

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 277
HOUSE BILL 112

AN ACT TO DECLARE THE EXISTING POLICY OF THE STATE THAT TITLE TO LAND SUBJECT TO PUBLIC TRUST RIGHTS MAY NOT BE ACQUIRED BY ADVERSE POSSESSION.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-45.1. No adverse possession of property subject to public trust rights.—Title to real property held by the State and subject to public trust rights may not be acquired by adverse possession. As used in this section, 'public trust rights' means those rights held in trust by the State for the use and benefit of the people of the State in common. They are established by common law as interpreted by the courts of this State. They include, but are not limited to, the right to navigate, swim, hunt, fish, and enjoy all recreational activities in the watercourses of the State and the right to freely use and enjoy the State's ocean and estuarine beaches and public access to the beaches."

Sec. 2. This act is effective upon ratification and shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.