

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

4

HOUSE BILL 986*

Committee Substitute Favorable 6/27/07

Committee Substitute #2 Favorable 7/3/07

Fourth Edition Engrossed 7/10/07

Short Title: Butner Incorporation.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

1 support the operations of the Butner Reservation including the Town
2 of Butner.

3 (5) The citizens of the Town of Butner currently also pay a tax authorized
4 by Section 1 of Chapter 830 of the 1983 Session Laws of twenty-five
5 cents (25¢) per one hundred dollars (\$100.00) valuation of all real and
6 personal property to the Butner Public Safety Division of the
7 Department of Crime Control and Public Safety.

8 (6) The customers of the utility have paid for water and sewer over the
9 years, and those payments have also financed the operations of the
10 Town of Butner.

11 (7) Certain personal property has been purchased by the Department for
12 use in operating the Butner Reservation and that personal property
13 traditionally used primarily for the benefit of the portion of the Butner
14 Reservation to be incorporated should be transferred by the State to the
15 newly incorporated Town of Butner.

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

17 "CHARTER OF THE TOWN OF BUTNER.

18 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

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

23 "ARTICLE II. CORPORATE BOUNDARIES.

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

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

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

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

43 (b) For a period of five years following the effective date of the incorporation of
44 the Town of Butner, the Town of Butner may not involuntarily annex under Part 2 or 3

1 of Article 4A of Chapter 160A of the General Statutes any territory not shown in its
2 corporate limits or extraterritorial jurisdiction on the map produced June 12, 2007, by
3 the Granville County Tax Department and kept on file in the Butner Town Hall, the
4 Granville County Planning Department, and the Granville County Board of Elections
5 located west of the centerline of Cash Road and South of Interstate 85 without first
6 receiving approval of the City of Creedmoor Board of Commissioners.

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

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

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

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

24 "ARTICLE III. GOVERNING BODY.

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

28 "Section 3.2. **Temporary Officers.**

29 (a) Until January 1, 2008, Edgar Smoak is appointed Mayor. At its first regular
30 meeting in December 2007, the Butner Town Council shall choose from among its
31 membership a Mayor to serve from January 1, 2008, through December 31, 2008. At its
32 first regular meeting in December 2008, the Butner Town Council shall choose from
33 among its membership a Mayor to serve from January 1, 2009, through the
34 organizational meeting after the initial election of 2009.

35 (b) Until the organizational meeting after the initial election of 2009 provided
36 for by Article IV of this Charter, Vicky Cates, Christine Emory, Linda Jordan, Tom
37 Lane, Elbert Oakely, Jr., and John Wimbush are appointed members of the Town
38 Council of the Town of Butner. Edgar Smoak is appointed to the Butner Town Council
39 to serve from January 1, 2008, through the organizational meeting after the initial
40 election of 2009 to fill the vacancy caused by a member of the Town Council being
41 chosen as Mayor. The person chosen from the council to serve as Mayor from January
42 1, 2008, through December 31, 2008, is appointed to the Butner Town Council to serve
43 from January 1, 2009, through the organizational meeting after the initial election of
44 2009.

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

4 "Section 3.3. **Manner of Electing Council; Term of Office.** The qualified voters of
5 the entire Town shall elect members of the Town Council from the Town at large.
6 Members shall be elected in 2009, and quadrennially thereafter, for four-year terms. To
7 be eligible for election to the Town Council, an individual must reside in the Town of
8 Butner. Vacancies on the Town Council shall be filled in accordance with
9 G.S. 160A-63.

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

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

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

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

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

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

37 "ARTICLE IV. ELECTIONS.

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

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

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

4 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

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

8 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

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

11 "Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the
12 Town of Butner shall be subject to municipal taxes levied for the fiscal year beginning
13 July 1, 2007, and, for that purpose, the Town shall obtain from Granville County a
14 record of the property in the area herein incorporated that was listed for taxes as of
15 January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008
16 without following the timetable in the Local Government Budget and Fiscal Control Act
17 but shall follow the sequence of actions in the spirit of the Act insofar as is practical.
18 For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within
19 90 days of adoption of the budget ordinance and thereafter in accordance with the
20 schedule in G.S. 106-360 as if the taxes had been due and payable on September 1,
21 2007.

22 "ARTICLE VII. ORDINANCES.

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

26 "ARTICLE VIII. MISCELLANEOUS.

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

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

34 "Section 8.3. **Shared Revenues.** For the purpose of allocation of State and local
35 shared revenues during the 2007-2008 fiscal year, including sales tax and Powell Bill
36 funds, the Town of Butner shall be considered to have been incorporated on June 30,
37 2007."

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

43 **SECTION 3.(a)** The Governor shall convey to the incorporated Town of
44 Butner on or before September 1, 2007, all right, title, and interest in all of the personal

1 property used by the Department for the benefit of that portion of the Reservation to be
2 incorporated by this bill in the operation of the Town of Butner including tools,
3 vehicles, lawn mowers, backhoe loaders, and files specific to the operation of the newly
4 incorporated Town of Butner including, but not limited to, the following:

