

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1192
HOUSE BILL 1537

AN ACT RELATING TO THE CONDEMNATION OF LAND IN WAKE AND
DURHAM COUNTIES BY THE RALEIGH-DURHAM AIRPORT AUTHORITY.

Whereas, Chapter 666 of the Session Laws of 1979, authorized and empowered the Raleigh-Durham Airport Authority to acquire by condemnation land in Wake and Durham Counties for airport purposes by procedures under which title to and the right of immediate possession of said land vested in the Raleigh-Durham Airport Authority upon the filing of the complaint; and

Whereas, by inadvertance, Chapter 40A of the General Statutes, enacted in 1981, repealed the aforesaid provisions of Chapter 666 of the Session Laws of 1979 without including therein any provision by which title to or the right of immediate possession of the land being condemned would vest in the Raleigh-Durham Airport Authority upon the filing of the complaint for condemnation; and

Whereas, it is the intent and purpose of this act to restore to the Raleigh-Durham Airport Authority in actions for condemnation the vesting of title and the immediate right of possession upon the filing of the action for condemnation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 7 of Chapter 168 of Public-Local Laws 1939, as amended, is further amended by adding a new subsection (1) to read:

"(1) Private property needed for airport purposes may be acquired by the Raleigh-Durham Airport Authority by gift or devise or by purchase if the Raleigh-Durham Airport Authority is able to agree with the owners on the terms thereof. In case the Raleigh-Durham Airport Authority shall determine that condemnation of real property is necessary for airport purposes, it shall have the right to acquire such property within Wake County or Durham County by condemnation proceedings brought in its own name and without the joinder of the City of Raleigh, the City of Durham, the County of Durham or the County of Wake. The condemnation procedure to be followed shall be the procedure set out and contained in Article 9 of Chapter 136 of the General Statutes. In such case, the Raleigh-Durham Airport Authority shall have the same powers, and shall follow the same statutory procedures, in the condemnation of land within Wake County or Durham County for airport purposes as the Board of Transportation does in the condemnation of land under Article 9 of Chapter 136 of the General Statutes for highway purposes. Any pleadings or documents necessary to be served on the Raleigh-Durham Airport Authority in such action may be served upon the Chairman or

Secretary of the Raleigh-Durham Airport Authority or the Airport Director. Title to property so acquired by condemnation shall vest in the Raleigh-Durham Airport Authority; provided, however, that no such real property shall be sold or conveyed by the Raleigh-Durham Airport Authority without the prior approval of the County of Durham, the County of Wake, the City of Durham and the City of Raleigh."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.