

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 422
HOUSE BILL 659

AN ACT TO PROVIDE FOR AN ALTERNATIVE EMINENT DOMAIN
PROCEDURE FOR THE CITY OF CONOVER AND THE TOWN OF MAIDEN
AND THE CITY OF HICKORY.

The General Assembly of North Carolina enacts:

Section 1. A city has the power of eminent domain and may acquire, either by purchase, gift or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land, water or improvements, either within or without the city limits, for any lawful public use or purpose. In the exercise of the power of eminent domain, the city is vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the city, and the city shall follow the procedures now or hereafter prescribed by said laws; provided that, notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property within the city limits to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the city may 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 whenever therein the words "Secretary" or "Secretary of Transportation" appear, they shall be deemed to include the "City Manager"; provided further that nothing herein shall be construed to enlarge the power of the city to condemn property already devoted to public use. The city is also vested with the authority to condemn for public library purposes, property, rights, privileges, easements and restrictive covenants and conditions, including any restrictive covenants and conditions applicable to real estate now or hereafter owned, restricting the use of same in any manner whatsoever. This act is supplemental to the powers of the city under Chapter 40A of the General Statutes.

Sec. 2. This act applies only to the City of Conover, the City of Hickory and the Town of Maiden.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1985.