

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30423-RI-11 (03/02)

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

Sponsors: Representatives England and Walend (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF
3 THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN
4 LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO
5 RE-DESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE
6 PARK, AND TO RE-DESIGNATE DISMAL SWAMP STATE NATURAL AREA
7 AS DISMAL SWAMP STATE PARK.

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

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

18 Whereas, over 20,350 acres have been added to the State Parks System since
19 the last dedication and acceptance of properties as part of the State Nature and Historic
20 Preserve pursuant to a petition of the Council of State dated 1 May 2007; and

21 Whereas, in accordance with G.S. 143-260.8, on 1 May 2007 the Council of
22 State voted to petition the General Assembly to enact a law pursuant to Section 5 of
23 Article XIV of the Constitution of North Carolina to dedicate and accept properties
24 added to the State Parks System and designated in the petition for inclusion as parts of
25 the State Nature and Historic Preserve; and

1 Whereas, as a part of its petition of 1 May 2007, the Council of State also
2 requested the General Assembly to remove certain properties from the State Nature and
3 Historic Preserve; and

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

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

8 "**§ 143-260.10. Components of State Nature and Historic Preserve.**

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

11 (1) All lands and waters within the boundaries of the following units of
12 the State Parks System as of ~~6 May 2003~~ 1 May 2007: Baldhead
13 Island State Natural Area, Bay Tree Lake State Park, Beech Creek Bog
14 State Natural Area, Bullhead Mountain State Natural Area, Bushy
15 Lake State Natural Area, Carolina Beach State Park, Carvers Creek
16 State Park, Chimney Rock State Park, Cliffs of the Neuse State Park,
17 Chowan Swamp State Natural Area, Dismal Swamp State ~~Natural~~
18 ~~Area, Park~~, Elk Knob State ~~Natural Area, Park~~, Fort Fisher State
19 Recreation Area, Fort Macon State Park, Goose Creek State Park,
20 Gorges State Park, Haw River State Park, Hammocks Beach State
21 Park, Jones Lake State Park, ~~Lake James State Park~~, Lake Norman
22 State Park, Lake Waccamaw State Park, Lea Island State Natural Area,
23 Lower Haw River State Natural Area, Lumber River State Park, Mayo
24 River State Park, Medoc Mountain State Park, Merchants Millpond
25 State Park, Mitchells Millpond State Natural Area, Mount Mitchell
26 State Park, Mountain Bog State Natural Area, Occoneechee Mountain
27 State Natural Area, Pettigrew State Park, Pilot Mountain State Park,
28 Raven Rock State Park, Run Hill State Natural Area, Sandy Run
29 Savannas State Natural Area, Singletary Lake State Park, Theodore
30 Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature
31 Preserve.

32 (2) All lands and waters within the boundaries of William B. Umstead
33 State Park as of ~~6 May 2003~~ 1 May 2007 with the exception of Tract
34 Number 65, containing 22.93140 acres as shown on a survey prepared
35 by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled
36 "Property of The State of North Carolina William B. Umstead State
37 Park", dated January 14, 1977 and filed in the State Property Office,
38 which was removed from the State Nature and Historic Preserve by
39 Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded
40 from the State Nature and Historic Preserve under this subdivision is
41 deleted from the State Parks System in accordance with
42 G.S. 113-44.14. The State of North Carolina may only exchange this
43 land for other land for the expansion of William B. Umstead State Park

1 or sell and use the proceeds for that purpose. The State of North
2 Carolina may not otherwise sell or exchange this land.

3 (3) Repealed by Session Laws 1999-268, s. 2.

4 (4) All lands within the boundaries of Morrow Mountain State Park as of
5 ~~6 May 2003~~ 1 May 2007 with the exception of the following tract:
6 That certain tract or parcel of land at Morrow Mountain State Park in
7 Stanly County, North Albemarle Township, containing 0.303 acres,
8 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on
9 a map dated August 27, 1988, and filed in the State Property Office,
10 reference to which is hereby made for a more complete description.

11 (5) Repealed by Session Laws 1999-268, s. 2.

