



CHAPTER 136

ARTICLE 9 - CONDEMNATION

N.C.G.S. § 136-109.

Appointment of commissioners.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1999-456, s. 59 — seventh act in the lineage	21 September 2026, 02:52 UTC	ef8d0337456fcdac7a693ba5 - 1da97532039bb17acf8f98e7 - c4dad36ac954dd03

§ 136-109(a)

Upon request of the owner in the answer, or upon motion filed by either the Department of Transportation or the owner within 60 days after the filing of answer, the clerk shall appoint, after the determination of other issues as provided by G.S. 136-108 of this Chapter, three competent, disinterested freeholders residing in the county to go upon the property and under oath appraise the damage to the land sustained by reason of the taking and report same to the court within a time certain. If no request or motion is made for the appointment of commissioners within the time permitted, the cause shall be transferred to the civil issue docket for trial as to the issue of just compensation.

§ 136-109(b)

Such commissioners, if appointed, shall have the power to make such inspection of the property, hold such hearings, swear such witnesses, and take such evidence as they may, in their discretion, deem necessary, and shall file into court a report of their determination of the damages sustained.

§ 136-109(c)

Said report of commissioners shall in substance be in written form as follows:

TO THE SUPERIOR COURT OF _____ COUNTY

We, _____, _____ and _____ Commissioners appointed by the Court to assess the damages that have been and will be sustained by _____, the owner of certain land lying in _____ County, North Carolina, which has been taken by the Department of Transportation for highway purposes, do hereby certify that we convened, and, having first been duly sworn, visited the premises, and took such evidence as was presented to us, and after taking into full consideration the quality and

quantity of the land and all other facts which reasonably affect its fair market value at the time of the taking, we have determined the fair market value of the part of the land taken to be the sum of \$_____ and the damage to the remainder of the land of the owner by reason of the taking to be the sum of \$_____ (if applicable).

We have determined the general and special benefits resulting to said owner from the construction of the highway to be the sum of \$_____ (if applicable).

GIVEN under our hands, this the _____ day of _____, _____

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

§ 136-109(d)

A copy of the report shall at the time of filing be mailed to each of the parties. Within 30 days after the filing of the report, either the Department of Transportation or the owner, may except thereto and demand a trial de novo by a jury as to the issue of damages. Whereupon the action shall be placed on the civil issue docket of the superior court for trial de novo by a jury as to the issue of damages, provided, that upon agreement of both parties trial by jury may be waived and the issue determined by the judge. The report of commissioners shall not be competent as evidence upon the trial of the issue of damages in the superior court, nor shall evidence of the deposit by the Department of Transportation into the court be competent upon the trial of the issue of damages. If no exception to the report of commissioners is filed within the time prescribed final judgment shall be entered by the judge upon a determination and finding by him that the report of commissioners, plus interest computed in accordance with G.S. 136-113 of this Chapter, awards to the property owners just compensation. In the event that the judge is of the opinion and, in his discretion, determines that such award does not provide just compensation he shall set aside said award and order the case placed on the civil issue docket for determination of the issue of damages by a jury.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1959			1979			1999		
TICK HEIGHT = ACTS IN THAT YEAR			DASHED = RECODIFICATION, NOT AMENDMENT					
Nº	YEAR	ACT	CHARACTER					
01	1959	c. 1025, s. 2	ENACTED					
02	1961	c. 1084, s. 5	AMENDED					
03	1963	c. 1156, s. 6	AMENDED					
04	1973	c. 108, s. 85	AMENDED					
05	1973	c. 507, s. 5	AMENDED					
06	1977	c. 464, s. 7.1	AMENDED					
07	1999	S.L. 1999-456, s. 59	AMENDED					

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 136-108	(a)	"of other issues as provided by"
G.S. 136-113	(d)	"plus interest computed in accordance with"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 136-109 (1999).

PINPOINT

N.C. Gen. Stat. § 136-109(a) (1999).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1959, c. 1025, s. 2; 1961, c. 1084, s. 5; 1963, c. 1156, s. 6; 1973, c. 108, s. 85; c. 507, s. 5; 1977, c. 464, s. 7.1; 1999-456, s. 59.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

