

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 127
HOUSE BILL 386

AN ACT TO ALLOW THE CITY OF KINSTON TO USE THE PROVISIONS OF
CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION
PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Kinston, as contained in Section 1 of Chapter 92, Session Laws of 1961 is amended by adding a new section to read:

"Sec. 1-4. Eminent Domain. In the exercise of the power of eminent domain granted to the City of Kinston by this Charter or any other law, public or local, the city may follow the procedures now or hereafter prescribed by said laws; provided, that in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water and sewer facilities, and for all other purposes authorized by the provisions of G. S. 160A-241, the City of Kinston is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'City of Kinston', all reference to the 'Secretary of Transportation' shall be deemed to mean 'City Manager' of the City of Kinston, all references to 'Raleigh' shall be deemed to mean 'Kinston', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the City of Kinston.

Provided, however, that the provisions of this section 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. 2. Chapter 203, Session Laws of 1975 is repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1981.