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

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

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

- 1 (5) Granville County Tax Parcel # 086720719052, consisting of lot 6A as
2 shown on that certain plat recorded at Plat Book 15, Page 23 of the
3 Granville County Registry;
- 4 (6) Granville County Tax Parcel # 087610265136, being a water meter
5 station site approximately 55 feet in length and 25 feet in width off of
6 Gate 2 Road;
- 7 (7) Granville County Tax Parcel # 087606275755, consisting of lot 5 as
8 shown on that certain plat recorded at Plat Book 5, Page 25 of the
9 Granville County Registry;
- 10 (8) Granville County Tax Parcel # 087606276823, consisting of lots 6 and
11 7 as shown on that certain plat recorded at Plat Book 5, Page 25 of the
12 Granville County Registry;
- 13 (9) Granville County Tax Parcel # 087606287781, being a small lot
14 approximately 25.00 feet in width on the southeast end, 27.00 feet in
15 width on the northwest end, and 155.2 feet in length located off of C
16 Street;
- 17 (10) Granville County Tax Parcel # 087718217623, consisting of that
18 portion of the 30 foot alley owned by the State as shown on that
19 certain plat recorded at Plat Book 3, Page 149 of the Granville County
20 Registry;
- 21 (11) Granville County Tax Parcel # 087718228382, consisting of lot 22-A
22 as shown on that certain plat recorded at Plat Book 16, Page 140 of the
23 Granville County Registry;
- 24 (12) Granville County Tax Parcel # 087718229235, consisting of lot 23-A
25 as shown on that certain plat recorded at Plat Book 16, Page 140 of the
26 Granville County Registry;
- 27 (13) Granville County Tax Parcel # 087718320095, consisting of lot 26-A
28 as shown on that certain plat recorded at Plat Book 17, Page 97 of the
29 Granville County Registry;
- 30 (14) Granville County Tax Parcel # 086608788472, consisting of lot 13 as
31 shown on that certain plat recorded at Plat Book 5, Page 127 of the
32 Granville County Registry;
- 33 (15) Granville County Tax Parcel # 086608785481, consisting of lot 1 as
34 shown on that certain plat recorded at Plat Book 5, Page 127 of the
35 Granville County Registry;
- 36 (16) Granville County Tax Parcel # 086608890153, consisting of lot 7 as
37 shown on that certain plat recorded at Plat Book 7, Page 74 of the
38 Granville County Registry;
- 39 (17) Granville County Tax Parcel # 086608891250, consisting of lot 8 as
40 shown on that certain plat recorded at Plat Book 7, Page 74 of the
41 Granville County Registry;
- 42 (18) Granville County Tax Parcel # 087606396411, consisting of lot 10 as
43 shown on that certain plat recorded at Plat Book 2, Page 118A of the
44 Granville County Registry;

- 1 (19) Granville County Tax Parcel # 086615636355, consisting of lot 4 as
2 shown on that certain plat recorded at Plat Book 4, Page 141 of the
3 Granville County Registry;
- 4 (20) Granville County Tax Parcel # 086615635235, consisting of lot 5 as
5 shown on that certain plat recorded at Plat Book 4, Page 141 of the
6 Granville County Registry;
- 7 (21) Granville County Tax Parcel # 086501487018, consisting of lots 4 and
8 5 as shown on that certain plat recorded at Plat Book 2, Page 147 of
9 the Granville County Registry;
- 10 (22) Granville County Tax Parcel # 086501499107, consisting of lots 26
11 and 27 as shown on that certain plat recorded at Plat Book 2, Page 147
12 of the Granville County Registry;
- 13 (23) Granville County Tax Parcel # 086604501213, consisting of lots 48
14 and 49 as shown on that certain plat recorded at Plat Book 2, Page 147
15 of the Granville County Registry;
- 16 (24) That certain tract or parcel of land identified in the Butner Long-Range
17 Master Plan dated December 1998 prepared pursuant to Section 4 of
18 Senate Bill 428, 1997 Session, consisting of 650 acres more or less
19 located in the southern portion of the study area as described in said
20 master plan along 'B' Street and west of 12th, 5th, and 4th Street, and
21 more particularly shown on a map dated March 19, 2007, prepared by
22 Deborah H. Robertson, Registered Forester, for the North Carolina
23 Department of Agriculture, a copy of which is on file with the Town of
24 Butner, the Department of Health and Human Services, and the
25 Department of Agriculture. If said property or any portion thereof is
26 sold, leased, or otherwise conveyed to a private entity (other than a
27 land trust or other nonprofit organization devoted to conservation), the
28 sales price shall be either (i) approved by the Secretary and the Town
29 of Butner or (ii) equal to or greater than the appraised value of the
30 property as determined by a qualified appraiser selected by the Town
31 of Butner and the Secretary or, if the Town of Butner and the Secretary
32 cannot agree on an appraiser, then the value of the property as
33 determined by the average of the value of said property as determined
34 by a qualified appraiser selected by the Secretary and a qualified
35 appraiser selected by the Town of Butner. Upon the disposition of said
36 land by the Town of Butner, twenty-five percent (25%) of any sales
37 proceeds shall be retained by the Town of Butner, and the remainder of
38 the sales proceeds, if any, shall be paid to the State Treasurer by the
39 Town for deposit in a capital improvement account to the credit of the
40 Department of Health and Human Services as set out in Section 12
41 hereof. The costs of sale, if any, shall be deducted from the sales
42 proceeds and shall be allocated between the Town and the Department
43 based upon each party's share of the sales proceeds;

- 1 (25) That certain tract or parcel of land identified in the Butner Long-Range
2 Master Plan dated December 1998 prepared pursuant to Section 4 of
3 Senate Bill 428, 1997 Session, consisting of five acres more or less
4 located in the central portion of the study area as described in said
5 master plan along Central Avenue, midway between 'D' Street and 'E'
6 Street and known as the Gazebo area;
- 7 (26) That certain tract or parcel of land identified in the Butner Long-Range
8 Master Plan dated December 1998 prepared pursuant to Section 4 of
9 Senate Bill 428, 1997 Session, consisting of 30 acres more or less
10 located in the central portion of the study area, between 'F' Street and
11 'G' Street and from 12th Street to Central Avenue; provided, however,
12 that the State shall retain ownership of the portion of said property
13 consisting of 7843.45 square feet (0.18 acres) currently leased by the
14 State to Sprint as shown on that certain map entitled "Site Survey for:
15 Sprint," prepared by Jim Morrow, Professional Land Surveyor and
16 dated January 9, 2005, and upon which is currently located a cellular
17 telephone tower. It is further provided that this property shall vest in
18 the Town of Butner if said property is no longer leased by the State for
19 use as a communications tower or is no longer used or occupied by the
20 State for State purposes;
- 21 (27) That certain tract or parcel of land between 'D' Street and 'E' Street and
22 from 24th Street to 26th Street upon which is located that structure
23 known as the Butner Sports Arena;
- 24 (28) That certain building and parcel of land known as Granville County
25 Tax Parcel # 087605091519 located on Central Avenue currently
26 leased by the Department to the Employment Security Commission;
27 provided, however, that such transfer shall be subject to the terms of
28 the existing lease between the Department and the Employment
29 Security Commission;
- 30 (29) That certain tract or parcel of land consisting of twenty acres more or
31 less previously designated for use as a ball field for Town of Butner
32 and being that portion of a 83.6892 acre tract shown on a survey titled
33 "Survey for North Carolina Department of Human Resources, Butner,
34 North Carolina," and dated October 23, 1995 by James R. Wilson,
35 Registered Land Surveyor lying northeast of the Wake Electric
36 Management Corporation power line right-of-way as shown on said
37 map;
- 38 (30) That certain tract or parcel of land described in Session Law 1997-443
39 and set aside for the use of the citizens of Butner "until the time . . .
40 that a permanent local government is established on the Butner
41 Reservation at which time the land shall be transferred to the local
42 government." Said tract or parcel of land is more particularly described
43 in said session law as follows: "Approximately 2 acres, on the east
44 side it borders Central avenue with a line running along the Wallace

