

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 214*
Transportation Committee Substitute Adopted 6/8/11

Short Title: Transportation Map Corridors/Condemnation.

(Public)

Sponsors:

Referred to:

March 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A
3 TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY
4 ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION
5 CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE
6 PROPERTY OR RELEASE THE PROPERTY FROM ANY ENCUMBRANCES DUE TO
7 FILING OF THE CORRIDOR MAP.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 136-44.51 reads as rewritten:

10 "§ 136-44.51. Effect of transportation corridor official map.

11 (a) After a transportation corridor official map is filed with the register of deeds, no
12 building permit shall be issued for any building or structure or part thereof located within the
13 transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and
14 G.S. 160A-376, be granted with respect to property within the transportation corridor. The
15 Secretary of Transportation or his designee, the director of a regional public transportation
16 authority, or the director of a regional transportation authority, as appropriate, shall be notified
17 within 10 days of all submittals for corridor map determination, as provided in subsections (b)
18 and (c) of this section.~~requests for building permits or subdivision approval within the~~
19 ~~transportation corridor. The provisions of this section shall not apply to valid building permits~~
20 ~~issued prior to August 7, 1987, or to building permits for buildings and structures which existed~~
21 ~~prior to the filing of the transportation corridor provided the size of the building or structure is~~
22 ~~not increased and the type of building code occupancy as set forth in the North Carolina~~
23 ~~Building Code is not changed.~~

24 (b) In any event, no application for building permit issuance or subdivision plat
25 approval for a tract subject to a valid transportation corridor official map shall be delayed by
26 the provisions of this section for more than three years from the date of its original
27 ~~submittal.~~submittal to the appropriate local jurisdiction. A submittal to the local jurisdiction for
28 corridor map determination shall require only the name of the property owner, the street
29 address of the property parcel, the parcel number or tax identification number, a vicinity map
30 showing the location of the parcel with respect to nearby roads and other landmarks, a sketch of
31 the parcel showing all existing and proposed structures or other uses of the property, and a
32 description of the proposed improvements. If the impact of an adopted corridor on a property
33 submittal for corridor map determination is still being reviewed after the three-year period
34 established pursuant to this subsection, the entity that adopted the transportation corridor
35 official map affecting the issuance of building permits or subdivision plat approval shall issue
36 approval for an otherwise eligible request or initiate acquisition proceedings on the affected



1 properties. If the entity that adopted the transportation corridor official map has not initiated
2 acquisition proceedings or issued approval within the time limit established pursuant to this
3 subsection, an applicant within the corridor may treat the real property as unencumbered and
4 free of any restriction on sale, transfer, or use established by this Article.

5 (c) No submittal to a local jurisdiction for corridor map determination shall be
6 construed to be an application for building permit issuance or subdivision plat approval. The
7 provisions of this section shall not apply to valid building permits issued prior to August 7,
8 1987, or to building permits for buildings and structures which existed prior to the filing of the
9 transportation corridor, provided the size of the building or structure is not increased and the
10 type of building code occupancy as set forth in the North Carolina Building Code is not
11 changed."

12 **SECTION 2.** This act becomes effective December 1, 2011, and applies to all
13 transportation corridor official maps filed on or after that date.