



**REDEVELOPMENT COMMISSION
EMINENT DOMAIN**

The following provides a summary of these responsibilities.

Eminent Domain is the power of government to take private property for public use upon the payment of just compensation.

Condemnation is the procedure used to take the property without the owner's consent.

NCGS 160A-512 lists the powers of redevelopment commissions. One of the powers is:

Within its area of operation to purchase, obtain options on, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest thereon, necessary or incidental to a redevelopment project.

Additionally, NCGS 40A-3 provides that a redevelopment commission is a public condemner that has the power of eminent domain and the ability to acquire property by purchase, gift, or condemnation.

The procedure for exercising the power of eminent domain is provided by Article 3 of Chapter 40A of the North Carolina General Statutes.

The amount of just compensation to be paid to the owner is determined in accordance with the provisions of Article 4 of Chapter 40A of the North Carolina General Statutes. The measure is the fair market value. This amount is determined either by a judge, jury, or commissioners appointed by the Clerk or Court pursuant to a request by either the condemner or the property owner.

The philosophy should be that the power of eminent domain is used after all reasonable efforts of negotiation to acquire the property by voluntary agreement have failed.