1 Bradshur property on the north back to the tree line next to the
2 ADATC. From there it follows a tree line south and west to and
3 including the softball field. From the softball field it turns east to the
4 State Employees Credit Union and follows the Credit Union property
5 on the south side back to Central Avenue." In addition thereto, said
6 conveyance is intended to include all property owned by the State,
7 including all alleyways, (except the property occupied by the State
8 Employees Credit Union) bounded on the south by the above
9 described softball field, on the north by Central Avenue, on the west
10 by the property formerly belonging to Wallace Bradsher (now owned
11 by Ronald Alligood) and on the east by West E Street;

12 (31) That certain portion of the lands owned by the State containing 8.11
13 acres more or less bordered by G Street, 21st Street, Granville Street,
14 and that certain parcel of land described in the Granville County tax
15 records as Granville County Tax Parcel # 086720900028 to the south;

16 (32) That certain portion of the lands owned by the State beginning at a
17 point in the northeast corner of that parcel of land described in the
18 Granville County tax records as Granville County Tax Parcel #
19 087717029272 and continuing in a straight line from said point
20 northeast in a manner parallel to F Street approximately 1,762.64 feet
21 to a point perpendicular to the southwest corner of the paved surface of
22 25th Street; running thence southeast approximately 227.01 feet to a
23 point being a common corner between Granville County Tax Parcel #
24 087713234113, the subject property, and 25th Street and running
25 thence southwest approximately 235.00 feet to a corner, thence
26 southeast approximately 590.05 feet along the boundaries with
27 Granville County Tax Parcel numbers 087713234113, 087714235047,
28 087714225965, 087714226845, and 087714226762; thence southwest
29 approximately 99.00 feet to a common corner with Granville County
30 Tax Parcel number 087714225529; thence northwest approximately
31 225.00 feet to a corner; thence southwest approximately 560.00 feet to
32 a corner with Granville County Tax Parcel # 087717221306; thence
33 southeast along a common boundary with Granville County Tax Parcel
34 # 087717221306 approximately 225.00 feet to a corner with East F
35 Street; thence southwest approximately 329.00 feet to a common
36 corner with Granville County Tax Parcel # 087717127160 and East F
37 Street; thence northwest approximately 225.00 feet to a common
38 corner with Granville County Tax Parcel # 087717127160; thence
39 southwest approximately 308.32 feet along Granville County Tax
40 Parcel numbers 087717127160, 087717126083, and 087717125071 to
41 a corner; thence northeast approximately 18.00 feet; thence northwest
42 approximately 354.00 feet to a corner with G Street; thence southeast
43 approximately 244.00 feet to a common corner with Granville County
44 Tax Parcel # 087717029272 and G Street; thence northwest

- 1 approximately 225.00 feet along the boundary of Granville County
2 Tax Parcel # 087717029272 to the point and place of beginning
3 containing 21.9718 acres more or less;
- 4 (33) Granville County Tax Parcel # 086502592083, consisting of 5.34 acres
5 more or less;
- 6 (34) Granville County Tax Parcel # 086502592311, consisting of 1.07 acres
7 more or less and more particularly described as Lot 1, West B Street;
- 8 (35) Granville County Tax Parcel # 086604503159, consisting of 0.47 acres
9 more or less and more particularly described as Lots 48, 49, Block B,
10 B Street;
- 11 (36) Granville County Tax Parcel # 086604503279, consisting of 0.46 acres
12 more or less and more particularly described as Lots 50, 51, Block B,
13 B Street;
- 14 (37) Granville County Tax Parcel # 086604503379, consisting of 0.44 acres
15 more or less and more particularly described as Lots 52, 53, Block B,
16 B Street;
- 17 (38) Granville County Tax Parcel # 086604503499, consisting of 0.45 acres
18 more or less and more particularly described as Lots 54, 55, Block B,
19 B Street;
- 20 (39) Granville County Tax Parcel # 086604504519, consisting of 0.46 acres
21 more or less and more particularly described as Lots 56, 57, Block B,
22 B Street;
- 23 (40) Granville County Tax Parcel # 086604504638, consisting of 0.45 acres
24 more or less and more particularly described as Lots 58, 59, Block B,
25 B Street;
- 26 (41) Granville County Tax Parcel # 086604504868, consisting of 0.46 acres
27 more or less and more particularly described as Lots 62, 63, Block B,
28 B Street;
- 29 (42) Granville County Tax Parcel # 086604504978, consisting of 0.44 acres
30 more or less and more particularly described as Lots 64, 65, Block B,
31 B Street;
- 32 (43) Granville County Tax Parcel # 086604513433, consisting of 0.48 acres
33 more or less and more particularly described as Lots 72, 73, Block A,
34 B Street;
- 35 (44) Granville County Tax Parcel # 086604515008, consisting of 0.44 acres
36 more or less and more particularly described as Lots 66, 67, Block B,
37 B Street;
- 38 (45) Granville County Tax Parcel # 086604515128, consisting of 0.44 acres
39 more or less and more particularly described as Lots 68, 69, Block B,
40 B Street;
- 41 (46) Granville County Tax Parcel # 086604515258, consisting of 0.44 acres
42 more or less and more particularly described as Lots 70, 71, Block B,
43 B Street;

