

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2015-240
HOUSE BILL 875

AN ACT TO REQUIRE CONSENT OF THE COUNTY BOARD OF COMMISSIONERS IN ASHE AND WATAUGA COUNTY FOR PROPERTY LOCATED IN THOSE COUNTIES BEFORE ANY MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT ACQUIRES BY CONDEMNATION ANY REAL PROPERTY LOCATED IN THE SAME COUNTY AND OUTSIDE THE MUNICIPALITY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-14.5. Consent of board of commissioners necessary before land outside a unit of local government, but within the county where that unit of local government is located, may be condemned by that unit of local government.

(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 city or town, special district, or other unit of local government, whereby the condemnor seeks to acquire property located in the county where the condemnor is located, but outside the corporate limits of the condemnor, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented by resolution, by majority vote of all members of the Board, to the taking.

(b) In addition to the procedure specified in subsection (a) of this section, the following shall indicate proof that the county board of commissioners of the county where the city or town, special district, or other unit of local government is initiating an action of condemnation has consented to the taking, as required by subsection (a) of this section, with no further approval of the county board of county commissioners required:

- (1) The real property subject to the condemnation action is located in a designated urban growth area or zone of the condemning entity that was approved by a prior action of the county board of commissioners.
- (2) The real property subject to the condemnation is located in an extraterritorial jurisdiction area, as defined in G.S. 160A-360, of the condemning entity that was approved by a prior action of the county board of county commissioners.

(c) This section does not apply as to any condemnation of real property by a city or town, special district, or other unit of local government where the property to be condemned is within the corporate limits of that city or town, special district, or other unit of local government."



SECTION 2. This act applies only to Ashe and Watauga counties. This act is effective when it becomes law and applies to condemnations on or after that date.

In the General Assembly read three times and ratified this the 17th day of September, 2015.

s/ Philip E. Berger
President Pro Tempore Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives