

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65083-LB-64A (02/19)

Short Title: Only Easements.

(Public)

Sponsors: Senator Sloan.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT A CONDEMNOR MAY TAKE ONLY THE
3 MINIMUM INTEREST IN PROPERTY NECESSARY FOR THE PURPOSE FOR
4 WHICH IT IS BEING TAKEN.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 of Chapter 40A of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 40A-7.1. Minimum interest only may be taken.**

9 Except with the consent of the condemnee, in any condemnation action under this
10 Chapter, the condemnor may take only the minimum interest in the property necessary
11 for the purpose for which the property is being taken, and specifically, an interest in fee
12 simple may not be taken if an easement will satisfy the purpose."

13 SECTION 2. This act is effective when it becomes law.