

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 213
HOUSE BILL 552

AN ACT TO PROVIDE AN ADDITIONAL PROCEDURE BY WHICH THE CITY
MAY ACQUIRE PROPERTY FOR PUBLIC PURPOSES BY EMINENT
DOMAIN.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of High Point, as contained in Section 1 of Chapter 501, Session Laws of 1979, is amended by adding a new Article to read:

"ARTICLE VIIA.

"ALTERNATIVE EMINENT DOMAIN PROCEDURE.

"Sec. 7A.1. Eminent domain. In the exercise of the power of eminent domain granted to the City of High Point 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 land, or easement or interest in land for any public purpose for which the City is authorized to acquire same by condemnation, both within and without its corporate limits the City of High Point 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 High Point', all reference to the 'Secretary of Transportation' shall be deemed to mean 'City Manager' of the City of High Point, all references to 'Raleigh' shall be deemed to mean 'High Point', 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 High Point.

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. 7A.2. Procedure not exclusive. The condemnation procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law. The provisions of this Article shall not apply to any property in Davidson County unless the property is located within the corporate limits of the City of High Point."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.