

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1168
May 22, 2020
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10803-MHa-188

Short Title: Murphy Branch Corridor Reduction.

(Public)

Sponsors: Representative Corbin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE REDUCTION OF THE DEPARTMENT OF
TRANSPORTATION'S INTEREST IN A CERTAIN PORTION OF THE ANDREWS TO
MURPHY RAIL CORRIDOR WITHIN THE LIMITS OF CHEROKEE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Subject to applicable federal requirements, the right-of-way of the Department of Transportation's interest in the portion of the former Murphy Branch rail corridor between Andrews and Murphy in Cherokee County between Milepost 101.1 and Milepost 113.7 (Rail Corridor) is uniformly reduced to 25 feet on each side of the center line of the tracks traversing the Rail Corridor, with any interest in real property previously held by the State of North Carolina transferred without consideration to current adjacent real property owners. For purposes of this act, where there is more than one track, the State shall retain its property interest in the Rail Corridor for a distance of 25 feet from the center of each track.

SECTION 2. Any adjacent real property owner desiring record evidence of the real property so transferred may petition the Department of Transportation to provide a quitclaim deed to the real property so transferred, and the Department of Transportation shall provide a quitclaim deed, the expenses for preparation and recording of which shall be borne by the petitioning party.

SECTION 3. Notwithstanding any provisions of law to the contrary, the transfers of real property described herein shall not require Council of State or Board of Transportation approval.

SECTION 4. The Department of Transportation shall retain an easement for right of entry and access for maintenance and repair of the track and associated structures that is parallel to each side of the retained portion of the Rail Corridor and 15 feet in width.

SECTION 5. If the Department of Transportation determines a portion of the subject Rail Corridor is not needed for future transportation or utility purposes, the Department of Transportation shall, upon application of any person owning an underlying fee simple interest in that portion of the Rail Corridor, convey the Department of Transportation's interest in the portion of the Rail Corridor as permitted under applicable federal law.

SECTION 6. Section 35.18 of Session Law 2016-94 is repealed.

SECTION 7. One hundred thousand dollars (\$100,000) in nonrecurring funds for the 2020-2021 fiscal year is appropriated from the Highway Fund to the Department of Transportation for costs related to the implementation of this act.

SECTION 8. Section 7 of this act is effective July 1, 2020. The remainder of this act is effective when it becomes law.



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