GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

HOUSE BILL 384
RATIFIED BILL

AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS.

The General Assembly of North Carolina enacts:

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

SECTION 2. This act applies to the Town of Fuquay-Varina only.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 23rd day of June, 2009.

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Walter H. Dalton
President of the Senate

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Joe Hackney
Speaker of the House of Representatives