

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 403*
Committee Substitute Favorable 4/17/89
Transportation Senate Committee Substitute Adopted 6/26/89

Short Title: Roadway Corridor Planning Participation.

(Public)

Sponsors:

Referred to:

February 28, 1989

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW CONCERNING ROADWAY CORRIDOR
OFFICIAL MAPS, MUNICIPAL PARTICIPATION IN IMPROVEMENTS TO
THE STATE HIGHWAY SYSTEM, AND DEDICATION OF RIGHT-OF-WAY
WITH DENSITY OR DEVELOPMENT RIGHTS TRANSFER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.50 reads as rewritten:

"§ 136-44.50. Roadway corridor official map act.

(a) A roadway corridor official map may be adopted or amended by the governing board of any city ~~within its corporate limits and the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances for any thoroughfare included as part of a comprehensive plan for streets and highways adopted pursuant to G.S. 136-66.2~~ or by the Board of Transportation for any portion of the existing or proposed State highway system. Before a city adopts a roadway corridor official map that extends beyond the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, or adopts an amendment to a roadway corridor official map outside the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, the city must obtain approval from the Board of County Commissioners. No roadway corridor official map shall be adopted or amended, nor may any property be regulated under this Article until:

- 1 (1) The governing board of the city or the Department of Transportation in
2 each county affected by the map, has held a public hearing on the
3 proposed map or amendment. Notice of the hearing shall be provided:
4 a. By publication at least once a week for four successive weeks
5 prior to the hearing in a newspaper having general circulation in
6 the county in which the roadway corridor to be designated is
7 located.
8 b. By two-week written notice to the Secretary of Transportation,
9 the Chairman of the Board of County Commissioners, and the
10 Mayor of any city or town through whose corporate or
11 extraterritorial jurisdiction the roadway corridor passes.
12 c. By posting copies of the proposed roadway corridor map or
13 amendment at the courthouse door for at least 21 days prior to
14 the hearing date. The notice required in sub-subdivision a.
15 above shall make reference to this posting.
- 16 (2) A permanent certified copy of the roadway corridor official map or
17 amendment has been filed with the register of deeds. The boundaries
18 may be defined by map or by written description, or a combination
19 thereof. The copy shall measure approximately 20 inches by 12
20 inches, including no less than one and one-half inches binding space
21 on the left-hand side.
- 22 (b) Roadway corridor official maps and amendments shall be distributed and
23 maintained in the following manner:
- 24 (1) A copy of the official map and each amendment thereto shall be filed
25 in the office of the city clerk ~~for municipal adopted maps, or and~~ in the
26 office of the district engineer ~~for State adopted maps.~~
- 27 (2) A copy of the official map, each amendment thereto and any variance
28 therefrom granted pursuant to G.S. 136-44.52 shall be furnished to the
29 tax supervisor of any county and tax collector of any city affected
30 thereby. The portion of properties embraced within a roadway
31 corridor and any variance granted shall be clearly indicated on all tax
32 maps maintained by the county or city for such period as the
33 designation remains in effect.
- 34 (3) Notwithstanding any other provision of law, the certified copy filed
35 with the register of deeds shall be placed in a book maintained for that
36 purpose and cross-indexed by number of road, street name, or other
37 appropriate description. The register of deeds shall collect a fee of five
38 dollars (\$5.00) for each map sheet or page recorded.
- 39 ~~(e) No roadway corridor or any portion thereof placed on an official map shall be~~
40 ~~effective unless:~~
- 41 ~~(1) The roadway corridor or a portion thereof appears on the~~
42 ~~Transportation Improvement Program adopted by the Board of~~
43 ~~Transportation under G.S. 143B-350(f)(4); or~~

1 (2) ~~The roadway corridor or a portion thereof appears on the street system~~
2 ~~plan adopted pursuant to G.S. 136-66.2, and the adopting city or town~~
3 ~~has adopted a capital improvements plan of 10 years or shorter~~
4 ~~duration which shows the estimated cost of acquisition and~~
5 ~~construction of the designated roadway corridor and the anticipated~~
6 ~~financing for that project.~~

7 (d) Within one year following the establishment of a roadway corridor official
8 map or amendment, work shall begin on an environmental impact statement or
9 preliminary engineering. The failure to begin work within the one-year period shall
10 constitute an abandonment of the corridor, and the provisions of this Article shall no
11 longer apply to properties or portions of properties embraced within the roadway
12 corridor. A city may prepare environmental impact studies and preliminary engineering
13 work in connection with the establishment of a roadway corridor official map or
14 amendments to a roadway corridor official map. When a city prepares a roadway
15 corridor official map for a street or highway that has been designated a State
16 responsibility pursuant to G.S. 136-66.2, the environmental impact study and
17 preliminary engineering work shall be reviewed and approved by the Department of
18 Transportation.”

19 Sec. 2. G.S. 136-66.3(c) reads as rewritten:

20 "~~(c) A municipality is authorized to make improvements to portions of the State~~
21 ~~highway system lying within the municipal corporate limits utilizing local funds that~~
22 ~~have been authorized for that purpose by a vote of the citizens of the municipality. A~~
23 ~~municipality is authorized and empowered to acquire land by dedication and~~
24 ~~acceptance, purchase, or eminent domain, and make improvements to portions of the~~
25 ~~State highway system lying within or outside the municipal corporate limits utilizing~~
26 ~~local funds that have been authorized for that purpose by a vote of the citizens of the~~
27 ~~municipality. The governing body of the municipality may call a special referendum at~~
28 ~~any time to allow this use of funds. The total cost of the improvements authorized by~~
29 ~~this subsection shall be the responsibility of the municipality and shall not be~~
30 ~~participated in by the Department of Transportation, nor shall the construction of~~
31 ~~improvements be a consideration for any other project by the Department of~~
32 ~~Transportation. All improvements to the State highway system shall be done in~~
33 ~~accordance with the specifications and requirements of the Department of~~
34 ~~Transportation and shall be set forth in an agreement entered into between the~~
35 ~~municipality and the Department. The Board of Transportation shall not give~~
36 ~~consideration to or credit for such locally financed improvements in the Transportation~~
37 ~~Improvement Program under G.S. 143B-350(f)(4)."~~

38 Sec. 3. G.S. 136-66.3(f) reads as rewritten:

39 "(f) Municipalities having a population of less than 10,000 according to the most
40 recent annual estimates of population as certified to the Secretary of Revenue by the
41 State Budget Officer shall not participate in the right-of-way and construction costs of
42 any State highway system improvement project approved by the Board of
43 Transportation under G.S. 143B-350(f)(4).

1 Municipalities having a population of 10,000 or more according to the most recent
 2 annual estimates of population as certified to the Secretary of Revenue by the State
 3 Budget Officer may, but shall not be required by the Department or Board of
 4 Transportation, participate up to a maximum percentage as shown below in the cost of
 5 rights-of-way of the portion of any transportation improvement project approved by the
 6 Board of Transportation under G.S. 143B-350(f)(4) that is located within the municipal
 7 corporate limits:

Municipal Population	Maximum Participation In Right-of-Way Costs
10,000 - 25,000	5%
25,001 - 50,000	10%
50,001 - 100,000	15%
over 100,000	25%

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 17 ~~This authority to allow a municipality to participate in the right of way costs of any~~
 18 ~~transportation improvement project approved by the Board of Transportation under G.S.~~
 19 ~~143B-350 (f)(4) that is located within the municipal corporate limits shall expire on~~
 20 ~~June 30, 1990.~~

21 Any participation shall be set forth in an agreement between the municipality and the
 22 Department of Transportation. Upon request of the municipality, the Department of
 23 Transportation shall allow the municipality a period of not less than three years from the
 24 date construction of the project is initiated to reimburse the Department their agreed
 25 upon share of the costs of rights-of-way necessary for the project. The Department of
 26 Transportation shall not charge a municipality any interest on its agreed upon share of
 27 rights-of-way costs. The Secretary shall report in writing, on a monthly basis, to the
 28 Joint Legislative Commission on Governmental Operations on all agreements entered
 29 into between municipalities and the Department of Transportation. The report shall
 30 state in summary form the contents of such agreements."

31 Sec. 4. G.S. 136-66.10(a) reads as rewritten:

32 "(a) Whenever a tract of land located within the territorial jurisdiction of a city or
 33 county's zoning or subdivision control ordinance or any other land use control ordinance
 34 authorized by local act is proposed for subdivision or for use pursuant to a zoning or
 35 building permit, and a portion of it is embraced within a corridor for a street or highway
 36 on a plan established and adopted pursuant to G.S. 136-66.2 ~~for a street or highway that is~~
 37 ~~included in the Department of Transportation's "Transportation Improvement Program",~~ a city
 38 or county zoning or subdivision ordinance may provide for the dedication of right-of-
 39 way within that corridor pursuant to any applicable legal authority, or:

- 40 (1) A city or county may require an applicant for subdivision plat approval
 41 or for a special use permit, conditional use permit, or special
 42 exception, or for any other permission pursuant to a land use control
 43 ordinance authorized by local act to dedicate for street or highway
 44 purpose, the right-of-way within such corridor if the city or county

1 allows the applicant to transfer density credits attributable to the
2 dedicated right-of-way to contiguous land owned by the applicant. No
3 dedication of right-of-way shall be required pursuant to this
4 subdivision unless the board or agency granting final subdivision plat
5 approval or the special use permit, conditional use permit, special
6 exception, or permission shall find, prior to the grant, that the
7 dedication does not result in the deprivation of a reasonable use of the
8 original tract and that the dedication is either reasonably related to the
9 traffic generated by the proposed subdivision or use of the remaining
10 land or the impact of the dedication is mitigated by measures provided
11 in the local ordinance.

12 (2) If a city or county does not require the dedication of right-of-way
13 within the corridor pursuant to subdivision (1) of this subsection or
14 other applicable legal authority, but an applicant for subdivision plat
15 approval or a zoning or building permit, or any other permission
16 pursuant to a land use control ordinance authorized by local act elects
17 to dedicate the right-of-way, the city or county may allow the applicant
18 to transfer density credits attributable to the dedicated right-of-way to
19 contiguous land that is part of a common development plan or to
20 transfer severable development rights attributable to the dedicated
21 right-of-way to noncontiguous land in designated receiving districts
22 pursuant to G.S. 136-66.11."

23 Sec. 5. This act is effective upon ratification.