

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 778*

Short Title: Rocky Mount Eminent Domain.

(Local)

Sponsors: Representatives Fitch; and Cooper.

Referred to: Government.

March 22, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT TO
PROVIDE FOR AN ALTERNATIVE EMINENT DOMAIN PROCEDURE.

The General Assembly of North Carolina enacts:

Section 1. Sections 361 through 375 of the Charter of the City of Rocky Mount, being Chapter 938, Session Laws of 1963, are repealed and Section 360 of the Charter, entitled "Special Procedures and Regulations", as amended by Chapter 365, Session Laws of 1975, is rewritten to read:

"Sec. 360. The City of Rocky Mount shall possess the power of eminent domain and may acquire, either by purchase, gift or condemnation, any real estate, right of access, right-of-way, water right, privilege, easement, restrictive covenant, or any other interest in or relating to real estate, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain the city is hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Rocky Mount, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 160A-240.1 and G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property or any interest in property to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, electric power generation, transmission and distribution systems, and gas storage, transmission and distribution systems, the City of Rocky Mount is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended or recodified; provided further, that whenever therein the words 'Department

1 of Transportation' appear in Article 9 they shall be deemed to include the 'City of
2 Rocky Mount,' and wherever the words 'Secretary of Transportation' appear in Article 9
3 they shall be deemed to include the 'City Manager of the City of Rocky Mount.' The
4 powers herein granted to the City of Rocky Mount for the purpose of acquiring property
5 by eminent domain shall be in addition to and supplementary to those powers granted in
6 any other local act or in any other general statute, and in any case in which the
7 provisions of Article 9 of Chapter 136 are in conflict with the provisions of any local act
8 or any other provision of any general statute, then the governing body of the City of
9 Rocky Mount may in its discretion proceed in accordance with the provision of such
10 local act or other general statute, or, as an alternative method of procedure, in
11 accordance with this Charter Provision and Article 9 of Chapter 136.

12 Nothing herein shall be construed to enlarge the power of the City of Rocky Mount
13 to condemn property already devoted to public use."

14 Sec. 2. This act is effective upon ratification.