

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 748

Short Title: Only Easements.

(Public)

Sponsors: Senators Sloan; Brock, Shubert, and Tillman.

Referred to: Judiciary II.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CONDEMNOR MAY TAKE ONLY THE
MINIMUM INTEREST IN PROPERTY NECESSARY FOR THE PURPOSE FOR
WHICH IT IS BEING TAKEN.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 40A of the General Statutes is amended
by adding a new section to read:

"§ 40A-7.1. Minimum interest only may be taken.

Except with the consent of the condemnee, in any condemnation action under this
Chapter, the condemnor may take only the minimum interest in the property necessary
for the purpose for which the property is being taken, and specifically, an interest in fee
simple may not be taken if an easement will satisfy the purpose."

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