

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 528
HOUSE BILL 785

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF
MECKLENBURG COUNTY TO ACQUIRE, MAINTAIN, AND IMPROVE
LANDS SUBJECT TO FLOODING.

The General Assembly of North Carolina do enact:

Section 1. Purposes. The powers granted herein shall be exercised for the purposes of (a) preventing or mitigating flood damage to property, whether such damage be from water, silt, collapse due to undermining or weakening of foundations, or otherwise; (b) preserving the capacity of floodways or channels or drainage ways to carry abnormal flows of water in time of flood; (c) preventing encroachments upon or obstructions of floodways or channels or drainage ways which may increase flood heights and thereby cause unnecessary property damage or personal injury; (d) preventing or mitigating the dangers to health created by flooding, whether regular or occasional; or (e) any combination of such purposes.

Sec. 2. Powers. For any or all of the purposes set forth in Section 1, the Board of County Commissioners of Mecklenburg County may exercise the following powers:

(a) Acquire by purchase, condemnation pursuant to the provisions of Article II of Chapter 40 of the General Statutes of North Carolina, gift, grant, bequest, devise, lease, or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right, of or to any real property within the county where it finds such acquisition necessary or appropriate to achieve the purposes of this Act;

(b) Acquire the fee to any such property for the purpose of conveying or leasing said property back to its original owner or other person under such covenants, other contractual arrangements, or deed restrictions, as will limit the future use of the property in accordance with the purpose of this Act; provided, that where such action is taken, the property may be conveyed back to its original owner but to no other person by private sale;

(c) Use and maintain any such property which has been thus acquired for any public purpose within the county's powers and not inconsistent with the purposes stated in Section 1;

(d) Make improvements on any such property which has been thus acquired for any public purpose within the county's powers and not inconsistent with the purposes stated in Section 1;

(e) Enter into and carry out contracts with the State or Federal government or any agency thereof under which said government or agency grants financial or other assistance to the county in furtherance of the purposes of this Act;

(f) Accept assistance or funds which may be granted by the State or Federal government or any agency thereof in furtherance of the purposes of this Act, whether or not such assistance or funds are granted pursuant to a contract, and agree to and comply with any reasonable conditions which are imposed upon such grant; expend any funds thus granted.

Sec. 3. Appropriations. Authority to levy taxes:

(a) The board of county commissioners is authorized, in its discretion, to appropriate and spend funds derived from taxes levied pursuant to the provisions of this Act, nontax funds, or both for the purposes set out in this Act.

(b) Notwithstanding any constitutional limitation or limitation provided by any general or special law, a special tax not to exceed five cents (5¢) on the one hundred dollars (\$100.00) valuation of taxable property may be levied by the board of county commissioners for the special purposes set out in this Act, provided that the levy of such taxes shall be approved by a majority of the qualified voters of the county who shall vote on the question of levying such taxes in an election held for such purposes. The board of county commissioners is authorized to call elections on the question of levying taxes as herein provided and any such election shall be held in the same manner as elections held under the provisions of Article 9 of Chapter 153 of the General Statutes, the County Finance Act.

Sec. 4. Powers Granted Herein Supplementary. The powers granted to the board of county commissioners by this Act shall be deemed supplementary to any powers heretofore or hereafter granted them by special or local statute for the same or a similar purpose, and not in substitution thereof.

Sec. 5. If any Section, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, clause, or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.