

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 703
HOUSE BILL 1312

AN ACT TO MAKE MORE CERTAIN THE LOCATION OF CERTAIN STREET
RIGHTS-OF-WAY IN THE TOWN OF PRINCEVILLE THROUGH THE
ADOPTION OF AN OFFICIAL MAP OF SAID STREETS.

The General Assembly of North Carolina enacts:

Section 1. Purpose and findings. The General Assembly finds and declares that it is in the public interest and in the interest of affected property owners for street right-of-way lines in the original Town of Princeville to be made more definite and certain through the adoption of an Official Map, and makes the following additional findings:

(1) The Town of Princeville was originally laid out in a plat of portions of the M. A. Keech farm and the Shaw farm in Edgecombe County in or about the year 1878. This plat showed streets and lots. The plat was never recorded. However, present street locations appear to reflect those shown on the plat.

(2) Beginning January 1, 1880, lots in the area shown on the plat were transferred by deeds which made no reference to the plat nor to any easements for street rights-of-way nor to any existing streets. In general, these deeds defined boundaries in terms of now-unidentifiable physical features and the similarly-described boundaries of adjoining lots. Title to many of these lots has passed through unadministered estates and inaccurate or improperly executed deeds, so that it is extremely difficult to ascertain with certainty the present ownership.

(3) The Town of Princeville was incorporated by Chapter 29 of the Private Laws of 1885 on February 20, 1885. At that time all of the streets presently within the Old Princeville Community Development Project Area had actually been opened and were used by the general public. Throughout its history the Town has maintained these streets. In some of them it has installed water and sewer and power lines. A few sections have been paved with Powell Bill funds.

(4) The Town of Princeville has recently received a grant by the federal Department of Housing and Urban Development under the Community Development Block Grant Program, a major portion of which has been designated for paving and other street improvements in the designated project area, which comprises much of the original Town of Princeville. According to HUD requirements, these funds can be spent only for improvements to public streets. The funds must also be spent promptly, or they will revert. This necessitates identification of the streets to be improved within a relatively short time period.

(5) Because of the continuous use of these streets by the public since 1885 or earlier and the Town's maintenance of and improvements to these streets, it is apparent that the public has acquired legal easements in them through the doctrine of prescription. However, in order to meet the HUD requirements and to benefit all the citizens of the Town by specifying more precisely the location of these easements, the Town Board of Commissioners directed the preparation of an Official Map of the affected streets, based upon the center lines of the traveled portions of those streets.

(6) The Board of Commissioners has held properly advertised public hearings on May 18, 1981, and May 26, 1981, to review maps of street lines as determined by a surveyor and to discuss plans for street improvements in the Community Development project area. Comments and objections from property owners concerning these maps were solicited, and none were received.

(7) The Board of Commissioners thereupon directed the surveyor to prepare an official map of the Old Princeville Community Development Project Area showing street center lines and right-of-way lines as discussed in the above hearings. The Board formally adopted this map at its meeting on June 22, 1981. It then requested that the General Assembly ratify this action.

Sec. 2. Ratification and adoption of Official Map. The General Assembly hereby ratifies and adopts the Official Map of the Old Princeville Community Development Project Area, dated June 22, 1981, insofar as it indicates the location of street center lines and right-of-way lines of existing streets in the said project area and subject to modification by any legal action which may be brought within the period specified in Section 4 of this act.

Sec. 3. Publication of Official Map. A copy of the Official Map of the Old Princeville Community Development Project Area shall be made available for public inspection in the Community Development Department office of the Princeville Town Hall during the hours from 8:00 a.m. until 5:00 p.m. each Monday through Friday during the 60 days following the effective date of this act. Legal notice of such availability shall be given in at least one newspaper with general circulation within the Town of Princeville in each of the first two calendar weeks following the effective date of this act.

Sec. 4. Limitation on challenges to Official Map. No challenge to the validity of the above described Official Map or to the location of any street center line or right-of-way line shown thereon shall be allowed in any action or proceeding commenced later than 60 days after the effective date of this act.

Sec. 5. Registration of Official Map. A certified copy of the above described Official Map shall be recorded in the office of the Edgecombe County Register of Deeds not later than 65 days after the effective date of this act.

Sec. 6. All laws and clauses of laws, public or local, in conflict with the provisions of this act are repealed to the extent of such conflict.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1981.