

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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SENATE BILL 998  
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Short Title: Sanford-Lee Airport Authority.

(Local)

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Sponsors: Senators Staton, Johnson, Sherron; and Forrester.

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Referred to: Local Government and Regional Affairs.

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May 27, 1992

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE SANFORD-LEE COUNTY REGIONAL AIRPORT  
2 AUTHORITY.  
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4 The General Assembly of North Carolina enacts:

5 Section 1. There is hereby created an airport authority to be known as the  
6 "Sanford-Lee County Regional Airport Authority" which shall be a body politic and  
7 corporate. The said authority shall be composed of six members, three appointed by the  
8 Board of Commissioners for the County of Lee and three by the Board of Aldermen of  
9 the City of Sanford. The said members shall be allowed a reasonable compensation as  
10 determined by the joint action of the Board of Aldermen of the City of Sanford and the  
11 Board of Commissioners for the County of Lee, and shall be paid actual expenses  
12 incurred in the transaction of business at the instance of the authority; provided,  
13 however, that no full-time employee or elected member of either the Board of Aldermen  
14 of the City of Sanford or the board of Commissioners of the County of Lee shall be paid  
15 for his or her services in connection with said authority, but shall be entitled only to  
16 reimbursement of actual expenses.

17 Sec. 2. The members appointed as set forth above shall serve at the pleasure  
18 of their respective appointing Board. The authority shall determine its own organization  
19 and shall annually at its first meeting in July of each calendar year elect its officers who  
20 shall serve for a term of one year, or until their successors are elected and qualify.  
21 Officers shall be eligible to succeed themselves in office and to serve consecutive terms  
22 at the will of the members of the authority.

1       Sec. 3. (a)       The authority shall, in addition to the powers conferred in Chapter  
2 63 of the General Statutes of North Carolina, have the following powers:

- 3           (1)       To sue and be sued in the name of the airport authority, and all  
4 pleadings served upon the airport authority shall be served on the  
5 chairperson or secretary of the airport authority.
- 6           (2)       To expend funds appropriated from time to time by the County of Lee  
7 and the City of Sanford, jointly or severally, for airport purposes and  
8 to appropriate and expend funds received by the authority from fees,  
9 charges, rents, and dues arising out of the operation of said airport, the  
10 facilities, improvements, and concessions located thereat or operated  
11 thereon.
- 12          (3)       To establish, construct, control, lease, maintain, improve, operate, and  
13 regulate an airport on lands acquired by it with buildings necessary to  
14 accommodate all types of business to operate an airport, runways, taxi  
15 ramps, parking ramps, and any equipment to operate an airport, to  
16 have complete authority for rules and regulations over all airport  
17 property for the control of all types of vehicular traffic, mobile or  
18 stationary, and pedestrian traffic with respect to areas or roadways not  
19 under the control of the Department of Transportation and any rules  
20 and regulations adopted by the airport authority for property  
21 exclusively under its control and to have conjunctive authority to work  
22 with and cooperate with all duly constituted law enforcement agencies  
23 to enforce rules and regulations established by the State of North  
24 Carolina. The penalty for violation of rules and regulations established  
25 by the airport authority shall be a misdemeanor and, upon conviction,  
26 shall be punishable by a fine not to exceed fifty dollars (\$50.00) or  
27 imprisonment not to exceed 30 days. All rules and regulations so  
28 adopted by the airport authority shall be recorded by delivering true  
29 copies thereof certified by the chairperson and secretary of the  
30 authority to the City of Sanford and the County of Lee.
- 31          (4)       For the public use or benefit the authority shall possess the power of  
32 eminent domain and may acquire by purchase, gift, or condemnation,  
33 any property for the purpose of establishing, extending, enlarging, or  
34 improving an airport. The Sanford-Lee County Regional Airport  
35 Authority is hereby declared to be a local public condemnor under the  
36 provisions of Chapter 40A of the General Statutes and in exercising  
37 the powers of eminent domain shall follow the procedures of Article 3  
38 of Chapter 40A. Title to the property and the right of immediate  
39 possession shall vest pursuant to subsection (a) of G.S. 40A-42. If  
40 property acquired by condemnation shall have a burial ground or  
41 graveyard then it shall be lawful for said airport authority after 30 days  
42 notice to the surviving spouse, or the next of kin of the deceased  
43 buried therein, or the person in control of such graves, if any are  
44 known, to remove the body interred therein and reinter the same in

1 some cemetery in the same county. If no surviving spouse or next of  
2 kin or person in control can be found, then the airport authority can  
3 advertise for four consecutive weeks in a newspaper published in Lee  
4 County of the intended removal of said gravesite and the removal shall  
5 be conducted under the supervision of the Clerk of the Superior Court  
6 for Lee County or his or her representative, and the expense of such  
7 removal shall be borne by the airport authority. The airport authority  
8 may dispose of any real or personal property belonging to it according  
9 to the procedures described in Chapter 160A, Article 12.

