

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SENATE BILL 354
RATIFIED BILL**

AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION
OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF
WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER
136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS
CONCERNING SEWER.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, is amended by adding a new Article to read:

"ARTICLE XVIII. ADDITIONAL EMINENT DOMAIN POWERS.

"Sec. 18A.1. Additional Eminent Domain Powers. Notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property interests (including, without limitation, fee simple title, rights-of-way, and easements) to be used for sewer lines and treatment facilities, the city may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'City Manager'; 'Manager', and whenever therein the word 'highway' appears, it is deemed to include projects in accordance with this section, provided further that nothing herein shall be construed to enlarge the power of the city to condemn property already devoted to public use. The powers granted by this section are in addition to and supplementary to those powers granted by any local or general law. This section applies only for proceedings initiated on or before December 31, 2009."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of May, 2007.

Beverly E. Perdue
President of the Senate

Joe Hackney
Speaker of the House of Representatives