

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 716
HOUSE BILL 463

AN ACT TO GRANT THE CITY OF GREENVILLE ALTERNATIVE CONDEMNATION PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. In exercising the power of eminent domain for any public purpose, if negotiations for the purchase of land or rights in land are unsuccessful, the City of Greenville may, in its discretion, use the procedures of Article 9 of Chapter 136 of the General Statutes as now in force or as may hereafter be amended, as well as the procedures of any other general law, charter, or local act applicable to the city.

Sec. 2. As contained in Article 9 of Chapter 136 of the General Statutes, when such Chapter is used by the City of Greenville for condemnation, all reference therein to "Board of Transportation" shall be deemed to mean "City of Greenville"; all reference to the "Chairman of the Board of Transportation" or "Director of Highways" shall be deemed to mean "Mayor of the City of Greenville"; all references to authority or persons or agencies connected therewith shall be deemed to refer to the City of Greenville.

Sec. 3. When Article 9 of Chapter 136 of the General Statutes, as now in force or as shall be hereafter amended, are used as a condemnation procedure by the City of Greenville, the Chapter will be read as if it were applicable to the City of Greenville.

Sec. 4. The provisions of this act shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the city, 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.

Sec. 5. This act is applicable only to the City of Greenville and the taking by the City of Greenville of property for a public purpose and provided further that in all times before using the authority given in this act, the City of Greenville shall always get an independent appraisal of the sum estimated as just compensation for the taking.

Sec. 6. This act shall be in addition to and not in derogation of any other powers already held by general laws or otherwise.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1977.