

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 986\*  
Committee Substitute Favorable 6/27/07**

Short Title: Butner Incorporation.

(Public)

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Sponsors:

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Referred to:

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March 26, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER  
3 CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH  
4 CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY  
5 INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING  
6 CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Findings and Purpose. The General Assembly finds as follows:

- 9 (1) The Camp Butner reservation is administered by the Secretary of the  
10 Department of Health and Human Services (hereinafter "Secretary") in  
11 accordance with the provisions of Article 6 of Chapter 122C of the  
12 General Statutes (the Camp Butner reservation is variously referred to,  
13 in whole or in part, as the Camp Butner reservation, the Town of  
14 Butner, and the Community of Butner and in this act shall be referred  
15 to as the "Butner Reservation").
- 16 (2) The Department of Health and Human Services (hereinafter  
17 "Department") has long operated the Town of Butner with the  
18 Secretary or the Secretary's designee acting as the de facto mayor of  
19 the Town of Butner.
- 20 (3) The operation of the Town of Butner is not a core function of the  
21 Department, and the Department's mission would not be negatively  
22 impacted by the incorporation of the Town of Butner.
- 23 (4) The utilities were transferred to the South Granville Water and Sewer  
24 Authority ("SGWASA") pursuant to the provisions of Session Law  
25 2006-159 which also provides that SGWASA shall pay to the  
26 Department a sum, indexed to inflation, as set out in that legislation to  
27 support the operations of the Butner Reservation including the Town  
28 of Butner.

- 1 (5) The citizens of the Town of Butner currently also pay a tax authorized  
2 by Section 1 of Chapter 830 of the 1983 Session Laws of twenty-five  
3 cents (25¢) per one hundred dollars (\$100.00) valuation of all real and  
4 personal property to the Butner Public Safety Division of the  
5 Department of Crime Control and Public Safety.
- 6 (6) The customers of the utility have paid for water and sewer over the  
7 years, and those payments have also financed the operations of the  
8 Town of Butner.
- 9 (7) Certain personal property has been purchased by the Department for  
10 use in operating the Butner Reservation and that personal property  
11 traditionally used primarily for the benefit of the portion of the Butner  
12 Reservation to be incorporated should be transferred by the State to the  
13 newly incorporated Town of Butner.

14 **SECTION 1.1.** A Charter for the Town of Butner is enacted to read:

15 "CHARTER OF THE TOWN OF BUTNER.

16 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

17 "Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town  
18 of Butner are a body corporate and politic under the name 'Town of Butner.' The Town  
19 of Butner has all the powers, duties, rights, privileges, and immunities conferred and  
20 imposed on cities by the general laws of North Carolina.

21 "ARTICLE II. CORPORATE BOUNDARIES.

22 "Section 2.1. **Town Boundaries.** Until modified in accordance with law, the  
23 boundaries of the Town of Butner are as shown on a map produced June 12, 2007, by  
24 the Granville County Tax Department, and kept on file in the Butner City Hall, the  
25 Granville County Planning Department, and in the office of the Granville County Board  
26 of Elections. The area within said boundaries shall be in the Town of Butner and in no  
27 other municipality.

28 "Section 2.2. **Extraterritorial Jurisdiction.** Until modified in accordance with law,  
29 the extraterritorial jurisdiction of the Town of Butner under G.S. 160A-360 shall be as  
30 shown on a map produced June 12, 2007, by the Granville County Tax Department and  
31 kept on file in the Butner Town Hall, the Granville County Planning Department, and in  
32 the office of the Granville County Board of Elections.

33 "Section 2.3. **Restrictions on Annexation as to Creedmoor.**

34 (a) The Town of Butner may not annex under Article 4A of Chapter 160A of the  
35 General Statutes any territory not shown in its corporate limits or extraterritorial  
36 jurisdiction on the map produced June 12, 2007, by the Granville County Tax  
37 Department and kept on file in the Butner Town Hall, the Granville County Planning  
38 Department, and the Granville County Board of Elections located east of the centerline  
39 of Cash Road and south of Interstate 85 without first receiving approval of the City of  
40 Creedmoor Board of Commissioners.

41 (b) For a period of five years following the effective date of the incorporation of  
42 the Town of Butner, the Town of Butner may not involuntarily annex under Part 2 or 3  
43 of Article 4A of Chapter 160A of the General Statutes any territory not shown in its  
44 corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007 by the

1 Granville County Tax Department and kept on file in the Butner Town Hall, the  
2 Granville County Planning Department, and the Granville County Board of Elections  
3 located west of the center line of Cash Road and South of Interstate 85 without first  
4 receiving approval of the City of Creedmoor Board of Commissioners."

5 "Section 2.4. **Restrictions on Annexation and Extraterritorial Jurisdiction as to**  
6 **the City of Durham.**

7 (a) Notwithstanding the provisions of G.S. 160A-58.1(b)(2) and provided the  
8 remainder of the requirements of Part 4 of Article 4A of Chapter 160A of the General  
9 Statutes are met, the City of Durham may annex by satellite annexation pursuant to  
10 G.S. §160A-58.1, or any successor statute, any territory in Durham County that is closer  
11 to the primary corporate limits of the Town of Butner than to the primary corporate  
12 limits of the City of Durham. This subsection shall also be considered as part of the  
13 Charter of the City of Durham.

14 (b) In addition to any other requirements of law, the Town of Butner may not  
15 annex under Article 4A of Chapter 160A of the General Statutes any territory in  
16 Durham County, or exercise extraterritorial authority under Article 19 of Chapter 160A  
17 of the General Statutes in Durham County, without first receiving approval of the City  
18 of Durham, as evidenced by a resolution or ordinance adopted by the City Council.

19 (e) The Town of Butner shall not request any changes in this section of the  
20 Charter without first receiving approval of the City of Durham, as evidenced by a  
21 resolution or ordinance adopted by the City Council."

22 "ARTICLE III. GOVERNING BODY.

23 "Section 3.1. **Structure of the Governing Body; Number of Members.** The  
24 governing body of the Town of Butner shall be the Town Council, which shall have six  
25 members.

26 "Section 3.2. **Temporary Officers.** (a) Until January 1, 2008, Edgar Smoak is  
27 appointed Mayor. At its first regular meeting in December, 2007, the Butner Town  
28 Council shall choose from among its membership a Mayor to serve from January 1,  
29 2008 through December 31, 2008. At its first regular meeting in December, 2008 the  
30 Butner Town Council shall choose from among its membership a Mayor to serve from  
31 January 1, 2009 through the organizational meeting after the initial election of 2009.

32 (b) Until the organizational meeting after the initial election of 2009 provided for by  
33 Article IV of this Charter, Vicky Cates, Christine Emory, Linda Jordan, Tom Lane,  
34 Elbert Oakely, Jr., and John Wimbush are appointed members of the Town Council of  
35 the Town of Butner. Edgar Smoak is appointed to the Butner Town Council to serve  
36 from January 1, 2008 through the organizational meeting after the initial election of  
37 2009 to fill the vacancy caused by a member of the Town Council being chosen as  
38 Mayor. The person chosen from the council to serve as Mayor from January 1, 2008  
39 through December 31, 2008 is appointed to the Butner Town Council to serve from  
40 January 1, 2009 through the organizational meeting after the initial election of 2009.

41 (c) If any person named in this section is unable to serve, the remaining named  
42 members of the Town Council shall, by majority vote, appoint a person to serve until  
43 the initial election is held.

1 "Section 3.3. **Manner of Electing Council; Term of Office.** The qualified voters of  
2 the entire Town shall elect members of the Town Council from the Town at large. The  
3 three members elected in 2009 who receive the highest number of votes shall serve  
4 four-year terms and the three members elected in 2009 who receive the next highest  
5 number of votes shall serve two-year terms. All members elected in 2011 and thereafter  
6 shall serve four-year terms. To be eligible for election to the Town Council, an  
7 individual must reside in the Town of Butner. Vacancies on the Town Council shall be  
8 filled in accordance with G.S. 160A-63.

9 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified  
10 voters of the entire Town shall elect the Mayor in 2009 and biennially thereafter for a  
11 term of two years. The Mayor shall attend and preside over meetings of the Town  
12 Council, shall advise the Town Council from time to time as to the matters involving the  
13 Town of Butner, and only shall have the right to vote as a member of the Town Council  
14 on matters before the Town Council when his or her vote is necessary to break a tie.

