

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 181  
Finance Committee Substitute Adopted 4/16/03

Short Title: Apex Quicktake Roads/Historic Structures

(Local)

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Sponsors:

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Referred to:

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February 26, 2003

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND  
2 AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL  
3 STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC  
4 STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING  
5 DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC  
6 DISTRICT.  
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8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Section 6.5 of the Charter of the Town of Apex, being Chapter  
10 356 of the 1985 Session Laws, as added by Chapter 70 of the 1987 Session Laws, reads  
11 as rewritten:

12 "Sec. 6.5. Additional Eminent Domain Powers. Notwithstanding the provisions of  
13 G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of  
14 property interests (including, without limitation, fee simple title, rights-of-way, and  
15 easements) to be used for water lines and treatment facilities and sewer lines and  
16 treatment facilities, and opening, widening, extending, or improving public streets and  
17 roads, the town may use the procedure and authority prescribed in Article 9 of Chapter  
18 136 of the General Statutes of North Carolina, as now or hereafter amended; provided  
19 further, that whenever therein the words 'Secretary' or 'Secretary of Transportation'  
20 appear, they shall be deemed to include the 'Town ~~Manager~~;', Manager', and whenever  
21 therein the word 'highway' appears, it is deemed to include 'public works' in accordance  
22 with this section, provided further that nothing herein shall be construed to enlarge the  
23 power of the town to condemn property already devoted to public use. Provided further,  
24 just compensation for the acquisition of fee simple title or a perpetual easement  
25 pursuant to this section to be used for street or road right-of-way shall be no less than (i)  
26 one dollar (\$1.00) per square foot of real property taken, or (ii) the prorated ad valorem  
27 tax value of the parent tract, whichever is less. The powers granted by this section are in  
28 addition to and supplementary to those powers granted by any local or general law."

1           **SECTION 2.** In order to preserve and enhance one of the most valuable and  
2 unique natural resources of the community, and to preserve the property values and  
3 promote the general welfare of its citizens, the Town of Apex may adopt ordinances to  
4 regulate the demolition of historic structures within its municipal corporate limits and  
5 extraterritorial jurisdiction. For purposes of this section, "historic structures" means any  
6 structure (i) individually listed in the National Register of Historic Places, (ii) listed as a  
7 contributing structure in the National Register of Historic Places, (iii) certified or  
8 preliminarily determined by the Secretary of the Interior as contributing to the  
9 significance of a registered historic district or a district preliminarily determined by the  
10 Secretary to qualify as a registered historic district, (iv) individually listed in the State  
11 inventory of historic places, (v) listed in the Wake County Register of Historic Places,  
12 or (vi) individually listed in a local inventory of historic places in communities with  
13 historic preservation programs that have been certified by an approved State program as  
14 determined by the Secretary of the Interior or directly by the Secretary of the Interior in  
15 states without approved programs. Prior to adopting any such ordinance, a public  
16 hearing shall be held before the town's governing board. Notice of the hearing shall be  
17 given in accordance with G.S. 160A-364. Ordinances adopted under this section may  
18 not prohibit the demolition of historic structures except in accordance with the  
19 provisions of Part 3C of Article 19 of Chapter 160A of the General Statutes.

20           **SECTION 3.** This act is effective when it becomes law. Section 1 of this act  
21 expires on December 31, 2008, but civil actions or special proceedings instituted  
22 pursuant to that section on or before December 31, 2008, shall be completed under the  
23 provisions of that section as if it had not expired.