

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1196

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

Sponsors: Representatives England; Harrison and Lucas.

Referred to: Environment and Natural Resources, if favorable, Finance.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE
STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS
FROM THE STATE NATURE AND HISTORIC PRESERVE.

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

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

Whereas, over 12,350 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the State Nature and Historic Preserve pursuant to a petition of the Council of State dated May 1, 2007; and

Whereas, in accordance with G.S. 143-260.8, it is anticipated that on May 5, 2009, the Council of State will vote to petition the General Assembly to enact a law pursuant to Section 5 of Article XIV of the North Carolina Constitution to dedicate and accept properties added to the State Parks System and designated in the petition for inclusion as parts of the State Nature and Historic Preserve; and

Whereas, it is anticipated that as a part of its petition of May 5, 2009, the Council of State will request the General Assembly to remove certain properties from the State Nature and Historic Preserve; and

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

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

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

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

- (1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~1 May 2007~~: May 5, 2009: Baldhead Island State Natural Area, Bay Tree Lake State Park, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Carvers Creek State Park,



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1 ~~Chimney Rock State Park~~, Cliffs of the Neuse State Park, Chowan Swamp
2 State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk
3 Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park,
4 Goose Creek State Park, Gorges State Park, Haw River State Park,
5 Hammocks Beach State Park, Jones Lake State Park, Lake Norman State
6 Park, Lea Island State Natural Area, Lower Haw River State Natural Area,
7 Lumber River State Park, Mayo River State Park, Medoc Mountain State
8 Park, Merchants Millpond State Park, Mitchells Millpond State Natural
9 Area, Mount Mitchell State Park, ~~Mountain Bog State Natural Area~~,
10 Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot
11 Mountain State Park, Pineola Bog State Natural Area, Raven Rock State
12 Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area,
13 Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore
14 Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature
15 Preserve.

16 (2) All lands and waters within the boundaries of William B. Umstead State
17 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of Tract Number 65,
18 containing 22.93140 acres as shown on a survey prepared by John S.
19 Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State
20 of North Carolina William B. Umstead State Park", dated January 14, 1977
21 and filed in the State Property Office, which was removed from the State
22 Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session
23 Laws. The tract excluded from the State Nature and Historic Preserve under
24 this subdivision is deleted from the State Parks System in accordance with
25 G.S. 113-44.14. The State of North Carolina may only exchange this land for
26 other land for the expansion of William B. Umstead State Park or sell and
27 use the proceeds for that purpose. The State of North Carolina may not
28 otherwise sell or exchange this land.

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

30 (4) All lands within the boundaries of Morrow Mountain State Park as of ~~1 May~~
31 ~~2007~~ May 5, 2009, with the exception of the following tract: That certain
32 tract or parcel of land at Morrow Mountain State Park in Stanly County,
33 North Albemarle Township, containing 0.303 acres, more or less, as
34 surveyed and platted by Thomas W. Harris R.L.S., on a map dated August
35 27, 1988, and filed in the State Property Office, reference to which is hereby
36 made for a more complete description.

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

38 (6) All land within the boundaries of Crowders Mountain State Park as of ~~1 May~~
39 ~~2007~~ May 5, 2009, with the exception of the following tracts. The tracts
40 excluded from the State Nature and Historic Preserve under this subdivision
41 are deleted from the State Parks System in accordance with G.S. 113-44.14.
42 The State of North Carolina may only exchange this land for other land for
43 the expansion of Crowders Mountain State Park or sell this land and use the
44 proceeds for that purpose. The State may not otherwise sell or exchange this
45 land.

46 a. The portion of that certain tract or parcel of land at Crowders
47 Mountain State Park in Gaston County, Crowders Mountain
48 Township, described in Deed Book 1939, page 800, and containing
49 757.28 square feet and as shown in a survey by Tanner and
50 McConnaughey, P.A. dated July 22, 1988 and filed in the State
51 Property Office.