- 1 (47) Granville County Tax Parcel # 086604515377, consisting of 0.42 acres
2 more or less and more particularly described as Lots 72, 73, Block B,
3 B Street;
- 4 (48) Granville County Tax Parcel # 086604516404, consisting of 0.43 acres
5 more or less and more particularly described as Lots 74, 75, Block B,
6 B Street;
- 7 (49) Granville County Tax Parcel # 086604516533, consisting of 0.42 acres
8 more or less and more particularly described as Lots 76, 77, Block B,
9 B Street;
- 10 (50) Granville County Tax Parcel # 086604516661, consisting of 0.42 acres
11 more or less and more particularly described as Lots 78, 79, Block B,
12 B Street;
- 13 (51) Granville County Tax Parcel # 086604517710, consisting of 0.43 acres
14 more or less and more particularly described as Lots 80, 81, Block B,
15 B Street;
- 16 (52) Granville County Tax Parcel # 086604517870, consisting of 0.43 acres
17 more or less and more particularly described as Lots 82, 83, Block B,
18 B Street;
- 19 (53) Granville County Tax Parcel # 086604518827, consisting of 0.42 acres
20 more or less and more particularly described as Lots 84, 85, Block B,
21 B Street;
- 22 (54) Granville County Tax Parcel # 086604518944, consisting of 0.43 acres
23 more or less and more particularly described as Lots 86, 87, Block B,
24 B Street;
- 25 (55) Granville County Tax Parcel # 086604528092, consisting of 0.43 acres
26 more or less and more particularly described as Lots 88, 89, Block B,
27 B Street;
- 28 (56) Granville County Tax Parcel # 086604528460, consisting of 0.47 acres
29 more or less and more particularly described as Lots 94, 95, Block A,
30 B Street;
- 31 (57) Granville County Tax Parcel # 086604529150, consisting of 0.43 acres
32 more or less and more particularly described as Lots 90, 91, Block B,
33 B Street;
- 34 (58) Granville County Tax Parcel # 086604620117, consisting of 0.44 acres
35 more or less and more particularly described as Lots 92, 93, Block B,
36 B Street;
- 37 (59) Granville County Tax Parcel # 086604620274, consisting of 0.43 acres
38 more or less and more particularly described as Lots 94, 95, Block B,
39 B Street;
- 40 (60) Granville County Tax Parcel # 086604621322, consisting of 0.44 acres
41 more or less and more particularly described as Lots 96, 97, Block B,
42 B Street;

- 1 (61) Granville County Tax Parcel # 086604621399, consisting of 0.44 acres
2 more or less and more particularly described as Lots 98, 99, Block B,
3 B Street;
- 4 (62) Granville County Tax Parcel # 086615623535, consisting of 1.11 acres
5 more or less and more particularly described as Lot 100-103, B Street;
- 6 (63) Granville County Tax Parcel # 086615624652, consisting of 0.44 acres
7 more or less and more particularly described as Lots 104, 105, Block
8 B, B Street;
- 9 (64) Granville County Tax Parcel # 086615625628, consisting of 0.46 acres
10 more or less and more particularly described as Lots 106, 107, Block
11 B, B Street;
- 12 (65) Granville County Tax Parcel # 086615626714, consisting of 0.58 acres
13 more or less and more particularly described as Lots 108, 109, Block
14 B, B Street;
- 15 (66) Granville County Tax Parcel # 086612870444, consisting of 0.46 acres
16 more or less and more particularly described as Lot 3 (Drain Lot), 12th
17 Street;
- 18 (67) Granville County Tax Parcel # 086608870513, consisting of 0.46 acres
19 more or less and more particularly described as Lot 2, 12th Street;
- 20 (68) Granville County Tax Parcel # 086612871305, consisting of 0.46 acres
21 more or less and more particularly described as Lot 4, 12th Street;
- 22 (69) Granville County Tax Parcel # 086608880691, consisting of 0.71 acres
23 more or less and more particularly described as Lot 19, 13th Street;
- 24 (70) Granville County Tax Parcel # 086608880736, consisting of 0.51 acres
25 more or less and more particularly described as Lot 15, F Street;
- 26 (71) Granville County Tax Parcel # 087717027043, consisting of 0.52 acres
27 more or less and more particularly described as Lot 13, G Street;
- 28 (72) Granville County Tax Parcel # 086720919453, consisting of 0.51 acres
29 more or less and more particularly described as Lot 3, G Street;
- 30 (73) Granville County Tax Parcel # 087717010447, consisting of 0.52 acres
31 more or less and more particularly described as Lot 4, G Street;
- 32 (74) Granville County Tax Parcel # 087717011524, consisting of 0.52 acres
33 more or less and more particularly described as Lot 5, G Street;
- 34 (75) Granville County Tax Parcel # 087717012600 consisting of 0.52 acres
35 more or less and more particularly described as Lot 6, G Street;
- 36 (76) Granville County Tax Parcel # 087717012677, consisting of 0.51 acres
37 more or less and more particularly described as Lot 7, G Street;
- 38 (77) Granville County Tax Parcel # 087717013753, consisting of 0.51 acres
39 more or less and more particularly described as Lot 8, G Street;
- 40 (78) Granville County Tax Parcel # 087717014739, consisting of 0.51 acres
41 more or less and more particularly described as Lot 9, G Street;
- 42 (79) Granville County Tax Parcel # 087717015805, consisting of 0.51 acres
43 more or less and more particularly described as Lot 10, G Street;

