

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 119
Committee Substitute Favorable 4/21/99

Short Title: Economic Development Eminent Domain.

(Local)

Sponsors:

Referred to:

February 22, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW ROBESON COUNTY AND MUNICIPALITIES IN ROBESON COUNTY 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.

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

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

27 The power of eminent domain shall be exercised by local public condemners under
28 the procedures of Article 3 of this Chapter."

29 Section 2. This act shall apply to Robeson County and municipalities in
30 Robeson County only.

31 Section 3. This act is effective when it becomes law.