

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1143
HOUSE BILL 1557

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

The General Assembly of North Carolina enacts:

Section 1. Chapter 74, Session Laws of 1963, 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 Mocksville 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 Mocksville', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Mayor' of the Town of Mocksville, all references to 'Raleigh' shall be deemed to mean 'Mocksville', 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 Mocksville.

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. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1980.