

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE DRH70197-LBf-235 (01/19)**

Short Title: Wilmington Sewer Infrastructure. (Local)

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Sponsors: Representative McComas.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION  
OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF  
WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER  
136 OF THE NORTH CAROLINA GENERAL STATUTES IN  
CONDEMNATION PROCEEDINGS CONCERNING SEWER.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Charter of the City of Wilmington, being Chapter 495 of  
the 1988 Session Laws, is amended by adding a new Article to read:

"ARTICLE XVIII.A. ADDITIONAL EMINENT DOMAIN POWERS.

"Sec. 18A.1. 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 sewer lines and treatment facilities, the city 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 'City Manager'; 'Manager', and whenever therein the word 'highway'  
appears, it is deemed to include projects 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. The powers granted by this section are  
in addition to and supplementary to those powers granted by any local or general law.  
This section applies only for proceedings initiated on or before December 31, 2009."

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