

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1122
Second Edition Engrossed 6/19/92

Short Title: Cabarrus Condemnation.

(Local)

Sponsors: Senator Hartsell

Referred to: Local Government and Regional Affairs.

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTY OF CABARRUS TO CONDEMN CERTAIN
PROPERTY OF PRIVATE CONDEMNORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-5(b) reads as rewritten:

"(b) Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(a), (b) or (c) may condemn the property of a private condemnor if the condemnor shows that (i) if such the property is not in actual public use or use, (ii) the property is not necessary to the operation of the business of the owner, or (iii) the taking would not unreasonably impair or restrict the use of the property. Unless otherwise provided by statute a condemnor listed in G.S. 40A-3(b) or (c) may condemn the property of a condemnor listed in G.S. 40A-3(b) or (c) if the property proposed to be taken is not being used or held for future use for any governmental or proprietary purpose."

Sec. 2. G.S. 40A-42(c) reads as rewritten:

"(c) If the property is owned by a private condemnor, the vesting of title in the condemnor and the right to immediate possession of the property shall not become effective until the superior court has rendered final judgment (after any appeals) that (i) the property is not in actual public use or use, (ii) the property is not necessary to the operation of the business of the owner, or (iii) the taking of the property would not unreasonably impair or restrict the use of the property, as set forth in G.S. 40A-5(b)."

Sec. 3. This act applies to Cabarrus County only.

Sec. 4. This act is effective upon ratification and expires July 1, 1995.