

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 262  
HOUSE BILL 597

AN ACT TO AMEND THE TOWN CHARTER OF THE TOWN OF BISCOE IN  
MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

**Section 1.** Chapter 258 of the Private Laws of 1923 is hereby amended by rewriting Section 1 thereof to read as follows:

"Section 1. That chapter twenty-four, Private Acts one thousand nine hundred and one, be amended by adding at the end of section four, and before the ratifying clause or section the following:

"The governing body of said town shall have the power to lay out and open any new street or widen any old street within the corporate limits of said town wherever by it deemed necessary, and shall have power at any time to widen, change or extend any street or streets, or any part thereof, within the corporate limits of said town. The governing body of the town shall have the power to lay out, construct and maintain sewer lines and outfall lines whenever by it deemed necessary within the corporate limits of the town. In the event the authorities of said town cannot otherwise acquire lands and necessary construction right of way sufficient and suitable for the purposes aforesaid, the governing body of said town shall have full power and authority to condemn, appropriate to use any lands, unimproved or improved, necessary for any or either of the purposes named in this act, upon making a reasonable compensation to the owner or owners thereof. In case the owner or owners of the lands and the governing board of said town cannot agree upon the price for said lands, the governing body shall appoint three freeholders, residents of said town, who shall assess the value of the land to be condemned, and shall make a report of their findings to the said governing body of said town. If the governing body accepts and adopts the report, it shall cause to be paid or tendered to the landowner or owners the amount so assessed in legal tender of the country, and thereupon the title to said land or lands shall immediately become vested in the said Town of Biscoe, or its successor. If the landowner or owners shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him or her, or either, of the right to appeal to the Superior Court of Montgomery County within thirty days from the date the amount assessed is tendered or paid to him, her or them from said assessment. The jury, in assessing the value of any land, shall take into consideration the improvements, special or general, that may accrue to such land by the establishing of any improved streets, or other highway, and such benefits shall be computed as offsets against the damage."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1971.