NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 714
SENATE BILL 661

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

The General Assembly of North Carolina enacts:

Section 1. In the exercise of the power of eminent domain granted to the County of Craven 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 property to be used for water or sewer facilities, or for solid waste collection or disposal systems or facilities, the County of Craven is hereby authorized to use the procedures 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 references in Article 9 of Chapter 136 of the General Statutes to "Department of Transportation" shall be deemed to mean "County of Craven", all references to the "Secretary of Transportation" shall be deemed to mean "County Manager" of the County of Craven, all references to "Raleigh" shall be deemed to mean "New Bern", and all other references, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the "County of Craven".

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. 153A-160(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 county, 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. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1981.