

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 489
Committee Substitute Favorable 3/23/05
Third Edition Engrossed 3/28/05**

Short Title: Cary Reimbursement.

(Local)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

1 AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS
2 FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF CARY.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** A town may enter into reimbursement agreements with private
6 developers and property owners for the design and construction of municipal
7 infrastructure that is included on the town's Capital Improvement Plan and serves the
8 developer or property owner. For the purpose of this act, municipal infrastructure
9 includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater
10 lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated
11 facilities.

12 **SECTION 2.** A town shall enact ordinances setting forth procedures and
13 terms under which such agreements may be approved.

14 **SECTION 3.** A town may provide for such reimbursements to be paid from
15 any lawful source.

16 **SECTION 4.** No reimbursement pursuant to an agreement authorized by this
17 act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General
18 Statutes or to be deemed to be a violation or evasion of any provision of said Article.
19 Notwithstanding the foregoing provisions of this section, a construction contract subject
20 to a reimbursement agreement authorized by this act shall not be awarded by a
21 developer or property owner who is a party to such reimbursement agreement without
22 complying with the requirements of G.S. 143-129 and G.S. 143-128.2 relating to public
23 advertising and bid opening requirements which would be applicable if the construction
24 contract had been awarded by the town.

25 **SECTION 5.** This act applies only to the Town of Cary, but only applies as
26 to municipal infrastructure located in Wake County.

27 **SECTION 6.** This act is effective when it becomes law.