

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 384

Short Title: Fuquay-Varina Quick Take. (Local)

Sponsors: Representative Stam.

Referred to: Local Government II, if favorable, Judiciary I, if favorable, Finance.

March 4, 2009

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE
2 PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES
3 IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND
4 ROADS.
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6 The General Assembly of North Carolina enacts:

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

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

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