- 1 b. The portion of that certain tract or parcel of land at Crowders
2 Mountain State Park in Gaston County, east of and including the
3 right-of-way along and across Old Peach Orchard Road, as shown in
4 a survey by the City of Gastonia, File No. 400-194, dated November
5 23, 1998, and filed in the State Property Office.
- 6 c. The portion of that certain tract or parcel of land at Crowders
7 Mountain State Park in Cleveland County, described in Deed Book
8 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem
9 Road) and containing 14,964 square feet as shown on the survey
10 entitled "Survey for Crowders Mountain State Park, Deed Book
11 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by
12 David W. Dickson, P.A. dated February 28, 2008.
- 13 (7) All lands owned in fee simple by the State within the boundaries of New
14 River State Park as of ~~1 May 2007~~ May 5, 2009.
- 15 (8) All lands and waters within the boundaries of Stone Mountain State Park as
16 of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The
17 portion of that certain tract or parcel of land at Stone Mountain State Park in
18 Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book
19 633-193, and more particularly described as all of the land in this parcel
20 lying to the west of the eastern edge of the Air Bellows Road, as shown on
21 the National Park Service Land Status Map 33 dated March 24, 1981 and
22 filed in the State Property Office, containing approximately 72 acres. The
23 tract excluded from the State Nature and Historic Preserve under this
24 subdivision is deleted from the State Parks System in accordance with
25 G.S. 113-44.14.
- 26 (9) All lands and waters located within the boundaries of the following State
27 Historic Sites as of ~~1 May 2007~~ May 5, 2009: Alamance Battleground,
28 Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville
29 Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor
30 Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead,
31 Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek
32 Living Historical Farm, House in the Horseshoe, North Carolina
33 Transportation Museum, James K. Polk Memorial, Reed Gold Mine,
34 Somerset Place, Stagville, State Capitol, Town Creek Indian Mound, Tryon
35 Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, and Thomas
36 Wolfe Memorial.
- 37 (10),(11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.
- 38 (12) All lands and waters located within the boundaries of Hanging Rock State
39 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
40 tract: The portion of that tract or property at Hanging Rock State Park in
41 Stokes County, Danbury Township, described in Deed Book 360, Page 160,
42 for a 30-foot wide right-of-way beginning approximately 183 feet south of
43 SR 1001 and extending in a southerly direction approximately 1,479 feet to
44 the southwest corner of the Bobby Joe Lankford tract and more particularly
45 shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury
46 Township, Stokes County, N.C.", by Grinski Surveying Company, dated
47 June 1985, and filed in the State Property Office. The tract excluded from
48 the State Nature and Historic Preserve under this subdivision is deleted from
49 the State Parks System in accordance with G.S. 113-44.14.
- 50 (13) All lands and waters located within the boundaries of South Mountains State
51 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following

1 tracts. The tracts excluded from the State Nature and Historic Preserve under
2 this subdivision are deleted from the State Parks System in accordance with
3 G.S. 113-44.14.

4 a., b. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

5 c. The portions of land at South Mountains State Park that lie south of
6 the centerline of the CCC road as shown on the drawing entitled
7 "Land Trade between South Mountains State Park and Adjacent
8 Game Lands along CCC Road" prepared by the Division of Parks
9 and Recreation, dated March 15, 1999, and filed in the State Property
10 Office and that lie within: (i) the tract or property in Burke County,
11 Lower Fork Township, described in Deed Book 495, Page 501; (ii)
12 the tract or property in Burke County, Lower Fork and Upper Fork
13 Townships, described in Deed Book 715, Page 719; or, (iii) within
14 the tracts or property in Burke County, Upper Fork Township,
15 described in Deed Book 860, Page 341, and Deed Book 884, Page
16 1640. The State of North Carolina may only exchange this land for
17 other land for the expansion of South Mountains State Park or sell
18 this land and use the proceeds for that purpose. The State may not
19 otherwise sell or exchange this land.

20 d. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

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

22 (15) All lands and waters within the boundaries of Jockey's Ridge State Park as
23 of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The
24 portion of those certain tracts or parcels of land at Jockey's Ridge State Park
25 in Dare County, Nags Head Township, described in Deed Book 227, Page
26 499, and Deed Book 227, Page 501, and containing 33,901 square feet as
27 shown on the survey prepared by Styons Surveying Services entitled "Raw
28 Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and
29 filed in the State Property Office; the portion of that certain tract or parcel of
30 land at Jockey's Ridge State Park in Dare County, Nags Head Township,
31 described in Deed Book 222, Page 726, and containing 42,909 square feet as
32 shown on the survey prepared by Styons Surveying Services entitled "Raw
33 Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and
34 filed in the State Property Office; and the portion of that certain tract or
35 parcel of land at Jockey's Ridge State Park in Dare County, Nags Head
36 Township, described in Deed Book 224, Page 790, and Deed Book 224,
37 Page 794, and containing 34,471 square feet as shown on the survey
38 prepared by Styons Surveying Services entitled "Raw Water Well Site 15
39 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State
40 Property Office.