15 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**

16 (a) The person serving as vice-chairman of the Butner Advisory Council on the day  
17 before the effective date of incorporation shall serve as the Mayor Pro Tempore until  
18 January 1, 2008. In December of 2007, the members of the Butner Town Council shall  
19 select a Mayor Pro Tempore from the membership of the Town Council to serve from  
20 January 1, 2008 through December 31, 2008. In December of 2008, the members of the  
21 Butner Town Council shall select a Mayor Pro Tempore from the membership of the  
22 Town Council to serve from January 1, 2009 until the organizational meeting after the  
23 2009 municipal election.

24 (b) At the organizational meeting after the initial election in November 2009, and  
25 biennially thereafter, the Mayor Pro Tempore shall be elected from among the members  
26 of the Town Council and shall serve for a term of two years.

27 (c) The Mayor Pro Tempore shall act both in the absence or disability of the Mayor.  
28 If the Mayor and the Mayor Pro Tempore are both absent from a meeting of the Town  
29 Council, the members of the Town Council present may elect a temporary chairman to  
30 preside in the absence. The Mayor Pro Tempore shall have the right to vote on all  
31 matters before the Town Council and shall be considered a member of the Town  
32 Council for all purposes.

33 "Section 3.6. **Compensation of Mayor and Town Council.** Compensation of the  
34 Mayor and members of the Town Council shall be fixed by the Town Council pursuant  
35 to the provisions of G.S. 160A-64.

#### 36 "ARTICLE IV. ELECTIONS.

37 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a  
38 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

39 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with  
40 Chapter 163 of the General Statutes, except that the first election is to be held on the  
41 statewide date for municipal elections in November 2009.

42 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda  
43 may be held only as provided by general law or applicable local acts of the General  
44 Assembly.

1 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

2 "Section 5.1. **Form of Government.** The Town shall operate under the  
3 Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General  
4 Statutes.

5 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

6 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those  
7 taxes and fees authorized by general law.

8 "Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the  
9 Town of Butner shall be subject to municipal taxes levied for the fiscal year beginning  
10 July 1, 2007, and, for that purpose, the Town shall obtain from Granville County a  
11 record of the property in the area herein incorporated that was listed for taxes as of  
12 January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008  
13 without following the timetable in the Local Government Budget and Fiscal Control Act  
14 but shall follow the sequence of actions in the spirit of the Act insofar as is practical.  
15 For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within  
16 90 days of adoption of the budget ordinance and thereafter in accordance with the  
17 schedule in G.S. 106-360 as if the taxes had been due and payable on September 1,  
18 2007.

19 "ARTICLE VII. ORDINANCES.

20 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of  
21 Butner is authorized to adopt such ordinances as the Town Council deems necessary for  
22 the governance of the Town.

23 "ARTICLE VIII. MISCELLANEOUS.

24 "Section 8.1. **Conflicts of Interest.** Business shall be conducted in accordance with  
25 G.S. 14-234 and in accordance with other applicable statutes.

26 "Section 8.2. **Provision of Services and Administration of Functions.** The Town  
27 Council may enter into agreements with other governmental bodies and private  
28 enterprises for the provision of services and the administration of corporate functions in  
29 order to provide the services and administer the functions in the most efficient and  
30 cost-effective manner."

31 "Section 8.3. **Shared Revenues.** For the purpose of allocation of state and local  
32 shared revenues during the 2007-2008 fiscal year, including sales tax and Powell Bill  
33 funds, the Town of Butner shall be considered to have been incorporated on June 30,  
34 2007.

35 **SECTION 2.** The incorporation of the Town of Butner by Section 1 of this  
36 act and the remaining provisions of this act satisfy the requirement of Section 2(c) of  
37 Session Law 2006-159 that the majority of the functions of the Department performed  
38 at the Butner Reservation are assumed by a municipal corporation organized pursuant to  
39 the laws of the State of North Carolina.

40 **SECTION 3.(a)** The Governor shall convey to the incorporated Town of  
41 Butner on or before September 1, 2007, all right, title, and interest in all of the personal  
42 property used by the Department for the benefit of that portion of the Reservation to be  
43 incorporated by this bill in the operation of the Town of Butner including tools,

1 vehicles, lawn mowers, backhoe loaders, and files specific to the operation of the newly  
2 incorporated Town of Butner including, but not limited to, the following:

- 3 (1) 1992 Ford Truck, VIN number 1FTEF14Y6NLA85717;
- 4 (2) 2002 Ford F-250, VIN number 1FTNW21F42EC18905;
- 5 (3) 2003 Ford F-250, VIN number 1FTNX21P33EEC90069;
- 6 (4) 2003 Ford F-250, VIN number 1FTNX21PX3EC90070;
- 7 (5) 2003 Ford F-250, VIN number 1FTNX21P13EC90071;
- 8 (6) 2007 International Dump Truck, VIN number  
9 1HTWAAAN17J408280;
- 10 (7) Texas Bragg Utility Trailer, number 17XFP1011V1976244;
- 11 (8) Hardee Trailer Tandem, number 1H9ET2148LLD59020;
- 12 (9) 2007 Hudson 9-ton trailer, number 10HHTDID171000022;
- 13 (10) Toro 16HP walk behind mower model 30182, number 30182-690886;
- 14 (11) John Deere Z-TRAK Riding Mower, number TC0777B021014;
- 15 (12) Ford Model 1710 T22 Tractor with mower, number UL11130;
- 16 (13) Massey Ferguson MF481-4 tractor, number BP09020;
- 17 (14) Ford/New Holland Model DR655D backhoe/loader, number A430916;
- 18 (15) Bobcat model 743 Skid-steer loader, number 501939197;
- 19 (16) Hyundai Robex R55-7 mini excavator, number M80111802; and
- 20 (17) Such additional equipment used by the Department primarily for the  
21 operation of the Town of Butner as shown on a list of equipment  
22 agreed upon by the Department and the interim governing board of the  
23 Butner Advisory Council and which is on file with the Secretary and  
24 the Chairman of the Butner Advisory Council.

25 **SECTION 3.(b)** On or before December 15, 2007, the Governor shall  
26 convey to the incorporated Town of Butner for use for recreation facilities, the  
27 preservation of open space, and future development all right, title, and interest in the  
28 following real property owned by the State of North Carolina, which property is within  
29 the area to be incorporated as the Town of Butner:

- 30 (1) Granville County Tax Parcel # 086501473006, as shown on that  
31 certain plat recorded at Plat Book 13, Page 122 of the Granville  
32 County Registry and containing 0.6065 acres more or less;
- 33 (2) Granville County Tax Parcel # 086502572428, consisting of 5.79 acres  
34 more or less and more particularly described as a strip of land  
35 approximately 100.00 in width running parallel to the railroad track off  
36 of B Street;
- 37 (3) Granville County Tax Parcel # 086607782896 consisting of 0.54 acres  
38 more or less and more particularly described as Lot 2, 12<sup>th</sup> Street;
- 39 (4) Granville County Tax Parcel # 086607782946, consisting of lot 1 as  
40 shown on that certain plat recorded at Plat Book 12, Page 137 of the  
41 Granville County Registry;
- 42 (5) Granville County Tax Parcel # 086720719052, consisting of lot 6A as  
43 shown on that certain plat recorded at Plat Book 15, Page 23 of the  
44 Granville County Registry;

