

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 781

Short Title: Durham Condemnations.

(Local)

Sponsors: Representative Michaux.

Referred to: Local and Regional Government I.

April 7, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE CITY OF DURHAM TO PROCEED WITH
3 CONDEMNATION OF REAL PROPERTY WHEN OWNERSHIP IS
4 TRANSFERRED.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 40A-40 reads as rewritten:

7 "**§ 40A-40. Notice of action.**

8 Not less than 30 days prior to the filing of a complaint under the provisions of G.S.
9 40A-41, a public condemnor listed in G.S. 40A-3(b) or (c) shall provide notice to
10 each owner (whose name and address can be ascertained by reasonable diligence) of its
11 intent to institute an action to condemn property. (The notice shall be sent to each owner
12 by certified mail, return receipt requested. The providing of notice shall be complete
13 upon deposit of the notice enclosed in a postpaid, properly addressed wrapper in a post
14 office or official depository under the exclusive care and custody of the United States
15 Postal Service. Notice by publication is not required. Notice to an owner whose name
16 and/or address cannot be ascertained by reasonable diligence is not required in any
17 manner.)

18 The notice shall contain a general description of the property to be taken and of the
19 amount estimated by the condemnor to be just compensation for the property to be
20 condemned. The notice shall also state the purpose for which the property is being
21 condemned and the date condemnor intends to file the complaint.

22 Where the condemnor has complied with the applicable provisions of this section
23 and ownership of the property changes before the complaint is filed, the condemnor is

1 not required to provide notice pursuant to this section to the new owners as a
2 prerequisite to filing the complaint."

3 Sec. 2. This act applies to the City of Durham only.

4 Sec. 3. This act is effective upon ratification.