

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  
Fourth Edition Engrossed 6/28/00  
Senate Finance Committee Substitute Adopted 6/30/00

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 Session  
Law 2000-26, reads as rewritten:

"Section 7.81. **Powers and Procedures.** (a) Notwithstanding the provisions of G.S.  
40A-1, in the exercise of its authority of eminent domain for the acquisition of property  
to be used for streets and highways, water supply and distribution systems, sewage  
collection and disposal systems, economic development purposes authorized by law  
within the territory described in subsection (c) of this section, and airports, the City is  
hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter  
136 of the General Statutes, as now or hereafter amended; provided further, that  
whenever therein any reference is made to the State of North Carolina or any agency  
thereof, such reference shall be deemed to include the City, and whenever therein any  
reference is made to any official of the state of North Carolina, such reference shall be

1 deemed to include the City Manager; provided further that nothing herein shall be  
2 construed to enlarge the power of the City to condemn property already devoted to public  
3 use.

4 (b) The City shall have the power of eminent domain to acquire property to  
5 provide housing for low- and moderate-income persons but only to acquire: (i) vacant  
6 structures Boarded up as a result of housing code violations; (ii) structures that have been  
7 found to contain housing code violations that the property owner has failed or refused to  
8 correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of  
9 a housing code enforcement demolition order. Provided that in the exercise of its  
10 authority of eminent domain to acquire property to provide housing for low- and  
11 moderate-income persons, the City shall follow the procedures prescribed in Chapter 40A  
12 of the General Statutes. Vesting of title to the property taken under this subsection, and  
13 right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City  
14 may not file an eminent domain action to acquire property described in clauses (i) or (ii)  
15 of this subsection until the property owner has had 150 days from the date of the order  
16 finding violations of the City housing code to correct the violations. The Council must  
17 adopt a plan to use condemned property for low- or moderate-income housing prior to  
18 exercising the powers under this subsection.

19 (c) The area within which the City of Charlotte is authorized to use the procedure  
20 and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic  
21 development purposes by subsection (a) of this section is as follows: an area bounded on  
22 the east by Berryhill Road, on the south by the Norfolk Southern Railroad, on the north  
23 by Wilkinson Boulevard, and on the west by Billy Graham Parkway. The property may  
24 be conveyed at private sale as allowed by the exception in G.S. 160A-279(d), but  
25 otherwise following the procedures of G.S. 160A-279.

26 (d) Before the City of Charlotte may use the procedure and authority prescribed in  
27 Article 9 of Chapter 136 of the General Statutes for economic development purposes in  
28 the area defined in subsection (c) of this section, the City shall designate a not-for-profit  
29 corporation to which it may intend to convey the property at private sale as allowed by  
30 subsection (c) of this section, and that corporation must demonstrate to the City that the  
31 corporation has attempted to negotiate with the property owner in good faith for the  
32 purchase of the property.

33 (e) Before the City of Charlotte may use the procedure and authority prescribed in  
34 Article 9 of Chapter 136 of the General Statutes for economic development purposes in  
35 the area defined in subsection (c) of this section, the corporation designated under  
36 subsection (d) of this section must demonstrate to the City that as long as the use of the  
37 property is compatible with the development plan for the area, the corporation has used  
38 its best good faith efforts to relocate within the economic development project area any  
39 business displaced by the project."

40 Section 2. This act is effective when it becomes law.