- 1           (6)    Granville County Tax Parcel # 087610265136, being a water meter  
2           station site approximately 55 feet in length and 25 feet in width off of  
3           Gate 2 Road;  
4           (7)    Granville County Tax Parcel # 087606275755, consisting of lot 5 as  
5           shown on that certain plat recorded at Plat Book 5, Page 25 of the  
6           Granville County Registry;  
7           (8)    Granville County Tax Parcel # 087606276823, consisting of lots 6 and  
8           7 as shown on that certain plat recorded at Plat Book 5, Page 25 of the  
9           Granville County Registry;  
10          (9)    Granville County Tax Parcel # 087606287781, being a small lot  
11          approximately 25.00 feet in width on the southeast end, 27.00 feet in  
12          width on the northwest end, and 155.2 feet in length located off of C  
13          Street;  
14          (10)   Granville County Tax Parcel # 087718217623, consisting of that  
15          portion of the 30 foot alley owned by the State as shown on that  
16          certain plat recorded at Plat Book 3, Page 149 of the Granville County  
17          Registry;  
18          (11)   Granville County Tax Parcel # 087718228382, consisting of lot 22-A  
19          as shown on that certain plat recorded at Plat Book 16, Page 140 of the  
20          Granville County Registry;  
21          (12)   Granville County Tax Parcel # 087718229235, consisting of lot 23-A  
22          as shown on that certain plat recorded at Plat Book 16, Page 140 of the  
23          Granville County Registry;  
24          (13)   Granville County Tax Parcel # 087718320095, consisting of lot 26-A  
25          as shown on that certain plat recorded at Plat Book 17, Page 97 of the  
26          Granville County Registry;  
27          (14)   Granville County Tax Parcel # 086608788472, consisting of lot 13 as  
28          shown on that certain plat recorded at Plat Book 5, Page 127 of the  
29          Granville County Registry;  
30          (15)   Granville County Tax Parcel # 086608785481, consisting of lot 1 as  
31          shown on that certain plat recorded at Plat Book 5, Page 127 of the  
32          Granville County Registry;  
33          (16)   Granville County Tax Parcel # 086608890153, consisting of lot 7 as  
34          shown on that certain plat recorded at Plat Book 7, Page 74 of the  
35          Granville County Registry;  
36          (17)   Granville County Tax Parcel # 086608891250, consisting of lot 8 as  
37          shown on that certain plat recorded at Plat Book 7, Page 74 of the  
38          Granville County Registry;  
39          (18)   Granville County Tax Parcel # 087606396411, consisting of lot 10 as  
40          shown on that certain plat recorded at Plat Book 2, Page 118A of the  
41          Granville County Registry;  
42          (19)   Granville County Tax Parcel # 086615636355, consisting of lot 4 as  
43          shown on that certain plat recorded at Plat Book 4, Page 141 of the  
44          Granville County Registry;

- 1 (20) Granville County Tax Parcel # 086615635235, consisting of lot 5 as  
2 shown on that certain plat recorded at Plat Book 4, Page 141 of the  
3 Granville County Registry;
- 4 (21) Granville County Tax Parcel # 086501487018, consisting of lots 4 and  
5 5 as shown on that certain plat recorded at Plat Book 2, Page 147 of  
6 the Granville County Registry;
- 7 (22) Granville County Tax Parcel # 086501499107, consisting of lots 26  
8 and 27 as shown on that certain plat recorded at Plat Book 2, Page 147  
9 of the Granville County Registry;
- 10 (23) Granville County Tax Parcel # 086604501213, consisting of lots 48  
11 and 49 as shown on that certain plat recorded at Plat Book 2, Page 147  
12 of the Granville County Registry;
- 13 (24) That certain tract or parcel of land identified in the Butner Long-Range  
14 Master Plan dated December 1998 prepared pursuant to Section 4 of  
15 Senate Bill 428, 1997 Session, consisting of 650 acres more or less  
16 located in the southern portion of the study area as described in said  
17 master plan along 'B' Street and west of 12<sup>th</sup>, 5<sup>th</sup>, and 4<sup>th</sup> Street, and  
18 more particularly shown on a map dated March 19, 2007 prepared by  
19 Deborah H. Robertson, Registered Forester, for the North Carolina  
20 Department of Agriculture, a copy of which is on file with the Town of  
21 Butner, the Department of Health and Human Services and the  
22 Department of Agriculture. Upon the disposition of said land by the  
23 Town of Butner, twenty-five percent (25%) of any sales proceeds shall  
24 be retained by the Town of Butner and the remainder of the sales  
25 proceeds, if any, shall be paid to the State Treasurer by the Town for  
26 deposit in a capital improvement account to the credit of the  
27 Department of Health and Human Services as set out in Section 12  
28 hereof. The costs of sale, if any, shall be deducted from the sales  
29 proceeds and shall be allocated between the Town and the Department  
30 based upon each party's share of the sales proceeds;
- 31 (25) That certain tract or parcel of land identified in the Butner Long-Range  
32 Master Plan dated December 1998 prepared pursuant to Section 4 of  
33 Senate Bill 428, 1997 Session, consisting of five acres more or less  
34 located in the central portion of the study area as described in said  
35 master plan along Central Avenue, midway between 'D' Street and 'E'  
36 Street and known as the Gazebo area;
- 37 (26) That certain tract or parcel of land identified in the Butner Long-Range  
38 Master Plan dated December 1998 prepared pursuant to Section 4 of  
39 Senate Bill 428, 1997 Session, consisting of 30 acres more or less  
40 located in the central portion of the study area, between 'F' Street and  
41 'G' Street and from 12<sup>th</sup> Street to Central Avenue; provided, however,  
42 that the State shall retain ownership of the portion of said property  
43 consisting of 7843.45 square feet (0.18 acres) currently leased by the  
44 State to Sprint as shown on that certain map entitled "Site Survey for:



1 Sprint," prepared by Jim Morrow, Professional Land Surveyor and  
2 dated January 9, 2005, and upon which is currently located a cellular  
3 telephone tower. It is further provided that this property shall vest in  
4 the Town of Butner if said property is no longer leased by the State for  
5 use as a communications tower or is no longer used or occupied by the  
6 State for State purposes;

7 (27) That certain tract or parcel of land between 'D' Street and 'E' Street and  
8 from 24<sup>th</sup> Street to 26<sup>th</sup> Street upon which is located that structure  
9 known as the Butner Sports Arena;

10 (28) That certain building and parcel of land known as Granville County  
11 Tax Parcel # 087605091519 located on Central Avenue currently  
12 leased by the Department to the Employment Security Commission;  
13 provided, however, that such transfer shall be subject to the terms of  
14 the existing lease between the Department and the Employment  
15 Security Commission;

16 (29) That certain tract or parcel of land consisting of twenty acres more or  
17 less previously designated for use as a ball field for Town of Butner  
18 and being that portion of a 83.6892 acre tract shown on a survey titled  
19 "Survey for North Carolina Department of Human Resources, Butner,  
20 North Carolina," and dated October 23, 1995 by James R. Wilson,  
21 Registered Land Surveyor lying northeast of the Wake Electric  
22 Management Corporation power line right-of-way as shown on said  
23 map;

24 (30) That certain tract or parcel of land described in Session Law 1997-443  
25 and set aside for the use of the citizens of Butner "until the time . . .  
26 that a permanent local government is established on the Butner  
27 Reservation at which time the land shall be transferred to the local  
28 government." Said tract or parcel of land is more particularly described  
29 in said session law as follows: "Approximately 2 acres, on the east  
30 side it borders Central avenue with a line running along the Wallace  
31 Bradshur property on the north back to the tree line next to the  
32 ADATC. From there it follows a tree line south and west to and  
33 including the softball field. From the softball field it turns east to the  
34 State Employees Credit Union and follows the Credit Union property  
35 on the south side back to Central Avenue." In addition thereto, said  
36 conveyance is intended to include all property owned by the State,  
37 including all alleyways, (except the property occupied by the State  
38 Employees Credit Union) bounded on the south by the above  
39 described softball field, on the north by Central Avenue, on the west  
40 by the property formerly belonging to Wallace Bradsher (now owned  
41 by Ronald Alligood) and on the east by West E Street;

42 (31) That certain portion of the lands owned by the State containing 8.11  
43 acres more or less bordered by G Street, 21<sup>st</sup> Street, Granville Street,

- 1 and that certain parcel of land described in the Granville County tax  
2 records as Granville County Tax Parcel # 086720900028 to the south;
- 3 (32) That certain portion of the lands owned by the State beginning at a  
4 point in the northeast corner of that parcel of land described in the  
5 Granville County tax records as Granville County Tax Parcel #  
6 087717029272 and continuing in a straight line from said point  
7 northeast in a manner parallel to F Street approximately 1,762.64 feet  
8 to a point perpendicular to the southwest corner of the paved surface of  
9 25<sup>th</sup> Street; running thence southeast approximately 227.01 feet to a  
10 point being a common corner between Granville County Tax Parcel #  
11 087713234113, the subject property, and 25<sup>th</sup> Street and running  
12 thence southwest approximately 235.00 feet to a corner, thence  
13 southeast approximately 590.05 feet along the boundaries with  
14 Granville County Tax Parcel numbers 087713234113, 087714235047,  
15 087714225965, 087714226845, and 087714226762; thence southwest  
16 approximately 99.00 feet to a common corner with Granville County  
17 Tax Parcel number 087714225529; thence northwest approximately  
18 225.00 feet to a corner; thence southwest approximately 560.00 feet to  
19 a corner with Granville County Tax Parcel # 087717221306; thence  
20 southeast along a common boundary with Granville County Tax Parcel  
21 # 087717221306 approximately 225.00 feet to a corner with East F  
22 Street; thence southwest approximately 329.00 feet to a common  
23 corner with Granville County Tax Parcel # 087717127160 and East F  
24 Street; thence northwest approximately 225.00 feet to a common  
25 corner with Granville County Tax Parcel # 087717127160; thence  
26 southwest approximately 308.32 feet along Granville County Tax  
27 Parcel numbers 087717127160, 087717126083, and 087717125071 to  
28 a corner; thence northeast approximately 18.00 feet; thence northwest  
29 approximately 354.00 feet to a corner with G Street; thence southeast  
30 approximately 244.00 feet to a common corner with Granville County  
31 Tax Parcel # 087717029272 and G Street; thence northwest  
32 approximately 225.00 feet along the boundary of Granville County  
33 Tax Parcel # 087717029272 to the point and place of beginning  
34 containing 21.9718 acres more or less;
- 35 (33) Granville County Tax Parcel # 086502592083, consisting of 5.34 acres  
36 more or less;
- 37 (34) Granville County Tax Parcel # 086502592311, consisting of 1.07 acres  
38 more or less and more particularly described as Lot 1, West B Street;
- 39 (35) Granville County Tax Parcel # 086604503159, consisting of 0.47 acres  
40 more or less and more particularly described as Lots 48, 49, Block B,  
41 B Street;
- 42 (36) Granville County Tax Parcel # 086604503279, consisting of 0.46 acres  
43 more or less and more particularly described as Lots 50, 51, Block B,  
44 B Street;

- 1 (37) Granville County Tax Parcel # 086604503379, consisting of 0.44 acres  
2 more or less and more particularly described as Lots 52, 53, Block B,  
3 B Street;
- 4 (38) Granville County Tax Parcel # 086604503499, consisting of 0.45 acres  
5 more or less and more particularly described as Lots 54, 55, Block B,  
6 B Street;
- 7 (39) Granville County Tax Parcel # 086604504519, consisting of 0.46 acres  
8 more or less and more particularly described as Lots 56, 57, Block B,  
9 B Street;
- 10 (40) Granville County Tax Parcel # 086604504638, consisting of 0.45 acres  
11 more or less and more particularly described as Lots 58, 59, Block B,  
12 B Street;
- 13 (41) Granville County Tax Parcel # 086604504868, consisting of 0.46 acres  
14 more or less and more particularly described as Lots 62, 63, Block B,  
15 B Street;
- 16 (42) Granville County Tax Parcel # 086604504978, consisting of 0.44 acres  
17 more or less and more particularly described as Lots 64, 65, Block B,  
18 B Street;
- 19 (43) Granville County Tax Parcel # 086604513433, consisting of 0.48 acres  
20 more or less and more particularly described as Lots 72, 73, Block A,  
21 B Street;
- 22 (44) Granville County Tax Parcel # 086604515008, consisting of 0.44 acres  
23 more or less and more particularly described as Lots 66, 67, Block B,  
24 B Street;
- 25 (45) Granville County Tax Parcel # 086604515128, consisting of 0.44 acres  
26 more or less and more particularly described as Lots 68, 69, Block B,  
27 B Street;
- 28 (46) Granville County Tax Parcel # 086604515258, consisting of 0.44 acres  
29 more or less and more particularly described as Lots 70, 71, Block B,  
30 B Street;
- 31 (47) Granville County Tax Parcel # 086604515377, consisting of 0.42 acres  
32 more or less and more particularly described as Lots 72, 73, Block B,  
33 B Street;
- 34 (48) Granville County Tax Parcel # 086604516404, consisting of 0.43 acres  
35 more or less and more particularly described as Lots 74, 75, Block B,  
36 B Street;
- 37 (49) Granville County Tax Parcel # 086604516533, consisting of 0.42 acres  
38 more or less and more particularly described as Lots 76, 77, Block B,  
39 B Street;
- 40 (50) Granville County Tax Parcel # 086604516661, consisting of 0.42 acres  
41 more or less and more particularly described as Lots 78, 79, Block B,  
42 B Street;

- 1 (51) Granville County Tax Parcel # 086604517710, consisting of 0.43 acres  
2 more or less and more particularly described as Lots 80, 81, Block B,  
3 B Street;
- 4 (52) Granville County Tax Parcel # 086604517870, consisting of 0.43 acres  
5 more or less and more particularly described as Lots 82, 83, Block B,  
6 B Street;
- 7 (53) Granville County Tax Parcel # 086604518827, consisting of 0.42 acres  
8 more or less and more particularly described as Lots 84, 85, Block B,  
9 B Street;
- 10 (54) Granville County Tax Parcel # 086604518944, consisting of 0.43 acres  
11 more or less and more particularly described as Lots 86, 87, Block B,  
12 B Street;
- 13 (55) Granville County Tax Parcel # 086604528092, consisting of 0.43 acres  
14 more or less and more particularly described as Lots 88, 89, Block B,  
15 B Street;
- 16 (56) Granville County Tax Parcel # 086604528460, consisting of 0.47 acres  
17 more or less and more particularly described as Lots 94, 95, Block A,  
18 B Street;
- 19 (57) Granville County Tax Parcel # 086604529150, consisting of 0.43 acres  
20 more or less and more particularly described as Lots 90, 91, Block B,  
21 B Street;
- 22 (58) Granville County Tax Parcel # 086604620117, consisting of 0.44 acres  
23 more or less and more particularly described as Lots 92, 93, Block B,  
24 B Street;
- 25 (59) Granville County Tax Parcel # 086604620274, consisting of 0.43 acres  
26 more or less and more particularly described as Lots 94, 95, Block B,  
27 B Street;
- 28 (60) Granville County Tax Parcel # 086604621322, consisting of 0.44 acres  
29 more or less and more particularly described as Lots 96, 97, Block B,  
30 B Street;
- 31 (61) Granville County Tax Parcel # 086604621399, consisting of 0.44 acres  
32 more or less and more particularly described as Lots 98, 99, Block B,  
33 B Street;
- 34 (62) Granville County Tax Parcel # 086615623535, consisting of 1.11 acres  
35 more or less and more particularly described as Lot 100-103, B Street;
- 36 (63) Granville County Tax Parcel # 086615624652, consisting of 0.44 acres  
37 more or less and more particularly described as Lots 104, 105, Block  
38 B, B Street;
- 39 (64) Granville County Tax Parcel # 086615625628, consisting of 0.46 acres  
40 more or less and more particularly described as Lots 106, 107, Block  
41 B, B Street;
- 42 (65) Granville County Tax Parcel # 086615626714, consisting of 0.58 acres  
43 more or less and more particularly described as Lots 108, 109, Block  
44 B, B Street;

