



CHAPTER 136
ARTICLE 2 - POWERS AND DUTIES OF DEPARTMENT AND BOARD OF TRANSPORTATION

N.C.G.S. § 136-21.

Drainage of highway; application to court; summons; commissioners.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2015-241, s. 14.30(u) — eleventh act in the lineage	21 September 2026, 02:01 UTC	7c184a996af92cd20d6463e2 - 61426d80e4b6c1819d15298d - 9e31258d0a41f080

Whenever in the establishment, construction, improvement or maintenance of any public highway it shall be necessary to drain said highway, and to accomplish such purpose it becomes necessary to excavate a canal or canals for carrying the surplus water to some appropriate outlet, either along the right-of-way of said highway or across the lands of other landowners, and by the construction, enlargement or improvement of such canal or canals, lands other than said highway will be drained and benefited, then, and in such event, the Department of Transportation, if said highway be a part of the State highway system, or the county commissioners, if said road is not under State supervision, may, by petition, apply to the superior court of the county in which, in whole or in part, said highway lies or said canal is to be constructed, setting forth the necessity for the construction, improvement or maintenance of said canal, the lands which will be drained thereby, with such particularity as to enable same to be identified, the names of the owners of said land and the particular circumstances of the case; whereupon a summons shall be issued for and served upon each of the proprietors, requiring them to appear before the court at a time to be named in the summons, which shall not be less than 10 days from the service thereof, and upon such day the petition shall be heard, and the court shall appoint three disinterested persons, one of whom shall be a competent civil and drainage engineer recommended by the Department of Environmental Quality, and the other two of whom shall be resident freeholders of the county or counties in which the road and lands are, in whole or in part, located, as commissioners, who shall, before entering upon the discharge of their duties, be sworn to do justice between the parties.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
11 ACTS

Amendment lineage

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1925	c. 85, s. 3	ENACTED
02	1925	c. 122, s. 44	AMENDED
03	1933	c. 172, s. 17	AMENDED
04	1957	c. 65, s. 11	AMENDED
05	1973	c. 507, s. 5	AMENDED
06	1973	c. 1262, s. 86	AMENDED
07	1977	c. 464, s. 7.1	AMENDED
08	1977	c. 771, s. 4	AMENDED
09	1989	c. 727, s. 218(88)	AMENDED
10	1997	S.L. 1997-443, s. 11A.119(a)	AMENDED
11	2015	S.L. 2015-241, s. 14.30(u)	AMENDED

Citation

N.C. Gen. Stat. § 136-21 (2015).

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.

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1925, c. 85, s. 3; c. 122, s. 44; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1262, s. 86; 1977, c. 464, s. 7.1; c. 771, s. 4; 1989, c. 727, s. 218(88); 1997-443, s. 11A.119(a); 2015-241, s. 14.30(u).)

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