

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 669
HOUSE BILL 918

AN ACT TO AUTHORIZE GUILFORD COUNTY AND THE CITIES OF GREENSBORO AND HIGH POINT TO ACQUIRE REAL PROPERTY BY CONDEMNATION IN ORDER TO PRESERVE OPEN SPACE AND OPEN AREA, FOR THE PROTECTION AND CONSERVATION OF WATERSHED AREAS AND MUNICIPAL DRINKING WATER SUPPLIES, AND TO ACQUIRE THE FEE OR ANY LESSER INTEREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-401 reads as rewritten:

"§ 160A-401. **Legislative intent.** – It is the intent of the General Assembly in enacting this Part to provide a means whereby any county or city may acquire, by purchase, gift, grant, bequest, devise, lease, condemnation, or otherwise, and through the expenditure of public funds, the fee or any lesser interest or right in real property in order to preserve, through limitation of their future use, open spaces and areas for public use, benefit, and enjoyment."

Sec. 2. G.S. 160A-403 reads as rewritten:

"§ 160A-403. **Counties or cities authorized to acquire and reconvey real property.** – Any county or city in the State may acquire by purchase, gift, grant, bequest, devise, lease, condemnation, or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right of or to real property within its respective jurisdiction, when it finds that the acquisition is necessary to achieve the purposes of this Part. Any county or city may also acquire the fee to any property for the purpose of conveying or leasing the property back to its original owner or other person under covenants or other contractual arrangements that will limit the future use of the property in accordance with the purposes of this Part, but when this is done, the property may be conveyed back to its original owner but to no other person by private sale."

Sec. 3. G.S. 40A-3(b) is amended by adding a new subdivision to read:

"(9a) Protecting and conserving watershed areas and municipal drinking water supplies to prevent the impairment thereof or maintaining the purity and quality of reservoir waters."

Sec. 4. G.S. 40A-42(a) reads as rewritten:

"(a) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or 7 or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), ~~or 7~~ (7), or (8) or G.S. 40A-3(b)(9a), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) ~~or (3)~~, (3) or (5), or G.S. 40A-3(b)(9a), title to the property and the right to

immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

Sec. 5. G.S. 160A-407 reads as rewritten:

"§ 160A-407. **Definitions.** – (a) For the purpose of this Part an 'open space' or 'open area' is any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources or (iii) would assure, preserve and protect watershed areas as a basic asset and natural resource so as to prevent the impairment for municipal drinking water supply, or (iv) would assure, preserve, protect and maintain the purity and the quality of reservoir waters and would promote the health, safety and general welfare of the people of this State.

(b) For the purposes of this Part 'open space' or 'open area' and the 'public use and enjoyment' of interests or rights in real property shall also include open space land and open space uses. The term 'open space land' means any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, ~~or~~–(iii) historic or scenic purposes, or (iv) conservation of watershed areas and municipal drinking water supplies to prevent the impairment thereof and assure, preserve, protect and maintain the purity and quality of reservoir waters. The term 'open space uses' means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, ~~or~~–(iii) historic or scenic purposes, or (iv) conservation of watershed areas and municipal drinking water supplies to prevent the impairment thereof and assure, preserve, protect and maintain the purity and quality of reservoir waters."

Sec. 6. This act applies only to the County of Guilford and the Cities of Greensboro and High Point.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1987.