

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 596
HOUSE BILL 791

AN ACT TO AMEND G.S. 160-255 RELATING TO THE INSTALLATION AND CONSTRUCTION OF WATER AND SEWERAGE FACILITIES OUTSIDE THE CORPORATE BOUNDARIES OF CITIES AND TOWNS, AND PROVIDING FOR RECOVERY OF COST THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Section 160-255 of the General Statutes of North Carolina be, and it hereby is, amended by inserting the following language immediately after the second sentence of said section to read as follows:

The governing body shall have the right and power to acquire such rights of way, easements, and other property outside its corporate boundaries in the exercise of the power of eminent domain in the same way and under the same authority and procedures as it has the power to acquire such rights of way, easements, and property inside the corporate boundaries of such city or town, provided further that nothing herein shall be construed to enlarge the power of the City of Durham to condemn property already devoted to public use. Such governing body shall also have the power and authority, in the extension, installation, construction, operation, and maintenance of its water and sewerage facilities outside of its corporate boundaries to serve the area inside or outside of its said corporate boundaries, to create water and/or sewer benefit assessment districts and to specially assess the cost of such water or sewer installations or construction to the property in such benefit assessment districts on the basis of the front foot rule, the benefits derived or to be derived by the property in such assessment districts, or some other equitable method promulgated and established by the governing body in the exercise of its sound legislative discretion.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall apply only to the City of Durham and is supplementary to all other powers and authority possessed by the City of Durham and is not in substitution thereof.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1969.