

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1647*
Committee Substitute Favorable 6/7/00
Committee Substitute #2 Favorable 6/22/00

Short Title: Charlotte Economic Development Quicktake.

(Local)

Sponsors:

Referred to:

May 22, 2000

A BILL TO BE ENTITLED

**AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF
CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR
ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.**

The General Assembly of North Carolina enacts:

Section 1. Section 7.81 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 216, Session Laws of 1967, Chapter 384, Session Laws of 1969, and Chapters 432 and 1046, Session Laws of 1973, as rewritten by Chapter 437, Session Laws of 1983, and as amended by Chapter 31 of the 1989 Session Laws, reads as rewritten:

"Sec. 7.81. (a) The City of Charlotte shall have the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property

1 to be used for streets and highways, water supply and distribution systems, sewage
2 collection and disposal systems, economic development purposes authorized by law
3 within the territory described in subsection (b) of this section, and airports, the City of
4 Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9
5 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended;
6 provided further, that whenever therein the words 'Secretary' or 'Secretary of
7 Transportation' appear, they shall be deemed to include the 'City Manager'; provided
8 further that nothing herein shall be construed to enlarge the power of the City of
9 Charlotte to condemn property already devoted to public use. The City of Charlotte is
10 also vested with the authority to condemn for public library purposes, property, rights,
11 privileges, easements and restrictive covenants and conditions, including any restrictive
12 covenants and conditions applicable to real estate now or hereafter owned, restricting the
13 use of same in any manner whatsoever.

14 The City of Charlotte shall have the power of eminent domain to acquire property to
15 provide housing for low- and moderate-income persons, but only to acquire: (i) vacant
16 structures boarded up as a result of housing code violations; (ii) structures that have been
17 found to contain housing code violations that the property owner has failed or refused to
18 correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of
19 a housing code enforcement demolition order. Provided, that in the exercise of its
20 authority of eminent domain to acquire property to provide housing for low- and
21 moderate-income persons, the city shall follow the procedures prescribed in Chapter 40A
22 of the General Statutes. Vesting of title to the property taken under this paragraph and
23 right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City
24 may not file an eminent domain action to acquire property described in clauses (i) or (ii)
25 of this paragraph until the property owner has had 150 days from the date of the order
26 finding violations of the City Housing Code to correct the violations. The city council
27 must adopt a plan to use condemned property for low or moderate income housing prior
28 to exercising the powers under this paragraph.

29 (b) The area within which the City of Charlotte is authorized to use the procedure
30 and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic
31 development purposes by subsection (a) of this section is as follows: an area bounded on
32 the east by Berryhill and West Morehead at Wilkinson Boulevard, on the south by the
33 Norfolk Southern Railroad from Berryhill to the Billy Graham Parkway, on the north by
34 Greenland Avenue, Ashley Road, Dublin Road, Cartwright, Carlyle Drive, Denver,
35 Mulberry Church and Withrow, and on the west by Billy Graham Parkway. The property
36 may be conveyed at private sale as allowed by the exception in G.S. 160A-279(d), but
37 otherwise following the procedures of G.S. 160A-279."

38 Section 2. If House Bill 1667 or Senate Bill 1391 of the 1999 Regular Session
39 become law, then the amendments made by this act to Section 7.81 of the current city
40 charter in this act are made in identical fashion to Section 7.81(a) of the revised charter
41 enacted by House Bill 1667 or Senate Bill 1391, except that the reference to "subsection
42 (b)" is changed to "subsection (c)", and the matter added to the charter as Section 7.81(b)

- 1 is instead added as Section 7.81(c), to the end that the repeal of Chapter 713 of the 1965
2 Session Laws does not affect this act.
3 Section 3. This act is effective when it becomes law.