

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1224**

Short Title: State Nat. & Hist. Preserve Removals. (Public)

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Sponsors: Senators Horton; and Stevens.

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Referred to: Agriculture/Environment/Natural Resources.

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May 20, 2004

A BILL TO BE ENTITLED  
AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND  
HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM  
THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE  
ENVIRONMENTAL REVIEW COMMISSION.

Whereas, Section 5 of Article XIV of the Constitution of North Carolina authorizes the dedication of State and local government properties as part of the State Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of the members of each house of the General Assembly and provides for removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly; and

Whereas, the General Assembly enacted the State Nature and Historic Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the conditions and procedures under which properties may be specifically dedicated for the purposes set out in Section 5 of Article XIV of the Constitution of North Carolina; and

Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the State Parks System upon authorization by the General Assembly; Now, therefore, The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-260.10 reads as rewritten:

**"§ 143-260.10. Components of State Nature and Historic Preserve.**

The following are components of the State Nature and Historic Preserve accepted by the North Carolina General Assembly pursuant to G.S. 143-260.8:

- (1) All lands and waters within the boundaries of the following units of the State Parks System as of 6 May 2003: Baldhead Island State Natural Area, Bay Tree Lake State Park, Beech Creek Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp State Natural Area, Elk Knob State Natural Area, Fort Fisher State

1 Recreation Area, Fort Macon State Park, Goose Creek State Park,  
 2 Gorges State Park, Hammocks Beach State Park, ~~Hemlock Bluffs State~~  
 3 ~~Natural Area~~, Jones Lake State Park, Lake James State Park, Lake  
 4 Norman State Park, Lake Waccamaw State Park, Lea Island State  
 5 Natural Area, Lumber River State Park, Medoc Mountain State Park,  
 6 Merchants Millpond State Park, Mitchells Millpond State Natural  
 7 Area, Mount Mitchell State Park, Occoneechee Mountain State  
 8 Natural Area, Pettigrew State Park, Pilot Mountain State Park, Raven  
 9 Rock State Park, Run Hill State Natural Area, Singletary Lake State  
 10 Park, Theodore Roosevelt State Natural Area, and Weymouth  
 11 Woods-Sandhills Nature Preserve.

12 ...

13 (18) All land and waters within the boundaries of Hemlock Bluffs State  
 14 Natural Area as of May 6, 2003, with the exception of the following  
 15 tracts: The portion of that certain tract or parcel of land at Hemlock  
 16 Bluffs State Natural Area in Wake County, Swift Creek Township,  
 17 described in Deed Book 2461, Page 037, containing 2,025 square feet  
 18 and being the portion of this tract shown as proposed R/W on the  
 19 drawing prepared by Titan Atlantic Group entitled "Right of Way  
 20 Acquisition Map for Town of Cary Widening of Kildaire Farm Road  
 21 (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3  
 22 bearing the preparer's file name Town of Cary Case File No. TOC  
 23 01-37, dated 26 September 2003, and filed with the State Property  
 24 Office; and the portion of those certain tracts or parcels of land at  
 25 Hemlock Bluffs State Natural Area in Wake County, Swift Creek  
 26 Township, described in Deed Book 4670, Page 420, containing 24,092  
 27 square feet and being the portion of these tracts shown as proposed  
 28 R/W on the drawing prepared by Titan Atlantic Group entitled "Right  
 29 of Way Acquisition Map for Town of Cary Widening of Kildaire Farm  
 30 Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3  
 31 bearing the preparer's file name Town of Cary Case File No. TOC  
 32 01-37, dated 26 September 2003, and filed with the State Property  
 33 Office. The tracts excluded from the State Nature and Historic  
 34 Preserve under this subdivision are deleted from the State Parks  
 35 System pursuant to G.S. 113-44.14. The State of North Carolina may  
 36 only exchange this land for other land for the expansion of Hemlock  
 37 Bluffs State Natural Area or sell this land and use the proceeds for that  
 38 purpose. The State may not otherwise sell or exchange this land."

39 **SECTION 2.** The following tracts of land are removed from the State Nature  
 40 and Historic Preserve pursuant to Section 5 of Article XIV of the Constitution of North  
 41 Carolina: The portion of that certain tract or parcel of land at Hemlock Bluffs State  
 42 Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461,  
 43 Page 037, containing 2,025 square feet and being the portion of this tract shown as  
 44 proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way

1 Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from  
2 Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of  
3 Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State  
4 Property Office; and the portion of those certain tracts or parcels of land at Hemlock  
5 Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed  
6 Book 4670, Page 420, containing 24,092 square feet and being the portion of these  
7 tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled  
8 "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road  
9 (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's  
10 file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed  
11 with the State Property Office.

12 **SECTION 3.** The following tract is removed from the State Parks System  
13 pursuant to G.S. 113-44.14: The portion of that certain tract or parcel of land at Pilot  
14 Mountain State Park in Surry County, Shoals Township, described in Plat Book 21,  
15 Page 76, containing 104.280 acres, and shown as the "Horne Creek Living Historical  
16 Park" on the drawing prepared by Joe L. Cooke, bearing the preparer's file name Dwg.  
17 3/330, dated 23 March 2004, and filed with the State Property Office. This property  
18 may be reallocated to the Department of Cultural Resources for its use of the property  
19 as the Horne Creek Farm State Historic Site. This property will remain in the State  
20 Nature and Historic Preserve.

21 **SECTION 4.** In accordance with G.S. 143-260.8(e), the Secretary of State is  
22 directed to forward a certified copy of this act to the register of deeds of each county in  
23 which any portion of the property removed by this act as part of the State Nature and  
24 Historic Preserve is located.

25 **SECTION 5.** This act is effective when it becomes law.