

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 354
State & Local Government Committee Substitute Adopted 4/4/07

Short Title: Wilmington Eminent Domain.

(Local)

Sponsors:

Referred to:

February 27, 2007

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE
2 PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH
3 CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS
4 CONCERNING WATER AND SEWER.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Charter of the City of Wilmington, being Chapter 495 of
8 the 1977 Session Laws, is amended by adding a new Article to read:

9 "ARTICLE XVIII. ADDITIONAL EMINENT DOMAIN POWERS.

10 "Sec. 18A.1. **Additional Eminent Domain Powers.** Notwithstanding the provisions
11 of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of
12 property interests (including, without limitation, fee simple title, rights-of-way, and
13 easements) to be used for:

14 (1) Waterlines and treatment facilities.

15 (2) Sewer lines and treatment facilities,

16 the city may use the procedure and authority prescribed in Article 9 of Chapter 136 of
17 the General Statutes of North Carolina, as now or hereafter amended; provided further,
18 that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they
19 shall be deemed to include the 'City Manager'; 'Manager', and whenever therein the
20 word 'highway' appears, it is deemed to include projects in accordance with this section,
21 provided further that nothing herein shall be construed to enlarge the power of the town
22 to condemn property already devoted to public use. The powers granted by this section
23 are in addition to and supplementary to those powers granted by any local or general
24 law."

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