

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 819
House Committee Substitute Favorable 7/10/03**

Short Title: Use of State Prop./Blount St. Historic Dist.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE
2 BLOUNT STREET HISTORIC DISTRICT.
3

4 Whereas, the North Carolina Capital Planning Commission adopted a master
5 plan for the State government complex in Raleigh; and

6 Whereas, recommendations in the master plan for the Blount Street Historic
7 District include: (i) the introduction of residential land uses, (ii) infill along Blount
8 Street with structures equal to the quality of existing structures, (iii) the systematic
9 removal of most State offices from the existing structures, and (iv) the adaptive reuse
10 for private residences of structures previously used for State office space; and

11 Whereas, implementation of the master plan will result in (i) the moving of
12 State offices to more efficient structures, (ii) the preservation of historical structures and
13 the historic district, and (iii) the revitalization of the area consistent with the principles
14 of smart growth development; and

15 Whereas, the adaptation of property in this area to mixed residential and
16 business use should be accomplished by the private sector and not by State government;
17 Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** Modification of the Capital Area Master Plan to provide for
20 the sale of certain properties. – Prior to May 1, 2004, the Department of Administration
21 and the Capital Planning Commission shall modify the Capital Area Master Plan for
22 State Government to provide for the sale to private or public entities of State-owned
23 properties within and adjacent to the Blount Street Historic District, an area bordered by
24 North Person Street, Jones Street, North Wilmington Street, and Peace Street, except for
25 the Governor's Mansion, the Archives and History Building, the State Records Center,
26 the Bath Building, and the Leonidas Lafayette Polk House, which shall be excluded
27 from the sales provisions hereof. The Department of Administration is authorized to sell
28 any such property pursuant to Chapter 146 of the General Statutes, and such sale shall

1 take place at the time the Department determines that a property is no longer needed for
2 State purposes and that it is in the best interest of the State to sell that property.

3 **SECTION 1.(b)** Preservation or conservation agreements required on all
4 sales. – The sale of property in this area shall be subject to preservation or conservation
5 agreements as defined in G.S. 121-35 that ensure that the use of the property is
6 consistent with the historic and architectural character of the district.

7 **SECTION 1.(c)** Procedures for the sale of properties. – Due to (i) the
8 significant architectural, archaeological, artistic, cultural, or historical associations of
9 these properties, (ii) the properties' relationship to other property that is significant for
10 architectural, archaeological, artistic, cultural, or historical associations, and (iii) the
11 requirement that a preservation agreement or conservation agreement as defined in G.S.
12 121-35 is placed in the deed conveying said property from the State, these properties
13 shall be sold by private negotiation and sale, and all such sales shall be approved by the
14 State Property Office.

15 Property sold pursuant to this act shall be sold in accordance with the
16 procedures set forth in G.S. 146-27 through G.S. 146-29.

17 **SECTION 1.(d)** Funds to implement the sales process. – Of the funds
18 available to the Department of Administration, the Department may use up to three
19 hundred thousand dollars (\$300,000) to implement the provisions of this act.

20 **SECTION 2.** Use of the net proceeds of sales. – The net proceeds of any
21 sale made in accordance with this act shall be handled in the following priority order:

- 22 (1) In accordance with the provisions of any trust or other instrument of
23 title under which title to the real property was acquired by the State.
24 The term "net proceeds" means the gross amount received from the
25 sale of any such property less any expenses incurred incident to that
26 sale, subject to regulations adopted by the Governor and approved by
27 the Council of State.
- 28 (2) To reimburse the Department of Administration for any funds
29 expended pursuant to Section 1(d) of this act.
- 30 (3) The remainder not needed under subdivisions (1) and (2) of this
31 section shall be placed in the General Fund.

32 **SECTION 3.(a)** Establishment of the Blount Street Historic District
33 Oversight Committee. – The Blount Street Historic District Oversight Committee is
34 established in the Office of the Governor.

35 **SECTION 3.(b)** Membership of the Committee. – The Committee shall
36 consist of eight members appointed as follows:

- 37 (1) The State Historic Preservation Officer, or a person designated by that
38 officer, ex officio.
- 39 (2) Two members appointed by the Governor, one of whom shall be a
40 person with experience in urban planning.
- 41 (3) Two members appointed by the President Pro Tempore of the Senate,
42 one of whom shall be a person with experience in historic
43 preservation.

1 (4) Two members appointed by the Speaker of the House of
2 Representatives, one of whom shall be a resident of Historic Oakwood
3 in Raleigh.

4 (5) One member, appointed by the Mayor of the City of Raleigh.

5 In making initial appointments to the Committee, the appointing officers shall
6 designate one appointee to serve for a term of four years ending July 1, 2007, and one
7 appointee to serve a term of six years ending July 1, 2009. Subsequent terms shall be for
8 four years. A member shall continue to serve until the member's successor is appointed.
9 A vacancy resulting from the resignation of a member or otherwise shall be filled in the
10 same manner in which the original appointment was made, and the term shall be for the
11 balance of the unexpired term.

12 In making all appointments, the appointing officer shall consider the unique
13 historic and architectural nature of the area and shall appoint people who are dedicated
14 to preserving it.

15 The Governor may remove any member of the Committee from office in
16 accordance with the provisions of G.S. 143B-16.

17 A majority of the Committee shall constitute a quorum for the transaction of
18 business. The Governor shall appoint the chair and vice-chair from among the
19 Committee's membership. The State Historic Preservation Officer shall serve as
20 secretary of the Committee. The members of the Committee shall serve without pay and
21 without expense allowance.

22 **SECTION 3.(c)** Purpose of the Committee. – The purpose of the Committee
23 shall be to monitor the implementation of this act.

24 **SECTION 4.** Implementation plan for this act. – Prior to September 1, 2004,
25 the Department of Administration shall submit to the Blount Street Historic District
26 Oversight Committee a plan for the implementation of this act and a schedule for
27 implementation of the plan. The plan may provide for the sale of property in separate
28 parcels or in its entirety.

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