

April 5, 2001

S 1038. SECONDARY ROAD CONSTRUCTION CONDEMNATION. *TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD CONSTRUCTION WHEN SIXTY PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.* As title indicates. Authorizes Dep't to use "quick take" procedures in GS 136-104 to expedite the project.

Intro. by Hoyle.

Ref. to Finance	GS 136
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April 25, 2001

S 1038. PUBLIC RIGHT-OF-WAY DECLARATION. Intro. 4/5/01. Senate committee substitute makes the following changes to 1st edition. Replaces original bill with act entitled *TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE.* Creates GS 1-44.3 as title indicates. Specifies findings the clerk of superior court must make prior to issuing an order declaring the section of right-of-way to be dedicated to public use (copy of portion of plat found that shows a right-of-way, road in fact open to public, owners of two-thirds of abutting lots petition for declaration of dedication).

November 28, 2001

S 1038. PUBLIC RIGHT-OF-WAY DECLARATION. Intro. 4/5/01. House committee substitute makes the following changes to 2nd edition. New title reads *AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.* Amends G.S. 136-96.1 to permit the clerk of court to issue an order declaring a right-of-way to be dedicated to the public use upon finding that (1) the landowners of the lots constituting two-thirds of the land abutting the right-of-way join in the action, (2) the right of way is depicted on an unrecorded map, plat, or survey, (3) the right-of-way has been actually open and used by the public, and (4) at least one recorded deed recites the existence of the right-of-way. Amends G.S. 136-44.7 to provide that the Dep't of Transportation may acquire a right-of-way in order to pave a secondary road or undertake a maintenance project if after six months of unsuccessful negotiation with one or more property owners at least 75 percent of the property owners adjacent to the project and the owners of 75 percent of the road frontage adjacent to the project have dedicated the necessary property and provided the funds required to cover the cost of the condemnation proceedings to acquire the remaining property. Deletes provisions of 2nd edition.

December 3, 2001

S 1038. PUBLIC RIGHT-OF-WAY DECLARATION. Intro. 4/5/01. House amendments make the following changes to 3rd edition. For purposes of bringing a special proceeding, more clearly define landowners constituting two-thirds of the abutting acreage, and increase to three abutting (was, one) the number and location of recorded deeds that must recite the existence of the right-of-way. Expressly exclude rights-of-way established by adverse possession or cartway proceeding.