

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 2
HOUSE BILL 3

AN ACT TO GRANT GENERAL LAW POWER OF EMINENT DOMAIN TO
COUNTY WATER AND SEWER DISTRICTS.

Whereas, the 1977 General Assembly authorized county water and sewer districts to condemn property by the same method as the Department of Transportation; and

Whereas, the 1981 General Assembly rewrote the eminent domain law but neglected to provide any condemnation powers for county water and sewer districts; and

Whereas, Chapter 735, Session Laws of 1983, granted condemnation powers to county water and sewer districts under the pre- 1981 law, but placed a June 30, 1985, sunset on that act, pending an examination of the question; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-3(c) is amended by adding a new subdivision to read:

"(12) A district established under the provisions of Article 6 of Chapter 162A for the purposes of that Article."

Sec. 2. G.S. 162A-89.1 is rewritten to read:

"§ 162A-89.1. Eminent domain power authorized.— A county water and sewer district shall have the power of eminent domain, to be exercised in accordance with the provisions of Chapter 40A of the General Statutes, over the acquisition of any improved or unimproved lands or rights in land, within or without the district."

Sec. 3. Section 2 of this act does not affect any action commenced before July 1, 1985.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of February, 1987.