

07 NCAC 13H .0306 AMENDMENTS

(a) Amendments that remove some portion of the existing Articles of Dedication shall not be approved until after a public hearing in the county or counties where the dedicated preserve lies. The State shall provide not less than 30 days notice of the hearing in the newspaper of largest circulation in the county or counties where the land lies. The State shall provide not less than 30 days notice to the chief county and municipal administrative officials in the jurisdiction where the land lies.

(b) Notwithstanding the provisions of Paragraph (a) of this Rule, Articles of Dedication may be amended as they affect use or disposition of land, even if the purposes of G.S. 143B-135.262 or the original dedication will be violated under the following circumstances:

- (1) the Governor and Council of State find that an amendment serves the best interest of the State and no prudent alternative exists;
- (2) after a public hearing with notice provided in Paragraph (a) of this Rule; and
- (3) with the concurrence of the Governor and Council of State.

(c) After the public hearing and finding by the Governor and Council of State, the State shall publish a statement of its findings in the newspaper of largest circulation in the county or counties where the land lies at least 30 days before the amended Articles of Dedication is final.

*History Note: Authority G.S. 143B-135.256; 143B-135.260; 143B-135.262; 143B-135.268;
Eff. January 1, 1986;
Amended Eff. August 1, 1988;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0306 Eff. April 1, 2017.*