

NORTH CAROLINA GENERAL ASSEMBLY  
1975 SESSION

CHAPTER 102  
HOUSE BILL 108

AN ACT TO PERMIT CITIES TO MAKE PRIOR ENTRY UPON LAND PROPOSED OR CONTEMPLATED FOR MUNICIPAL CONDEMNATION IN PROCEEDINGS UNDER G.S. CHAPTER 160A, ARTICLE 11.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. Chapter 160A, Article 11, is amended by adding a new section, G.S. 160A-263, to read as follows:

"§ 160A-263. **Right of entry prior to condemnation.** — Any city, without having adopted a preliminary condemnation resolution, depositing any sum, or taking any other action provided for in this Article, is authorized to enter upon any lands, but not structures, to make surveys, borings, examinations, and appraisals as may be necessary or expedient in carrying out and performing its rights or duties under this Article, and such entry shall not be deemed a trespass, or taking within the meaning of this Article; provided, however, that said city shall make reimbursement for any damage resulting from such activities, and the owner, if necessary, shall be entitled to proceed to recover for such damage. Provided further, that said city shall give 30 days notice of the intended entry authorized by this section; such notice shall be deemed given when served on the owner of the land and on all persons who hold a recorded lien or lease against the land by the sheriff of the county in which the condemning city is located or by mailing the notice by certified mail, return receipt requested, postage prepaid, addressed to the owner of the land and to all persons who hold a recorded lien or lease against the land at his last known address or last known principal place of business."

**Sec. 2.** Nothing in this act shall affect pending litigation.

**Sec. 3.** This act shall become effective on October 1, 1975.

In the General Assembly read three times and ratified, this the 2nd day of April, 1975.