

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 753
Committee Substitute Favorable 5/10/93

Short Title: Cary Street ROW.

(Local)

Sponsors:

Referred to:

April 6, 1993

A BILL TO BE ENTITLED

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

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

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

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

Whereas, G.S. 159-48(d)(5), enacted in 1971 authorizes cities to issue bonds for streets, without distinction as to the location of the property; and

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

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

"(b) A city may acquire by purchase or eminent domain the fee or any lesser interest in real property, which is located outside the corporate limits of the city, for use under G.S. 160A-296(a)(3) only if the street for which right-of-way is to be acquired is

1 in a comprehensive plan adopted under G.S. 136-66.2, and for which an agreement for
2 right-of-way acquisition has been reached under G.S. 136-66.3."

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

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

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

9 "(c) A city may acquire property outside its corporate limits by purchase or
10 eminent domain under subdivision (a)(3) of this section only as provided by G.S. 160A-
11 240.1(b)."

12 Sec. 4. This act applies only to the Town of Cary and only to real property
13 located in Wake County.

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