- 1 (80) Granville County Tax Parcel # 087717015991, consisting of 0.51 acres
2 more or less and more particularly described as Lot 11, G Street;
- 3 (81) Granville County Tax Parcel # 087717016967, consisting of 0.50 acres
4 more or less and more particularly described as Lot 12, G Street;
- 5 (82) Granville County Tax Parcel # 087717028039, consisting of 0.51 acres
6 more or less and more particularly described as Lot 14, G Street;
- 7 (83) Granville County Tax Parcel # 087717029106, consisting of 0.51 acres
8 more or less and more particularly described as Lot 15, G Street;
- 9 (84) Granville County Tax Parcel # 087717029272, consisting of 0.51 acres
10 more or less and more particularly described as Lot 16, G Street;
- 11 (85) Granville County Tax Parcel # 087717110827, consisting of 0.74 acres
12 more or less and more particularly described as Lot 8, G Street;
- 13 (86) Granville County Tax Parcel # 087717111915, consisting of 0.73 acres
14 more or less and more particularly described as Lot 7, G Street;
- 15 (87) Granville County Tax Parcel # 087717122002, consisting of 0.74 acres
16 more or less and more particularly described as Lot 6, G Street;
- 17 (88) Granville County Tax Parcel # 087717123009, consisting of 0.74 acres
18 more or less and more particularly described as Lot 5, G Street; and
- 19 (89) That portion of the property owned by the State of North Carolina
20 bordering Lake Holt consisting of ten acres more or less upon which
21 property is currently located the concession stand/bait shop, enclosed
22 picnic shelter, boat docks, picnic tables, parking area and other
23 recreational facilities currently used by the Town of Butner in support
24 of the recreational use of Lake Holt, together with an easement thereto
25 across the existing access roads from Old Highway 75 to said
26 recreational facilities.
- 27 (90) All other lots, alleyways, and parcels of land one acre or less not
28 currently occupied by the State of North Carolina.

29 **SECTION 3.(c)** The Town of Butner may dispose of by private negotiation
30 and sale any of the real property described in subsection (b) of this section, and shall
31 specifically be exempt as to those dispositions from the provisions of Article 12 of
32 Chapter 160A of the General Statutes. This subsection does not apply to property listed
33 in subdivisions (25), (26), (27), (28), (29), (30), or (89) of subsection (b) of this section.

34 **SECTION 3.(d)** On or before March 15, 2008, the Governor shall convey to
35 the incorporated Town of Butner for use for recreation, the preservation of open space,
36 protection of the public drinking water supply, and possible future expansion of Lake
37 Holt, a perpetual Conservation Easement pursuant to Article 4 of Chapter 121 of the
38 General Statutes enforceable against the State of North Carolina, without regard to the
39 defense of sovereign immunity or similar doctrines, in and to all land owned by the
40 State of North Carolina (except that portion of the hereinafter described land under use
41 by the National Guard and restricted by a deed provision requiring that said land revert
42 to the ownership of the United States if not used for military purposes, said National
43 Guard property being more particularly described at Deed Book 140, Page 236 of the
44 Granville County Registry) east of Range Road (State Road 1121), south of Roberts

1 Chapel Road, north of Old Highway 75, and west of Range Road (State Road 1126)
2 consisting of 1463 acres more or less surrounding the perimeter of Lake Holt as more
3 particularly described on a map prepared June 18, 2007 by Deborah H. Robertson,
4 Registered Forester, for the North Carolina Department of Agriculture, a copy of which
5 is on file with the Town of Butner, the Department of Health and Human Services and
6 the Department of Agriculture; provided, however, that the State of North Carolina shall
7 not be restricted in its right to use that portion of the above-referenced property
8 currently used by the State for the operation of Camp Barham and Camp Eason as long
9 as such use, which may include the construction of additional improvements, is
10 consistent with such laws, rules, regulations, and ordinances as are or may be in place
11 for the protection of the public drinking supply and that said easement shall not be by its
12 terms inconsistent with the rights given to the South Granville Water and Sewer
13 Authority in that certain Easement and License Agreement dated December 14, 2006
14 and recorded at Book 1185, Page 291 of the Granville County Registry. Said easement
15 shall prohibit all residential, commercial, and industrial uses in the easement area but
16 shall not limit the State of North Carolina's use of said easement area for agricultural
17 and silvicultural uses, provided said uses are consistent with all laws, rules, regulations,
18 and ordinances governing said uses. There shall be excepted from the above easement
19 area that certain tract or parcel of land consisting of 85 acres more or less and labeled
20 "Proposed NBAF Site" on the above-described map; provided, however, that if said
21 tract or parcel of land is not selected by the United States Department of Homeland
22 Security for use in connection with the National Bio and Agro-Defense Facility project
23 (NBAF Project) within five years of the date hereof, said area shall become subject to
24 the terms of the easement to be granted. If no deed is recorded within five years in the
25 Granville County Registry conveying said tract or parcel of land or some part thereof
26 for use in connection with the above-described project, it shall be conclusively
27 presumed that said tract or parcel of land or part thereof not so conveyed is subject to
28 the terms of the easement herein granted. Said easement also shall grant to the South
29 Granville Water and Sewer Authority and its successors the right to enforce the terms of
30 the easement related to the protection of the public drinking water supply. The Town of
31 Butner shall be allowed the continued use, including the expansion and improvement, of
32 the recreational facilities described in Section 3(b)(89) of this act.

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

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

38 **"§ 122C-3. Definitions.**

39 The following definitions apply in this Chapter:

40 ...

41 (3) "Camp Butner reservation" means the original Camp Butner
42 reservation as may be designated by the Secretary as having been
43 acquired by the State and includes not only areas which are owned and
44 occupied by the State but also those which may have been leased or

1 otherwise disposed of by the ~~State~~. State, and shall also include those
2 areas within the municipal boundaries of the Town of Butner and that
3 portion of the extraterritorial jurisdiction of the Town of Butner
4 consisting of lands not owned by the State of North Carolina.

