

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 542**

Short Title: Oak Island/Caswell/Ocean Isle Condemnations. (Local)

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Sponsors: Representative Stiller.

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Referred to: Local Government I.

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March 18, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, AND  
2 OCEAN ISLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN  
3 FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL,  
4 FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH  
5 ACCESS.  
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 40A-3(b1) reads as rewritten:

9 "(b1) Local Public Condemnors [Modified Provision for Certain Localities]. – For  
10 the public use or benefit, the governing body of each municipality or county shall  
11 possess the power of eminent domain and may acquire by purchase, gift or  
12 condemnation any property or interest therein, either inside or outside its boundaries, for  
13 the following purposes.

- 14 (1) Opening, widening, extending, or improving roads, streets, alleys, and  
15 sidewalks. The authority contained in this subsection is in addition to  
16 the authority to acquire rights-of-way for streets, sidewalks and  
17 highways under Article 9 of Chapter 136. The provisions of this  
18 subdivision (1) shall not apply to counties.
- 19 (2) Establishing, extending, enlarging, or improving any of the public  
20 enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for  
21 counties.
- 22 (3) Establishing, enlarging, or improving parks, playgrounds, and other  
23 recreational facilities.
- 24 (4) Establishing, extending, enlarging, or improving storm sewer and  
25 drainage systems and works, or sewer and septic tank lines and  
26 systems.
- 27 (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or  
28 library facilities.

- 1 (6) Constructing, enlarging, or improving city halls, fire stations, office  
2 buildings, courthouse jails and other buildings for use by any  
3 department, board, commission or agency.
- 4 (7) Establishing drainage programs and programs to prevent obstructions  
5 to the natural flow of streams, creeks and natural water channels or  
6 improving drainage facilities. The authority contained in this  
7 subdivision is in addition to any authority contained in Chapter 156.
- 8 (8) Acquiring designated historic properties, designated as such before  
9 October 1, 1989, or acquiring a designated landmark designated as  
10 such on or after October 1, 1989, for which an application has been  
11 made for a certificate of appropriateness for demolition, in pursuance  
12 of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part  
13 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is  
14 appropriate.
- 15 (9) Opening, widening, extending, or improving public wharves.
- 16 (10) Engaging in or participating with other governmental entities in  
17 acquiring, constructing, reconstructing, extending, or otherwise  
18 building or improving beach erosion control or flood and hurricane  
19 protection works, including, but not limited to, the acquisition of any  
20 property that may be required as a source for beach renourishment.
- 21 (11) Establishing access for the public to public trust beaches and  
22 appurtenant parking areas.

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

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

28 This subsection applies only to Carolina Beach, Carteret County, Dare County, and  
29 the Towns of Atlantic Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian  
30 Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach,  
31 Oak Island, Ocean Isle Beach, Pine Knoll Shores, Surf City, Topsail Beach, and  
32 Wrightsville Beach."

33 **SECTION 2.** This act is effective when it becomes law.