41 (16) All lands and waters located within the boundaries of Mount Jefferson State
42 Natural Area as of ~~1 May 2007~~ May 5, 2009. With respect to the
43 communications tower site on the top of Mount Jefferson and located on that
44 certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe
45 County, West Jefferson Township, described in Deed Book F-3, Page 94, the
46 State may provide space at the communications tower site to State public
47 safety and emergency management agencies for the placement of antennas,
48 repeaters, and other communications devices for public communications
49 purposes. Notwithstanding G.S. 146-29.2, the State may lease space at the
50 communications tower site to local governments in Ashe County for the
51 placement of antennas, repeaters, and other communications devices for

1 public communications purposes. State agencies and local governments that
2 are authorized to place communications devices at the communications
3 tower site pursuant to this subdivision may also locate at or near the
4 communications tower site communications equipment that is necessary for
5 the proper operation of the communications devices. The use of the
6 communications tower site pursuant to this subdivision is authorized by the
7 General Assembly as a purpose other than the public purposes specified in
8 Article XIV, Section 5, of the North Carolina Constitution, Article 25B of
9 Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the
10 General Statutes.

11 (17) All lands and waters within the Eno River State Park as of ~~1 May 2007~~ May
12 5, 2009, with the exception of the following ~~tract~~ tracts:

13 (a) The portion of that certain tract or parcel of land at Eno River State
14 Park in Durham County, Durham Outside Township, described in
15 Deed Book 435, Page 673, and Plat Book 87, Page 66, containing
16 11,000 square feet and being the portion of Lot No. 2 shown as the
17 existing scenic easement hereby removed on the drawing prepared by
18 Sear-Brown entitled "Recombination Plat Eno Forest Subdivision"
19 bearing the preparer's file name 00-208-07.dwg, and filed with State
20 Property Office. The tract excluded from the State Nature and
21 Historic Preserve under this subdivision is deleted from the State
22 Parks System pursuant to G.S. 113-44.14. The State of North
23 Carolina may only exchange this land for other land for the
24 expansion of Eno River State Park or sell this land and use the
25 proceeds for that purpose. The State may not otherwise sell or
26 exchange this land.

27 b. The portion of that certain tract or parcel of land at Eno River State
28 Park in Orange County, described in Deed Book 3878, Page 461, and
29 Plat Book 98, Page 11, containing 5,313 square feet and required for
30 the permanent easements for bridge replacement project B-4216 on
31 SR 1002 (St. Mary's Road), as shown in the drawing entitled
32 "Preliminary Plans, Project Reference No. B-4216" prepared for NC
33 Department of Transportation by Mulkey Engineers and Consultants
34 dated March 10, 2009, and filed with the State Property Office. The
35 tracts excluded from the State Nature and Historic Preserve under
36 this section are deleted from the State Parks System pursuant to
37 G.S. 113-44.14. The State of North Carolina may only exchange this
38 land for other land for the expansion of Eno River State Park or sell
39 this land and use the proceeds for that purpose. The State may not
40 otherwise sell or exchange this land.

41 (18) All land and waters within the boundaries of Hemlock Bluffs State Natural
42 Area as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
43 tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs
44 State Natural Area in Wake County, Swift Creek Township, described in
45 Deed Book 2461, Page 037, containing 2,025 square feet and being the
46 portion of this tract shown as proposed R/W on the drawing prepared by
47 Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of
48 Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to
49 Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary
50 Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
51 Property Office; and the portion of those certain tracts or parcels of land at

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

14 (19) All lands and waters within the boundaries of Lake James State Park as of ~~4~~
15 ~~May 2007, May 5, 2009~~, with the exception of the following tracts:

