

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 170
SENATE BILL 243

AN ACT TO AMEND CHAPTER 481 OF THE SESSION LAWS OF 1967, BEING THE CHARTER OF THE CITY OF ASHEBORO IN RANDOLPH COUNTY, CONCERNING THE POWER OF EMINENT DOMAIN.

The General Assembly of North Carolina enacts:

Section 1. That Article I of the Charter of the City of Asheboro, as set forth in Chapter 481 of the Session Laws of 1967, is hereby amended by adding Section 1.5 as follows:

"Sec. 1.5. Eminent Domain: Powers and Procedures. The City of Asheboro shall have the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water, or improvements, either within or without the City limits, for any lawful public use or purpose.

In the exercise of the power of eminent domain, the City is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Asheboro, and the City 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 streets and highways, water and sewer facilities, and for all other purposes authorized by the provisions of G.S. 160A-241, the City of Asheboro 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 "City of Asheboro", all reference to the "Secretary of Transportation" shall be deemed to mean "City Manager" of the City of Asheboro, all references to "Raleigh" shall be deemed to mean "Asheboro", and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the City of Asheboro.

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. 160A-243(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 City, 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 21st day of March, 1979.