

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 204
Mar 10, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30066-ML-99 (03/02)

Short Title: Caswell Beach/Quick Take Eminent Domain. (Local)

Sponsors: Representative Iler.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF CASWELL BEACH TO TAKE IMMEDIATE
3 POSSESSION OF PROPERTY CONDEMNED FOR A PUBLIC SERVICES FACILITY.
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 40A-42(a)(2) reads as rewritten:

6 "(2) Modified Provision for Certain Localities. – When a local public condemnor
7 is acquiring property by condemnation for a purpose set out in
8 G.S. 40A-3(b1)(1), (4), (6), (7), (10), or (11), or when a city is acquiring
9 property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7),
10 or when a county is acquiring property for a purpose set out in
11 G.S. 153A-274(1), (2) or (3), or when a local board of education or any
12 combination of local boards of education is acquiring property for any
13 purpose set forth in G.S. 115C-517, or when a condemnor is acquiring
14 property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12),
15 or (13) title to the property and the right to immediate possession shall vest
16 pursuant to this subsection. Unless an action for injunctive relief has been
17 initiated, title to the property specified in the complaint, together with the
18 right to immediate possession thereof, shall vest in the condemnor upon the
19 filing of the complaint and the making of the deposit in accordance with
20 G.S. 40A-41.

21 This subdivision applies only to Carteret and Dare Counties, the Towns
22 of Atlantic Beach, Carolina Beach, Caswell Beach, Duck, Emerald Isle,
23 Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach,
24 Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll
25 Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach,
26 and the Village of Bald Head Island."

27 **SECTION 2.** This act applies only to the Town of Caswell Beach, for the taking of
28 property for a public services facility where a fire department and other emergency services
29 providers will be located.

30 **SECTION 3.** This act is effective when it becomes law.

