

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35341-ML-156

Short Title: Currituck County/Eminent Domain. (Local)

Sponsors: Senator Hanig (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW CURRITUCK COUNTY TO EXERCISE THE POWER OF EMINENT
DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND
FLOOD AND HURRICANE PROTECTION WORKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(b1) reads as rewritten:

"(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes:

...

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by Chapter 115C of the General Statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this chapter.

This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island. This subsection, excluding subdivision (11) of this subsection, applies to Currituck County and the Towns of Duck and Southern Shores."

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

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



1 in the condemnor upon the filing of the complaint and the making of the
2 deposit in accordance with G.S. 40A-41.

3 This subdivision applies only to ~~Carteret-Carteret~~, Currituck, and Dare
4 Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach,
5 Duck, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty
6 Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle
7 Beach, Pine Knoll Shores, Southern Shores, Sunset Beach, Surf City, Topsail
8 Beach, and Wrightsville Beach, and the Village of Bald Head Island."

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