

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 1168
Committee Substitute Favorable 5/28/20**

Short Title: Murphy Branch Corridor Reduction.

(Public)

Sponsors:

Referred to:

May 22, 2020

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE REDUCTION OF THE DEPARTMENT OF
2 TRANSPORTATION'S INTEREST IN A CERTAIN PORTION OF THE ANDREWS TO
3 MURPHY RAIL CORRIDOR WITHIN THE LIMITS OF CHEROKEE COUNTY.
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5 The General Assembly of North Carolina enacts:

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

14 **SECTION 2.** Within two years of the effective date of this act, any adjacent real
15 property owner desiring record evidence of the real property so transferred may petition the
16 Department of Transportation to provide a quitclaim deed to the real property so transferred, and
17 the Department of Transportation shall provide a quitclaim deed, the expenses for preparation
18 and recording of which shall be borne by the petitioning party.

19 **SECTION 3.** This act shall not apply, nor be construed to apply, to any publicly
20 owned or privately owned rail or other transportation corridor, except the Rail Corridor.
21 Notwithstanding any provisions of law to the contrary, the transfers of real property described
22 herein shall not require Council of State or Board of Transportation approval.

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

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

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

32 **SECTION 7.** One thousand dollars (\$1,000) in nonrecurring funds for the 2020-2021
33 fiscal year is appropriated from the Highway Fund to the Department of Transportation for costs
34 related to the implementation of this act.

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

