

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 695
HOUSE BILL 715

AN ACT AUTHORIZING THE TOWN OF CHAPEL HILL TO ACQUIRE AN ENTIRE STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT-OF-WAY AND TO PROVIDE AN ADDITIONAL PROCEDURE BY WHICH THE TOWN OF CHAPEL HILL MAY ACQUIRE PROPERTY FOR PUBLIC PURPOSES BY EMINENT DOMAIN.

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 Town of Chapel Hill may acquire, by condemnation or purchase, the entire parcel of land. Provided, the Town 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 Town of Chapel Hill 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 Town 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 Town 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. In addition to any other procedure available to the Town of Chapel Hill under its Charter or the general law, the Town of Chapel Hill shall have the right to acquire any land, easement or interest in land for any public purpose for which the Town of Chapel Hill is authorized to acquire same by condemnation, both within and outside its corporate limits, by proceeding in accordance with the provisions of Article 9 entitled "Condemnations" of Chapter 136 of the General Statutes of North Carolina, as same is now written and as hereafter amended. In applying said Article 9 to the Town of Chapel Hill, the words "Town of Chapel Hill" shall be substituted for all references in said Article to the State Highway Commission; the words "Mayor or Town Manager" shall be substituted for all references to the "Chairman of the State Highway Commission", "Director of the State Highway Commission", "Director of Highways, State Highway Commission, in Raleigh" or other similar reference; "Chapel Hill shall be substituted for "Raleigh"; and "public purposes" or an appropriate reference to the particular project of the Town for which the land, easement or an interest therein is being acquired shall be substituted for "Highway purposes", "Highway project", "highway" or other similar reference. This Act shall not be construed as amending Article 9 of Chapter 136 of the General Statutes except with respect to proceedings instituted by the Town of Chapel Hill under the authority of this Act provided further that nothing herein shall be construed to enlarge the power of the Town of Chapel Hill to condemn property already devoted to public use.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.