

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 875
Apr 14, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30260-ML-188A (3/18)

Short Title: Restrict Municipal Eminent Domain. (Public)

Sponsors: Representative Jordan.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS BEFORE ANY CITY, TOWN, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT ACQUIRES BY CONDEMNATION, EXCHANGE, PURCHASE, OR LEASE ANY REAL PROPERTY LOCATED IN THAT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-15 reads as rewritten:

"§ 153A-15. Consent of board of commissioners necessary ~~in certain counties~~ before land may be condemned or acquired by a unit of local government inside or outside the county.

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county, whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(a1) Notwithstanding any other provision of law, before final judgment may be entered in any action of condemnation initiated by a city or town, special district, or other unit of local government, whereby the condemnor seeks to acquire property within the county where the condemnor is located, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government ~~which is located wholly or primarily outside another county~~ acquires any real property ~~located in the other county~~ pursuant to subsection (a) of this section by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

(b1) Notwithstanding any other provision of law, before any city or town, special district, or other unit of local government acquires by exchange, purchase, or lease any real property located in the county where the city or town, special district, or other unit of local government is located, it must have the approval of the county board of commissioners of the county where the land is located.

(c) This section applies to ~~Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson,~~



1 ~~Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene,~~
2 ~~Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Jones, Lee,~~
3 ~~Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New~~
4 ~~Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person,~~
5 ~~Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly,~~
6 ~~Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes,~~
7 ~~and Yancey Counties only.~~all counties in the State.

8 (d) ~~This section does not apply as to any condemnation or acquisition of real property~~
9 ~~or an interest in real property by a city where the property to be condemned or acquired is~~
10 ~~within the corporate limits of that city."~~

11 **SECTION 2.** This act becomes effective July 1, 2015, and applies to
12 condemnations, exchanges, purchases, or leases on or after that date.