- 1 (66) Granville County Tax Parcel # 086612870444, consisting of 0.46 acres  
2 more or less and more particularly described as Lot 3 (Drain Lot), 12<sup>th</sup>  
3 Street;
- 4 (67) Granville County Tax Parcel # 086608870513, consisting of 0.46 acres  
5 more or less and more particularly described as Lot 2, 12<sup>th</sup> Street;
- 6 (68) Granville County Tax Parcel # 086612871305, consisting of 0.46 acres  
7 more or less and more particularly described as Lot 4, 12<sup>th</sup> Street;
- 8 (69) Granville County Tax Parcel # 086608880691, consisting of 0.71 acres  
9 more or less and more particularly described as Lot 19, 13<sup>th</sup> Street;
- 10 (70) Granville County Tax Parcel # 086608880736, consisting of 0.51 acres  
11 more or less and more particularly described as Lot 15, F Street;
- 12 (71) Granville County Tax Parcel # 087717027043, consisting of 0.52 acres  
13 more or less and more particularly described as Lot 13, G Street;
- 14 (72) Granville County Tax Parcel # 086720919453, consisting of 0.51 acres  
15 more or less and more particularly described as Lot 3, G Street;
- 16 (73) Granville County Tax Parcel # 087717010447, consisting of 0.52 acres  
17 more or less and more particularly described as Lot 4, G Street;
- 18 (74) Granville County Tax Parcel # 087717011524, consisting of 0.52 acres  
19 more or less and more particularly described as Lot 5, G Street;
- 20 (75) Granville County Tax Parcel # 087717012600 consisting of 0.52 acres  
21 more or less and more particularly described as Lot 6, G Street;
- 22 (76) Granville County Tax Parcel # 087717012677, consisting of 0.51 acres  
23 more or less and more particularly described as Lot 7, G Street;
- 24 (77) Granville County Tax Parcel # 087717013753, consisting of 0.51 acres  
25 more or less and more particularly described as Lot 8, G Street;
- 26 (78) Granville County Tax Parcel # 087717014739, consisting of 0.51 acres  
27 more or less and more particularly described as Lot 9, G Street;
- 28 (79) Granville County Tax Parcel # 087717015805, consisting of 0.51 acres  
29 more or less and more particularly described as Lot 10, G Street;
- 30 (80) Granville County Tax Parcel # 087717015991, consisting of 0.51 acres  
31 more or less and more particularly described as Lot 11, G Street;
- 32 (81) Granville County Tax Parcel # 087717016967, consisting of 0.50 acres  
33 more or less and more particularly described as Lot 12, G Street;
- 34 (82) Granville County Tax Parcel # 087717028039, consisting of 0.51 acres  
35 more or less and more particularly described as Lot 14, G Street;
- 36 (83) Granville County Tax Parcel # 087717029106, consisting of 0.51 acres  
37 more or less and more particularly described as Lot 15, G Street;
- 38 (84) Granville County Tax Parcel # 087717029272, consisting of 0.51 acres  
39 more or less and more particularly described as Lot 16, G Street;
- 40 (85) Granville County Tax Parcel # 087717110827, consisting of 0.74 acres  
41 more or less and more particularly described as Lot 8, G Street;
- 42 (86) Granville County Tax Parcel # 087717111915, consisting of 0.73 acres  
43 more or less and more particularly described as Lot 7, G Street;

1 (87) Granville County Tax Parcel # 087717122002, consisting of 0.74 acres  
2 more or less and more particularly described as Lot 6, G Street;

3 (88) Granville County Tax Parcel # 087717123009, consisting of 0.74 acres  
4 more or less and more particularly described as Lot 5, G Street; and

5 (89) That portion of the property owned by the State of North Carolina  
6 bordering Lake Holt consisting of ten acres more or less upon which  
7 property is currently located the concession stand/bait shop, enclosed  
8 picnic shelter, boat docks, picnic tables, parking area and other  
9 recreational facilities currently used by the Town of Butner in support  
10 of the recreational use of Lake Holt, together with an easement thereto  
11 across the existing access roads from Old Highway 75 to said  
12 recreational facilities.

13 (90) All other lots, alleyways, and parcels of land one acre or less not  
14 currently occupied by the State of North Carolina.

15 **SECTION 3.(c)** The Town of Butner may dispose of any of the above  
16 described real property by private negotiation and sale and shall specifically be exempt  
17 from the provisions of Article 12, Chapter 160A of the General Statutes.

18 **SECTION 3.(d)** On or before March 15, 2008, the Governor shall convey to  
19 the incorporated Town of Butner for use for recreation, the preservation of open space,  
20 protection of the public drinking water supply, and possible future expansion of Lake  
21 Holt, a perpetual Conservation Easement pursuant to Article 4 of Chapter 121 of the  
22 General Statutes enforceable against the State of North Carolina, without regard to the  
23 defense of sovereign immunity or similar doctrines, in and to all land owned by the  
24 State of North Carolina (except that portion of the hereinafter described land under use  
25 by the National Guard and restricted by a deed provision requiring that said land revert  
26 to the ownership of the United States if not used for military purposes, said National  
27 Guard property being more particularly described at Deed Book 140, Page 236 of the  
28 Granville County Registry) east of Range Road (State Road 1121), south of Roberts  
29 Chapel Road, north of Old Highway 75, and west of Range Road (State Road 1126)  
30 consisting of 1463 acres more or less surrounding the perimeter of Lake Holt as more  
31 particularly described on a map prepared June 18, 2007 by Deborah H. Robertson,  
32 Registered Forester, for the North Carolina Department of Agriculture, a copy of which  
33 is on file with the Town of Butner, the Department of Health and Human Services and  
34 the Department of Agriculture; provided, however, that the State of North Carolina shall  
35 not be restricted in its right to use that portion of the above-referenced property  
36 currently used by the State for the operation of Camp Barham and Camp Eason as long  
37 as such use, which may include the construction of additional improvements, is  
38 consistent with such laws, rules, regulations, and ordinances as are or may be in place  
39 for the protection of the public drinking supply and that said easement shall not be by its  
40 terms inconsistent with the rights given to the South Granville Water and Sewer  
41 Authority in that certain Easement and License Agreement dated December 14, 2006  
42 and recorded at Book 1185, Page 291 of the Granville County Registry. Said easement  
43 shall prohibit all residential, commercial, and industrial uses in the easement area but  
44 shall not limit the State of North Carolina's use of said easement area for agricultural

1 and silvicultural uses, provided said uses are consistent with all laws, rules, regulations,  
2 and ordinances governing said uses. There shall be excepted from the above easement  
3 area that certain tract or parcel of land consisting of 85 acres more or less and labeled  
4 "Proposed NBAF Site" on the above-described map; provided, however, that if said  
5 tract or parcel of land is not selected by the United States Department of Homeland  
6 Security for use in connection with the National Bio and Agro-Defense Facility project  
7 (NBAF Project) within five years of the date hereof, said area shall become subject to  
8 the terms of the easement to be granted. If no deed is recorded within five years in the  
9 Granville County Registry conveying said tract or parcel of land or some part thereof  
10 for use in connection with the above-described project, it shall be conclusively  
11 presumed that said tract or parcel of land or part thereof not so conveyed is subject to  
12 the terms of the easement herein granted. Said easement also shall grant to the South  
13 Granville Water and Sewer Authority and its successors the right to enforce the terms of  
14 the easement related to the protection of the public drinking water supply. The Town of  
15 Butner shall be allowed the continued use, including the expansion and improvement, of  
16 the recreational facilities described in Section 3(b)(89) of this act.

17 **SECTION 3.(e)** The Department of Health and Human Services may  
18 contract with the Town of Butner to provide employees, equipment, and material and  
19 services for a period not to exceed six months after incorporation and to lease property  
20 to the Town of Butner any time after incorporation.

21 **SECTION 3.1.** G.S. 122C-3(3) reads as rewritten:

22 **"§ 122C-3. Definitions.**

23 The following definitions apply in this Chapter:

24 ...

25 (3) "Camp Butner reservation" means the original Camp Butner  
26 reservation as may be designated by the Secretary as having been  
27 acquired by the State and includes not only areas which are owned and  
28 occupied by the State but also those which may have been leased or  
29 otherwise disposed of by the ~~State~~ State, and shall also include those  
30 areas within the municipal boundaries of the Town of Butner and that  
31 portion of the extraterritorial jurisdiction of the Town of Butner  
32 consisting of lands not owned by the State of North Carolina.

33 ...."

34 **SECTION 4.** G.S. 122C-403 reads as rewritten:

35 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

36 The Secretary shall administer the Camp Butner ~~reservation~~ reservation except (i)  
37 those areas within the municipal boundaries of the Town of Butner and (ii) that portion  
38 of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the  
39 State of North Carolina. In performing this duty, the Secretary has the powers listed  
40 below. In exercising these powers the Secretary has the same authority and is subject to  
41 the same restrictions that the governing body of a city would have and would be subject  
42 to if the reservation was a city, unless this section provides to the contrary. The  
43 Secretary may:

- 1 (1) Regulate airports on the reservation in accordance with the powers  
2 granted in Article 4 of Chapter 63 of the General Statutes.
- 3 (2) Take actions in accordance with the general police power granted in  
4 Article 8 of Chapter 160A of the General Statutes.
- 5 (3) Regulate the development of the reservation in accordance with the  
6 powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter  
7 160A of the General Statutes. The Secretary may not, however, grant a  
8 special use permit, a conditional use permit, or a special exception  
9 under Part 3 of that Article. In addition, the Secretary is not required to  
10 notify landowners of zoning classification actions under  
11 G.S. 160A-384, and the protest petition requirements in  
12 G.S. 160A-385, and 160A-386 do not ~~apply.~~ apply, but the Secretary  
13 shall give the mayor of the Town of Butner at least 14 days' advance  
14 written notice of any proposed zoning change. The Secretary may  
15 ~~appoint the Butner Planning Council~~ establish a board consisting of  
16 three or more persons to act like a Board of Adjustment to make  
17 recommendations to the Secretary concerning implementation of plans  
18 for the development of the reservation. When acting as a Board of  
19 Adjustment, ~~the Butner Planning Council~~ that board shall be subject  
20 to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388.
- 21 (4) Establish one or more planning agencies in accordance with the power  
22 granted in ~~G.S. 160A-361 or designate the Butner Planning Council as~~  
23 ~~the planning agency for the reservation.~~ G.S. 160A-361.
- 24 (5) Regulate streets, traffic, and parking on the reservation in accordance  
25 with the powers granted in Article 15 of Chapter 160A of the General  
26 Statutes.
- 27 (6) Control erosion and sedimentation on the reservation in accordance  
28 with the powers granted in G.S. 160A-458 and Article 4 of Chapter  
29 113A of the General Statutes.
- 30 (7) Contract with and undertake agreements with units of local  
31 government in accordance with the powers granted in G.S. 160A-413  
32 and Article 20, Part 1, of Chapter 160A of the General Statutes.
- 33 (8) Regulate floodways on the reservation in accordance with the powers  
34 granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of  
35 the General Statutes.
- 36 (8a) ~~Act on resolutions adopted by the council pursuant to~~  
37 ~~G.S. 122C 413.1(a). If the Secretary approves the resolution, it shall be~~  
38 ~~carried out by the Butner Town Manager. The Secretary shall have no~~  
39 ~~more than 30 days during which to disapprove any recommendation of~~  
40 ~~the council contained in the resolution. Any disapproval shall be in~~  
41 ~~writing, stating the reasons for the disapproval, and shall be returned to~~  
42 ~~the council. If the Secretary does not disapprove a recommendation of~~  
43 ~~the council within the prescribed period, the recommendation shall be~~



1 deemed approved by the Secretary and shall be carried out by the  
2 ~~Butner Town Manager.~~

3 (9) Assign duties given by the statutes listed in the preceding subdivisions  
4 to a local official to the ~~Butner Town Manager.~~Secretary's designee.

5 (9a) ~~Select the Butner Town Manager from the candidates submitted by the~~  
6 ~~council pursuant to G.S. 122C-413.1(b). The Butner Town Manager~~  
7 ~~shall serve at the pleasure of the Secretary. The Secretary shall,~~  
8 ~~through the Butner Town Manager, provide all necessary~~  
9 ~~administrative assistance to the council in carrying out its duties.~~

10 (10) Adopt rules to carry out the purposes of this Article."

11 **SECTION 5.** G.S. 122C-405 reads as rewritten:

12 **"§ 122C-405. Procedure applicable to rules.**

13 Rules adopted by the Secretary under this Article shall be adopted in accordance  
14 with the procedures for adopting a city ordinance on the same subject, shall be subject  
15 to review in the manner provided for a city ordinance adopted on the same subject, and  
16 shall be enforceable in accordance with the procedures for enforcing a city ordinance on  
17 the same subject. Violation of a rule adopted under this Article is punishable as  
18 provided in G.S. 122C-406.

19 Rules adopted under this Article may apply to part or all of the Camp Butner  
20 ~~reservation.~~reservation, except those areas within the municipal boundaries of the  
21 Town of Butner and that portion of the Town of Butner's extraterritorial jurisdiction  
22 consisting of lands not owned by the State of North Carolina. If a public hearing is  
23 required before the adoption of a rule, ~~the Butner Planning Council shall conduct the~~  
24 ~~hearing.~~ the Secretary shall designate one or more employees of the Department to  
25 conduct the hearing. The Butner Town Council shall receive at least 14 days' advance  
26 written notice of any public hearing with all correspondence concerning such public  
27 hearings to be directed to the mayor of the Town of Butner and sent by certified mail,  
28 return receipt requested, or equivalent delivery service to Butner Town Hall."

29 **SECTION 6.** G.S. 122C-407 reads as rewritten:

30 **"§ 122C-407. Water and sewer system.**

31 (a) The Department may acquire, construct, establish, enlarge, maintain, operate,  
32 and contract for the operation of a water supply and distribution system and a sewage  
33 collection and disposal system for the Camp Butner ~~reservation.~~reservation, and may  
34 enter into such contracts, memoranda of understanding, and other agreements with other  
35 persons or entities, including, but not limited to, local governments, authorities, and  
36 private enterprises, reasonably necessary to extend or otherwise provide water and  
37 sewer service to any portion of the Camp Butner reservation.

38 (b) ~~These water and sewer systems~~Those things authorized by subsection (a) of  
39 this section may be operated for the benefit of persons and property within the Camp  
40 Butner reservation and areas outside the reservation within reasonable limitations  
41 specifically including any sanitary ~~district or city~~district, water and sewer authority,  
42 county water and sewer district, or municipality in Durham or Granville Counties.

43 (c) The Secretary may fix and enforce water and sewer rates and charges in  
44 accordance with G.S. 160A-314 as if it were a city."

1           **SECTION 7.** G.S. 122C-408 reads as rewritten:

2   "**§ 122C-408. Butner Public Safety Division of the Department of Crime Control**  
3   **and Public Safety; jurisdiction; fire and police district.**

4       (a)   The Secretary of Crime Control and Public Safety may employ special police  
5 officers for the territory of the ~~Butner Advisory Council Jurisdiction~~ Reservation. The  
6 Secretary of Crime Control and Public Safety shall contract with the Town of Butner to  
7 provide fire and police protection to those areas within the incorporated limits of the  
8 Town of Butner. The territorial jurisdiction of these special police officers shall be the  
9 Butner Advisory Council Jurisdiction, as defined in G.S. 122C 413(a). ~~The territorial~~  
10 jurisdiction of these officers shall consist of the property shown on a map produced May  
11 20, 2003, by the Information Systems Division of the North Carolina General Assembly  
12 and kept on file in the office of the Butner Town Manager and in the office of Director  
13 of the Butner Public Safety Division of the Department of Crime Control and Public  
14 Safety and such additional areas which are within the incorporated limits of the Town of  
15 Butner as shown on a map to be kept in the office of the Butner Town Manager and in  
16 the office of Director of the Butner Public Safety Division of the Department of Crime  
17 Control and Public Safety. The Secretary of Crime Control and Public Safety may  
18 organize these special police officers into a public safety department for that territory  
19 and may establish it as a division within that principal department as permitted by  
20 Chapter 143B of the General Statutes.

21       (b)   After taking the oath of office required for law-enforcement officers, the  
22 special police officers authorized by this section shall have the authority of deputy  
23 sheriffs of Durham and Granville Counties in those counties respectively. Within the  
24 territorial jurisdiction stated in subsection (a) of this section, the special police officers  
25 have the primary responsibility to enforce the laws of North ~~Carolina~~ Carolina, the  
26 ordinances of the Town of Butner, and any rule applicable to that territory ~~the Butner~~  
27 Reservation adopted under authority of this Part or under G.S. 143-116.6 or  
28 G.S. 143-116.7 or under the authority granted any other agency of the State and also  
29 have the powers set forth for firemen in Articles 80, 82 and 83 of Chapter 58 of the  
30 General Statutes. Any civil or criminal process to be served on any individual confined  
31 at any State facility within the territorial jurisdiction described in subsection (a) of this  
32 section shall be forwarded by the sheriff of the county in which the process originated to  
33 the Director of the Butner Public Safety Division. Special police officers authorized by  
34 this section shall be assigned to transport any individual transferred to or from any State  
35 facility within the territorial jurisdiction described in subsection (a) of this section to or  
36 from the psychiatric service of the University of North Carolina Hospitals at Chapel  
37 Hill.

