

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 826\*  
Second Edition Engrossed 4/30/97

Short Title: School Board "Quick Take".

(Public)

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Sponsors: Senator Miller.

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Referred to: Finance.

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April 14, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN  
PROCEEDINGS BY SCHOOL BOARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 40A-42(a) reads as rewritten:

"(a) When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a municipal or county board of education or any combination of those boards is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41."

Section 2. G.S. 115C-517 reads as rewritten:

**"§ 115C-517. Acquisition of sites.**

1       Local boards of education may acquire suitable sites for schoolhouses or other school  
2 facilities either within or without the local school administrative unit; but no school may  
3 be operated by a local school administrative unit outside its own boundaries, although  
4 other school facilities such as repair shops, may be operated outside the boundaries of the  
5 local school administrative unit. Whenever any such board is unable to acquire or enlarge  
6 a suitable site or right-of-way for a school, school building, school bus garage or for a  
7 parking area or access road suitable for school buses or for other school facilities by gift  
8 or purchase, condemnation proceedings to acquire same may be instituted by such board  
9 under the provisions of Chapter 40A of the General Statutes, including the rights and  
10 procedures pursuant to G.S. 40A-42, et seq., and the determination of the local board of  
11 education of the land necessary for such purposes shall be conclusive. A local board  
12 shall not initiate a proceeding under G.S. 40A-42(a) unless the action is approved by a  
13 resolution adopted by the board of county commissioners."

14               Section 3. This act is effective when it becomes law.