12 (6) All land within the boundaries of Crowders Mountain State Park as of
13 ~~6 May 2003~~ 1 May 2007 with the exception of the following
14 ~~tracts:~~tracts. The tracts excluded from the State Nature and Historic
15 Preserve under this subdivision are deleted from the State Parks
16 System in accordance with G.S. 113-44.14. The State of North
17 Carolina may only exchange this land for other land for the expansion
18 of Crowders Mountain State Park or sell this land and use the proceeds
19 for that purpose. The State may not otherwise sell or exchange this
20 land.

21 a. The portion of that certain tract or parcel of land at Crowders
22 Mountain State Park in Gaston County, Crowders Mountain
23 Township, described in Deed Book 1939, page 800, and
24 containing 757.28 square feet and as shown in a survey by
25 Tanner and McConnaughey, P.A. dated July 22, 1988 and filed
26 in the State Property Office. ~~The portion of that certain tract or~~
27 ~~parcel of land at Crowders Mountain State Park in Cleveland~~
28 ~~County, Number Four Township, described in Deed Book 1286,~~
29 ~~Page 85, and containing 1.64 acres as shown on the drawing~~
30 ~~prepared by the Division of Parks and Recreation entitled~~
31 ~~"Property to Be Excepted Crowders Mountain State Park" dated~~
32 ~~14 April 2003, and filed in the State Property Office. The tracts~~
33 ~~excluded from the State Nature and Historic Preserve under this~~
34 ~~subdivision are deleted from the State Parks System in~~
35 ~~accordance with G.S. 113-44.14. The State of North Carolina~~
36 ~~may only exchange this land for other land for the expansion of~~
37 ~~Crowders Mountain State Park or sell this land and use the~~
38 ~~proceeds for that purpose. The State may not otherwise sell or~~
39 ~~exchange this land.~~

40 b. The portion of that certain tract or parcel of land at Crowders
41 Mountain State Park in Gaston County, east of and including
42 the right-of-way along and across Old Peach Orchard Road, as
43 shown in a survey by the City of Gastonia, File No. 400-194,

- 1 dated November 23, 1998, and filed in the State Property
2 Office.
- 3 (7) All lands owned in fee simple by the State within the boundaries of
4 New River State Park as of ~~6 May 2003~~, 1 May 2007.
- 5 (8) All lands and waters within the boundaries of Stone Mountain State
6 Park as of ~~6 May 2003~~ 1 May 2007 with the exception of the following
7 tracts: The portion of that certain tract or parcel of land at Stone
8 Mountain State Park in Wilkes County, Traphill Township, described
9 as parcel 33-02 in Deed Book 633-193, and more particularly
10 described as all of the land in this parcel lying to the west of the
11 eastern edge of the Air Bellows Road, as shown on the National Park
12 Service Land Status Map 33 dated March 24, 1981 and filed in the
13 State Property Office, containing approximately 72 acres; ~~and the~~
14 ~~portion of that certain tract or parcel of land at Stone Mountain State~~
15 ~~Park in Alleghany County, Cherry Lane Township, described in Deed~~
16 ~~Book 219, Page 543, and more particularly described as all of the land~~
17 ~~in this parcel lying north of the new division line on the survey by~~
18 ~~Andrews and Hobson Surveyors dated August 15, 2000, and entitled~~
19 ~~"Property Exchange Agreement for State of North Carolina & the~~
20 ~~United States of America", and filed in the State Property Office.~~ acres.
21 The ~~tract~~ tract excluded from the State Nature and Historic Preserve
22 under this subdivision ~~are~~ is deleted from the State Parks System in
23 accordance with G.S. 113-44.14.
- 24 (9) All lands and waters located within the boundaries of the following
25 State Historic Sites as of ~~6 May 2003~~: 1 May 2007: Alamance
26 Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett
27 Place, Bentonville Battleground, Brunswick Town/Fort Anderson,
28 C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins
29 Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs,
30 Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm,
31 House in the Horseshoe, North Carolina Transportation Museum,
32 James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville,
33 State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites
34 & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe
35 Memorial.
- 36 (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15,
37 2001.
- 38 (12) All lands and waters located within the boundaries of Hanging Rock
39 State Park as of ~~6 May 2003~~ 1 May 2007 with the exception of the
40 following tract: The portion of that tract or property at Hanging Rock
41 State Park in Stokes County, Danbury Township, described in Deed
42 Book 360, Page 160, for a 30-foot wide right-of-way beginning
43 approximately 183 feet south of SR 1001 and extending in a southerly
44 direction approximately 1,479 feet to the southwest corner of the

