

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-89
HOUSE BILL 1647

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO USE THE PROCEDURES
OF CHAPTER 136 OF THE GENERAL STATUTES FOR CONDEMNATION
FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN A DEFINED AREA.

The General Assembly of North Carolina enacts:

Section 1. Section 7.81 of the Charter of the City of Charlotte, being Session Law 2000-26, reads as rewritten:

"Section 7.81. **Powers and Procedures.** (a) 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, economic development purposes authorized by law within the territory described in subsection (c) of this section, and airports, the City is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes, as now or hereafter amended; provided further, that whenever therein any reference is made to the State of North Carolina or any agency thereof, such reference shall be deemed to include the City, and whenever therein any reference is made to any official of the state of North Carolina, such reference shall be deemed to include the City Manager; provided further that nothing herein shall be construed to enlarge the power of the City to condemn property already devoted to public use.

(b) The City 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 subsection, 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 subsection 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 Council must adopt a plan to use condemned property for low- or moderate-income housing prior to exercising the powers under this subsection.

(c) The area within which the City of Charlotte is authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic development purposes by subsection (a) of this section is as follows: an area bounded on the east by Berryhill Road, on the south by the Norfolk Southern Railroad, on the north by Wilkinson Boulevard, and on the west by Billy Graham Parkway. The property may be conveyed at private sale as allowed by the exception in G.S. 160A-279(d), but otherwise following the procedures of G.S. 160A-279.

(d) Before the City of Charlotte may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic development purposes in the area defined in subsection (c) of this section, the City shall designate a not-for-profit corporation to which it may intend to convey the property at private sale as allowed by subsection (c) of this section, and that corporation must demonstrate to the City that the corporation has attempted to negotiate with the property owner in good faith for the purchase of the property.

(e) Before the City of Charlotte may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes for economic development purposes in the area defined in subsection (c) of this section, the corporation designated under subsection (d) of this section must demonstrate to the City that as long as the use of the property is compatible with the development plan for the area, the corporation has used its best good faith efforts to relocate within the economic development project area any business displaced by the project."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives