

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-57
HOUSE BILL 393**

AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO USE THE
PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH
CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS
CONCERNING WATER, SEWER, PUBLIC STREETS AND ROADS.

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 24th day of May, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives