

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 31
SENATE BILL 90

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO EXERCISE THE POWER
OF EMINENT DOMAIN UNDER CERTAIN CONDITIONS TO PROVIDE
HOUSING FOR LOW- AND MODERATE-INCOME PERSONS.

The General Assembly of North Carolina enacts:

Section 1. Section 7.81 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965 as amended by Chapter 216, Session Laws of 1967, Chapter 384, Session Laws of 1969, and Chapters 432 and 1046, Session Laws of 1973, and as rewritten by Chapter 437, Session Laws of 1983, reads as rewritten:

"Sec. 7.81. The City of Charlotte shall have 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 hereby vested with all power and authority now or hereafter granted by the laws of North Carolina applicable to the City of Charlotte, 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 to be used for streets and highways, water supply and distribution systems, sewage collection and disposal systems, and airports, the City of Charlotte is hereby authorized to 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 of Charlotte to condemn property already devoted to public use. The City of Charlotte 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.

The City of Charlotte shall have the power of eminent domain to acquire property to provide housing for low- and moderate-income persons, but only to acquire: (i) vacant structures boarded up as a result of housing code violations; (ii) structures that have been found to contain housing code violations that the property owner has failed or refused to correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of a housing code enforcement demolition order. Provided, that in the

exercise of its authority of eminent domain to acquire property to provide housing for low- and moderate-income persons, the city shall follow the procedures prescribed in Chapter 40A of the General Statutes. Vesting of title to the property taken under this paragraph and right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City may not file an eminent domain action to acquire property described in clauses (i) or (ii) of this paragraph until the property owner has had 150 days from the date of the order finding violations of the City Housing Code to correct the violations. The city council must adopt a plan to use condemned property for low or moderate income housing prior to exercising the powers under this paragraph."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of March, 1989.