

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 937
SENATE BILL 1122

AN ACT TO PERMIT THE COUNTY OF CABARRUS TO CONDEMN CERTAIN
PROPERTY OF PRIVATE CONDEMNORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-5(b) reads as rewritten:

"(b) Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(a), (b) or (c) may condemn the property of a private condemnor if the condemnor shows that (i) if such the property is not in actual public use or use, (ii) the property is not necessary to the operation of the business of the owner, or (iii) the taking would not unreasonably impair or restrict the use of the property. Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(b) or (c) may condemn the property of a condemnor listed in G.S. 40A-3(b) or (c) if the property proposed to be taken is not being used or held for future use for any governmental or proprietary purpose."

Sec. 2. G.S. 40A-42(c) reads as rewritten:

"(c) If the property is owned by a private condemnor, the vesting of title in the condemnor and the right to immediate possession of the property shall not become effective until the superior court has rendered final judgment (after any appeals) that (i) the property is not in actual public use or use, (ii) the property is not necessary to the operation of the business of the owner, or (iii) the taking of the property would not unreasonably impair or restrict the use of the property, as set forth in G.S. 40A-5(b)."

Sec. 3. This act applies to Cabarrus County only.

Sec. 4. This act is effective upon ratification and expires July 1, 1995.

In the General Assembly read three times and ratified this the 14th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives