

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1647*
Committee Substitute Favorable 6/7/00
Committee Substitute #2 Favorable 6/22/00
Fourth Edition Engrossed 6/28/00

Short Title: Charlotte Economic Development Quicktake.

(Local)

Sponsors:

Referred to:

May 22, 2000

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES OF
2 CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION FOR
3 ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 7.81 of the Charter of the City of Charlotte, being Chapter
7 713, Session Laws of 1965, as amended by Chapter 216, Session Laws of 1967, Chapter
8 384, Session Laws of 1969, and Chapters 432 and 1046, Session Laws of 1973, as
9 rewritten by Chapter 437, Session Laws of 1983, and as amended by Chapter 31 of the
10 1989 Session Laws, reads as rewritten:

11 "Sec. 7.81. (a) The City of Charlotte shall have the power of eminent domain
12 and may acquire, either by purchase, gift or condemnation, any land, right of access,
13 right-of-way, water right, privilege, easement, or any other interest in or relating to land,
14 water or improvements, either within or without the city limits, for any lawful public use
15 or purpose. In the exercise of the power of eminent domain, the city is hereby vested
16 with all power and authority now or hereafter granted by the laws of North Carolina
17 applicable to the City of Charlotte, and the city shall follow the procedures now or
18 hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S.

1 40A-1, in the exercise of its authority of eminent domain for the acquisition of property
2 to be used for streets and highways, water supply and distribution systems, sewage
3 collection and disposal systems, economic development purposes authorized by law
4 within the territory described in subsection (b) of this section, and airports, the City of
5 Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9
6 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended;
7 provided further, that whenever therein the words 'Secretary' or 'Secretary of
8 Transportation' appear, they shall be deemed to include the 'City Manager'; provided
9 further that nothing herein shall be construed to enlarge the power of the City of
10 Charlotte to condemn property already devoted to public use. The City of Charlotte is
11 also vested with the authority to condemn for public library purposes, property, rights,
12 privileges, easements and restrictive covenants and conditions, including any restrictive
13 covenants and conditions applicable to real estate now or hereafter owned, restricting the
14 use of same in any manner whatsoever.

15 The City of Charlotte shall have the power of eminent domain to acquire property to
16 provide housing for low- and moderate-income persons, but only to acquire: (i) vacant
17 structures boarded up as a result of housing code violations; (ii) structures that have been
18 found to contain housing code violations that the property owner has failed or refused to
19 correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of
20 a housing code enforcement demolition order. Provided, that in the exercise of its
21 authority of eminent domain to acquire property to provide housing for low- and
22 moderate-income persons, the city shall follow the procedures prescribed in Chapter 40A
23 of the General Statutes. Vesting of title to the property taken under this paragraph and
24 right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City
25 may not file an eminent domain action to acquire property described in clauses (i) or (ii)
26 of this paragraph until the property owner has had 150 days from the date of the order
27 finding violations of the City Housing Code to correct the violations. The city council
28 must adopt a plan to use condemned property for low or moderate income housing prior
29 to exercising the powers under this paragraph.

30 (b) The area within which the City of Charlotte is authorized to use the procedure
31 and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic
32 development purposes by subsection (a) of this section is as follows: an area bounded on
33 the east by Berryhill Road, on the south by the Norfolk Southern Railroad, on the north
34 by Wilkinson Boulevard, and on the west by Billy Graham Parkway. The property may
35 be conveyed at private sale as allowed by the exception in G.S. 160A-279(d), but
36 otherwise following the procedures of G.S. 160A-279.

37 (c) Before the City of Charlotte may use the procedure and authority prescribed in
38 Article 9 of Chapter 136 of the General Statutes for economic development purposes in
39 the area defined in subsection (b) of this section, the City shall designate a not-for-profit
40 corporation to which it may intend to convey the property at private sale as allowed by
41 subsection (b) of this section, and that corporation must demonstrate to the city that the
42 corporation has attempted to negotiate with the property owner in good faith for the
43 purchase of the property.

1 (d) Before the City of Charlotte may use the procedure and authority prescribed in
2 Article 9 of Chapter 136 of the General Statutes for economic development purposes in
3 the area defined in subsection (b) of this section, the corporation designated under
4 subsection (c) of this section must demonstrate to the city that as long as the use of the
5 property is compatible with the development plan for the area, the corporation has used
6 its best good faith efforts to relocate within the economic development project area any
7 business displaced by the project."

8 Section 2. If House Bill 1667 or Senate Bill 1391 of the 1999 Regular Session
9 become law, then the amendments made by this act to Section 7.81 of the current city
10 charter in this act are made in identical fashion to Section 7.81(a) of the revised charter
11 enacted by House Bill 1667 or Senate Bill 1391, except that the reference to "subsection
12 (b)" is changed to "subsection (c)", and the matter added to the charter as Section 7.81(b)
13 is instead added as Section 7.81(c), to the end that the repeal of Chapter 713 of the 1965
14 Session Laws does not affect this act.

15 Section 3. This act is effective when it becomes law.