

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 194
SENATE BILL 242

AN ACT TO REQUIRE CONSENT OF THE CABARRUS COUNTY BOARD OF COMMISSIONERS BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 40A of the General Statutes is amended by adding a new section to read:

"§ 40A-40.1. **Condemnation in another county.** – Notwithstanding G.S. 40A-3, or any other general or local law conferring the power of eminent domain, before a complaint may be filed under G.S. 40A-41 by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking."

Sec. 2. G.S. 40A-41 is amended by adding a new subdivision to read:

"(9) If required by G.S. 40A-40.1, a copy of the resolution of the county board of commissioners consenting to the taking."

Sec. 3. Notwithstanding the provisions of G.S. 153A- 158, Chapter 160A of the General Statutes, Article 12 of Chapter 130 of the General Statutes, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

Sec. 4. This act applies in Cabarrus County only.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1985.