

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1091
SENATE BILL 738

1 AN ACT TO AMEND CHAPTER 146 OF THE GENERAL STATUTES OF NORTH
2 CAROLINA TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO
3 ACQUIRE PROPERTY BY PURCHASE OR CONDEMNATION.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** Chapter 146 of the General Statutes is amended by adding immediately
8 following G.S. 146-22 a new section to be designated as G.S. 146-22.1 to read as follows:

9 **"G.S. 146-22.1. Acquisition of Property.** In order to carry out the duties of the Department of
10 Administration as set forth in Chapters 143 and 146 of the General Statutes, the Department of
11 Administration is authorized and empowered to acquire by purchase, gift, condemnation or
12 otherwise:

- 13 "(1) Lands necessary for the construction and operation of State buildings and
14 other governmental facilities.
- 15 "(2) Lands necessary for construction and operation of parking facilities.
- 16 "(3) An area in the City of Raleigh bounded by Edenton Street, Person Street,
17 Peace Street, the right of way of the main line of Seaboard Coastline
18 Railway and North McDowell Street for the expansion of State
19 governmental facilities, the public interest in, public use of, and the necessity
20 for the acquisition of said area, being hereby declared as a matter of
21 Legislative determination.
- 22 "(4) Lands necessary for the location, expansion, operation and improvement of
23 hospital and mental health facilities and similar institutions maintained by
24 the State of North Carolina.
- 25 "(5) Lands necessary for public parks and forestry purposes.
- 26 "(6) Lands involving historical sites, together with such adjacent lands as may be
27 necessary for their preservation, maintenance and operation.
- 28 "(7) Lands necessary for the location, expansion and improvement of any
29 educational, penal or correctional institution.
- 30 "(8) Lands necessary to provide public access to the waters within the State.
- 31 "(9) Lands necessary for agricultural, experimental and research facilities.
- 32 "(10) Utility and access easements, rights of way, estates for terms of years or fee
33 simple title to lands necessary or convenient to the operation of State-owned
34 facilities.
- 35 "(11) Lands necessary for the development and preservation of the estuarine areas
36 of the State.
- 37 "(12) Lands necessary for the development of waterways within the State."

38 **Sec. 2.** G.S. 146-23 is amended by adding immediately following the word "rented"
39 in the last line thereof a new sentence to read as follows:

40 "The Department of Administration may make acquisitions at the request of the Governor
41 and Council of State upon compliance with the investigation herein required."

42 **Sec. 3.** Chapter 146 of the General Statutes is amended by adding immediately
43 following G.S. 146-24 a new section to be designated as G.S. 146-24.1 to read as follows:

1 **"G.S. 146-24.1. The Power of Eminent Domain.** In carrying out the duties and purposes set
2 forth in Chapters 143 and 146 of the General Statutes, the Department of Administration is
3 vested with the power of eminent domain and shall have the right and power to acquire such
4 lands, easements, rights of way or estates for years by condemnation in the manner prescribed
5 by G.S. 146-24 of the General Statutes. The power of eminent domain herein granted is
6 supplemental to and in addition to the power of eminent domain which may be now or hereafter
7 vested in any State agency as denned by G.S. 146-64 and the Department of Administration
8 may exercise on behalf of such agency the power vested in said agency or the power vested in
9 the Department of Administration herein; and the Department of Administration may follow
10 the procedure set forth in G.S. 146-24 or the procedure of such agency, at the option of the
11 Department of Administration. Where such acquisition is made at the request of an agency,
12 such agency shall make a determination of the necessity therefor; where such acquisition is on
13 behalf of the State or at the request of the Department of Administration, such findings shall be
14 made by the Director of Administration. Provided, however, that all such acquisitions shall
15 have the approval of the Governor and Council of State as provided in G.S. 146- 24."

16 **Sec. 4.** This Act shall not apply to public projects and condemnations for which
17 specific statutory condemnation authority and procedures are otherwise provided.

18 **Sec. 5.** All laws and clauses of laws in conflict with this Act are hereby repealed.

19 **Sec. 6.** This Act shall be in full force and effect upon its ratification.

20 In the General Assembly read three times and ratified, this the 1st day of July, 1969.