38       (c)   The contract between the Town of Butner and the Department of Crime  
39 Control and Public Safety shall provide that:

40           (1)   The Butner Public Safety Division of the Department of Crime Control  
41 and Public Safety shall provide the same level of service to the  
42 incorporated area known as the Town of Butner as provided to those  
43 areas of the Town of Butner served by Butner Public Safety on  
44 January 1, 2007;

1           (2) The Town of Butner shall pay to the State Treasurer, on or before May  
2 1 of each year, for deposit in the General Fund an amount equal to the  
3 amount that actually would have been collected from real and personal  
4 property ad valorem taxes due January 5, 2007, in the area  
5 incorporated as the Town of Butner effective July 1, 2007, assuming a  
6 tax of twenty-five cents (25¢) per one hundred dollars (\$100.00)  
7 valuation of all real and personal property in said area increased  
8 effective July 1 of each year by the increase in the percentage change  
9 in the Consumer Price Index published by the U.S. Department of  
10 Labor, Bureau of Labor Statistics, for the southeast region, all urban  
11 consumers (or if that data shall no longer be available, the closest  
12 equivalent substitute then in publication by the United States  
13 Government) for the previous year ended December 31<sup>st</sup>;

14           (3) If additional areas are added to the incorporated limits of the Town of  
15 Butner, the payments due under the contract shall be increased by an  
16 amount equal to the amount that actually would have been collected  
17 from real and personal property ad valorem taxes due January 5 of the  
18 year of incorporation of such area if said incorporation occurs on or  
19 before May 1 or the amount collected for the preceding year if said  
20 incorporation occurs prior to May 1 of the then current year assuming  
21 a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00)  
22 valuation of all real and personal property in said area and increased  
23 yearly as set out above; and

24           (4) The Town of Butner and the Department of Crime Control and Public  
25 Safety may by mutual agreement modify the amounts required to be  
26 paid by the Town of Butner pursuant to subdivisions (2) and (3) of this  
27 subsection."

28           **SECTION 8.** G.S. 122C-409 reads as rewritten:

29           **"§ 122C-409. Community of Butner comprehensive emergency management plan.**

30           The Department of Crime Control and Public Safety shall establish an emergency  
31 management agency as defined in G.S. 166A-4(2) for ~~the Community of Butner and the~~  
32 ~~Camp Butner reservation. Reservation, and the Town of Butner."~~

33           **SECTION 9.** G.S. 122C-410 reads as rewritten:

34           **"§ 122C-410. Authority of county or city over Camp Butner reservation-**  
35 **reservation; zoning jurisdiction by Town of Butner over State lands.**

36           (a) A municipality other than the Town of Butner may not annex territory  
37 extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation  
38 without written approval from the Secretary and the Butner Town Council of each  
39 proposed annexation or extension. The Town of Butner may not annex territory  
40 extending into or extend its extraterritorial jurisdiction into those portions of the Camp  
41 Butner reservation owned by the State of North Carolina without written approval from  
42 the Secretary of each proposed annexation or extension. The procedures, if any, for  
43 withdrawing approval granted by the Secretary to an annexation or extension of  
44 extraterritorial jurisdiction shall be stated in the notice of approval.

1 (b) A county ordinance may apply in part or all of the Camp Butner reservation  
2 (other than areas within the Town of Butner) if the Secretary gives written approval of  
3 the ~~ordinance.~~ ordinance, except that ordinances adopted by a county under Article 18  
4 of Chapter 153A of the General Statutes may not apply in the extraterritorial jurisdiction  
5 of the Town of Butner without approval of the Butner Town Council. The Secretary  
6 may withdraw his approval of a county ordinance by giving written notification, by  
7 certified mail, return receipt requested, to the county. A county ordinance ceases to be  
8 effective in the Camp Butner reservation 30 days after the county receives the written  
9 notice of the withdrawal of approval. This section does not enhance or diminish the  
10 authority of a county to enact ordinances applicable to the Town of Butner and its  
11 extraterritorial jurisdiction.

12 (c) Notwithstanding any other provision of this Article, no portion of the lands  
13 owned by the State as of September 1, 2007, which are located in the extraterritorial  
14 jurisdiction or the incorporated limits of the Town of Butner shall be subject to any of  
15 the powers granted to the Town of Butner pursuant to Article 19 of Chapter 160A of the  
16 General Statutes except as to property no longer owned by the State. If any portion of  
17 such property owned by the State of North Carolina as of September 1, 2007, is no  
18 longer owned by the State, the Town of Butner may exercise all legal authority granted  
19 to the Town pursuant to the terms of its charter or by Article 19 of Chapter 160A of the  
20 General Statutes and may do so by ordinances adopted prior to the actual date of  
21 transfer. Before the State shall dispose of any property inside the incorporated limits of  
22 the Town of Butner or any of that property currently under the control of the North  
23 Carolina Department of Health and Human Services or the North Carolina Department  
24 of Agriculture within the extraterritorial jurisdiction of the Town of Butner, southeast of  
25 Old Highway 75, northeast of Central Avenue, southwest of 33<sup>rd</sup> Street, and northwest  
26 of "G" Street, by sale or lease for any use not directly associated with a State function,  
27 the Town of Butner shall first be given the right of first refusal to purchase said property  
28 at fair market value as determined by the average of the value of said property as  
29 determined by a qualified appraiser selected by the Secretary and a qualified appraiser  
30 selected by the Town of Butner."

31 **SECTION 10.** Part 1B of Article 6 of Chapter 122C of the General Statutes  
32 (Butner Advisory Council) is repealed.

33 **SECTION 11.** Article 6 of Chapter 122C of the General Statutes is amended  
34 by adding a new part to read:

35 "Part 1D. Butner Commissions.

36 **"§ 122C-414. Butner Fire and Police Commission.**

37 (a) There is created a Butner Fire and Police Commission to consist of seven  
38 members, to be appointed in accordance with this section.

39 (b) The Butner Fire and Police Commission shall consist of seven members,  
40 three appointed by the Town of Butner, two appointed by the Secretary, one appointed  
41 by the Secretary of Crime Control and Public Safety, and one appointed by the  
42 Granville County Board of Commissioners. All members appointed by the Town of  
43 Butner shall reside within the Town of Butner or its extraterritorial jurisdiction or the  
44 Butner Reservation. All members appointed by the Secretary or the Secretary of Crime

1 Control and Public Safety shall either work at or have responsibility for one of the  
2 State-run institutions located within the Butner Reservation or shall reside within the  
3 Town of Butner and its extraterritorial jurisdiction or the Butner Reservation. The  
4 Director of the Butner Public Safety Division of the Department of Crime Control and  
5 Public Safety shall serve as an ex officio member of the Butner Fire and Police  
6 Commission. No active member of the Butner Public Safety Division of the Department  
7 of Crime Control and Public Safety may serve on the Butner Fire and Police  
8 Commission.

9 (c) The Butner Fire and Police Commission has the following duties and  
10 responsibilities:

11 (1) To periodically review, and recommend changes to, the operational  
12 policy for the Butner Public Safety Division of the Department of  
13 Crime Control and Public Safety.

14 (2) To consult with the Secretary of the Department of Crime Control and  
15 Public Safety in the Department's hiring of the Director of the Butner  
16 Public Safety Division of the Department of Crime Control and Public  
17 Safety. Such consultation shall include, but not be limited to, the  
18 Commission reviewing and providing its comments to the Secretary of  
19 the Department of Crime Control and Public Safety on the credentials  
20 of the applicants for said position. In performing its functions under  
21 this subsection, the Commission members shall have the same access  
22 to the applicants' personnel records pursuant to Article 7, Chapter 126  
23 of the General Statutes as the Secretary of the Department of Crime  
24 Control and Public Safety and shall be subject to the same restraints  
25 concerning the personnel information as set out in said article

26 (3) To review and make recommendations to the Secretary of Crime  
27 Control and Public Safety concerning the recommended needs of the  
28 Butner Public Safety Division of the Department of Crime Control and  
29 Public Safety.

