



HOUSE BILL 1084: High Point/City Manager Dispose of Easements.

2017-2018 General Assembly

Committee:	Senate State and Local Government.	If Date:	June 21, 2018
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Reps. Faircloth, Hardister, Quick, Brockman	Prepared by:	Billy R. Godwin
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: House Bill 1084 would amend the Charter of the City of High Point to authorize the city council to delegate to the city manager the authority to dispose of, without council approval, easements no longer needed by the city.

The act would become effective when it becomes law.

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 - G.S.160A-277 and G.S. 160A-279.¹
- Advertisement for sealed bids - G.S.160A-268.
- Negotiated offer, advertisement, and upset bid - G.S. 160A-269.
- Public auction - GS 160A-270.

Real property may also 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: House Bill 1084 would amend the Charter of the City of High Point to:

- Exempt the city from the property disposal provisions of Article 12 of Chapter 160A.
- Authorize the city council to delegate to the city manager the authority to dispose of or exchange, without obtaining council approval for each disposition, the following types of easements when no longer needed by the city: water, sewer, traffic control, drainage, access, sidewalk, greenway, landscape, or utility easements.

EFFECTIVE DATE: The act would become effective when it becomes law.

¹ In limited circumstances, a municipality may, with or without consideration, sell real property through a non-competitive private sale process to volunteer fire departments and rescue squads (G.S.160A-277) and to non-profit entities carrying out a public purpose (G.S. 160A-279).

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