

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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**SENATE BILL 368**

Local Government and Regional Affairs Committee Substitute Adopted 4/25/91

House Committee Substitute Favorable 6/11/91

Short Title: Monroe Property/Elections.

(Local)

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Sponsors:

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Referred to:

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March 28, 1991

**A BILL TO BE ENTITLED**

**AN ACT TO PERMIT THE CITY OF MONROE TO DISPOSE OF CERTAIN  
PROPERTY ACQUIRED BY EMINENT DOMAIN AND TO AUTHORIZE A  
DELAY IN THE 1991 MONROE MUNICIPAL ELECTION.**

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Monroe may acquire by condemnation, pursuant to the provisions of Chapter 40A of the General Statutes, a tract of land in the City of Monroe, Union County, North Carolina, and more particularly described as follows:

BEGINNING at a point on the eastern right of way line of Boyte Street, said point being located S. 6 deg. 19 min. 21 sec. W. 108 feet from the point where the eastern right of way line of Boyte Street intersects the southern right of way line of Fairley Avenue (Fairley Avenue having a 46-foot right of way and Boyte Street having a 45-foot right of way) the same being the southwest corner of Lot #23 of Block 6 of Vann Heights Subdivision as shown by plat recorded on the fly leaf of Deed Book 40, Union County Registry, and runs thence along and with the southern line of Lot #23 S. 83 deg. 40 min. 32 sec. E. 145.97 feet to a point on the western edge of a 10-foot alley, thence along and with the western edge of said alley S. 6 deg. 14 min. 04 sec. W. 34.47 feet to a point, thence N. 83 deg. 48 min. 39 sec. W. 146.02 feet to a point on the eastern right of way line of Boyte Street, thence along and with the eastern right of way line of

1 Boyte Street N. 06 deg. 19 min. 21 sec. E. 34.81 feet to the point of  
2 BEGINNING and being the northern portion of Lot #22 of Vann Heights  
3 as shown upon the plat hereinabove mentioned, and being the same  
4 property conveyed to Dan Coleman by deed dated December 12, 1922, and  
5 recorded in Deed Book 58, page 730, to which reference is specifically  
6 made. Sec. 2. G.S. 160A-279 reads as rewritten:

7 **"§ 160A-279. Sale of property to entities carrying out a public purpose; procedure.**

8 (a) Whenever a city or county is authorized to appropriate funds to any public or  
9 private entity which carries out a public purpose, the city or county may, in lieu of or in  
10 addition to the appropriation of funds, convey by private sale to such an entity any real  
11 or personal property which it owns; ~~provided no property acquired by the exercise of~~  
12 ~~eminent domain may be conveyed under this section;~~ provided that no such conveyance  
13 may be made to a for-profit corporation. The city or county shall attach to any such  
14 conveyance covenants or conditions which assure that the property will be put to a  
15 public use by the recipient entity. The procedural provisions of G.S. 160A-267 shall  
16 apply.

17 (b) Notwithstanding any other provision of law, this section applies only to cities  
18 and counties and not to any other entity which this Article otherwise applies to.

19 (c) The resolution or order required under G.S. 160A-267 for conveyances under  
20 this section must be approved by the unanimous affirmative vote of the council  
21 members or county board of commissioners, not counting vacancies or members  
22 excused from voting in order to be effective under this section.

23 (d) This section does not limit the right of any entity to convey property by  
24 private sale when that right is conferred by another law, public, or local."

25 Sec. 3. In the event that the United States Justice Department, under the  
26 Voting Rights Act of 1965, has not precleared annexations by the City of Monroe,  
27 which the Department has under consideration, or in the event that the Department  
28 interposes an objection to any of the annexations which the Monroe City Council  
29 determines to adversely affect the conduct and holding of the City's regular 1991  
30 municipal election, the Monroe City Council may delay the 1991 municipal election and  
31 may reschedule the election in accordance with G.S. 160A-23.1(d)(3). In the event that  
32 the election is rescheduled as provided by this section, current officeholders shall hold  
33 over until their successors are elected and qualified, and the organizational meeting of  
34 the new council may be held at any time after the results of the election have been  
35 officially determined and published, but not later than the time and date of the first  
36 regular meeting of the council in July 1992.

37 Sec. 4. This act is effective upon ratification, applies only to the City of  
38 Monroe, and as to Sections 1 and 2 of this act applies only for the property acquired  
39 pursuant to Section 1 of this act.