1 Bobby Joe Lankford tract and more particularly shown on a survey
2 entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes
3 County, N.C.", by Grinski Surveying Company, dated June 1985, and
4 filed in the State Property Office. The tract excluded from the State
5 Nature and Historic Preserve under this subdivision is deleted from the
6 State Parks System in accordance with G.S. 113-44.14.

7 (13) All lands and waters located within the boundaries of South Mountains
8 State Park as of ~~6 May 2003~~ 1 May 2007 with the exception of the
9 following tracts. The tracts excluded from the State Nature and
10 Historic Preserve under this subdivision are deleted from the State
11 Parks System in accordance with G.S. 113-44.14.

12 a. ~~The portion of that tract or property at South Mountains State~~
13 ~~Park in Burke County, Lower Creek Township, described in~~
14 ~~Deed Book 862, Page 1471, required for the right of way and~~
15 ~~easements for the relocation of SR 1904 within the park and~~
16 ~~lying generally between the Rutherford Electric Membership~~
17 ~~Corporation right of way and the southern property boundary of~~
18 ~~the park, as described in the drawing entitled "Survey for State~~
19 ~~of North Carolina", dated January 28, 1999, prepared by Suttles~~
20 ~~Surveying, P.A., bearing the preparer's file name 12455.dwg~~
21 ~~and filed in the State Property Office. The State of North~~
22 ~~Carolina may only exchange this land for other land for the~~
23 ~~expansion of South Mountains State Park or sell this land and~~
24 ~~use the proceeds for that purpose. The State may not otherwise~~
25 ~~sell or exchange this land.~~

26 b. ~~The portion of those certain tracts or parcels of land at South~~
27 ~~Mountains State Park in Burke County, Lower Creek~~
28 ~~Township, described in Deed Book 925, Page 1284, and Deed~~
29 ~~Book 870, Page 1729 required for the right of way and~~
30 ~~easements for the relocation of SR 1904 within the Park and~~
31 ~~shown on the drawing prepared by Suttles Surveying P.A.~~
32 ~~entitled "Survey of the Proposed Centerline of the New Road~~
33 ~~Alignment for the State of North Carolina" bearing the~~
34 ~~preparer's file name 12455D.dwg, dated 10 April 2003, and~~
35 ~~filed in the State Property Office. The State of North Carolina~~
36 ~~may only exchange this land for other land for the expansion of~~
37 ~~South Mountains State Park or sell this land and use the~~
38 ~~proceeds for that purpose. The State may not otherwise sell or~~
39 ~~exchange this land.~~

40 c. The portions of land at South Mountains State Park that lie
41 south of the centerline of the CCC road as shown on the
42 drawing entitled "Land Trade between South Mountains State
43 Park and Adjacent Game Lands along CCC Road" prepared by
44 the Division of Parks and Recreation, dated March 15, 1999,

1 and filed in the State Property Office and that lie within: (i) the
2 tract or property in Burke County, Lower Fork Township,
3 described in Deed Book 495, Page 501; (ii) the tract or property
4 in Burke County, Lower Fork and Upper Fork Townships,
5 described in Deed Book 715, Page 719; or, (iii) within the tracts
6 or property in Burke County, Upper Fork Township, described
7 in Deed Book 860, Page 341, and Deed Book 884, Page 1640.
8 The State of North Carolina may only exchange this land for
9 other land for the expansion of South Mountains State Park or
10 sell this land and use the proceeds for that purpose. The State
11 may not otherwise sell or exchange this land.

12 d. ~~The portion of that certain tract or parcel of land at South~~
13 ~~Mountains State Park in Burke County, Morganton Township,~~
14 ~~described in Deed Book 28, Page 607, Deed Book 28, Page~~
15 ~~467, and Plat Book 3, Page 78, and containing 0.33 acres as~~
16 ~~shown on the drawing prepared by Hawkins Land Surveying~~
17 ~~entitled "Subdivision for Trustees of Walker Top Baptist~~
18 ~~Church" dated 26 September 2001, and filed with the State~~
19 ~~Property Office. The State may transfer this property to the~~
20 ~~Trustees of Walker Top Baptist Church to be used for church~~
21 ~~purposes. The instrument transferring this property shall~~
22 ~~provide that the State retains a possibility of reverter and shall~~
23 ~~provide that, in the event that the Walker Top Baptist Church~~
24 ~~ceases to use the property for church purposes, the property~~
25 ~~shall revert to the State. The State may not otherwise sell or~~
26 ~~exchange the property.~~

27 (14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.

28 (15) All lands and waters within the boundaries of Jockey's Ridge State
29 Park as of ~~6 May 2003~~ 1 May 2007 with the exception of the following
30 tracts: The portion of those certain tracts or parcels of land at Jockey's
31 Ridge State Park in Dare County, Nags Head Township, described in
32 Deed Book 227, Page 499, and Deed Book 227, Page 501, and
33 containing 33,901 square feet as shown on the survey prepared by
34 Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's
35 Ridge State Park" dated March 7, 2001, and filed in the State Property
36 Office; the portion of that certain tract or parcel of land at Jockey's
37 Ridge State Park in Dare County, Nags Head Township, described in
38 Deed Book 222, Page 726, and containing 42,909 square feet as shown
39 on the survey prepared by Styons Surveying Services entitled "Raw
40 Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001,
41 and filed in the State Property Office; and the portion of that certain
42 tract or parcel of land at Jockey's Ridge State Park in Dare County,
43 Nags Head Township, described in Deed Book 224, Page 790, and
44 Deed Book 224, Page 794, and containing 34,471 square feet as shown

1 on the survey prepared by Styons Surveying Services entitled "Raw
2 Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001,
3 and filed in the State Property Office.

- 4 (16) All lands and waters located within the boundaries of Mount Jefferson
5 State Natural Area as of ~~6 May 2003~~, 1 May 2007. With respect to the
6 communications tower site on the top of Mount Jefferson and located
7 on that certain tract or parcel of land at Mount Jefferson State Natural
8 Area in Ashe County, West Jefferson Township, described in Deed
9 Book F-3, Page 94, the State may provide space at the communications
10 tower site to State public safety and emergency management agencies
11 for the placement of antennas, repeaters, and other communications
12 devices for public communications purposes. Notwithstanding
13 G.S. 146-29.2, the State may lease space at the communications tower
14 site to local governments in Ashe County for the placement of
15 antennas, repeaters, and other communications devices for public
16 communications purposes. State agencies and local governments that
17 are authorized to place communications devices at the communications
18 tower site pursuant to this subdivision may also locate at or near the
19 communications tower site communications equipment that is
20 necessary for the proper operation of the communications devices. The
21 use of the communications tower site pursuant to this subdivision is
22 authorized by the General Assembly as a purpose other than the public
23 purposes specified in Article XIV, Section 5, of the North Carolina
24 Constitution, Article 25B of Chapter 143 of the General Statutes, and
25 Article 2C of Chapter 113 of the General Statutes.

- 26 (17) All lands and waters within the Eno River State Park as of ~~6 May~~
27 ~~2003~~ 1 May 2007 with the exception of the following tract: The portion
28 of that certain tract or parcel of land at Eno River State Park in
29 Durham County, Durham Outside Township, described in Deed Book
30 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square
31 feet and being the portion of Lot No. 2 shown as the existing scenic
32 easement hereby removed on the drawing prepared by Sear-Brown
33 entitled "Recombination Plat Eno Forest Subdivision" bearing the
34 preparer's file name 00-208-07.dwg, and filed with State Property
35 Office. The tract excluded from the State Nature and Historic Preserve
36 under this subdivision is deleted from the State Parks System pursuant
37 to G.S. 113-44.14. The State of North Carolina may only exchange this
38 land for other land for the expansion of Eno River State Park or sell
39 this land and use the proceeds for that purpose. The State may not
40 otherwise sell or exchange this land.

- 41 (18) All land and waters within the boundaries of Hemlock Bluffs State
42 Natural Area as of ~~6 May 2003~~, 1 May 2007, with the exception of the
43 following tracts: The portion of that certain tract or parcel of land at
44 Hemlock Bluffs State Natural Area in Wake County, Swift Creek

1 Township, described in Deed Book 2461, Page 037, containing 2,025
2 square feet and being the portion of this tract shown as proposed R/W
3 on the drawing prepared by Titan Atlantic Group entitled "Right of
4 Way Acquisition Map for Town of Cary Widening of Kildaire Farm
5 Road (SR 1300) from Autumgate Drive to Palace Green sheet 1 of 3
6 bearing the preparer's file name Town of Cary Case File No. TOC
7 01-37, dated 26 September 2003, and filed with the State Property
8 Office; and the portion of those certain tracts or parcels of land at
9 Hemlock Bluffs State Natural Area in Wake County, Swift Creek
10 Township, described in Deed Book 4670, Page 420, containing 24,092
11 square feet and being the portion of these tracts shown as proposed
12 R/W on the drawing prepared by Titan Atlantic Group entitled "Right
13 of Way Acquisition Map for Town of Cary Widening of Kildaire Farm
14 Road (SR 1300) from Autumgate Drive to Palace Green sheet 3 of 3
15 bearing the preparer's file name Town of Cary Case File No. TOC
16 01-37, dated 26 September 2003, and filed with the State Property
17 Office. The tracts excluded from the State Nature and Historic
18 Preserve under this subdivision are deleted from the State Parks
19 System pursuant to G.S. 113-44.14. The State of North Carolina may
20 only exchange this land for other land for the expansion of Hemlock
21 Bluffs State Natural Area or sell this land and use the proceeds for that
22 purpose. The State may not otherwise sell or exchange this land

23 (19) All lands and waters within the boundaries of Lake James State Park
24 as of 1 May 2007, with the exception of the following tracts:

25 a. The portion of that certain tract or parcel of land at Lake James
26 State Park containing 13.85 acres, and being 100 feet to the east
27 and 150 feet to the west of a centerline shown on a survey by
28 Witherspoon Surveying PLLC, dated February 9, 2007, and
29 filed in the State Property Office. The State of North Carolina
30 may grant a temporary easement to Duke Energy Corporation
31 across this tract to facilitate the Catawba Dam Embankment
32 Seismic Stability Improvements Project. The grant of the
33 easement within Lake James State Park to Duke Energy
34 Corporation under this sub-subdivision constitutes authorization
35 by the General Assembly that the described tract of land may be
36 used for a purpose other than the public purposes specified in
37 Article XIV, Section 5, of the North Carolina Constitution,
38 Article 25B of Chapter 143 of the General Statutes, and Article
39 2C of Chapter 113 of the General Statutes. The State of North
40 Carolina may use the proceeds from the easement only for the
41 expansion or improvement of Lake James State Park or another
42 State park. The State may not otherwise sell or exchange this
43 land.

1 b. The portion of that certain tract or parcel of land at Lake James
2 State Park in McDowell County, Nebo Township, described in
3 Deed Book 377, Page 423, and also shown as Tract B on the
4 plat of survey prepared by Kenneth D. Suttles, RLS, dated
5 December 4, 1987, entitled "Lake James State Park," Sheet 1 of
6 2, recorded in Plat Book 4, Page 275 of the McDowell County
7 Registry, for a 40-foot right-of-way beginning at the southwest
8 corner of Tract B and continuing along the southern boundary S
9 86 38' 51" E for 400 feet to the now or former John D. Walker
10 property. The State of North Carolina may grant an easement
11 across this tract to extinguish prescriptive easements on Tract B
12 to improve management of the State park property. The State
13 may not otherwise sell or exchange this land. The easement
14 excluded from the State Nature and Historic Preserve under this
15 subdivision is deleted from the State Parks System pursuant to
16 G.S. 113-44.14."

17 **SECTION 2.** This act becomes effective on 1 July 2007 only if the Council
18 of State acts in the manner set out in the fourth and fifth whereas clauses that precede
19 this act.