

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 393*

Short Title: Holly Springs Eminent Domain.

(Local)

Sponsors: Representative Stam.

Referred to: Finance.

February 28, 2005

A BILL TO BE ENTITLED

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

7 **SECTION 1.** The Charter of the Town of Holly Springs, being S.L.
8 2003-73, is amended by adding a new section to read:

9 "Section 5.2. **Additional Eminent Domain Powers.** Notwithstanding the
10 provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the
11 acquisition of property interests (including, without limitation, fee simple title,
12 rights-of-way, and easements) to be used for waterlines and treatment facilities and
13 sewer lines and treatment facilities, and opening, widening, extending, or improving
14 public streets and roads, the town may use the procedure and authority prescribed in
15 Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter
16 amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of
17 Transportation' appear, they shall be deemed to include the 'Town Manager'; Manager',
18 and whenever therein the word 'highway' appears, it is deemed to include 'public works'
19 in accordance with this section, provided further that nothing herein shall be construed
20 to enlarge the power of the town to condemn property already devoted to public use.
21 Provided further, just compensation for the acquisition of fee simple title or a perpetual
22 easement pursuant to this section to be used for street or road right-of-way shall be no
23 less than (i) one dollar (\$1.00) per square foot of real property taken, or (ii) the prorated
24 ad valorem tax value of the parent tract, whichever is less. The powers granted by this
25 section are in addition to and supplementary to those powers granted by any local or
26 general law."

27 **SECTION 2.** This act is effective when it becomes law.