

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1215

Short Title: Wilmington Sewer Infrastructure. (Local)

Sponsors: Representatives McComas, Justice, and Wright (Primary Sponsors).

Referred to: Local Government II, if favorable, Finance.

March 29, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION
3 OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF
4 WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER
5 136 OF THE NORTH CAROLINA GENERAL STATUTES IN
6 CONDEMNATION PROCEEDINGS CONCERNING SEWER.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Charter of the City of Wilmington, being Chapter 495 of
9 the 1988 Session Laws, is amended by adding a new Article to read:

10 "ARTICLE XVIII.A. ADDITIONAL EMINENT DOMAIN POWERS.

11 "Sec. 18A.1. Additional Eminent Domain Powers. Notwithstanding the provisions of
12 G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of
13 property interests (including, without limitation, fee simple title, rights-of-way, and
14 easements) to be used for sewer lines and treatment facilities, the city may use the
15 procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes
16 of North Carolina, as now or hereafter amended; provided further, that whenever therein
17 the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to
18 include the 'City Manager'; 'Manager', and whenever therein the word 'highway'
19 appears, it is deemed to include projects in accordance with this section, provided
20 further that nothing herein shall be construed to enlarge the power of the town to
21 condemn property already devoted to public use. The powers granted by this section are
22 in addition to and supplementary to those powers granted by any local or general law.
23 This section applies only for proceedings initiated on or before December 31, 2009."

24 **SECTION 2.** This act is effective when it becomes law.