

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 119

Short Title: Economic Development Eminent Domain.

(Public)

Sponsors: Representatives Sutton, Yongue, Bonner; Barefoot, Church, Earle, Fox, Haire, Hill, Moore, Nye, Owens, Saunders, and Tolson.

Referred to: Local Government II.

February 22, 1999

A BILL TO BE ENTITLED

**AN ACT TO ALLOW CITIES AND COUNTIES TO EXERCISE THE POWER OF
EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

(1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.

(2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.

(3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.

- 1 (4) Establishing, extending, enlarging, or improving storm sewer and
2 drainage systems and works, or sewer and septic tank lines and systems.
3 (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or
4 library facilities.
5 (6) Constructing, enlarging, or improving city halls, fire stations, office
6 buildings, courthouse jails and other buildings for use by any
7 department, board, commission or agency.
8 (7) Establishing drainage programs and programs to prevent obstructions to
9 the natural flow of streams, creeks and natural water channels or
10 improving drainage facilities. The authority contained in this
11 subdivision is in addition to any authority contained in Chapter 156.
12 (8) Acquiring designated historic properties, designated as such before
13 October 1, 1989, or acquiring a designated landmark designated as such
14 on or after October 1, 1989, for which an application has been made for
15 a certificate of appropriateness for demolition, in pursuance of the
16 purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B,
17 effective until October 1, 1989, or G.S. 160A-400.14, whichever is
18 appropriate.
19 (9) Opening, widening, extending, or improving public wharves.
20 (10) Acquiring real property for economic development activities authorized
21 by G.S. 158-7.1.

22 The board of education of any municipality or county or a combined board may
23 exercise the power of eminent domain under this Chapter for purposes authorized by
24 other statutes.

25 The power of eminent domain shall be exercised by local public condemnors under
26 the procedures of Article 3 of this Chapter."

27 Section 2. This act is effective when it becomes law.