

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 875

Short Title: Restrict Municipal Eminent Domain. (Public)

Sponsors: Representatives Jordan, McGrady, and Hunter (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Judiciary II.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS
BEFORE ANY CITY, TOWN, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL
GOVERNMENT ACQUIRES BY CONDEMNATION, EXCHANGE, PURCHASE, OR
LEASE ANY REAL PROPERTY LOCATED IN THAT COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-15 reads as rewritten:

**"§ 153A-15. Consent of board of commissioners necessary ~~in certain counties~~ before land
may be condemned or acquired by a unit of local government inside or outside
the county.**

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other
general law or local act conferring the power of eminent domain, before final judgment may be
entered in any action of condemnation initiated by a county, city or town, special district, or
other unit of local government which is located wholly or primarily outside another county,
whereby the condemnor seeks to acquire property located in the other county, the condemnor
shall furnish proof that the county board of commissioners of the county where the land is
located has consented to the taking.

(a1) Notwithstanding any other provision of law, before final judgment may be entered
in any action of condemnation initiated by a city or town, special district, or other unit of local
government, whereby the condemnor seeks to acquire property within the county where the
condemnor is located, the condemnor shall furnish proof that the county board of
commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any
other general law or local act conferring the power to acquire real property, before any county,
city or town, special district, or other unit of local government ~~which is located wholly or
primarily outside another county~~ acquires any real property ~~located in the other county~~ pursuant
to subsection (a) of this section by exchange, purchase or lease, it must have the approval of the
county board of commissioners of the county where the land is located.

(b1) Notwithstanding any other provision of law, before any city or town, special district,
or other unit of local government acquires by exchange, purchase, or lease any real property
located in the county where the city or town, special district, or other unit of local government
is located, it must have the approval of the county board of commissioners of the county where
the land is located.

(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen,
Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba,



1 ~~Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson,~~
2 ~~Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene,~~
3 ~~Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Jones, Lee,~~
4 ~~Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New~~
5 ~~Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person,~~
6 ~~Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly,~~
7 ~~Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes,~~
8 ~~and Yancey Counties only.~~all counties in the State.

9 (d) ~~This section does not apply as to any condemnation or acquisition of real property~~
10 ~~or an interest in real property by a city where the property to be condemned or acquired is~~
11 ~~within the corporate limits of that city."~~

12 **SECTION 2.** This act becomes effective July 1, 2015, and applies to
13 condemnations, exchanges, purchases, or leases on or after that date.