

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 924  
Senate State and Local Government Committee Substitute Adopted 6/10/09

Short Title: Mecklenburg County/Reimbursement Agreements.

(Local)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR  
PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY AND  
PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE  
DEVELOPMENT BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** A county may enter into reimbursement agreements with private property owners for the design and construction of park infrastructure or parks that: (i) are included in the county's Parks Master Plan; (ii) are located on property that is adjacent to or in close proximity to other property owned by the private property owner or its affiliates; and (iii) are located on the property owned by the private property owner that is to be leased or transferred to the county.

**SECTION 1.(b)** A county may provide for the reimbursements to be paid from any lawful source over any period of time, including making payments that include a premium for delayed reimbursement. A county may also exchange real property owned by the county under the provisions of G.S. 160A-271 as part of the reimbursement, or in full or partial payment for a lease, or in connection with the exchange for the real property owned by the private property owner that is developed or to be developed for park purposes.

**SECTION 1.(c)** No construction performed by a private property owner as part of a reimbursement agreement authorized by this act shall be deemed to be construction subject to the provisions of Article 8 of Chapter 143 of the General Statutes, and no reimbursement agreement authorized by this act shall be deemed to be subject to the provisions of Article 8 of Chapter 159 of the General Statutes, and neither shall be deemed to be a violation or evasion of any provision of either of these Articles. Notwithstanding the foregoing provisions of this section, a construction contract subject to a reimbursement agreement authorized by this act shall not be awarded by a private property owner who is a party to the reimbursement agreement without complying with the requirements of G.S. 143-129 relating specifically to public advertising and bid opening requirements that would be applicable if the construction contract had been awarded by the county.

**SECTION 1.(d)** This section applies to Mecklenburg County only.

**SECTION 2.(a)** Section 3 of S.L. 2001-329 reads as rewritten:

"**SECTION 3.** A city may provide for such reimbursements to be paid from any lawful source over any period of time, including making payments that include a premium for delayed reimbursement."

**SECTION 2.(b)** Section 4 of S.L. 2001-329 reads as rewritten:

"**SECTION 4.** No reimbursement pursuant to an agreement authorized by this act shall be deemed to be construction subject to Article 8 of Chapter 143 of the General Statutes or to be



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1 ~~deemed to be a violation or evasion of any provision of said Article.~~ construction performed by  
2 a private developer or property owner as part of a reimbursement agreement authorized by this  
3 act shall be deemed to be construction subject to the provisions of Article 8 of Chapter 143 of  
4 the General Statutes, and no reimbursement agreement authorized by this act shall be deemed  
5 to be subject to the provisions of Article 8 of Chapter 159 of the General Statutes, and neither  
6 shall be deemed to be a violation or evasion of any provision of either of these Articles.  
7 Notwithstanding the foregoing provisions of this section, a construction contract subject to a  
8 reimbursement agreement authorized by this act shall not be awarded by a developer or  
9 property owner who is a party to such reimbursement agreement without complying with the  
10 requirements of G.S. 143-129 ~~and G.S. 143-128(f)~~ relating to public advertising and bid  
11 opening requirements which would be applicable if the construction contract had been awarded  
12 by the city."

13 **SECTION 2.(c)** This section applies to the City of Charlotte only.

14 **SECTION 3.** This act is effective when it becomes law.