

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 560
HOUSE BILL 235

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ACQUIRE AN ENTIRE STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Whenever the proposed right of way of a street or highway necessitates the taking of a portion of a parcel of land leaving a remainder of such shape, size or condition so as to be of little value, the City of Fayetteville may acquire, by condemnation or purchase, the entire parcel of land. Provided, the City must make a determination either:

- (1) That a partial taking would substantially destroy the economic value or utility of the remainder; or
- (2) That an economy in the expenditure of public funds will be promoted thereby; or
- (3) That the interest of the public will be best served by the acquisition of the entire parcel.

Sec. 2. Residues acquired under this Act may be disposed of in the manner provided for the disposition of municipal property or may be exchanged for other property required by the municipality.

Sec. 3. Where the proposed right of way of a street or highway necessitates the taking of a portion of a building or structure, the City of Fayetteville may acquire, by condemnation or purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. Provided, the City must make a determination that the partial taking will substantially destroy the economic value or utility of the building or structure and a determination either:

- (1) That an economy in the expenditure of public funds will be promoted thereby; or
- (2) That it is not feasible to cut off a portion of the building without destroying the entire building; or
- (3) That the convenience, safety or improvement of the street or highway will be promoted thereby;

Provided, further, nothing herein contained shall be deemed to compel the City authority to condemn the underlying fee of the portion of any building or structure which lies outside the right of way of any existing or proposed public road, street or highway.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1969.