

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**SENATE DRS55048-LBf-95\* (2/17)**

Short Title: Holly Springs Eminent Domain.

(Local)

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Sponsors: Senator Stevens.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE  
PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH  
CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS  
CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the Town of Holly Springs, being S.L.  
2003-73, is amended by adding a new section to read:

"Section 5.2. **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 waterlines and treatment facilities and  
sewer lines and treatment facilities, and opening, widening, extending, or improving  
public streets and roads, the town may 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 whenever therein the words 'Secretary' or 'Secretary of  
Transportation' appear, they shall be deemed to include the 'Town Manager'; Manager',  
and whenever therein the word 'highway' appears, it is deemed to include 'public works'  
in accordance with this section, provided further that nothing herein shall be construed  
to enlarge the power of the town to condemn property already devoted to public use.  
Provided further, just compensation for the acquisition of fee simple title or a perpetual  
easement pursuant to this section to be used for street or road right-of-way shall be no  
less than (i) one dollar (\$1.00) per square foot of real property taken, or (ii) the prorated  
ad valorem tax value of the parent tract, whichever is less. The powers granted by this  
section are in addition to and supplementary to those powers granted by any local or  
general law."

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