

**PROPOSAL TO AMEND THE CODE OF ORDINANCES**

**TOWN OF ROLESVILLE, NORTH CAROLINA**

**Ordinance No: 2020-O-07**

**AN ORDINANCE TO INVOKE AUTHORITY AND ADOPT PROCEDURES FOR INFRASTRUCTURE DEVELOPMENT REIMBURSEMENT AGREEMENTS**

**SECTION 1. Article V -- Public Works.**

- Addition
- Deletion
- Alteration

**Chapter 52. - REIMBURSEMENT AGREEMENTS**

**52.01 – Authority.**

This Chapter sets forth procedures and terms under which the Town may negotiate and approve reimbursement agreements and intersection and roadway improvement agreements. Additional authority for such agreements may exist elsewhere, and the provisions of this Chapter are intended to be supplementary to such authority. This Chapter is authorized by Chapter 160A, Sections 309 and 499 of the North Carolina General Statutes (hereafter N.C. Gen. Stat.) together with North Carolina Session Law 1987-996 Section 4. Town approval authority for agreements under this Chapter shall be governed by general Town contracting authorizations and delegations.

**52.02 - Municipal Infrastructure Reimbursement Agreements**

The Town may approve municipal infrastructure reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the Town's capital improvement plan and serves the developer or property owner. For the purpose of this Chapter, “municipal infrastructure” includes, without limitation, public streets, bridges, traffic control devices, greenways, bikeways, water treatment facilities, wastewater treatment facilities, on and off-street surface and underground stormwater drainage devices and lines and culverts, public buildings, water lines and related facilities, and sanitary sewer lines and related facilities. The Town Manager, or designee, may negotiate municipal infrastructure reimbursement agreements with private developers and property owners in accordance with this Chapter and applicable policies and procedures. In negotiating such agreements, the Town shall require the private developer’s or property owner’s compliance with the requirements of N.C. Gen. Stat. §§ 143-128.2 and -129 relating to the public advertising and bidding requirements that would be applicable if the municipal infrastructure construction contract had been awarded by the Town. [Authority: N.C. Gen. Stat. § 160A-499.]

**52.03 - Intersection and Roadway Improvement Agreements**

The Town may approve intersection and roadway improvement agreements with a developer or property owner, or with a private party who is under contract with the developer or property owner, for public intersection or roadway improvements that are

adjacent or ancillary to a private land development project. The Town Manager, or designee, may negotiate intersection and roadway improvement agreements with a developer or property owner (or private party under contract with the developer or property owner) in accordance with this Section and applicable policies and procedures. In approving such agreements, the Town shall first determine that (a) the public cost will not exceed the estimated cost of providing for such improvements through either eligible force account qualified labor or through a public contract let pursuant to Article 8 of Chapter 143 of the North Carolina General Statutes; and (b) the coordination of separately constructed public intersection or roadway improvements would be impracticable. Notwithstanding the foregoing, such intersection and roadway improvement agreements shall not be subject to the provisions of Article 8 of Chapter 143 if the public cost will not exceed two hundred fifty thousand dollars (\$250,000). [Authority: N.C. Gen. Stat. § 160A-309.]

**52.04 – Reimbursement Funding and Impact Fee Credits**

Reimbursements under a municipal infrastructure reimbursement agreement or intersection and roadway improvement agreement may be paid from any lawful source. Without limiting the foregoing, the Town may provide reimbursement by fee credits against required fees when a developer or property owner installs improvements of a type that generally would be paid for by the Town out of a capital reserve account funded by impact fees. [Authority: N.C. Gen. Stat. § 160A-309; -499; and S.L. 1987-996 § 4.]

**SECTION 2:** This amendment to the Code of Ordinances shall be effective upon its adoption.

Adopted this, the 6th day of October 2020 by the Town of Rolesville Board of Commissioners.

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Ronnie I. Currin  
Town of Rolesville Mayor

**CERTIFICATION**

I, Robin Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this, the 6th day of October 2020.

In witness whereof, I have hereunto set my hand and caused the seal of the town of Rolesville to be affixed this \_\_\_\_\_ day of October 2020.

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Robin E. Peyton  
Town of Rolesville Clerk

[Seal]