

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-88
SENATE BILL 181**

AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6.5 of the Charter of the Town of Apex, being Chapter 356 of the 1985 Session Laws, as added by Chapter 70 of the 1987 Session Laws, reads as rewritten:

"Sec. 6.5. Additional Eminent Domain Powers. Notwithstanding the provisions of G.S. 40A-1, in the exercise of its authority of eminent domain for the acquisition of property interests (including, without limitation, fee simple title, rights-of-way, and easements) to be used for water lines and treatment facilities and sewer lines and treatment facilities, and opening, widening, extending, or improving public streets and roads, the town may use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided further, that whenever therein the words 'Secretary' or 'Secretary of Transportation' appear, they shall be deemed to include the 'Town ~~Manager~~; Manager', and whenever therein the word 'highway' appears, it is deemed to include 'public works' in accordance with this section, provided further that nothing herein shall be construed to enlarge the power of the town to condemn property already devoted to public use. Provided further, just compensation for the acquisition of fee simple title or a perpetual easement pursuant to this section to be used for street or road right-of-way shall be no less than (i) one dollar (\$1.00) per square foot of real property taken, or (ii) the prorated ad valorem tax value of the parent tract, whichever is less. The powers granted by this section are in addition to and supplementary to those powers granted by any local or general law."

SECTION 2. In order to preserve and enhance one of the most valuable and unique natural resources of the community, and to preserve the property values and promote the general welfare of its citizens, the Town of Apex may adopt ordinances to regulate the demolition of historic structures within its municipal corporate limits and extraterritorial jurisdiction. For purposes of this section, "historic structures" means any structure (i) individually listed in the National Register of Historic Places, (ii) listed as a contributing structure in the National Register of Historic Places, (iii) certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district, (iv) individually listed in the State inventory of historic places, (v) listed in the Wake County Register of Historic Places, or (vi) individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs. Prior to adopting any such ordinance, a public hearing shall be held before the town's governing board. Notice of the hearing shall be given in accordance with G.S. 160A-364. Ordinances adopted under this section may

not prohibit the demolition of historic structures except in accordance with the provisions of Part 3C of Article 19 of Chapter 160A of the General Statutes.

SECTION 3. This act is effective when it becomes law. Section 1 of this act expires on December 31, 2008, but civil actions or special proceedings instituted pursuant to that section on or before December 31, 2008, shall be completed under the provisions of that section as if it had not expired.

In the General Assembly read three times and ratified this the 29th day of May, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives