

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 293
HOUSE BILL 380

AN ACT TO AMEND G.S. 153A-159 TO AUTHORIZE UNION COUNTY TO USE
CONDEMNATION PROCEDURES PROVIDED IN ARTICLE 9 OF CHAPTER
136 OF THE GENERAL STATUTES IN THE EXERCISE OF ITS POWER OF
EMINENT DOMAIN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-159 is hereby amended by adding thereto the following new paragraph:

"The procedures provided in Article 9 of Chapter 136 of the General Statutes may also be used in the case of acquisition by a county of lands, easements, privileges, right-of-ways, and other interests in real property for water supply, distribution systems, sewage collection and disposals systems in the exercise of the power of eminent domain. Whenever the words 'Board of Transportation' appear in Article 9 of Chapter 136 of the General Statutes they shall be deemed to include 'county' or 'County Commissioners', and wherever the words 'Administrator', 'Administrator of Highways', 'Administrator of the Board of Transportation', or 'Chairman of the Board of Transportation' appear in Article 9 of Chapter 136 of the General Statutes they shall be deemed to include 'County Manager'. Provided, however, that the provisions of this paragraph shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) or any electric or telephone membership corporation domesticated or incorporated in North Carolina unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the county or, otherwise, first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation or electric or telephone membership corporation."

Sec. 2. This act shall apply only to Union County and shall in no way affect the power of eminent domain conferred to Union County by G.S. 153A-159 or any other general law or local act.

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1977.