

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 747
HOUSE BILL 952

AN ACT CONCERNING THE EXERCISE OF THE POWER OF EMINENT
DOMAIN IN CONNECTION WITH SMALL WATERSHED PROGRAMS IN
THE COUNTY OF JONES.

The General Assembly of North Carolina do enact:

Section 1. Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have the power to acquire by condemnation any interest in land needed in carrying out the purposes of this Act. This power may be exercised only after:

(1) The district makes application to the committee, identifying the land sought to be condemned and stating the purpose for which said land is needed; and

(2) The committee finds that the land is sought to be acquired for a proper district purpose. The findings of the committee shall be conclusive in the absence of fraud, notwithstanding any other provision of law.

(b) The committee shall certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings thereof.

(c) For purpose of this Section:

(1) The term "interest in land" means any land, right-of-way, right-of-access, privilege, easement, or other interest in or relating to land. Said term includes an interest in land held for public uses or purposes, which land is not necessary or essential for said public uses or purposes and is not in actual use therefor. Said term also includes an interest in land owned or held as right-of-way by a public utility company, except that of railroad companies, provided that the operation of such utility company may not be impaired unreasonably thereby.

(2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof: by reference to a man; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(3) "Committee" means the State Soil and Water Conservation Committee.

(d) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G. S. Chapter 40, Article 2, and all Acts amendatory thereof.

(e) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district deem best. If, in the opinion of the trustees, such lands should be sold, leased or rented, the trustees may do so, subject to the approval of the committee.

Sec. 2. Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article 3 of G. S. Chapter 139 or by special Act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by Section 1 of this Act (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district.

Sec. 3. This Act shall apply to only Jones County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.