

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 137

Short Title: Eminent Domain Change.

(Public)

Sponsors: Senators Staton; Ballance, Hunt of Moore, Marvin, Sherron, Soles, Speed, Tally, Walker, and Ward.

Referred to: Judiciary II.

February 9, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW OF EMINENT DOMAIN REGARDING
3 HISTORIC PROPERTIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 40A-3(b) reads as rewritten:

6 "(b) Local Public Condemnors. – For the public use or benefit, the governing body
7 of each municipality or county shall possess the power of eminent domain and may
8 acquire by purchase, gift or condemnation any property, either inside or outside its
9 boundaries, for the following purposes.

10 (1) Opening, widening, extending, or improving roads, streets, alleys, and
11 sidewalks. The authority contained in this subsection is in addition to
12 the authority to acquire rights-of-way for streets, sidewalks and
13 highways under Article 9 of Chapter 136. The provisions of this
14 subdivision (1) shall not apply to counties.

15 (2) Establishing, extending, enlarging, or improving any of the public
16 enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for
17 counties.

18 (3) Establishing, enlarging, or improving parks, playgrounds, and other
19 recreational facilities.

20 (4) Establishing, extending, enlarging, or improving storm sewer and
21 drainage systems and works, or sewer and septic tank lines and
22 systems.

- 1 (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or
2 library facilities.
- 3 (6) Constructing, enlarging, or improving city halls, fire stations, office
4 buildings, courthouse jails and other buildings for use by any
5 department, board, commission or agency.
- 6 (7) Establishing drainage programs and programs to prevent obstructions
7 to the natural flow of streams, creeks and natural water channels or
8 improving drainage facilities. The authority contained in this
9 subdivision is in addition to any authority contained in Chapter 156.
- 10 (8) Acquiring designated historic properties, designated as such before
11 October 1, 1989, or acquiring a designated landmark or building
12 structure or site within a historic district, designated as such on or after
13 October 1, 1989, for which an application has been made for a
14 certificate of appropriateness for demolition, in pursuance of the
15 purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B,
16 effective until October 1, 1989, or G.S. 160A-400 (a), (b), and (c),
17 whichever is appropriate.
- 18 (9) Opening, widening, extending, or improving public wharves.

19 The board of education of any municipality or county or a combined board may
20 exercise the power of eminent domain under this Chapter for purposes authorized by
21 other statutes.

22 The power of eminent domain shall be exercised by local public condemnors under
23 the procedures of Article 3 of this Chapter."

24 Sec. 2. This act shall become effective October 1, 1989.