

February 11, 2009

**S 157. EMINENT DOMAIN.** Filed 2/11/09. *TO ALLOW DIFFERENTIAL TREATMENT OF NONPROFIT ORGANIZATIONS WHOSE PROPERTY IS CONDEMNED SO AS TO ALLOW REPLACEMENT VALUE RATHER THAN FAIR MARKET VALUE.*

Amends GS 40A-64 (compensation for taking by eminent domain) to provide that the fair market value is deemed to be no less than the reasonable cost of functional replacement when compensating the taking of property from an entity organized and operated upon a nonprofit basis if (1) the property is devoted to and is needed by the owner to continue in good faith its actual use to perform a public function or to render nonprofit educational, religious, charitable, or eleemosynary services and (2) the facilities or services are available to the general public. States that the cost of functional replacement includes (1) the cost of a functionally equivalent site, (2) the cost of relocating and rehabilitating improvements taken, or if relocation and rehabilitation is impracticable, the cost of providing improvements of substantially comparable character and of the same or equal utility, and (3) the cost of betterments and enlargements required by law or by current construction and utilization standards for similar facilities. Makes a conforming change.

Amends GS 136-112 (measure of damages from condemnation by the Department of Transportation) by adding identical provisions and making a conforming change.

**Intro. by Berger of Rockingham.**

GS 40A, 136