

NORTH CAROLINA

WAYNE COUNTY

**RESOLUTION #2015-26 : A RESOLUTION TO ESTABLISH A POLICY
FOR THE IMPROVEMENT AND ASSESSMENTS FOR PUBLICLY
DEDICATED SUBDIVISION STREETS**

WHEREAS, road maintenance and deterioration of publicly dedicated streets, which have not been accepted into the State Secondary Road System, is a concern that affects the citizens of Wayne County neighborhoods and subdivisions; and

WHEREAS, pursuant to North Carolina General Statute §153A-205, counties are authorized to enable citizens in solving the problem of deteriorated subdivision and residential streets;

NOW, THEREFORE BE IT RESOLVED, that the Wayne County Board of Commissioners wishes to enable an active role for citizens to make road repair assistance available when other alternatives are not feasible and hereby adopts the following statement of policy for use in consideration of improving publicly dedicated subdivision and residential streets located outside municipal limits:

I. Wayne County may consider financing and assessing residents per North Carolina General Statutes for the local share of the cost of improvements made under the supervision of the North Carolina Department of Transportation (NCDOT) to subdivision and residential streets located outside municipal limits when the following conditions are met:

- A. Subdivision roads under consideration were designed and originally constructed according to the NCDOT Minimum Construction Standards for Subdivision Roads.
- B. Roads shall be publicly dedicated roads as shown on a recorded subdivision plat at the Wayne County Register of Deeds. This policy shall not be applicable and financing shall not be made available to improve the condition of privately dedicated subdivision roads.
- C. Not more than \$2,500,000 may be used in the first two-year funding cycle. These funds typically will be raised by issuing revenue bonds of up to 10-years duration at a fixed interest rate. Said bonds shall be repaid from special assessments levied on all benefitting property owners as authorized by Article 9 of Chapter 153A of the NC General Statutes. The Board of Commissioners shall determine future projects by the number of valid petitions received, the amount of money that can be borrowed without adversely affecting Wayne County's credit rating, and the willingness of NC DOT to participate in future projects.. This also will assure that the County's credit rating will not be adversely affected.
- D. Street assessment projects shall be approved for financing in the order they were received and confirmed as valid petitions.

II. **When funds are available under this policy**, the Board of County Commissioners will consider, at its sole discretion and on a case-by-case basis, financing and assessing residents for the local costs of improvements to subdivision roads located outside municipal limits, pursuant to NCGS §153A-205. Specifically, the County must receive a petition for the improvements signed by at least seventy-five percent (75%) of the owners of property to be assessed, who must represent at

least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition must be in a format approved by the County Attorney and prepared by the County Planning Department. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by the policies of the NC Secondary Roads Council. The county may treat as a unit and consider as one street, two or more connecting State-maintained subdivision or residential streets in a petition filed under this subsection calling for the improvement of subdivision or residential streets subject to property owner sharing in the cost of improvement under the policies of the NCDOT. Corner lots that adjoin two streets shall only be responsible for one assessment. The petition must be returned to the Planning Department with the necessary signatures within six months of its being issued to the petitioners by the Planning Department. Individuals who are attempting to secure a petition may request the Board of Commissioners increase the period by 90 days and the Board of Commissioners may extend the time by 90 days.

In addition to following the assessment process as spelled out in NCGS 153A-205, a second public hearing will be held once all the assessment costs are calculated and the pre-assessment roll generated. At the second public hearing, any affected property owner may submit in a notarized written document, or by voice, any comments regarding his desire to support or not support going forward with the project. If a property owner objects to the project, his signature on the petition shall be disregarded. If a property owner supports the project, but had originally not signed the petition, it shall count as a signature on the petition. Once these changes have been made and tabulated, the Wayne County Board of Commissioners shall determine if the 75% criteria set out in NCGS 153A-205 are still met. After the second public hearing, the Wayne County Board of Commissioners may then approve or disapprove of the project requests and assessment costs. No project may be commenced under this section unless it has been approved by the Department of Transportation; and said department has agreed to accept the project street(s) into the NC Secondary Highway System for ownership and maintenance once the project has been completed.

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.

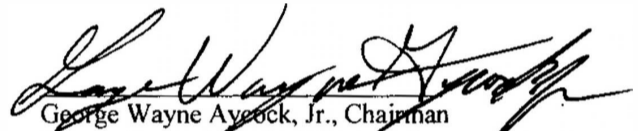
III. If the above conditions are met, further consideration may be given to the following criteria by the Wayne County Board of Commissioners before a funding decision is made:

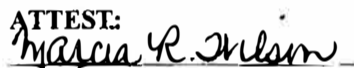
- A. Cost of proposed road improvements;
- B. Date of receipt of a valid petition compared with other pending petitions;
- C. Impact of the road improvement on the local road network;
- D. NCDOT input:
 - 1. Capability to assist with project management.
 - 2. Agreement to maintain and accept the roads onto the state system after project completion.
- E. Implications of Board of Commissioners inaction regarding:
 - 1. Traffic safety.

2. Declining property values due to lack of neighborhood road maintenance.
- F. Any other factors determined by the Board of Commissioners which may impact the viability of the project.

IV. If Wayne County provides funding for financing subdivision road improvements, it shall assess all affected property owners to recover the costs of the improvements. The assessment will be based on an equal share of the cost, per lot, unless the petitioners provide compelling reasons of why another allowable assessment method should be utilized. The terms of the assessment shall be set up to the statutory maximum of ten (10) years. The assessments shall cover all costs of advertising, legal, engineering and construction costs, and any financing costs to include principal, interest and loan costs of the project. The Board of County Commissioners shall seek to minimize the burden on affected landowners as much as possible. In all cases, any assessment for any road repair financed by the County shall be in accordance with NCGS §153A-205.

ADOPTED this 17th day of November, 2015.


George Wayne Ayeock, Jr., Chairman
Wayne County Board of Commissioners

ATTEST:

Marcia R. Wilson
Clerk to the Board

