

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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SENATE BILL 174

Short Title: Rail Corridor Lease/City of Wilmington. (Public)

Sponsors: Senator Lee (Primary Sponsor).

Referred to: Rules and Operations of the Senate.

March 5, 2015

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE CITY OF WILMINGTON MAY LEASE FROM THE
2 DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A
3 PORTION OF THE FORMER CSX TRANSPORTATION RAIL CORRIDOR WITHIN
4 THE LIMITS OF THAT CITY.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The City of Wilmington and the North Carolina Department of
8 Transportation are authorized to enter into a lease agreement for interim public recreation use
9 of that portion of the Department's interest in the portion of the right-of-way of the former CSX
10 Transportation corridor known as the Wilmington Downtown Lead from its intersection with
11 3rd Street to its intersection with McRae Street, provided that all of the following conditions
12 are met:

- 13 (1) The City of Wilmington will examine title to the real property comprising
14 the above described portion of rail corridor and identify all persons owning
15 an interest in the real property comprising the rail corridor portion to be
16 leased.
17 (2) All persons owning an interest in the real property comprising the rail
18 corridor portion to be leased will be parties to the lease.
19 (3) The City of Wilmington has requested use of the portion of the rail corridor
20 described in this act for interim public recreational trail use and agrees in
21 writing to assume all development costs as well as management, security,
22 and liability responsibilities as defined by the Department of Environment
23 and Natural Resources and the Department of Transportation.
24 (4) The Department of Transportation determines that there will not likely be a
25 need to resume active rail service in the leased portion of the rail corridor for
26 at least 10 years.
27 (5) The lease agreement allowing trail use includes terms for resumption of
28 active rail use which will assure unbroken continuation of the corridor's
29 perpetual use for railroad purposes and interim compatible uses.
30 (6) Use of the rail corridor or portions thereof as a recreational trail does not
31 interfere with the ultimate transportation purposes of the corridor as
32 determined by the Department of Transportation.

33 **SECTION 2.** This act is effective when it becomes law.

