

02 NCAC 59C .0303 APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN

A county and a watershed district may apply to the commission for approvals to exercise the power of eminent domain. Before the commission will approve an applicant's request to condemn land for a proper purpose, that applicant shall provide the commission the following information at least 30 days prior to a commission hearing:

- (1) a written statement with copies to the division and to the landowners involved, stating the applicant's purpose;
- (2) a resolution adopted by the local Soil and Water Conservation District supporting the acquisition and identifying each parcel by landowner and by specific watershed development site;
- (3) a written statement describing efforts made to secure a property interest in each parcel and a copy of the appraisal;
- (4) a map of the land needed from each specific landowner that shows:
 - (a) the location of the needed land in relation to the specific project site;
 - (b) the location of the needed land in relation to the landowner's total tract;
 - (c) the location of that portion of the land devoted to:
 - (i) the permanent pool;
 - (ii) the flood pool;
 - (iii) other purposes of water storage; if applicable,
 - (iv) the borrow area;
 - (v) the construction work area; and
 - (vi) recreational facilities.

*History Note: Authority G.S. 106-840; 139-4(d);
Eff. September 1, 1982;
Transferred from 15A NCAC 06C .0303 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*