

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 725
HOUSE BILL 887

AN ACT TO GRANT THE POWER OF EMINENT DOMAIN AND THE
AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR
WATERSHED IMPROVEMENT PROGRAMS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Onslow County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed five cents (5¢) on each one hundred dollar (\$100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. Article 2 of Chapter 139 of the General Statutes is hereby amended by adding a new Section, appropriately numbered, to read as follows:

"G. S. 139- _____. Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have power to acquire by condemnation any interest in land needed in carrying out the purposes of Chapter 139 of the General Statutes.

(b) This power may be exercised after completion of the following procedures:

(1) The district shall make application to the committee identifying the land sought to be condemned and state the purposes for which said land is needed;

(2) The committee shall find that the land is sought to be acquired for a proper district purpose and certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies, for recordation in the special proceedings docket.

(c) The findings of the committee shall be conclusive in the absence of fraud notwithstanding any other provision of law.

(d) The subsequent procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in Article 2 of Chapter 40 of the General Statutes, as the same may be amended from time to time.

(e) Interest in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district may deem best and if, in the opinion

of the trustees, such lands should be sold, leased or rented, the trustees may do so subject to the approval of the committee.

(f) For purposes of this Section, the following special definitions of terms shall apply:

(1) The term "interest in land" means any land, right of way, right of access, privilege, easement, or other interest in or relating to land. Said term includes an interest in land held for public uses or purposes and is not in actual use therefor. Said term also includes an interest in land owned or held as right of way by a public utility company, except that of railroad companies, provided that the operation of such utility company may not be impaired unreasonably thereby.

(2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof: by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(3) "Committee" means the State Soil and Water Conservation Committee."

Sec. 2 1/2. Article 3 of Chapter 139 of the General Statutes is hereby amended by adding a new Section, appropriately numbered, to read as follows:

"G. S. 139- _____. Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article 3 of Chapter 139 of the General Statutes, or by special Act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by Section 2 of this Act (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district."

Sec. 3. This Act shall apply to Onslow County.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.