

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1492

Short Title: Secondary Road Paving.

(Public)

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Sponsors: Representative Buchanan.

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Referred to: Transportation.

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June 3, 2002

A BILL TO BE ENTITLED

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2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO  
3 CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE  
4 PROJECTS WHEN THE OWNERS OF THE MAJORITY OF THE ROAD  
5 FRONTAGE ADJACENT TO THE PROJECT AGREE TO PROVIDE THE  
6 NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-44.7(c) reads as rewritten:

9 "(c) When it is necessary for the Department of Transportation to acquire a right-  
10 of-way in accordance with (a) and (b) of this section in order to pave a secondary road  
11 or undertake a maintenance project, the Department shall negotiate the acquisition of  
12 the right-of-way for a period of up to six months. At the end of that period, if one or  
13 more property owners have not dedicated the necessary right-of-way and at least  
14 seventy-five percent (75%) of the property owners adjacent to the project and the  
15 owners of ~~seventy five percent (75%)~~ the majority of the road frontage adjacent to the  
16 project have dedicated the necessary property for the right-of-way and have provided  
17 funds required by Department rule to the Department to cover the costs of condemning  
18 the remaining property, the Department shall initiate condemnation proceedings  
19 pursuant to Article 9 of this Chapter to acquire the remaining property necessary for the  
20 project."

21 **SECTION 2.** This act is effective when it becomes law.