

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

1

SENATE BILL 1186\*

Short Title: Condemnation Changes.

(Public)

Sponsors: Senators Hartsell, Odom, and Carrington.

Referred to: Judiciary II/Election Laws.

May 15, 1996

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 40A GOVERNING CONDEMNATION TO AUTHORIZE AWARD OF ATTORNEYS' FEES, AND INTRODUCTION OF ANY EVIDENCE OF PROPERTY VALUE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-8 is amended by adding a new subsection to read:

"(d) In addition to the other costs allowed under this Chapter, in any action brought under this Chapter in which the judgment awarded to the owner is an amount greater than:

(1) The highest formal offer of settlement made in writing by the condemnor to the condemnee prior to filing a petition under G.S. 40A-20, or

(2) The amount of the deposit under Article 3, the court with jurisdiction over the action shall, after making appropriate findings of fact, award each owner of the property sought to be condemned a sum that, in the opinion of the court based upon its findings of fact, will reimburse the owner for: reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees."

Sec. 2. Article 4 of Chapter 40A of the General Statutes is amended by adding a new section to read:

1 **"§ 40A-71. Evidence of value.**

2 In any proceeding to determine the value of property condemned under this Chapter,

3 (1) Any formal offer of settlement made in writing by the condemnor to the  
4 condemnee prior to filing a petition under G.S. 40A-20,

5 (2) The amount deposited under Article 3, or

6 (3) Any other written evidence of value of the property, other than property  
7 tax valuation,

8 shall be produced upon motion of any party to the proceeding and shall be admissible  
9 into evidence."

10 Sec. 3. This act becomes effective October 1, 1996, and shall apply to pending  
11 litigation.