



2019-2020 General Assembly

# SENATE BILL 315: North Carolina Farm Act of 2019-20, Sec. 1: Require Utility Companies to Dispose of Certain Unused Easements Under Certain Circumstances

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<b>Committee:</b>		<b>Date:</b>	October 12, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Chris Saunders
<b>Analysis of:</b>	Sec. 1 of S.L. 2020-18		Staff Attorney

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**OVERVIEW:** *Section 1 of S.L. 2020-18 creates a process by which the underlying fee owner of land encumbered by any easement acquired by a utility company, on which the utility company has not commenced construction within 20 years of the date of acquisition, may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement in exchange for payment by the underlying fee owner of the current fair market value of the easement. If the utility company does not agree that the easement should be terminated, the utility company may request a determination from the Utilities Commission as to whether the easement is necessary or advisable for the utility company's long range needs for the provision of utilities to serve its service area, and whether termination of the easement would be contrary to the interests of the using and consuming public. If the parties cannot reach a mutually agreeable fair market value, the Utilities Commission must request the clerk of superior court in the county where the easement is located to appoint commissioners to determine the fair market value in accordance with the eminent domain valuation process.*

*This section became effective October 1, 2020, and applies to easements acquired on or after that date.*

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