

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 880  
SENATE BILL 443

AN ACT AUTHORIZING AND EMPOWERING THE CITY COUNCIL OF THE CITY OF SALISBURY TO OPEN, WIDEN AND EXTEND STREETS WITHIN SAID CITY AND SETTING FORTH THE PROCEDURES THEREFOR, INCLUDING THE PROCEDURE FOR ACQUIRING LAND NECESSARY FOR THE PURPOSE OF WIDENING, EXTENDING, OR OPENING ANY STREET WITHIN THE SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. Whenever, in the opinion of the City Council of the City of Salisbury, it is for the best interest of the city that any street in said city should be widened or extended, or both, or that a new street should be opened, the Council may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within which such street should be widened, extended, or opened. If any street under the provision of such ordinance is to be widened, it need not be widened on both sides; and, if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending, or opening any street under the provisions of this Act, may not be adopted until the proposed ordinance is published in a newspaper published in the city, and qualified to carry legal notices, at least two times, on separate days at least ten days before the passage of the ordinance, or, if there be no such newspaper, posted in three public places in the city. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the Council. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance.

Sec. 2. After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved, or for any part of any existing building within said lines to be repaired or otherwise improved until the city shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided in this Act. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the City Council of the nature and estimated cost of such building, repairs, or improvements. The Council shall then determine whether it will take the necessary steps to acquire said land prior to the construction of said building or the making of such repairs or improvements, and if it fails within sixty days from date of receipt of said notice to acquire, or to

institute condemnation proceedings to acquire, said property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulations of the city, or to make the repairs or improvements described in said notice.

Sec. 3. If any person, firm, or corporation builds upon any land included within proposed street lines, or repairs or otherwise improves that part of any existing building within proposed street lines without giving the city an opportunity to acquire said land free from said improvements, as provided in the preceding Section, the city shall not be required to pay for the value of the building, repairs, or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said Section.

Sec. 4. If upon receiving any notice in compliance with Section 2, the City Council determines to acquire said land immediately, it may acquire the same by grant, purchase, or condemnation. In no case shall an effort to purchase said land be necessary to the institution of condemnation proceedings. If the Council determines to proceed by condemnation, the condemnation shall be as set forth in its charter, or under the General Statutes of North Carolina.

Sec. 5. After any land has been purchased or condemned for the purpose of widening, extending, or opening any street, and the land purchased or condemned lies within the limits of an improvement directed in said proceeding, then the amount paid by the city for the land purchased or condemned, together with the cost of the condemnation proceeding and interest on said amount paid and costs at the rate of six per cent per annum from the date of payment, may be included in the cost of said improvement and may be assessed as provided by law against the property to be assessed for the improvements.

Sec. 6. The failure of the city to acquire any land within thirty days after receiving notice that the same is to be built upon, or that a building thereon is to be repaired or otherwise improved, or its failure within said time to institute proceedings to condemn the same, shall not limit the right of the city at any subsequent time to condemn the same; but in such case the owner shall be entitled to compensation as now provided by law for the building, repairs, or improvements made after the giving of the required notice and the failure of the city to acquire said land free of said improvements.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1961.