

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 460
PROPOSED COMMITTEE SUBSTITUTE S460-PCS75291-RW-25

Short Title: Rail Corridor Lease/City of Belmont.

(Public)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Belmont and the North Carolina Department of Transportation are authorized to enter into a lease agreement for interim public recreation use of that portion of the Department's interest in the portion of the right-of-way of the former Belmont Branch of the Piedmont and Northern railroad from its intersection with State Road 2093 (Railroad Milepost SFF 1.56) to its intersection with Glenway Street (Railroad Milepost SFF 3.13) provided that all of the following conditions are met:

- (1) The City of Belmont has examined title to the real property comprising the above described portion of rail corridor and has identified all persons owning an interest in the real property comprising the rail corridor portion to be leased.
- (2) All persons owning an interest in the real property comprising the rail corridor portion to be leased will be parties to the lease.
- (3) Before requesting trail use, the City of Belmont (i) holds a public hearing in accordance with G.S. 143-318.12; (ii) notifies the owners of all parcels of land abutting the corridor as shown on the county tax listing of the hearing date, place, and time by first-class mail at the last addresses listed for such owners on the county tax abstracts; and (iii) sends a transcript of all public comments presented at the hearing to the Department of Transportation at the time of requesting use of the corridor.
- (4) The City of Belmont has requested use of the portion of the rail corridor described in this act for interim public recreational trail use and agrees in writing to assume all development costs as well as management, security, and liability responsibilities as defined by the Department of Environment and Natural Resources and the Department of Transportation.
- (5) Adjacent property owners are offered broad voting representation by membership in the organization, if any, that is delegated most immediate responsibility for development and management of the rail-trail by the City of Belmont.



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- 1 (6) The Department of Transportation determines that there will not likely be a
2 need to resume active rail service in the leased portion of the rail corridor for
3 at least 10 years.
- 4 (7) The lease agreement allowing trail use includes terms for resumption of
5 active rail use that will assure unbroken continuation of the corridor's
6 perpetual use for railroad purposes and interim compatible uses.
- 7 (8) Use of the rail corridor or portions thereof as a recreational trail does not
8 interfere with the ultimate transportation purposes of the corridor as
9 determined by the Department of Transportation.
- 10 **SECTION 2.** This act is effective when it becomes law.