

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 875
PROPOSED COMMITTEE SUBSTITUTE H875-PCS20353-SA-58

Short Title: Restrict Municipal Eminent Domain.

(Local)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS IN
3 ASHE AND WATAUGA COUNTY FOR PROPERTY LOCATED IN THOSE
4 COUNTIES BEFORE ANY MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT
5 OF LOCAL GOVERNMENT ACQUIRES BY CONDEMNATION ANY REAL
6 PROPERTY LOCATED IN THE SAME COUNTY AND OUTSIDE THE
7 MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL
8 GOVERNMENT.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Chapter 153A of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 153A-14.5. Consent of board of commissioners necessary before land outside a unit of**
13 **local government, but within the county where that unit of local government is**
14 **located, may be condemned by that unit of local government.**

15 (a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other
16 general law or local act conferring the power of eminent domain, before final judgment may be
17 entered in any action of condemnation initiated by a city or town, special district, or other unit
18 of local government, whereby the condemnor seeks to acquire property located in the county
19 where the condemnor is located, but outside the corporate limits of the condemnor, the
20 condemnor shall furnish proof that the county board of commissioners of the county where the
21 land is located has consented by resolution, by majority vote of all members of the Board, to
22 the taking.

23 (b) In addition to the procedure specified in subsection (a) of this section, the following
24 shall indicate proof that the county board of commissioners of the county where the city or
25 town, special district, or other unit of local government is initiating an action of condemnation
26 has consented to the taking, as required by subsection (a) of this section, with no further
27 approval of the county board of county commissioners required:

28 (1) The real property subject to the condemnation action is located in a
29 designated urban growth area or zone of the condemning entity that was
30 approved by a prior action of the county board of commissioners.

31 (2) The real property subject to the condemnation is located in an extraterritorial
32 jurisdiction area, as defined in G.S. 160A-360, of the condemning entity that
33 was approved by a prior action of the county board of county
34 commissioners.

35 (c) This section does not apply as to any condemnation of real property by a city or
36 town, special district, or other unit of local government where the property to be condemned is



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1 within the corporate limits of that city or town, special district, or other unit of local
2 government."

3 **SECTION 2.** This act applies only to Ashe and Watauga counties. This act is
4 effective when it becomes law and applies to condemnations on or after that date.