

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1331
SENATE BILL 1027

AN ACT TO ALLOW THE TOWN OF APEX TO USE THE PROCEDURES OF
CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION
PROCEEDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 996, Session Laws of 1951, is amended by adding a new section to read:

"Sec. 1.1. Additional Procedure for Eminent Domain. In addition to any other powers granted by law to the Town of Apex by any general or local act, the town is also authorized in any case where it may acquire property by condemnation 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; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'Town of Apex', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Town Administrator' of the Town of Apex, all references to 'Raleigh' shall be deemed to mean 'Apex', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the Town of Apex.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

Sec. 2. No proceeding to acquire property pursuant to the authority granted by this act shall be commenced after January 1, 1981.

Sec. 3. This act is effective upon ratification, but shall only apply to civil actions instituted under this act on or before January 1, 1981.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.