GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019

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SENATE BILL 353 PROPOSED COMMITTEE SUBSTITUTE S353-PCS15328-TG-19

Short Title: Expand Cartway Path Law.

Sponsors:

Referred to:

March 26, 2019

A BILL TO BE ENTITLED

2 AN ACT TO ALLOW FOR THE LAYING OFF OF A CARTWAY OF UP TO THIRTY FEET.

3 The General Assembly of North Carolina enacts:

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SECTION 1. G.S. 136-69 reads as rewritten:

"§ 136-69. Cartways, tramways, etc., laid out; procedure.

6 If any person, firm, association, or corporation shall be engaged in the cultivation of (a) 7 any land or the cutting and removing of any standing timber, or the working of any quarries, 8 mines, or minerals, or the operating of any industrial or manufacturing plants, or public or private 9 cemetery, or taking action preparatory to the operation of any such enterprises, to which there is 10 leading no public road or other adequate means of transportation, other than a navigable 11 waterway, affording necessary and proper means of ingress thereto and egress therefrom, such 12 person, firm, association, or corporation may institute a special proceeding as set out in the 13 preceding section (G.S. 136-68), and if it shall be made to appear to the court necessary, 14 reasonable and just that such person shall have a private way to a public road or watercourse or 15 railroad over the lands of other persons, the court shall appoint a jury of view of three disinterested freeholders to view the premises and lay off a cartway, tramway, or railway of not 16 17 less than 18 feet in width, width and not more than 30 feet in width, or cableways, chutes, and flumes, and assess the damages the owner or owners of the land crossed may sustain thereby, and 18 19 make report of their findings in writing to the clerk of the superior court. Exceptions to said report 20 may be filed by any interested party and such exceptions shall be heard and determined by the 21 clerk of the superior court. The clerk of the superior court may affirm or modify said report, or 22 set the same aside and order a new jury of view. All damages assessed by a judgment of the clerk, 23 together with the cost of the proceeding, shall be paid into the clerk's office before the petitioners 24 shall acquire any rights under said proceeding.

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. . .

26 (c) Where a tract of land lies partly in one county and partly in an adjoining county, or where a tract of land lies wholly within one county and the public road nearest or from which the 27 28 most practical roadway to said land would run, lies in an adjoining county and the practical way 29 for a cartway to said land would lead over lands in an adjoining county, then and in that event 30 the proceeding for the laying out and establishing of a cartway may be commenced in either the county in which the land is located or the adjoining county through which said cartway would 31 32 extend to the public road, and upon the filing of such petition in either county the clerk of the 33 court shall have jurisdiction to proceed for the appointment of a jury from the county in which the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of 34 35 land to be reached by the cartway and the entire length of the cartway are all located within the 36 bounds of said county in which the petition may be filed."



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(Public)

1 **SECTION 2.** This act is effective when it becomes law and applies to special 2 proceedings filed on or after that date.