

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 417
HOUSE BILL 961

AN ACT TO ALLOW DUPLIN COUNTY TO USE ALTERNATE
CONDEMNATION PROCEDURES FOR CERTAIN EASEMENTS IN
CONJUNCTION WITH THE LIMESTONE-MUDDY CREEK WATERSHED
PROJECT.

The General Assembly of North Carolina enacts:

Section 1. In the exercise of the power of eminent domain granted to the County of Duplin by any law, public or local, the County 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 an easement in property described in Section 2 of this act the County of Duplin 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 "County of Duplin", all reference to the "Secretary of Transportation" shall be deemed to mean "County Manager" of the County of Duplin, all references to "Raleigh" shall be deemed to mean "Kenansville", and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the County of Duplin.

Sec. 2. (a) This act shall only apply with respect to acquisition of easements for or in connection with the clearing and snagging of Limestone or Muddy Creeks or other waters described below, such work to include clearing, snagging, disposal of debris, for or in connection with the operation, maintenance and inspection of the stream channel; and for the flowage of any waters in, over, upon or through such stream channel; and for foot travel for fishing access. The easement includes the right of ingress and egress at any time over the below described land of the grantor and any other land of the grantor adjoining said land, not to interfere with growing crops and insofar as practical to follow existing farm paths; and the grantee is responsible for operating and maintaining the works of improvement.

(b) This act shall only apply with respect to the following property, and the easement shall be appurtenant to and run with the land:

(1) Parcel No. 3 of Land Rights Map No. L-1, 100 feet in total width and the Southerly boundary of said tract being located 100 feet at all points from and normal to the center line of Limestone Creek, consisting of 1.6 acres, more or less; located in Limestone Township, Duplin County;

(2) Parcel No. 8 of Land Rights Map No. L-19, 100 feet in total width and the Northerly boundary of said tract being located 100 feet at all points from and normal to the center line of Limestone Creek, consisting of 5.7 acres, more or less; located in Limestone Township, Duplin County;

(3) Parcel No. 5 of Land Rights Map No. L-17, 100 feet in total width and the Westerly boundary of said tract being located 100 feet at all points from and normal to the center line of Limestone Creek, consisting of 3.3 acres, more or less; located in Limestone Township, Duplin County;

(4) Parcel No. 9 of Land Rights Map No. L-18, 100 feet in total width and the Northerly boundary of said tract being located 100 feet at all points from and normal to the center line of Limestone Creek; consisting of 3 acres, more or less; located in Smith Township, Duplin County;

(5) Parcel No. 5/6 of Land Rights Map No. M-1, being 100 and 50 feet in total width and the Southerly and Northerly boundary of said tract being located 100 feet and 50 feet at all points from and normal to the center line of Muddy Creek, consisting of 9.9 acres more or less; located in Limestone and Cypress Creek Townships, Duplin County;

(6) Parcel No. 6 of Land Rights Map No. M-2, being 25 and 55 feet in total width and the Easterly and Westerly boundary of said tract being located 25 and 55 feet at all points from and normal to the center line of Lat. M-1, Muddy Creek; consisting of 0.6 acres more or less; located in Limestone Township, Duplin County;

(7) Parcel No. 1 of Land Rights Map No. M-53, being 25 and 55 feet in total width and the Southerly and Northerly boundary of said tract being located 25 and 55 feet at all points from and normal to the center line of Lat. M-15, Muddy Creek; consisting of 2.9 acres more or less; located in Limestone Township, Duplin County; and

(8) Parcel No. 3 of Land Rights Map No. M-40, being 25 feet in total width and the Southerly boundary of said tract being located 25 feet at all points from and normal to the center line of Lat. M-18H1, Muddy Creek, consisting of 0.1 acres, more or less; located in Limestone Township, Duplin County.

(c) All references to Land Rights Maps in this section are to maps of the Limestone-Muddy Creek Watershed Project.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1981.