

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 1082
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80332-LB-466A* (05/16)

Short Title: Nags Head Conveyance.

(Local)

Sponsors: Representative Spear.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A
3 LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT
4 AS A SALE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-272 reads as rewritten:

7 "**§ 160A-272. Lease or rental of property.**

8 (a) Any property owned by a city may be leased or rented for such terms and upon such
9 conditions as the council may determine, but not for longer than ~~40~~ years (except as
10 otherwise provided herein) and only if the council determines that the property will not be
11 needed by the city for the term of the lease. In determining the term of a proposed lease,
12 periods that may be added to the original term by options to renew or extend shall be included.
13 Property may be rented or leased only pursuant to a resolution of the council authorizing the
14 execution of the lease or rental agreement adopted at a regular council meeting upon 10 days'
15 public notice. Notice shall be given by publication describing the property to be leased or
16 rented, stating the annual rental or lease payments, and announcing the council's intent to
17 authorize the lease or rental at its next regular meeting.

18 (b) No public notice need be given for resolutions authorizing leases or rentals for terms
19 of one year or less, and the council may delegate to the city manager or some other city
20 administrative officer authority to lease or rent city property for terms of one year or less.
21 Leases for terms of more than ~~40~~ years shall be treated as a sale of property and may be
22 executed by following any of the procedures authorized for sale of real property.

23 (c) The council may approve a lease for the siting and operation of a renewable energy
24 facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 20 years without treating
25 the lease as a sale of property and without giving notice by publication of the intended lease.
26 This subsection applies to Catawba, Mecklenburg, and Wake Counties, the Cities of Asheville,
27 Raleigh, and Winston-Salem, and the Towns of Apex, Carrboro, Cary, Chapel Hill,
28 Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest,
29 Wendell, and Zebulon only."

30 **SECTION 2.** This act applies only to the Town of Nags Head and, as to that town
31 only, applies to a lease to allow for the operation of a licensed nursing home permitted under
32 Chapter 131E of the General Statutes.

33 **SECTION 3.** This act is effective when it becomes law.



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