



SENATE BILL 848: Cary Charter Amendments.

2016-2017 General Assembly

Committee:	Senate State and Local Government	Date:	June 1, 2016
Introduced by:	Sens. Barringer, Chaudhuri, Foushee	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition S848-CSRN-47		Committee Co-Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for Senate Bill 848 would clarify the Town of Cary's authority to condition site plan approval, would 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. The PCS makes technical changes only.*

[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: The PCS for Senate Bill 848 would amend the Town of Cary's charter as follows.

Section 1 would create a new Section 9.1A in the charter dealing with site plans. It would provide that as part of its zoning regulations, the Town would have the same authority to condition the approval of site plans upon (1) compliance with the zoning regulations, (2) dedication or reservation of property, (3) the making of public improvements, or (4) the payment of fees in lieu of dedication, reservation, or public improvements as the Town has under its power to regulate subdivision of land.

For purposes of this section, the term "site plan" excludes plans for single-family detached residences.

Section 2 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 2 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.

Karen Cochrane-Brown
Director



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- 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.
- 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). The Town's 2016 Legislative Agenda, which includes Senate Bill 848, was approved by the Cary Town Council on March 10, 2016.