30 (4) To receive and forward citizen complaints received by the  
31 Commission concerning the Butner Public Safety Division of the  
32 Department of Crime Control and Public Safety to the Director of the  
33 Butner Public Safety Division of the Department of Crime Control and  
34 Public Safety and the Secretary of the Department of Crime Control  
35 and Public Safety as the Commission determines is appropriate.

36 (5) To perform all such other functions assigned to it by the General  
37 Assembly or the Secretary of the Department of Crime Control and  
38 Public Safety.

39 (d) The members of the Butner Fire and Police Commission shall be appointed  
40 within 30 days after the effective date of incorporation of the Town of Butner. One  
41 member appointed by the Town of Butner, one member appointed by the Secretary, and  
42 the member appointed by the Granville County Board of Commissioners shall serve an  
43 initial term of two years. The remainder of the members shall serve an initial term of

1 four years. The beginning date of each initial term for the purposes reappointment shall  
2 be September 1, 2007. Thereafter each member shall serve a term of four years.

3 **"§ 122C-415. Butner Lands Commission.**

4 (a) There is created a Butner Lands Commission to consist of nine members, to  
5 be appointed in accordance with this section.

6 (b) The Butner Lands Commission shall consist of nine members, two appointed  
7 by the Town of Butner, two appointed by Granville County, two appointed by the  
8 Secretary, one appointed by the Commissioner of the North Carolina Department of  
9 Agriculture and Consumer Services, one appointed by the Secretary of Commerce, and  
10 one appointed by the Governor on or before September 1, 2007. The Butner Lands  
11 Commission shall make recommendations to the Governor on or before September 1,  
12 2008, concerning:

13 (1) Land owned by the State of North Carolina in the Butner Reservation  
14 that may be well suited to the creation of a mega-site business and  
15 industrial park.

16 (2) Land owned by the State of North Carolina that should be released for  
17 private commercial and residential development.

18 (3) The use of other lands within the Butner Reservation that will promote  
19 agricultural research and development, the development and growth of  
20 State institutions, and the preservation of natural lands."

21 **SECTION 12.** G.S. 146-30(c) reads as rewritten:

22 "(c) The amount or rate of such service charge shall be fixed by rules and  
23 regulations adopted by the Governor and approved by the Council of State, but as to any  
24 particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of  
25 the gross amount received from such sale, lease, rental, or other disposition.  
26 Notwithstanding any other provision of this Subchapter, the net proceeds derived from  
27 the sale of land or products of land owned by or under the supervision and control of the  
28 Wildlife Resources Commission, or acquired or purchased with funds of that  
29 Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net  
30 proceeds derived from the sale of land or timber from land owned by or under the  
31 supervision and control of the Department of Agriculture and Consumer Services shall  
32 be deposited with the State Treasurer in a capital improvement account to the credit of  
33 the Department of Agriculture and Consumer Services, to be used for such specific  
34 capital improvement projects or other purposes as are provided by transfer of funds  
35 from those accounts in the Capital Improvement Appropriations Act. Provided further,  
36 the net proceeds derived from the sale of park land owned by or under the supervision  
37 and control of the Department of Environment and Natural Resources shall be deposited  
38 with the State Treasurer in a capital improvement account to the credit of the  
39 Department of Administration to be used for the purpose of park land acquisition as  
40 provided by transfer of funds from those accounts in the Capital Improvement  
41 Appropriations Act. In the Capital Improvement Appropriations Act, line items for  
42 purchase of park and agricultural lands will be established for use by the Departments of  
43 Administration and Agriculture. The use of such funds for any specific capital  
44 improvement project or land acquisition is subject to approval by the Director of the

1 Budget. No other use may be made of funds in these line items without approval by the  
2 General Assembly except for incidental expenses related to the project or land  
3 acquisition. Additionally with the approval of the Director of the Budget, either  
4 Department may request funds from the Contingency and Emergency Fund when the  
5 necessity of prompt purchase of available land can be demonstrated and funds in the  
6 capital improvement accounts are insufficient. Provided further, the net proceeds  
7 derived from the sale of any portion of the land owned by the State in or around the  
8 ~~unincorporated area known as~~ Butner Reservation on or after July 1, 1980, shall be  
9 deposited with the State Treasurer in a capital improvement account to the credit of the  
10 ~~Hospital to provide water and sewers and to bring those streets in the unincorporated~~  
11 ~~area known as Butner not on the State highway system up to standards adequate for~~  
12 ~~acceptance on the system,~~ Department of Health and Human Services to make capital  
13 improvements on or to property owned by the State in the Butner Reservation according  
14 to a plan adopted by the Department of Administration, and subject to approval by the  
15 Office of State Budget and Management, with the approval of the Board of County  
16 Commissioners of Granville County, and may be used to build industrial access roads  
17 to industries located or to be located on the Butner Reservation, on the Butner lands, to  
18 construct new city streets ~~on the Butner lands,~~ in the Butner Reservation, extend water  
19 and sewer service on the Butner ~~lands,~~ Reservation, and repair storm drains on the  
20 Butner ~~lands.~~ Reservation, and for other capital uses on the Reservation as determined  
21 by the Secretary."

22 **SECTION 13.** G.S. 136-41.1(c) reads as rewritten:

23 "(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section and~~  
24 ~~of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for~~  
25 ~~allocation of funds under this section and certification of the population and street~~  
26 ~~mileage of Butner by the North Carolina Department of Health and Human Services is~~  
27 ~~acceptable. Funds allocated to the area for this purpose shall be administered by the~~  
28 ~~Butner Town Manager. Any funds allocated to the unincorporated area known as the~~  
29 Butner Reservation shall be transferred to the Town of Butner."

30 **SECTION 14.** Section 1 of Chapter 830 of the 1983 Session Laws reads as  
31 rewritten:

32 "Section 1.(a) The territorial jurisdiction of the Butner Police and Fire Protection  
33 District shall include: (i) any property formerly a part of the original Camp Butner  
34 reservation, including both those areas currently owned and occupied by the State and  
35 its agencies and those which may have been leased or otherwise disposed of by the  
36 State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County  
37 adjoining the Butner reservation and the Lyons Station Sanitary District situated north  
38 and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those  
39 roads and the boundaries of said reservation and said sanitary ~~district.~~ district, provided,  
40 however, that those portions of said lands within the corporate limits of the Town of  
41 Butner are removed from the Butner Police and Fire Protection District for the purposes  
42 hereof."

43 **SECTION 14.1.** Section 1.1 through 14 of this act shall become effective  
44 only if the Charter of the Town of Butner is approved under section 5 of the Voting

1 Rights Act of 1965. If the Charter is not approved, Sections 1.1 through 14 of this act  
2 have no force and effect. If the Charter is approved, then those sections become  
3 effective on the first day of the next calendar month that begins more than three days  
4 after the approval, except that the persons appointed as temporary officers under Section  
5 3.2 of the Charter may immediately take the oath of office and take such preliminary  
6 actions as may be necessary for initial organization, personnel actions, and budget  
7 adoption, in such special meetings as may be called under G.S. 160A-71.

8 **SECTION 14.2.** The Department of Justice shall be responsible for  
9 submitting any information required by G.S. 120-30.9F for preclearance under the  
10 Voting Rights Act of 1965.

11 **SECTION 14.3.** Section 14 of this act removes the territory within the  
12 corporate limits of the Town of Butner from the Butner Police and Fire Protection  
13 District provided by Section 1 of Chapter 830 of the 1983 Session Laws, as amended.  
14 Since this act will become effective after July 1, 2007, with respect to taxes on property  
15 located within the corporate limits, for taxes levied for the 2007-2008 fiscal year, if the  
16 incorporation becomes effective, Granville County shall remit to the Town of Butner  
17 rather than to the State General Fund the taxes collected for that district on properties  
18 located within the corporate limits. Notwithstanding the previous sentence, if Granville  
19 County does not bill the Butner Police and Fire Protection District tax for fiscal year  
20 2007-2008 on properties located within the proposed corporate limits until either the  
21 incorporation is either precleared or rejected under Section 5, those taxes are released or  
22 refunded if the incorporation is precleared, or shall be billed if the incorporation is  
23 rejected.

24 **SECTION 15.** This act is effective when it becomes law.