

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 855
SENATE BILL 755

AN ACT TO PROVIDE A SITE TO THE UNITED STATES DEPARTMENT OF
ENERGY FOR A SUPERCONDUCTING SUPER COLLIDER.

The General Assembly of North Carolina enacts:

Section 1. Purpose. The General Assembly finds that the acquisition, dedication, and use of the real property authorized to be acquired by this act for the establishment of a superconducting super collider in North Carolina will lead to the educational, scientific, and economic development of the State and its people and hereby declares such acquisition, dedication, and use to serve a public purpose and to be for the benefit of the people of the State.

Sec. 2. Acquisition by the State. The Department of Administration may acquire for a superconducting super collider in fee simple or in any lesser interest including negative easements, in the name of and on behalf of the State of North Carolina, by donation, purchase, or condemnation pursuant to the provisions of G.S. 146-24 and 146-24.1:

- (1) those lands together with any improvements thereon, in Durham, Granville, and Person Counties, determined to be necessary for a site on which to locate and construct a superconducting super collider in accordance with specifications of the Secretary of the United States Department of Energy for the superconducting super collider;
- (2) easements for roads and access to various points to and around the site;
- (3) easements for the purpose of bringing utilities onto the site and for the distribution of utilities to service areas around the site;
- (4) temporary easements to facilitate construction, including easements for temporary roads; and
- (5) off-site locations for the disposition of materials and spoils excavated from the site, and rights-of-way for access to such areas.

The specific location of the real property to be acquired shall be determined by the Governor and the Council of State.

Sec. 3. Acquisition by the United States; reimbursement of expenses. The United States, by condemnation or other judicial proceedings, may acquire title to any tract or parcel of land together with any improvements thereon, in Durham, Granville, and Person Counties, determined to be necessary for a site on which to locate and construct a superconducting super collider in accordance with specifications of the Secretary of the United States Department of Energy for the superconducting super collider.

The State of North Carolina is authorized to reimburse the United States for any and all awards of just compensation that may be made in any such condemnation or judicial proceedings.

Sec. 4. Right of entry. The Department of Administration, the United States Department of Energy, and their agents and contractors, shall have the right to enter upon any lands to make surveys, borings, examinations, and appraisals as may be necessary or required by the United States Department of Energy or the Department of Administration in connection with the selection and acquisition of a site for a superconducting super collider and for easements and other property interests necessary for the purposes of this act. Entry pursuant to this act shall not be a trespass or taking of property. The Department of Administration shall make reimbursement for any damages to real property resulting from activities authorized by this section. Any property owner shall be entitled to bring a civil action in Superior Court of the county in which the real property is located to recover for any such damages for which he has not been reimbursed.

Sec. 5. Agreements with the United States; use of appropriated or donated funds. Notwithstanding the provisions of G.S. 146-36, and with the concurrence of the Council of State, the Governor may enter into any contract, conveyance, or other agreement to acquire for and to convey to the United States of America land or any interest in land, and to do such other acts and things as may be necessary to implement the provisions of this act. In carrying out the provisions of this act, the Department of Administration may use funds which have been or may be appropriated for the acquisition of the site for the superconducting super collider or which may otherwise be authorized or which may have been received from gifts, devises, donations, bequests, or other sources for such purposes.

Sec. 6. Jurisdiction. The Governor and Council of State are authorized to grant concurrent jurisdiction on behalf of the State of North Carolina to the United States of America in those lands in which an interest is held by the United States of America pursuant to this act. The State of North Carolina shall continue to exercise jurisdiction in all lands covered by this act.

Sec. 7. Unused land to State. In the event that the superconducting super collider is not built on land conveyed to the United States by the State for that purpose, or that the scope of the project is so reduced that a portion of the land is not required, title to the property or to an appropriate portion thereof shall revert to the State of North Carolina upon the release of the property by the United States. In the event that the superconducting super collider is not built on land condemned by the United States for that purpose, or that the scope of the project is so reduced that a portion of the land is not required, title to the property or to an appropriate portion thereof shall vest in the State of North Carolina upon the release of the property by the United States.

Sec. 8. The North Carolina Environmental Policy Act of 1971, Article 1 of Chapter 113A of the General Statutes, shall not apply to this act or to any action taken pursuant to this act.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of August, 1987.