5"

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

7 **"§ 122C-403. Secretary's authority over Camp Butner reservation.**

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

- 16 (1) Regulate airports on the reservation in accordance with the powers
17 granted in Article 4 of Chapter 63 of the General Statutes.
- 18 (2) Take actions in accordance with the general police power granted in
19 Article 8 of Chapter 160A of the General Statutes.
- 20 (3) Regulate the development of the reservation in accordance with the
21 powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter
22 160A of the General Statutes. The Secretary may not, however, grant a
23 special use permit, a conditional use permit, or a special exception
24 under Part 3 of that Article. In addition, the Secretary is not required to
25 notify landowners of zoning classification actions under
26 G.S. 160A-384, and the protest petition requirements in
27 G.S. 160A-385, and 160A-386 do not ~~apply~~. apply, but the Secretary
28 shall give the mayor of the Town of Butner at least 14 days' advance
29 written notice of any proposed zoning change. The Secretary may
30 ~~appoint the Butner Planning Council~~ establish a board to act like a
31 Board of Adjustment to make recommendations to the Secretary
32 concerning implementation of plans for the development of the
33 reservation. When acting as a Board of Adjustment, ~~the Butner~~
34 ~~Planning Council~~ that board shall be subject to subsections (b), (c),
35 (d), (f), and (g) of G.S. 160A-388.
- 36 (4) Establish one or more planning agencies in accordance with the power
37 granted in ~~G.S. 160A-361~~ or ~~designate the Butner Planning Council as~~
38 ~~the planning agency for the reservation.~~ G.S. 160A-361.
- 39 (5) Regulate streets, traffic, and parking on the reservation in accordance
40 with the powers granted in Article 15 of Chapter 160A of the General
41 Statutes.
- 42 (6) Control erosion and sedimentation on the reservation in accordance
43 with the powers granted in G.S. 160A-458 and Article 4 of Chapter
44 113A of the General Statutes.

- 1 (7) Contract with and undertake agreements with units of local
2 government in accordance with the powers granted in G.S. 160A-413
3 and Article 20, Part 1, of Chapter 160A of the General Statutes.
- 4 (8) Regulate floodways on the reservation in accordance with the powers
5 granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of
6 the General Statutes.
- 7 ~~(8a) Act on resolutions adopted by the council pursuant to
8 G.S. 122C-413.1(a). If the Secretary approves the resolution, it shall be
9 carried out by the Butner Town Manager. The Secretary shall have no
10 more than 30 days during which to disapprove any recommendation of
11 the council contained in the resolution. Any disapproval shall be in
12 writing, stating the reasons for the disapproval, and shall be returned to
13 the council. If the Secretary does not disapprove a recommendation of
14 the council within the prescribed period, the recommendation shall be
15 deemed approved by the Secretary and shall be carried out by the
16 Butner Town Manager.~~
- 17 (9) Assign duties given by the statutes listed in the preceding subdivisions
18 to a local official to the ~~Butner Town Manager~~ Secretary's designee.
- 19 ~~(9a) Select the Butner Town Manager from the candidates submitted by the
20 council pursuant to G.S. 122C-413.1(b). The Butner Town Manager
21 shall serve at the pleasure of the Secretary. The Secretary shall,
22 through the Butner Town Manager, provide all necessary
23 administrative assistance to the council in carrying out its duties.~~
- 24 (10) Adopt rules to carry out the purposes of this Article."

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

26 **"§ 122C-405. Procedure applicable to rules.**

27 Rules adopted by the Secretary under this Article shall be adopted in accordance
28 with the procedures for adopting a city ordinance on the same subject, shall be subject
29 to review in the manner provided for a city ordinance adopted on the same subject, and
30 shall be enforceable in accordance with the procedures for enforcing a city ordinance on
31 the same subject. Violation of a rule adopted under this Article is punishable as
32 provided in G.S. 122C-406.

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

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

44 **"§ 122C-407. Water and sewer system.**

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

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

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

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

16 **"§ 122C-408. Butner Public Safety Division of the Department of Crime Control**
17 **and Public Safety; jurisdiction; fire and police district.**

18 (a) The Secretary of Crime Control and Public Safety may employ special police
19 officers for the territory of the Butner ~~Advisory Council Jurisdiction~~ Reservation. The
20 Secretary of Crime Control and Public Safety shall contract with the Town of Butner to
21 provide fire and police protection to those areas within the incorporated limits of the
22 Town of Butner. ~~The territorial jurisdiction of these special police officers shall be the~~
23 ~~Butner Advisory Council Jurisdiction, as defined in G.S. 122C 413(a).~~ The territorial
24 jurisdiction of these officers shall consist of the property shown on a map produced May
25 20, 2003, by the Information Systems Division of the North Carolina General Assembly
26 and kept on file in the office of the Butner Town Manager and in the office of Director
27 of the Butner Public Safety Division of the Department of Crime Control and Public
28 Safety and such additional areas which are within the incorporated limits of the Town of
29 Butner as shown on a map to be kept in the office of the Butner Town Manager and in
30 the office of Director of the Butner Public Safety Division of the Department of Crime
31 Control and Public Safety. The Secretary of Crime Control and Public Safety may
32 organize these special police officers into a public safety department for that territory
33 and may establish it as a division within that principal department as permitted by
34 Chapter 143B of the General Statutes.

35 (b) After taking the oath of office required for law-enforcement officers, the
36 special police officers authorized by this section shall have the authority of deputy
37 sheriffs of Durham and Granville Counties in those counties respectively. Within the
38 territorial jurisdiction stated in subsection (a) of this section, the special police officers
39 have the primary responsibility to enforce the laws of North ~~Carolina~~ Carolina, the
40 ordinances of the Town of Butner, and any rule applicable to ~~that territory~~ the Butner
41 Reservation adopted under authority of this Part or under G.S. 143-116.6 or
42 G.S. 143-116.7 or under the authority granted any other agency of the State and also
43 have the powers set forth for firemen in Articles 80, 82 and 83 of Chapter 58 of the
44 General Statutes. Any civil or criminal process to be served on any individual confined

1 at any State facility within the territorial jurisdiction described in subsection (a) of this
2 section shall be forwarded by the sheriff of the county in which the process originated to
3 the Director of the Butner Public Safety Division. Special police officers authorized by
4 this section shall be assigned to transport any individual transferred to or from any State
5 facility within the territorial jurisdiction described in subsection (a) of this section to or
6 from the psychiatric service of the University of North Carolina Hospitals at Chapel
7 Hill.

