

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35097-LBf-142 (01/19)

Short Title: Wilmington Eminent Domain. (Local)

Sponsors: Senator Boseman.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE
PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH
CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS
CONCERNING WATER AND SEWER.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Wilmington, being Chapter 495 of
the 1988 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:

(1) Waterlines and treatment facilities.

(2) Sewer lines and treatment facilities,

the city 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 '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 town
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."

SECTION 2. This act is effective when it becomes law but only applies to
proceedings initiated on or before December 1, 2008.