

07 NCAC 13H .0307 EXTINGUISHMENT BY THE STATE

- (a) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:
 - (1) the Secretary finds that qualifying features of the land have been destroyed or damaged;
 - (2) the Secretary finds that the public purposes of the dedication have been frustrated;
 - (3) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
 - (4) with the approval of the Governor and Council of State.
- (b) Articles of Dedication may be extinguished by amendment and the dedication abandoned if:
 - (1) the Secretary finds that the extinguishment and abandonment serves a public necessity and no alternative exists;
 - (2) after a public hearing with notice provided as described in Rule .0306(a) of this Section; and
 - (3) with the approval of the Governor and Council of State.
- (c) After the public hearing, 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 extinguishment is final.

*History Note: Authority G.S. 143B-135.256; 143B-135.260(c);
Eff. January 1, 1986;
Readopted Eff. March 1, 2017;
Transferred from 15A NCAC 12H .0307 Eff. April 1, 2017.*