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

10 (1) The Butner Public Safety Division of the Department of Crime Control
11 and Public Safety shall provide the same level of service to the
12 incorporated area known as the Town of Butner as provided to those
13 areas of the Town of Butner served by Butner Public Safety on
14 January 1, 2007;

15 (2) The Town of Butner shall pay to the State Treasurer, on or before May
16 1 of each year, for deposit in the General Fund an amount equal to the
17 amount that actually would have been collected from real and personal
18 property ad valorem taxes due January 5, 2007, in the area
19 incorporated as the Town of Butner effective July 1, 2007, assuming a
20 tax of twenty-five cents (25¢) per one hundred dollars (\$100.00)
21 valuation of all real and personal property in said area increased
22 effective July 1 of each year by the increase in the percentage change
23 in the Consumer Price Index published by the U.S. Department of
24 Labor, Bureau of Labor Statistics, for the southeast region, all urban
25 consumers (or if that data shall no longer be available, the closest
26 equivalent substitute then in publication by the United States
27 Government) for the previous year ended December 31st;

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

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

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

43 **"§ 122C-409. Community of Butner comprehensive emergency management plan.**

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

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

5 "**§ 122C-410. Authority of county or city over Camp Butner reservation-**
6 **Reservation; zoning jurisdiction by Town of Butner over State lands.**

7 (a) A municipality other than the Town of Butner may not annex territory
8 extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation
9 without written approval from the Secretary and the Butner Town Council of each
10 proposed annexation or extension. The Town of Butner may not annex territory
11 extending into or extend its extraterritorial jurisdiction into those portions of the Camp
12 Butner Reservation owned by the State of North Carolina without written approval from
13 the Secretary of each proposed annexation or extension. The procedures, if any, for
14 withdrawing approval granted by the Secretary to an annexation or extension of
15 extraterritorial jurisdiction shall be stated in the notice of approval.

16 (b) A county ordinance may apply in part or all of the Camp Butner reservation
17 (other than areas within the Town of Butner) if the Secretary gives written approval of
18 the ordinance-ordinance, except that ordinances adopted by a county under Article 18
19 of Chapter 153A of the General Statutes may not apply in the extraterritorial jurisdiction
20 of the Town of Butner without approval of the Butner Town Council. The Secretary
21 may withdraw ~~his~~ approval of a county ordinance by giving written notification, by
22 certified mail, return receipt requested, to the county. A county ordinance ceases to be
23 effective in the Camp Butner reservation 30 days after the county receives the written
24 notice of the withdrawal of approval. This section does not enhance or diminish the
25 authority of a county to enact ordinances applicable to the Town of Butner and its
26 extraterritorial jurisdiction.

27 (c) Notwithstanding any other provision of this Article, no portion of the lands
28 owned by the State as of September 1, 2007, which are located in the extraterritorial
29 jurisdiction or the incorporated limits of the Town of Butner shall be subject to any of
30 the powers granted to the Town of Butner pursuant to Article 19 of Chapter 160A of the
31 General Statutes except as to property no longer owned by the State. If any portion of
32 such property owned by the State of North Carolina as of September 1, 2007, is no
33 longer owned by the State, the Town of Butner may exercise all legal authority granted
34 to the Town pursuant to the terms of its charter or by Article 19 of Chapter 160A of the
35 General Statutes and may do so by ordinances adopted prior to the actual date of
36 transfer. Before the State shall dispose of any property inside the incorporated limits of
37 the Town of Butner or any of that property currently under the control of the North
38 Carolina Department of Health and Human Services or the North Carolina Department
39 of Agriculture and Consumer Services within the extraterritorial jurisdiction of the
40 Town of Butner, southeast of Old Highway 75, northeast of Central Avenue, southwest
41 of 33rd Street, and northwest of "G" Street, by sale or lease for any use not directly
42 associated with a State function, the Town of Butner shall first be given the right of first
43 refusal to purchase said property at fair market value as determined by the average of

1 the value of said property as determined by a qualified appraiser selected by the
2 Secretary and a qualified appraiser selected by the Town of Butner."

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

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

7 "Part 1D. Butner Commissions.

8 **"§ 122C-414. Butner Fire and Police Commission.**

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

11 (b) The Butner Fire and Police Commission shall consist of seven members,
12 three appointed by the Town of Butner, two appointed by the Secretary, one appointed
13 by the Secretary of Crime Control and Public Safety, and one appointed by the
14 Granville County Board of Commissioners. All members appointed by the Town of
15 Butner shall reside within the Town of Butner or its extraterritorial jurisdiction or the
16 Butner Reservation. All members appointed by the Secretary or the Secretary of Crime
17 Control and Public Safety shall either work at or have responsibility for one of the
18 State-run institutions located within the Butner Reservation or shall reside within the
19 Town of Butner and its extraterritorial jurisdiction or the Butner Reservation. The
20 Director of the Butner Public Safety Division of the Department of Crime Control and
21 Public Safety shall serve as an ex officio member of the Butner Fire and Police
22 Commission. No active member of the Butner Public Safety Division of the Department
23 of Crime Control and Public Safety may serve on the Butner Fire and Police
24 Commission.

25 (c) The Butner Fire and Police Commission has the following duties and
26 responsibilities:

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

30 (2) To consult with the Secretary of the Department of Crime Control and
31 Public Safety in the Department's hiring of the Director of the Butner
32 Public Safety Division of the Department of Crime Control and Public
33 Safety. Such consultation shall include, but not be limited to, the
34 Commission reviewing and providing its comments to the Secretary of
35 the Department of Crime Control and Public Safety on the credentials
36 of the applicants for said position. In performing its functions under
37 this subsection, the Commission members shall have the same access
38 to the applicants' personnel records pursuant to Article 7, Chapter 126
39 of the General Statutes as the Secretary of the Department of Crime
40 Control and Public Safety and shall be subject to the same restraints
41 concerning the personnel information as set out in said article.

42 (3) To review and make recommendations to the Secretary of Crime
43 Control and Public Safety concerning the recommended needs of the

1 Butner Public Safety Division of the Department of Crime Control and
2 Public Safety.

3 (4) To receive and forward citizen complaints received by the
4 Commission concerning the Butner Public Safety Division of the
5 Department of Crime Control and Public Safety to the Director of the
6 Butner Public Safety Division of the Department of Crime Control and
7 Public Safety and the Secretary of the Department of Crime Control
8 and Public Safety as the Commission determines is appropriate.

