



CHAPTER 40A
ARTICLE 6 - CONDEMNATION OF PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT

N.C.G.S. § 40A-84.

Compensation for condemnation.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 03:34 UTC	80d7210b7937c9b35f42f78d - 9791488b0ae957ed12764f32 - 958010c61a31ebb8

In any action to condemn property encumbered by a conservation easement, the court shall determine just compensation pursuant to Article 4 of this Chapter or in accordance with Chapter 136 of the General Statutes, as applicable, by first determining the value of the property taken as a whole, unencumbered by the conservation easement, as well as any other, separately owned interest in the property. The court shall allocate the just compensation award between or among any holders of the conservation easement and any owners of the property as provided by the easement agreement or, if the agreement fails to address the issue, as the judge finds equitable based upon evidence to include the opinion of a real estate valuation expert with experience in the valuation of conservation easements. Any party may demand trial by jury on the issue of total just compensation for the taking. (2009-439, s. 1.)

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APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 40A-84 (2026).

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