

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1021
HOUSE BILL 1719

AN ACT TO AMEND ARTICLE 1 OF THE CHARTER OF THE CITY OF EDEN AS
SET FORTH IN CHAPTER 967, SESSION LAWS OF 1967.

The General Assembly of North Carolina enacts:

Section 1. Article 1, of the Charter of the City of Eden, as set forth in Chapter 967, Session Laws of 1967, is hereby amended by adding a new Section 1.1a. thereto to read as follows:

"Sec. 1.1a. Alternative condemnation procedures. In exercising the power of eminent domain for any public purpose, if negotiations for the purchase of land or rights in land are unsuccessful, the City may in its discretion use the procedures of Article 2 of Chapter 40 of the General Statutes, or Article 9 of Chapter 136 of the General Statutes, or the procedures of any other general law, charter, or local act applicable to the City. As contained in the General Statutes above mentioned, wherever the words 'Board of Transportation' appear they shall be deemed to include 'city' or 'council' and wherever the words 'chairman', or 'Chairman of the Board of Transportation' appear they shall be deemed to include 'city clerk'.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the city or, otherwise, first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1974.