enacts:

Section 1. Chowan County may levy special assessments for constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, as provided in this act.

Sec. 2. Chowan County may finance all or a portion of the cost of improvements made under the supervision of the Department of Transportation and Highway Safety to subdivision or residential streets located in the county and outside of a city and shall levy special assessments against benefited property to recoup that portion of the costs financed by the county. In levying special assessments, the county shall follow the procedures of G.S. 153A, Article 9; in addition, land owned, leased, or controlled by a railroad company is exempt from such assessments to the same extent that it would be exempt from street assessments of a city under G.S. 160A-222. No project may be commenced under this act unless it has been approved by the Department of Transportation and Highway Safety.

Sec. 3. On subdivision or residential streets that are a part of the State highway system, but that are not improved, the county may pay from funds not otherwise limited as to use by law the local share of the costs of improvement that is required by policies of the Secondary Roads Council. No petition from property owners is required in order for the county to pay these costs and levy special assessments therefor.

Sec. 4. On subdivision or residential streets that are not part of the State highway system, the county may pay from funds not otherwise limited as to use by law the local share of the costs of improvement that is required by policies of the Secondary Roads Council. Before the county may finance all or a portion of the cost of improvements to such a street, it must receive a petition for the improvements signed by at least a majority in number of the owners of property to be assessed, who must represent at least a majority of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council.

Property owned by the United States shall not be included in determining the lineal feet of frontage on the improvement, nor shall the United States be included in

determining the number of owners of property abutting the improvement. Property owned by the State of North Carolina shall be included in determining frontage and the number of owners only if the State has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or controlled by railroad companies shall be included in determining frontage and the number of owners to the extent the property is subject to assessment under G.S. 160A-222. Property owned, leased, or controlled by railroad companies that is not subject to assessment shall not be included in determining frontage or the number of owners.

No right of action or defense asserting the invalidity of street assessments on grounds that the county did not comply with this section in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

Sec. 5. This act is intended to provide a means of assisting in financing improvements to subdivision and residential streets in Chowan County that are on the State highway system or that will, as a result of the improvements, become a part of that system. By financing improvements under this act, Chowan County does not thereby acquire any responsibilities for the street or streets involved, and the county has no liability arising from the construction of such an improvement or the maintenance of such a street.

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1975.