

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE DRH10148-LBx-97B (3/7)**

Short Title: Oak Island/Caswell/Ocean Isle Condemnations. (Local)

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Sponsors: Representative Stiller.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, AND OCEAN ISLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 40A-3(b1) reads as rewritten:

"(b1) Local Public Condemnors [Modified Provision for Certain Localities]. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.

- 1 (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or  
2 library facilities.
- 3 (6) Constructing, enlarging, or improving city halls, fire stations, office  
4 buildings, courthouse jails and other buildings for use by any  
5 department, board, commission or agency.
- 6 (7) Establishing drainage programs and programs to prevent obstructions  
7 to the natural flow of streams, creeks and natural water channels or  
8 improving drainage facilities. The authority contained in this  
9 subdivision is in addition to any authority contained in Chapter 156.
- 10 (8) Acquiring designated historic properties, designated as such before  
11 October 1, 1989, or acquiring a designated landmark designated as  
12 such on or after October 1, 1989, for which an application has been  
13 made for a certificate of appropriateness for demolition, in pursuance  
14 of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part  
15 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is  
16 appropriate.
- 17 (9) Opening, widening, extending, or improving public wharves.
- 18 (10) Engaging in or participating with other governmental entities in  
19 acquiring, constructing, reconstructing, extending, or otherwise  
20 building or improving beach erosion control or flood and hurricane  
21 protection works, including, but not limited to, the acquisition of any  
22 property that may be required as a source for beach renourishment.
- 23 (11) Establishing access for the public to public trust beaches and  
24 appurtenant parking areas.

25 The board of education of any municipality or county or a combined board may  
26 exercise the power of eminent domain under this Chapter for purposes authorized by  
27 other statutes.

28 The power of eminent domain shall be exercised by local public condemnors under  
29 the procedures of Article 3 of this chapter.

30 This subsection applies only to Carolina Beach, Carteret County, Dare County, and  
31 the Towns of Atlantic Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian  
32 Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach,  
33 Oak Island, Ocean Isle Beach, Pine Knoll Shores, Surf City, Topsail Beach, and  
34 Wrightsville Beach."

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