



SENATE BILL 224: San. Dist. Amendment/Property Transfer.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 2, 2022
Introduced by:	Sens. B. Jackson, Sanderson, Nickel	Prepared by:	Brad Krehely Staff Attorney
Analysis of:	PCS to First Edition S224-CSR-N-33		

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 224 would (1) authorize sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities and (2) transfer a portion of the Columbus Correctional Facility to the Columbus County Board of Commissioners. The act would be effective when it becomes law.*

CURRENT LAW AND BILL ANALYSIS:

AUTHORIZE SANITARY DISTRICTS TO CREATE, MAINTAIN, AND OPERATE PARKS AND RECREATION PROGRAMS AND FACILITIES

Sanitary districts are special purpose governments with taxing power and may also apply service charges and rates based upon the benefits derived. [G.S. 130A-55](#) authorizes sanitary districts to acquire, construct, maintain, and operate sewage collection, treatment, and disposal systems, as well as a broad variety of other utilities necessary for the preservation and promotion of public health and sanitary welfare. Sanitary districts are authorized to acquire (either through purchase, condemnation, or otherwise) interests in real property for the purposes of constructing or maintaining the works of the district. In addition, sanitary districts are authorized to acquire real property for the purposes of constructing medical clinics and operating non-profit cemeteries.

Section 1 would authorize sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts would be prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

TRANSFER A PORTION OF THE COLUMBUS CORRECTIONAL FACILITY TO THE COLUMBUS COUNTY BOARD OF COMMISSIONERS

Article 7 of Chapter 146 governs disposition of State property and requires that sales of land owned by the State must be made by the Department of Administration and approved by the Governor and Council of State. Article 16 of Chapter 146 establishes the form of conveyances for State property, and G.S. 146-74 requires proposed conveyances to be submitted to the Governor and Council of State for approval.

Section 2 would require the State of North Carolina to convey to the Columbus County Board of Commissioners, for \$1.00, all its rights, title, and interest in the property located adjacent to Columbus

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Senate 224 PCS

Page 2

Correctional Institution currently leased to Columbus County for use as the Columbus County Agriculture Fairground. The conveyance is subject to a reversionary interest reserved by the State. The property would be conveyed to the Columbus County for so long as it is used for county government purposes.

Section 2 also would provide that the State is conveying the property "as is" "where is" without warranty and subject to any existing easements, covenants, earlier grants to others by the State Property Office or other restrictions of record. The State would not make any representations or warranties concerning the title, boundaries of the property, used of the property, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property would be borne by Columbus County.

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

Kyle Evans, Staff Attorney for the Legislative Analysis Division, contributed to the drafting of this summary.