

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 288

Short Title: Alleghany School Acquisition.

(Local)

Sponsors: Senator Foxx.

Referred to: Local Government and Regional Affairs

March 2, 1995

A BILL TO BE ENTITLED

AN ACT TO ALLOW ALLEGHANY COUNTY TO ACQUIRE PROPERTY FOR USE
BY THE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 153A-157 reads as rewritten:

"§ 153A-157. Power to acquire property in certain counties.

(a) A county may acquire, by gift, grant, devise, bequest, exchange, purchase, lease, or any other lawful method, the fee or any other lesser interest in real or personal property for use by the county or any department, board, commission, or agency of the county or a school administrative unit within the county. In exercising the power of eminent domain a county shall use the procedures of Chapter 40A.

The county shall use its authority under this section to acquire the fee or any lesser interest in real or personal property for use by a school administrative unit within the county only upon the request of the board of education of that school administrative unit and after a public hearing.

(b) This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick, Cabarrus, Carteret, Chowan, Columbus, Duplin, Forsyth, Franklin, Harnett, Haywood, Iredell, Johnston, Lee, Macon, Nash, Orange, Pasquotank, Pender, Richmond, Rowan, Sampson, and Stanly Counties."

(b) G.S. 153A-158.1 reads as rewritten:

1 **"§ 153A-158.1. School property in certain counties; construction and other**
2 **improvements; transfers.**

3 (a) Reserved for future codification.

4 (b) A county may construct, equip, expand, improve, renovate, or otherwise make
5 available property for use by a school administrative unit within the county. This
6 subsection applies only to Alleghany, Ashe, Avery, Brunswick, Chowan, Forsyth,
7 Harnett, Haywood, Lee, Macon, Nash, Orange, Pasquotank, Richmond, and Sampson
8 Counties and to local boards of education for school administrative units in or for
9 Alleghany, Ashe, Avery, Brunswick, Chowan, Forsyth, Harnett, Haywood, Lee, Macon,
10 Nash, Orange, and Pasquotank Counties.

11 (c) Notwithstanding the provisions of G.S. 115C-518 and G.S. 160A-274, a local
12 board of education may lease or sell any of its property to the board of commissioners of
13 the county in which the property is located for any price negotiated between the two
14 boards. This subsection applies only to Alleghany, Ashe, Avery, Brunswick, Cabarrus,
15 Carteret, Chowan, Duplin, Forsyth, Harnett, Haywood, Iredell, Lee, Macon, Nash,
16 Orange, Pasquotank, Rowan, Sampson, and ~~Stanley~~ Stanly Counties and to local boards
17 of education for school administrative units in or for these counties. This subsection
18 applies only to sales and leases of property in connection with additions, improvements,
19 renovations, or repairs to the property or to some part of the property.

20 (d) Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521, local
21 boards of education are authorized to enter into contracts for the erection or repair of
22 school buildings upon sites owned in fee simple by one or more counties in which the
23 local school administrative units are located. This subsection applies only to Alleghany,
24 Ashe, Avery, Brunswick, Chowan, Forsyth, Harnett, Lee, Nash, Orange, Pasquotank, and
25 Sampson Counties and to local boards of education for school administrative units in or
26 for those counties."

27 Sec. 2. G.S. 153A-158.1(e), as amended by Senate Bill 104, 1995 General
28 Assembly, reads as rewritten:

29 "(e) Scope. – This section applies to Alleghany, Ashe, Avery, Bladen, Brunswick,
30 Cabarrus, Carteret, Chowan, Columbus, Duplin, Forsyth, Franklin, Harnett, Haywood,
31 Iredell, Johnston, Lee, Macon, Nash, Orange, Pasquotank, Pender, Richmond, Rowan,
32 Sampson, Stanly, and Watauga Counties."

33 Sec. 3. Section 1 of this act is effective upon ratification and expires on the
34 effective date of the amendments to G.S. 153A-158.1 enacted by Senate Bill 104, 1995
35 General Assembly. Section 2 of this act is effective on the effective date of the
36 amendments to G.S. 153A-158.1 enacted by Senate Bill 104, 1995 General Assembly.
37 The remainder of this act is effective upon ratification.