

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1511

Short Title: Define a Taking by DOT. (Public)

Sponsors: Representatives Moore; Brown, Faison, McGee, and Tillis.

Referred to: Transportation, if favorable, Judiciary II.

April 17, 2007

A BILL TO BE ENTITLED

AN ACT TO INCLUDE REAL PROPERTY THAT HAS BEEN DESIGNATED BY
THE DEPARTMENT OF TRANSPORTATION AS REAL PROPERTY THAT IS
IN A CORRIDOR OF A FUTURE HIGHWAY AS REAL PROPERTY THAT
HAS BEEN TAKEN UNDER THE TAKINGS CLAUSE OF THE
CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a
new section to read:

"§ 136-44.55. Taking of real property in a transportation corridor defined.

If the owner of real property has complied with the provisions of G.S. 136-28.7, and if two calendar years have passed since the Department of Transportation, the regional public transportation authority, the regional transportation authority, or the city filed a transportation corridor official map with the register of deeds in the county in which the corridor will be located, and the filed official map designates certain parts, pieces, parcels, or tracts of real property that will be affected by the future transportation corridor and such plans for the transportation corridor have appreciably impaired or restricted the ability of the lawful owner to relinquish or transfer any seisin in the real property or to make any improvements to the real property, the Department of Transportation, the regional public transportation authority, the regional transportation authority, or the city shall be deemed to have taken the real property and shall pay fair market value to the lawful owner of the real property for those parts, pieces, parcels, or tracts of real property needed for the construction of the roadway or acquisition of rights-of-way for the transportation corridor."

SECTION 2. This act becomes effective July 1, 2007.