

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS35063-ML-99A (03/02)

Short Title: Caswell Beach/Quick Take Eminent Domain. (Local)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO TAKE IMMEDIATE  
3 POSSESSION OF PROPERTY CONDEMNED FOR A PUBLIC SERVICES FACILITY.  
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 40A-42(a)(2) reads as rewritten:

6 "(2) Modified Provision for Certain Localities. – When a local public condemnor  
7 is acquiring property by condemnation for a purpose set out in  
8 G.S. 40A-3(b1)(1), (4), (6), (7), (10), or (11), or when a city is acquiring  
9 property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7),  
10 or when a county is acquiring property for a purpose set out in  
11 G.S. 153A-274(1), (2) or (3), or when a local board of education or any  
12 combination of local boards of education is acquiring property for any  
13 purpose set forth in G.S. 115C-517, or when a condemnor is acquiring  
14 property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12),  
15 or (13) title to the property and the right to immediate possession shall vest  
16 pursuant to this subsection. Unless an action for injunctive relief has been  
17 initiated, title to the property specified in the complaint, together with the  
18 right to immediate possession thereof, shall vest in the condemnor upon the  
19 filing of the complaint and the making of the deposit in accordance with  
20 G.S. 40A-41.

21 This subdivision applies only to Carteret and Dare Counties, the Towns  
22 of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle,  
23 Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach,  
24 Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll  
25 Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach,  
26 and the Village of Bald Head Island."

27 **SECTION 2.** This act applies only to the Town of Caswell Beach, for the taking of  
28 property for a public services facility where a fire department and other emergency services  
29 providers will be located.

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

