



SENATE BILL 848: Cary Charter Amendments.

2016-2017 General Assembly

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| Committee: | House Local Government | Date: | June 28, 2016 |
| Introduced by: | Sens. Barringer, Chaudhuri, Foushee | Prepared by: | Billy R. Godwin Staff Attorney |
| Analysis of: | PCS to Second Edition S848-CSBD-3 | | |

SUMMARY: *This PCS to Senate Bill 848 would allow the Cary Town Council to delegate to the Town Manager the authority to grant utility easements and other similar interests for Town-owned property, and would authorize the Town to sell, exchange, or otherwise transfer real property subject to restrictions.*

[As introduced, this bill was identical to H1053, as introduced by Reps. Dollar, Adcock, D. Hall, which is currently in House Local Government.]

BILL ANALYSIS: Senate Bill 848 would amend the Town of Cary's charter as follows.

Section 1 would create a new Section 11.2 in the charter which would permit the Town Council to authorize the Town Manager or Deputy Town Manager to grant utility easements and agreements over Town-owned property without obtaining Town Council approval.

Section 1 also would create a new Section 11.3 in the charter addressing conveyance of real property with restrictions. City governments generally dispose of real and personal property in accordance with the procedures established by Article 12 of Chapter 160A. Subject to certain limitations, a city can dispose of real or personal property belonging to the city by:

- Private negotiation and sale
- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction
- Exchange

The new Section 11.3 would provide for an additional method for the Town of Cary to convey property and does all of the following:

- Permits the Town, when the Council determines it is in the public interest, (1) to sell, exchange, or transfer the fee or any lesser interest in real property by public sale or negotiated private sale and (2) to attach to the transfer any covenants, conditions, or restrictions or combinations.
- Provides that any conveyance under this section may be made only pursuant to a resolution of the Town Council authorizing the conveyance.
- Provides that the consideration received by the Town for the conveyance may reflect the restricted use of the property resulting from the restrictions.
- Allows the Town to invite bids or written proposals, including development plans and site plans, for the purchase of the property or property interest.

Karen Cochran-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate PCS 848

Page 2

- Provides that a sale or transfer of property or an interest in property may be made contingent upon necessary rezoning of the property.
- Requires that notice of the proposed transaction must be given at least 10 days prior to adoption of the resolution by publication. The notice must describe: the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction. The notice also must give the time and place of the Town Council meeting where the proposed transaction will be considered and announce the Council's intention to authorize the transaction.

EFFECTIVE DATE: The act is effective when it becomes law.

BACKGROUND: The City of Raleigh obtained similar authority to convey real property subject to restrictions in 2015 (S.L. 2015-253).

Giles Perry and Brad Krehely, counsel to the Senate State and Local Government Committee, substantially contributed to this summary.