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

12 (d) The members of the Butner Fire and Police Commission shall be appointed
13 within 30 days after the effective date of incorporation of the Town of Butner. One
14 member appointed by the Town of Butner, one member appointed by the Secretary, and
15 the member appointed by the Granville County Board of Commissioners shall serve an
16 initial term of two years. The remainder of the members shall serve an initial term of
17 four years. The beginning date of each initial term for the purpose of reappointment
18 shall be September 1, 2007. Thereafter each member shall serve a term of four years.

19 **"§ 122C-415. Butner Lands Commission.**

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

22 (b) The Butner Lands Commission shall consist of nine members, two appointed
23 by the Town of Butner, two appointed by Granville County, two appointed by the
24 Secretary, one appointed by the Commissioner of the North Carolina Department of
25 Agriculture and Consumer Services, one appointed by the Secretary of Commerce, and
26 one appointed by the Governor on or before September 1, 2007. The Butner Lands
27 Commission shall make recommendations to the Governor on or before September 1,
28 2008, concerning:

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

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

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

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

38 "(c) The amount or rate of such service charge shall be fixed by rules and
39 regulations adopted by the Governor and approved by the Council of State, but as to any
40 particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of
41 the gross amount received from such sale, lease, rental, or other disposition.
42 Notwithstanding any other provision of this Subchapter, the net proceeds derived from
43 the sale of land or products of land owned by or under the supervision and control of the
44 Wildlife Resources Commission, or acquired or purchased with funds of that

1 Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net
2 proceeds derived from the sale of land or timber from land owned by or under the
3 supervision and control of the Department of Agriculture and Consumer Services shall
4 be deposited with the State Treasurer in a capital improvement account to the credit of
5 the Department of Agriculture and Consumer Services, to be used for such specific
6 capital improvement projects or other purposes as are provided by transfer of funds
7 from those accounts in the Capital Improvement Appropriations Act. Provided further,
8 the net proceeds derived from the sale of park land owned by or under the supervision
9 and control of the Department of Environment and Natural Resources shall be deposited
10 with the State Treasurer in a capital improvement account to the credit of the
11 Department of Administration to be used for the purpose of park land acquisition as
12 provided by transfer of funds from those accounts in the Capital Improvement
13 Appropriations Act. In the Capital Improvement Appropriations Act, line items for
14 purchase of park and agricultural lands will be established for use by the Departments of
15 Administration and Agriculture. The use of such funds for any specific capital
16 improvement project or land acquisition is subject to approval by the Director of the
17 Budget. No other use may be made of funds in these line items without approval by the
18 General Assembly except for incidental expenses related to the project or land
19 acquisition. Additionally with the approval of the Director of the Budget, either
20 Department may request funds from the Contingency and Emergency Fund when the
21 necessity of prompt purchase of available land can be demonstrated and funds in the
22 capital improvement accounts are insufficient. Provided further, the net proceeds
23 derived from the sale of any portion of the land owned by the State in or around the
24 ~~unincorporated area known as~~ Butner Reservation on or after July 1, 1980, shall be
25 deposited with the State Treasurer in a capital improvement account to the credit of the
26 ~~Hospital to provide water and sewers and to bring those streets in the unincorporated~~
27 ~~area known as Butner not on the State highway system up to standards adequate for~~
28 ~~acceptance on the system,~~ Department of Health and Human Services to make capital
29 improvements on or to property owned by the State in the Butner Reservation according
30 to a plan adopted by the Department of Administration, and subject to approval by the
31 Office of State Budget and Management, with the approval of the Board of County
32 Commissioners of Granville County, and may be used to build industrial access roads
33 to industries located or to be located on the Butner Reservation, on the Butner lands, to
34 construct new city streets on the Butner lands, in the Butner Reservation, extend water
35 and sewer service on the Butner lands, Reservation, and repair storm drains on the
36 Butner lands, Reservation, and for other capital uses on the Reservation as determined
37 by the Secretary."

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

39 "(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section and~~
40 ~~of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for~~
41 ~~allocation of funds under this section and certification of the population and street~~
42 ~~mileage of Butner by the North Carolina Department of Health and Human Services is~~
43 ~~acceptable. Funds allocated to the area for this purpose shall be administered by the~~

1 ~~Butner Town Manager. Any funds allocated to the unincorporated area known as the~~
2 ~~Butner Reservation shall be transferred to the Town of Butner."~~

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

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

16 **SECTION 14.1.** Section 1.1 through 14 of this act shall become effective
17 only if the Charter of the Town of Butner is approved under section 5 of the Voting
18 Rights Act of 1965. If the Charter is not approved, Sections 1.1 through 14 of this act
19 have no force and effect. If the Charter is approved, then those sections become
20 effective on the first day of the next calendar month that begins more than three days
21 after the approval, except that the persons appointed as temporary officers under Section
22 3.2 of the Charter may immediately take the oath of office and take such preliminary
23 actions as may be necessary for initial organization, personnel actions, and budget
24 adoption, in such special meetings as may be called under G.S. 160A-71.

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

28 **SECTION 14.3.** Section 14 of this act removes the territory within the
29 corporate limits of the Town of Butner from the Butner Police and Fire Protection
30 District provided by Section 1 of Chapter 830 of the 1983 Session Laws, as amended.
31 Since this act will become effective after July 1, 2007, with respect to taxes on property
32 located within the corporate limits, for taxes levied for the 2007-2008 fiscal year, if the
33 incorporation becomes effective, Granville County shall remit to the Town of Butner
34 rather than to the State General Fund the taxes collected for that district on properties
35 located within the corporate limits. Notwithstanding the previous sentence, if Granville
36 County does not bill the Butner Police and Fire Protection District tax for fiscal year
37 2007-2008 on properties located within the proposed corporate limits until either the
38 incorporation is either precleared or rejected under Section 5, those taxes are released or
39 refunded if the incorporation is precleared, or shall be billed if the incorporation is
40 rejected.

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