

**19A NCAC 02B .0131    CONDITIONS PRECEDENT TO CONDEMNATION**

Condemnation will not be instituted until the property owner has been made an offer of settlement and has been allowed a period of two weeks in which to consider the offer. The waiting period may be waived in those instances where, after the offer is made, the property owner emphatically states that he has no intention of settling and would prefer that the compensation be determined by the courts. In unusual instances where questions of title or ownership make it impossible to conduct or conclude negotiations, condemnation may be instituted without making an offer. However, such person, if any, who may be in charge of the property or who may claim "color of title" shall be advised of the action contemplated by the Department of Transportation.

*History Note:    Authority G.S. 136-18(2); 136-19; 136-103; 143B-350(f),(g);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September  
6, 2016.*