

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 20
HOUSE BILL 48

AN ACT TO AMEND G.S. 160A-241 SO AS TO AUTHORIZE MUNICIPALITIES AND POLITICAL DIVISIONS OF MUNICIPALITIES TO USE THE PROCEDURE PROVIDED IN ARTICLE 9 OF CHAPTER 136 OF THE GENERAL STATUTES AS SPECIFICALLY AUTHORIZED BY G.S. 136-66.3(c) IN ACQUIRING LANDS, EASEMENTS, PRIVILEGES, RIGHTS-OF-WAY AND OTHER INTERESTS FOR PUBLIC PURPOSES IN THE EXERCISE OF THE POWER OF EMINENT DOMAIN, AND PROVIDING THAT THIS ACT SHALL APPLY ONLY TO THE CITY OF CONCORD AND THE TOWN OF BAYBORO.

The General Assembly of North Carolina enacts:

Section 1. Section 160A-241 of the General Statutes of North Carolina is hereby amended by adding at the end thereof, a new paragraph to read as follows:

"The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G.S. 136-66.3(c), shall be applicable in the case of acquisition by a municipal corporation, or a political division thereof, of lands, easements, privileges, rights-of-way, and other interests in real property for sewer lines, water lines, electric power lines, and other utility lines in the exercise of the power of eminent domain; and such municipal corporation, or a political division thereof, seeking to acquire such property of rights or easements therein or thereto shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G.S. 136-66.3(c) and Article 9 of Chapter 136 of the General Statutes for any of said purposes without being limited to streets constituting a part of the State Highway System."

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 apply only to the City of Concord and the Town of Bayboro.

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1975.