

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 601  
HOUSE BILL 383

1 AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES BY ADDING G.S.  
2 160-205.1 AUTHORIZING MUNICIPALITIES TO ACQUIRE AN ENTIRE  
3 STRUCTURE OR PARCEL OF LAND WHEN IT IS SEVERED BY STREET RIGHT OF  
4 WAY.

5  
6 The General Assembly of North Carolina do enact:  
7

8 **Section 1.** Chapter 160 of the General Statutes is amended by the addition of a new  
9 Section immediately following G. S. 160-205, to be designated G.S. 160-205.1 and to read as  
10 follows:

11 "**G.S. 160-205.1-(a)** Whenever the proposed right of way of a street or highway necessitates the  
12 taking of a portion of a parcel of land leaving a remainder of such shape, size or condition so as  
13 to be of little value, a municipality may acquire, by purchase, the entire parcel of land.  
14 Provided, the municipality must make a determination either

- 15 (1) That a partial taking would substantially destroy the economic value or  
16 utility of the remainder; or  
17 (2) That an economy in the expenditure of public funds will be promoted  
18 thereby; or  
19 (3) That the interest of the public will be best served by the acquisition of the  
20 entire parcel.

21 (b) Residues acquired under this Act may be disposed of in the manner provided for the  
22 disposition of municipal property or may be exchanged for other property required by the  
23 municipality.

24 (c) Where the proposed right of way of a street or highway necessitates the taking of a  
25 portion of a building or structure, the municipality may acquire, by purchase, the entire  
26 building or structure, together with the right to enter upon the surrounding land for the purpose  
27 of removing the building or structure. Provided, the municipality must make a determination  
28 that the partial taking will substantially destroy the economic value or utility of the building or  
29 structure and a determination either

- 30 (1) That an economy in the expenditure of public funds will be promoted  
31 thereby; or  
32 (2) That it is not feasible to cut off a portion of the building without destroying  
33 the entire building; or  
34 (3) That the convenience, safety or improvement of the street or highway will be  
35 promoted thereby;

36 Provided, further, nothing herein contained shall be deemed to compel the municipal  
37 authority to condemn the underlying fee of the portion of any building or structure which lies  
38 outside the right of way of any existing or proposed public road, street or highway.

39 (d) That the powers herein granted shall be in addition to and supplementary to those  
40 powers granted in any local act, charter or in any other General Statute, and in any case in  
41 which the provisions of this Section are in conflict with the provisions of any local act, charter  
42 or any other provisions of any General Statute, then the governing body of the municipality  
43 may in its discretion proceed in accordance with the provisions of such local act, charter or

1 other General Statute, or, as an alternative method of procedure, in accordance with the  
2 provisions of this Section."

3 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

4 **Sec. 3.** This Act shall become effective upon its ratification.

5 In the General Assembly read three times and ratified, this the 27th day of May,  
6 1969.