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

33 b. The portion of that certain tract or parcel of land at Lake James State
34 Park in McDowell County, Nebo Township, described in Deed Book
35 377, Page 423, and also shown as Tract B on the plat of survey
36 prepared by Kenneth D. Suttles, RLS, dated December 4, 1987,
37 entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book
38 4, Page 275 of the McDowell County Registry, for a 40-foot
39 right-of-way beginning at the southwest corner of Tract B and
40 continuing along the southern boundary S 86 38' 51" E for 400 feet to
41 the now or former John D. Walker property. The State of North
42 Carolina may grant an easement across this tract to extinguish
43 prescriptive easements on Tract B to improve management of the
44 State park property. The State may not otherwise sell or exchange
45 this land. The easement excluded from the State Nature and Historic
46 Preserve under this subdivision is deleted from the State Parks
47 System pursuant to G.S. 113-44.14.

48 (20) All lands and waters within the boundaries of Lake Waccamaw State Park as
49 of ~~May 1, 2007, May 5, 2009~~, with the exception of the following tracts: The
50 portions of that certain tract or parcel of land at Lake Waccamaw State Park
51 in Columbus County described in Deed Book 835, Page 590, containing

1 48,210 square feet and being the portion of this tract shown as new R/W and
2 permanent utility easement on drawing prepared by State of North Carolina
3 Department of Transportation entitled "Map of Proposed Right of Way
4 Property of State of North Carolina (Parks and Recreation) Columbus
5 County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E.
6 Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State
7 Property Office. The tracts excluded from the State Nature and Historic
8 Preserve under this section are deleted from the State Parks System pursuant
9 to G.S. 113-44.14. The State of North Carolina may only exchange this land
10 for other land for the expansion of Lake Waccamaw State Park or sell this
11 land and use the proceeds for that purpose. The State may not otherwise sell
12 or exchange this land.

13 (21) All lands and waters within the boundaries of Chimney Rock State Park as
14 of May 5, 2009, with the exception of the following tract: The portion of that
15 certain tract or parcel of land at Chimney Rock State Park in Rutherford
16 County being a portion of Parcel 2 as described in Deed Book 933, Page
17 598, containing 346 square feet and being shown as proposed right-of-way
18 for bridge replacement project B-4258 on U.S. 64 over the Broad River on
19 drawing prepared by Kimley-Horn and Associates for the North Carolina
20 Department of Transportation and revised October 26, 2007, and filed with
21 the State Property Office. The tracts excluded from the State Nature and
22 Historic Preserve under this section are deleted from the State Parks System
23 pursuant to G.S. 113-44.14. The State of North Carolina may only exchange
24 this land for other land for the expansion of Chimney Rock State Park or sell
25 this land and use the proceeds for that purpose. The State may not otherwise
26 sell or exchange this land.

27 (22) All State-owned land and waters within the boundaries of the
28 Mountains-to-Sea Trail as of May 5, 2009, with the exception of the
29 following tract: The portion of that certain tract or parcel in Johnston County
30 described in Deed Book 3634, Page 278, containing 4.72 acres and being
31 described as proposed easement area for Piedmont Natural Gas Company
32 transmission line on drawing entitled "Easement Survey Prepared for
33 Piedmont Natural Gas Company, Line 142, Easement to be Acquired from
34 the State of North Carolina" by McKim & Creed and dated July 31, 2008,
35 and revised March 11, 2009. The State of North Carolina may grant an
36 easement to Piedmont Natural Gas Company across this tract to facilitate the
37 transmission of natural gas. The grant of the easement within the
38 Mountains-to-Sea Trail to Piedmont Natural Gas Company under this
39 section constitutes authorization by the General Assembly that the described
40 tract of land may be used for a purpose other than the public purposes
41 specified in Section 5 of Article XIV of the North Carolina Constitution,
42 Article 25B of the Chapter 143 of the General Statutes, and Article 2C of
43 Chapter 113 of the General Statutes. The State of North Carolina may use
44 the proceeds from the easement only for the expansion or improvement of
45 the Mountains-to-Sea Trail or another State park. The State may not
46 otherwise sell or exchange this land."

47 **SECTION 2.** This act becomes effective on July 1, 2009, only if the Council of
48 State acts in the manner set out in the fourth and fifth whereas clauses that precede this act.