

§ 160A-894. Acquisition, disposition, or exchange of real property.

(a) [Power to Acquire Property. –] The Authority shall have continuing power to acquire, by gift, grant, devise, exchange, purchase, lease with or without option to purchase, or any other lawful method, including, but not limited to, the power of eminent domain, the fee or any lesser interest in real or personal property for use by the Authority. The Authority may not acquire or take by eminent domain nor by any means, including federal regulatory action, property owned or operated by any Class I railroad, as that term is defined under 49 U.S.C. § 20102 and 49 C.F.R. § 1201.1-1, nor a rail line or rail corridor owned or operated by the United States Department of Defense, nor a rail line owned or operated by the North Carolina Railroad Company or its subsidiaries, without that railroad's consent.

(b) [Other Applicable Law. –] Exercise of the power of eminent domain by the Authority shall be in accordance with Chapter 40A of the General Statutes.

(c) Exchange. – The Authority may exchange any property it acquires for other property usable in carrying out the powers conferred on the Authority and also, upon the payment of just compensation, may remove a building or another structure from land needed for its purposes and reconstruct the structure on another location. The Authority may not use the power of eminent domain to acquire property for exchange.

(d) Site Selection. – In selecting one or more sites for adjoining rail facilities or property for shell or storage buildings, the Authority shall consider comprehensive plans and land-use regulations adopted by local governments and the capability of local governments to provide services as specified in subdivisions (1) through (3) of this subsection. This subsection shall not be construed to require the Authority to comply with any local ordinance, regulation, or plan except as may be otherwise specifically provided by federal or State law, regulation, or rule. Plans, regulations, and capabilities to be considered are:

- (1) Local comprehensive plans, including education, emergency response, law enforcement, water supply, stormwater management, solid waste management, and wastewater treatment.
- (2) Local land use regulations, including appearance, floodplain zoning, subdivision zoning, and watershed protection elements.
- (3) The capability of local governments to provide services and manage growth and development related to the establishment of the rail corridor. (2024-45, s. 19.4(a).)