

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 1215
Committee Substitute Favorable 5/4/07**

Short Title: Wilmington Sewer Infrastructure.

(Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

1
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 1977 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 as now or hereafter amended; provided further, that whenever therein the words
17 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the
18 'City Manager'; 'Manager', and whenever therein the word 'highway' appears, it is
19 deemed to include projects in accordance with this section, provided further that nothing
20 herein shall be construed to enlarge the power of the city to condemn property already
21 devoted to public use. The powers granted by this section are in addition to and
22 supplementary to those powers granted by any local or general law. This section applies
23 only for proceedings initiated on or before December 31, 2009."

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