10 (5) To lease for a term of 20 years and for purposes not inconsistent with  
11 airport purposes or usage, real or personal property or both, under the  
12 supervision of or administered by the airport authority.

13 (6) To contract with persons, firms, or corporations for terms not to  
14 exceed 20 years, for the operation of passenger and freight flights,  
15 scheduled or nonscheduled, and any other plane or flight activities not  
16 inconsistent with airport operations and to charge and collect  
17 reasonable fees, charges, and rents for the use of such property, and  
18 services rendered in the operation thereof.

19 (7) To operate, own, control, regulate, lease, or grant to others the license  
20 to operate amusements or concessions for a term not exceeding 20  
21 years.

22 (8) To enter into contracts, and with the prior written approval of the  
23 County of Lee and the City of Sanford, to pledge as security the  
24 property of the airport authority; provided, however, that neither the  
25 airport authority nor the individual members thereof shall have any  
26 authority to pledge the credit of or contract for the County of Lee or  
27 the City of Sanford, or any combination thereof. With the prior  
28 written consent of the County of Lee and the City of Sanford, the  
29 airport authority shall be authorized to pledge any lease agreement to  
30 which it is a party as security for any loan.

31 (9) To adopt and use a seal.

32 (10) To contract with the Federal Aviation Administration of the United  
33 States of America or with the State of North Carolina or with any of  
34 the agencies or representatives of either of said governmental bodies  
35 relating to the grading, constructing, equipping, improving,  
36 maintaining, or operating of an airport or its facilities, or both.

37 (b) The Sanford-Lee County Regional Airport Authority shall enjoy  
38 governmental immunity, however, the authority may contract to insure itself and any of  
39 its officers, agents, or employees against liability for wrongful death or negligence or  
40 intentional damage to persons or property or against absolute liability for damage to  
41 persons or property caused by an act or omission of the authority or of any of its  
42 officers, agents, or employees when acting within the scope of their authority and the  
43 course of their employment. The members of the authority shall determine what

1 liabilities and what officers, agents, and employees shall be covered by any insurance  
2 purchased pursuant to this provision.

3 Purchase of insurance pursuant to this provision waives the authority's  
4 governmental immunity to the extent of insurance coverage, for any act or omission  
5 occurring in the exercise of a governmental function. By entering into an insurance  
6 contract with the authority, an insurer waives any defense based upon the governmental  
7 immunity of the authority.

8 If the authority has waived its governmental immunity pursuant to the  
9 foregoing provisions of this section, any person, or if he dies, his personal  
10 representative, sustaining damages as a result of an act or omission of the authority or  
11 any of its officers, agents, or employees occurring in the exercise of a governmental  
12 function, may sue the authority for recovery of damages. To the extent of the coverage  
13 of insurance purchased pursuant to this section governmental immunity may not be a  
14 defense to the action. Otherwise, however, the authority has all defenses available to  
15 private litigants in any action brought pursuant to these provisions without restriction,  
16 limitation, or other effect whether the defense arises from common law or by virtue of a  
17 statute.

18 Despite the purchase of insurance as authorized by this section, the liability of  
19 an authority for acts or omissions occurring in the exercise of governmental functions  
20 does not attach unless the plaintiff waives the right to have all issues of law or fact  
21 relating to insurance in the action determined by a jury. The judge shall hear and  
22 determine these issues without resort to a jury, and the jury shall be absent during any  
23 motion, argument, testimony, or announcement of findings of fact, or conclusions of  
24 law relating to these issues unless the defendant requests a jury trial on them.

25 Sec. 4. The Sanford-Lee County Regional Airport Authority may exercise  
26 the powers granted to municipalities by the terms of Article 6, Chapter 63 of the  
27 General Statutes of North Carolina concerning public airports and related facilities.

28 Sec. 5. In keeping with State policy, it is declared that the establishment of  
29 an airport in Lee County is necessary and desirable and in the public interest of the  
30 entire State. Said airport authority herein created shall be regarded as performing an  
31 essential governmental function in undertaking the construction, maintenance, and  
32 operation of an airport and shall not be required to pay ad valorem taxes or assessments  
33 upon properties acquired or otherwise used by it for such purposes.

34 Sec. 6. In the event of cessation of the operation of an airport established  
35 under this act, or the abandonment of any of the property acquired hereunder for airport  
36 purposes, the title to such real or personal property, or rights under any existing lease  
37 shall revert to and vest in the County of Lee and the City of Sanford, and upon the sale  
38 of any property after cessation of operations, the proceeds therefrom shall vest equally  
39 in the County of Lee and the City of Sanford.

40 Sec. 7. This act is effective upon ratification.