



CHAPTER 136
ARTICLE 2A - STATE TRANSPORTATION GENERALLY

N.C.G.S. § 136-44.18.

Define boundaries of certain rights-of-way and easements.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 05:35 UTC	d94bd070a052257dfe994387 - 4c6e67c1b7461e21304a419c - 9d389d562448e655

- § 136-44.18(a)

Right-of-Way Boundaries. - Notwithstanding any provision of law to the contrary, for any roadway for which the Department has responsibility for maintenance, but there is no instrument of conveyance describing the boundaries of the right-of-way, the boundary of the right-of-way shall be defined according to the typical maintenance limits that are Department practice.
- § 136-44.18(b)

Easement Boundaries. - Notwithstanding any provision of law to the contrary, for any roadway for which the Department has responsibility for maintenance, but there is no instrument of conveyance describing the boundaries of the easement, the boundary of the easement shall be defined according to the typical maintenance limits that are Department practice.
- § 136-44.18(c)

Conditions Imposed on Developers. - If the Department, as a condition of granting a permit, requires a developer to construct offsite improvements, and by constructing offsite improvements there is a need for the developer to acquire a right-of-way or easement and the developer is unable to do so, the Department shall coordinate with the developer to revise the development or development access such that no additional right-of-way or easement is needed. The Department shall comply with the requirement set forth in this subsection within a reasonable amount of time after the developer provides evidence to the Department that the developer made a good-faith effort to acquire the required right-of-way or easement. For purposes of this subsection, the term "good faith effort" includes providing a copy of a certified

letter to all affected property owners and all responses received from those property owners.

§ 136-44.18(d)

Construction. - Nothing in this section shall be construed as allowing (i) the Department to require a Hold Harmless declaration from a developer or (ii) the Department to take any action that would constitute a taking of property in violation of the Constitution of this State or of the United States. (2025-47, s. 14(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 136-44.18 (2026).

PINPOINT

N.C. Gen. Stat. § 136-44.18(a) (2026).

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