

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 753

Short Title: Cary Street ROW.

(Local)

Sponsors: Representative Stamey.

Referred to: Judiciary III.

April 6, 1993

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE LAW RELATING TO ACQUISITION BY THE TOWN
2 OF CARY OF STREET RIGHT-OF-WAY OUTSIDE THE CORPORATE
3 LIMITS.
4

5 Whereas, G.S. 40A-3(b)(1), enacted in 1981 allows cities to acquire property
6 both inside and outside the corporate limits for street and sidewalk construction; and

7 Whereas, G.S. 160A-296(a)(3), enacted in 1971 authorizes cities to acquire
8 land for street and sidewalk construction only within the city; and

9 Whereas, G.S. 160A-240.1, enacted in 1981 authorizes cities to acquire
10 property for use of the city, but makes no distinction as to the location of the property;
11 and

12 Whereas, G.S. 159(d)(5), enacted in 1971 authorizes cities to issue bonds for
13 streets, without distinction as to the location of the property; and

14 Whereas, G.S. 136-66.3, enacted in 1959 authorizes a city and the
15 Department of Transportation to reach agreement on right-of-way acquisition for streets
16 in and around the municipality; Now, therefore,
17 The General Assembly of North Carolina enacts:

18 Section 1. G.S. 160A-240.1 is designated as G.S. 160A-240.1(a) and the
19 following subsection is added:

20 "(b) A city may acquire by purchase or eminent domain the fee or any lesser
21 interest in real property, which is located outside the corporate limits of the city, for use
22 under G.S. 160A-296(a)(3) only if the street for which right-of-way is to be acquired is
23 in a comprehensive plan adopted under G.S. 136-66.2, and for which an agreement for
24 right-of-way acquisition has been reached under G.S. 136-66.3."

1 Sec. 2. G.S. 40A-3(b) is amended by adding the following new paragraph at
2 the end:

3 "Acquisition of property outside the corporate limits by purchase or condemnation
4 under subdivision (1) of this subsection may be exercised only as provided by
5 G.S. 160A-240.1(b)."

6 Sec. 3. G.S. 160A-296 is amended by adding the following new subsection:

7 "(c) A city may acquire property outside its corporate limits by purchase or
8 eminent domain under subdivision (a)(3) of this section only as provided by G.S. 160A-
9 240.1(b)."

10 Sec. 4. This act applies to the Town of Cary only.

11 Sec. 5. This act is effective upon ratification.