

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 707

Short Title: Return of Condemned Property.

(Public)

Sponsors: Senators Odom; Sands and Soles.

Referred to: Judiciary I.

April 18, 1991

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE PROCEDURES FOR THE RETURN OF CONDEMNED  
PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 40A of the General Statutes is amended by adding a new  
Article to read:

**“ARTICLE 5.**

**”RETURN OF CONDEMNED PROPERTY.**

**”§ 40A-70. Return of Condemned Property.**

(a) Whenever a public condemnor acquires real property by condemnation and does not use the property within seven years for the purpose for which it was condemned, and the public condemnor still owns the property, the original owner, or his heirs, successors in interest, or assigns, may demand, in writing, and receive, within 90 days of the written demand, legal title to the property upon payment to the public condemnor of the full price paid to the owner when the property was taken by eminent domain and payment to the public condemnor of interest, at the legal rate, to the date the written notice was filed with the public condemnor.

(b) Whenever a public condemnor acquires real property by condemnation and thereafter determines that the property is not needed for the purpose for which it was condemned, and the public condemnor still owns the property, the public condemnor may reconvey the property to the original owner, or his heirs, successors in interest, or assigns upon payment to the public condemnor of the full price paid to the owner when the property was taken by eminent domain and payment to the public condemnor or

1 interest, at the legal rate, to the date when the decision was made to offer the return of  
2 the property."  
3           Sec. 2. This act is effective upon ratification.