



SENATE BILL 248: Town of Cary/Release Unneeded Easements

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	March 31, 2015
Introduced by:	Sens. Stein, Barringer	Prepared by:	Kelly Tornow
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 248 is a local bill that would (1) allow the Town Council to authorize the City Manager or Deputy City Manager to dispose of water or sewer easements as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town; and (2) exempt the Town from the provisions of Article 12 of Chapter 160A for these dispositions of property.*

[As introduced, this bill was identical to H337, as introduced by Reps. Dollar, Adcock, D. Hall, which is currently in House Local Government.]

CURRENT LAW: City governments generally dispose of real and personal property in accordance with the procedures established by Article 12 of Chapter 160A. Subject to certain limitations, a city can dispose of real property belonging to the city using the following methods:

- Private negotiation and sale
- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction
- Exchange

Real property of any value can be exchanged as permitted by G.S. 160A-271, which provides that a city can exchange real property belonging to the city for other real property if the city receives a full and fair consideration in exchange for its property. Property can only be exchanged pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice.

The use and disposal of city property is generally subject to approval by the city council.

BILL ANALYSIS: Senate Bill 248 would amend the Charter of the Town of Cary to allow the Town Council to authorize the Town Manager or Deputy Town Manager to dispose of water or sewer easements, or similar interests in real property, as part of an exchange for other water and sewer easements or when the easement is no longer needed by the Town.

The bill would also exempt the Town from the general law provisions of Article 12 of Chapter 160A for these dispositions of property.

EFFECTIVE DATE: This act is effective when it becomes law.

