

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 903
SENATE BILL 998

AN ACT TO CREATE THE SANFORD-LEE COUNTY REGIONAL AIRPORT
AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created an airport authority to be known as the "Sanford-Lee County Regional Airport Authority" which shall be a body politic and corporate. The said authority shall be composed of six members, three appointed by the Board of Commissioners for the County of Lee and three by the Board of Aldermen of the City of Sanford. The said members shall be allowed a reasonable compensation as determined by the joint action of the Board of Aldermen of the City of Sanford and the Board of Commissioners for the County of Lee, and shall be paid actual expenses incurred in the transaction of business at the instance of the authority; provided, however, that no full-time employee or elected member of either the Board of Aldermen of the City of Sanford or the board of Commissioners of the County of Lee shall be paid for his or her services in connection with said authority, but shall be entitled only to reimbursement of actual expenses.

Sec. 2. The members appointed as set forth above shall serve at the pleasure of their respective appointing Board. The authority shall determine its own organization and shall annually at its first meeting in July of each calendar year elect its officers who shall serve for a term of one year, or until their successors are elected and qualify. Officers shall be eligible to succeed themselves in office and to serve consecutive terms at the will of the members of the authority.

Sec. 3. (a) The authority shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

- (1) To sue and be sued in the name of the airport authority, and all pleadings served upon the airport authority shall be served on the chairperson or secretary of the airport authority.
- (2) To expend funds appropriated from time to time by the County of Lee and the City of Sanford, jointly or severally, for airport purposes and to appropriate and expend funds received by the authority from fees, charges, rents, and dues arising out of the operation of said airport, the facilities, improvements, and concessions located thereat or operated thereon.
- (3) To establish, construct, control, lease, maintain, improve, operate, and regulate an airport on lands acquired by it with buildings necessary to accommodate all types of business to operate an airport, runways, taxi

ramps, parking ramps, and any equipment to operate an airport, to have complete authority for rules and regulations over all airport property for the control of all types of vehicular traffic, mobile or stationary, and pedestrian traffic with respect to areas or roadways not under the control of the Department of Transportation and any rules and regulations adopted by the airport authority for property exclusively under its control and to have conjunctive authority to work with and cooperate with all duly constituted law enforcement agencies to enforce rules and regulations established by the State of North Carolina. The penalty for violation of rules and regulations established by the airport authority shall be a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days. All rules and regulations so adopted by the airport authority shall be recorded by delivering true copies thereof certified by the chairperson and secretary of the authority to the City of Sanford and the County of Lee.

- (4) For the public use or benefit the authority shall possess the power of eminent domain and may acquire by purchase, gift, or condemnation, any property in Lee County only for the purpose of establishing, extending, enlarging, or improving an airport. The Sanford-Lee County Regional Airport Authority is hereby declared to be a local public condemnor under the provisions of Chapter 40A of the General Statutes and in exercising the powers of eminent domain shall follow the procedures of Article 3 of Chapter 40A. Title to the property and the right of immediate possession shall vest pursuant to subsection (a) of G.S. 40A-42. If property acquired by condemnation shall have a burial ground or graveyard then it shall be lawful for said airport authority after 30 days notice to the surviving spouse, or the next of kin of the deceased buried therein, or the person in control of such graves, if any are known, to remove the body interred therein and reinter the same in some cemetery in the same county. If no surviving spouse or next of kin or person in control can be found, then the airport authority can advertise for four consecutive weeks in a newspaper published in Lee County of the intended removal of said gravesite and the removal shall be conducted under the supervision of the Clerk of the Superior Court for Lee County or his or her representative, and the expense of such removal shall be borne by the airport authority. The airport authority may dispose of any real or personal property belonging to it according to the procedures described in Chapter 160A, Article 12.
- (5) To lease for a term of 20 years and for purposes not inconsistent with airport purposes or usage, real or personal property or both, under the supervision of or administered by the airport authority.

- (6) To contract with persons, firms, or corporations for terms not to exceed 20 years, for the operation of passenger and freight flights, scheduled or nonscheduled, and any other plane or flight activities not inconsistent with airport operations and to charge and collect reasonable fees, charges, and rents for the use of such property, and services rendered in the operation thereof.
- (7) To operate, own, control, regulate, lease, or grant to others the license to operate amusements or concessions for a term not exceeding 20 years.
- (8) To enter into contracts, and with the prior written approval of the County of Lee and the City of Sanford, to pledge as security the property of the airport authority; provided, however, that neither the airport authority nor the individual members thereof shall have any authority to pledge the credit of or contract for the County of Lee or the City of Sanford, or any combination thereof. With the prior written consent of the County of Lee and the City of Sanford, the airport authority shall be authorized to pledge any lease agreement to which it is a party as security for any loan.
- (9) To adopt and use a seal.
- (10) To contract with the Federal Aviation Administration of the United States of America or with the State of North Carolina or with any of the agencies or representatives of either of said governmental bodies relating to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities, or both.

(b) The Sanford-Lee County Regional Airport Authority shall enjoy governmental immunity, however, the authority may contract to insure itself and any of its officers, agents, or employees against liability for wrongful death or negligence or intentional damage to persons or property or against absolute liability for damage to persons or property caused by an act or omission of the authority or of any of its officers, agents, or employees when acting within the scope of their authority and the course of their employment. The members of the authority shall determine what liabilities and what officers, agents, and employees shall be covered by any insurance purchased pursuant to this provision.

Purchase of insurance pursuant to this provision waives the authority's governmental immunity to the extent of insurance coverage, for any act or omission occurring in the exercise of a governmental function. By entering into an insurance contract with the authority, an insurer waives any defense based upon the governmental immunity of the authority.

If the authority has waived its governmental immunity pursuant to the foregoing provisions of this section, any person, or if he dies, his personal representative, sustaining damages as a result of an act or omission of the authority or any of its officers, agents, or employees occurring in the exercise of a governmental function, may sue the authority for recovery of damages. To the extent of the coverage of insurance purchased pursuant to this section governmental immunity may not be a

defense to the action. Otherwise, however, the authority has all defenses available to private litigants in any action brought pursuant to these provisions without restriction, limitation, or other effect whether the defense arises from common law or by virtue of a statute.

Sec. 4. The Sanford-Lee County Regional Airport Authority may exercise the powers granted to municipalities by the terms of Article 6, Chapter 63 of the General Statutes of North Carolina concerning public airports and related facilities. Nothing in this act shall give the authority to condemn land or establish an airport outside the boundaries of Lee County.

Sec. 5. In the event of cessation of the operation of an airport established under this act, or the abandonment of any of the property acquired hereunder for airport purposes, the title to such real or personal property, or rights under any existing lease shall revert to and vest in the County of Lee and the City of Sanford, and upon the sale of any property after cessation of operations, the proceeds therefrom shall vest equally in the County of Lee and the City of Sanford.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 9th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives