

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 130
House Committee Substitute Favorable 3/10/05**

Short Title: Currituck/Mecklenburg Property Conveyances.

(Public)

Sponsors:

Referred to:

February 14, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF
2 CURRITUCK AND CERTAIN PROPERTY TO JOHNSON & WALES
3 UNIVERSITY.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Currituck County has already invested millions of local
7 dollars into the Currituck County airport site and will continue to invest in the site. It is
8 the goal of this section to enhance and grow the Currituck County airport into an
9 economically viable area for both the county and the State. Currituck County is
10 currently negotiating with three companies to locate on the site:

- 11 (1) Blackwater, a national security and law enforcement training
12 operation, wants to open an air operation wing there and have even
13 talked about opening up a manufacturing site sometime in the future.
14 (2) Another company with whom they are negotiating is a national
15 helicopter company that has a military contract.
16 (3) The third company is a corporate aircraft and long-haul medical
17 service. They are looking to locate somewhere on the east coast, and
18 they are very interested in locating in Currituck County.

19 Blackwater would bring 100 or so jobs now, and if all three of these
20 companies were to locate here, it could result in as many as 500 jobs. These jobs are
21 high-paying jobs as they are very specialized positions such as aircraft mechanics.

22 The biggest hurdle in landing these companies is that the county does not
23 have ownership of the property. The companies will not finalize negotiations without
24 the county having complete ownership. In fact, had the county gained control over this
25 property last year when intended by the previous legislation, Blackwater's building
26 would have already been constructed.

27 **SECTION 1.(b)** Section 30.3F of S.L. 2004-124 reads as rewritten:

28 "**SECTION 30.3F.** The State of North Carolina shall convey to Currituck County,
29 for consideration of one dollar (\$1.00), title in fee simple absolute with no restrictions or

1 covenants to the land on which the Currituck County Airport is situated, all of that
2 certain tract or parcel of land situate, lying and being in Crawford Township, Currituck
3 County, North Carolina, and being more particularly described as follows:

4 **TRACT I:** Beginning at a point marked by a concrete marker, said
5 point being located approximately South 76 degrees 30' East and
6 approximately 1500 feet from the intersection of State Road No. 1246
7 with said Highway No. 158; running thence South 31 degrees 52' West
8 927.5 feet to a point; running thence North 26 degrees 36" West 49
9 feet to a point; running thence North 26 degrees 36' West 233.0 feet to
10 a point; running thence North 29 degrees 01' West 233.3 feet to a
11 point; running thence North 20 degrees 51' West 410.9 feet to a point;
12 running thence North 21 degrees 21' West 383.6 feet to a point;
13 running thence South 74 degrees 22' West approximately 300 feet to a
14 point, said point being located in the Northern right of way line of U.S.
15 Highway No. 158; running thence North 76 degrees 30' West along the
16 right of way line of said Highway a distance of approximately 100 feet
17 to a point, said point being the Eastern right of way line of State Road
18 No. 1246; thence following the Eastern right of way line of said North
19 Carolina State Road No. 1246 and running in a general Northerly
20 direction a distance of approximately 3350 feet to a point; running
21 thence in a general Eastwardly direction a distance of approximately
22 200 feet to a point; running thence in a general Northerly direction a
23 distance of approximately 1175 feet to a point, marked by a concrete
24 marker, said point lying North 47 degrees 52' West and 300 feet from
25 the Western edge of the Maple Air Strip; running thence South 47
26 degrees 52' East a distance of 300 feet to a point located at the edge of
27 the Maple Air Strip; running thence South 41 degrees 58' West a
28 distance of 2200 feet to a point, said point being the Southwest corner
29 of the Maple Air Strip; running thence South 47 degrees 52' East a
30 distance of 200 feet to a point, said point being the Southeast corner
31 of the Maple Air Strip; running thence North 41 degrees 58' East along
32 the Eastern edge of the Maple Air Strip a distance of 1510 feet to a
33 point; running thence South 47 degrees 52' East a distance 175 feet to
34 a point; running thence South 41 degrees 58' West a distance of 3370
35 feet to a point located in the Northern right of way line of U.S.
36 Highway No. 158; running thence South 76 degrees 30' East along the
37 Northern right of way line of said Highway a distance of 480 feet to a
38 point, said point being the point and place of beginning. The property
39 herein described contains property located on both the North and
40 South sides of U.S. Highway No. 158.

41 **TRACT II:** Beginning at a point marked by a concrete monument,
42 said point being located North 47 degrees 52' West and 300 feet from a
43 point located on the Western edge of the Maple Air Strip, said point on
44 the Western edge of said Air Strip being 2200 feet from the Southwest

1 corner of said Air Strip; running thence North 42 degrees 08' East a
2 distance of 3866.0 feet to a point; running thence South 47 degrees 52'
3 East 798 feet to a point; running thence South 41 degrees 58' West
4 1250.0 feet to a point; running thence South 75 degrees 10' East
5 1518.6 feet to a point; running thence South 25 degrees 30' East 689.7
6 feet to a point; running thence South 24 degrees 15' East 1537.8 feet to
7 a point; running thence South 19 degrees 15' East 1408.4 feet to a
8 point, said point being known as Douglas Corner; running thence
9 South 71 degrees 24' West 2130.3 feet to a point; running thence South
10 88 degrees 2' West 1463.9 feet to a point; running thence North 72
11 degrees 7' West 1346.4 feet to a point; running thence North 19
12 degrees 10' East 457.6 feet to a point; running thence North 12 degrees
13 10' West 895.0 feet to a point; running thence North 47 degrees 52'
14 West 535.0 feet to a point; running thence North 47 degrees 52' West
15 175 feet to a point, said point being located at the edge of the Maple
16 Air Strip, and being located 1510 feet from the Southeast corner of
17 said Air Strip; running thence North 41 degrees 58' East 2550.0 feet to
18 a point, said point being the Northeast corner of said Maple Air Strip;
19 running thence North 47 degrees 52' West 200 feet to a point, said
20 point being the Northwest corner of said Maple Air Strip; running
21 thence South 41 degrees 58' West 1800 feet to a point, said point being
22 located at the edge of said Maple Air Strip; running thence North 47
23 degrees 52' West 300 feet to a point, said point being the point and
24 place of beginning.

25 **TRACT III:** Beginning at a point located 25 feet Southwest of the
26 Southwest corner of the paved portion of the Maple Air Strip; running
27 thence North 41 degrees 58' East a distance of 4000 feet to a point,
28 said point being located 25 feet Northwest of the Northwest corner of
29 the paved portion of the said Maple Air Strip; running thence South 47
30 degrees 52' East a distance of 200 feet to a point, said point being
31 located 25 feet Northeast of the Northeast corner of said Maple Air
32 Strip; running thence South 41 degrees 58' West a distance of 4060
33 feet to a point, said point being located 25 feet Southeast of the
34 Southeast corner of said Maple Air Strip; running thence North 47
35 degrees 52' West a distance of 200 feet to a point, said point being the
36 point and place of beginning. The property herein described contains
37 the Maple Air Strip.

38 **TRACT IV:** Beginning at a point located in the Northern right of way
39 line of U.S. Highway No. 158, said point being located South 76
40 degrees 30' East and approximately 1500 feet from the intersection of
41 State Road No. 1246 with said Highway No. 158, said point also being
42 the beginning point for Tract I as was hereinbefore described and Tract
43 V as will be hereinafter described; running thence North 76 degrees
44 30' West along the Northern right of way line of Highway No. 158 a

1 distance of 480 feet to a point; running thence North 41 degrees 58'
2 East 3370.0 feet to a point; running thence South 47 degrees 52' East
3 535 feet to a point; running thence South 12 degrees 10' East 895.0
4 feet to a point; running thence South 67 degrees 31' West 329.0 feet to
5 a point; running thence South 59 degrees 16' West 759.0 feet to a
6 point; running thence North 22 degrees 11' East 112 feet to a point;
7 running thence North 55 degrees 34' West 652.9 feet to a point;
8 running thence South 32 degrees 26' West 329.0 feet to a point;
9 running thence South 31 degrees 52' West 1310 feet to a point; said
10 point being the point and place of beginning.

11 **TRACT V:** Beginning at a point located in the Northern right of way
12 line of U.S. Highway No. 158, said point being located South 76
13 degrees 30' West and 1500 feet from the intersection of State Road No.
14 1246 with U.S. Highway No. 158, said point also being the point of
15 beginning for Tracts I and IV as hereinbefore described; running
16 thence South 76 degrees 30' East along the Northern right of way line
17 of said Highway; running thence across said Highway South 45
18 degrees 3' West a distance of 396.0 feet to a point; running thence
19 South 64 degrees 33' West a distance of 198.0 feet to a point; running
20 thence South 56 degrees 3' West 115.5 feet to a point; running thence
21 South 87 degrees 3' West 132 feet to a point; running thence South 63
22 degrees 3' West 166.2 feet to a point; running thence North 31 degrees
23 52' East 825 feet to a point, said point being the point and place of
24 beginning.

25 **LESS AND EXCEPT** that certain portion of land conveyed to C.
26 Victor Sawyer and wife, Alethia R. Sawyer as set forth in Deed
27 recorded in Book 232, Page 468, in the Currituck County Public
28 Registry and more particularly described as follows:

29 BEGINNING at a point in the south side of the right of way of U.S.
30 Highway No. 158, said point also being located in a common property
31 line between the State of North Carolina and C. Victor Sawyer;
32 running thence South 45 degrees 37' 46" West 297.45 feet to a point;
33 running thence South 65 degrees 02' 16" West 198.00 feet to a point;
34 running thence South 56 degrees 32' 16" West 115.5 feet to a point;
35 running thence South 87 degrees 32' 16" West 132 feet to a point;
36 running thence South 63 degrees 32' 16" West 278.70 feet to a point;
37 running thence South 32 degrees 21' 16" West 97.9 feet to a point;
38 running thence North 26 degrees 06' 44" West 282 feet to a point;
39 running thence North 28 degrees 31' 22" West 233.27 feet to a point;
40 running thence North 20 degrees 21' West 410.90 feet to a point;
41 running thence North 20 degrees 51' West 103.05 feet to a point
42 located in the Southern right of way of U.S. Highway No. 158, said
43 point also being located in a common line between the State of North
44 Carolina and Doc H. Etheridge; running thence South 74 degrees 28'

1 17" East 1387.86 feet along the Southern right of way of U.S.
2 Highway No. 158 to the point and place of beginning and containing
3 13.351 acres as shown on Survey No. L-609 dated June 12, 1987 by S.
4 Elmo Williams, RLS. The above description covers a portion of Tracts
5 I and V of that land described in Title Book 1, Page 36."

6 **SECTION 2.(a)** The Charlotte Campus of Johnson & Wales University is a
7 significant, strategic growth move for that university. Charlotte is considered a best fit
8 location at which the Johnson & Wales University will consolidate its southeastern
9 presence and continue to expand and enhance its educational offering to this region. The
10 following are additional benefits to the State from Johnson & Wales University locating
11 a campus in Charlotte:

- 12 (1) Nearly one hundred twelve million dollars (\$112,000,000) will be
13 invested into the launch of this new campus.
- 14 (2) It will generate nearly sixty million dollars (\$60,000,000) in annual
15 economic activity by 2007 (representing direct and indirect
16 expenditures).
- 17 (3) Nearly eighty percent (80%) of students systemwide earn fifty percent
18 (50%) of their tuition through work during their school year.
- 19 (4) At least forty-five percent (45%) of the Charlotte Campus graduates
20 are likely to remain in the Charlotte region.
- 21 (5) Over 1,200 students were enrolled in 2004 with an expected 3,500 by
22 2007. Johnson & Wales University will offer two-year and four-year
23 degrees through the College of Business, College of Culinary Arts, and
24 The Hospitality College. Approximately 300 staff and faculty will be
25 employed by 2007.

26 **SECTION 2.(b)** Title. The State of North Carolina shall convey to Johnson
27 & Wales University, for consideration of one dollar (\$1.00), title in fee simple absolute
28 with no restrictions or covenants to the following (collectively, the "Property"):

- 29 (1) A parcel of real property located at 500 West Trade Street, Charlotte,
30 Mecklenburg County, North Carolina, Mecklenburg County Tax
31 Parcel 078-055-03 (the "Land"), more particularly described as
32 follows: Being all that certain lot or parcel of land situated in the City
33 of Charlotte, Mecklenburg County, North Carolina and more
34 particularly described as follows: BEGINNING at a spike, said spike
35 marking the point of intersection of the northeasterly margin of the
36 right-of-way of W. Trade Street with the northwesterly margin of the
37 right-of-way of Graham Street, and running thence with said
38 northwesterly margin of the right-of-way of Graham Street N 49-41-04
39 E 387.14 feet to an iron marking the point of intersection of the
40 northwesterly margin of the right-of-way of Graham Street with the
41 southwesterly margin of the right-of-way of West Fifth Street; and
42 running thence with the said southwesterly margin of the right-of-way
43 of West Fifth Street N 41-54-20 W 221.21 feet to an iron; thence with
44 the southeasterly margin of the boundary line of the property of Pinto

1 Brothers, Inc. (now or formerly) S 45-17-28 W 390.5 feet to a spike in
2 the northeasterly margin of the right-of-way of West Trade Street;
3 thence with said northeasterly margin of the right-of-way of West
4 Trade Street S 42-48-57 E 191.4 feet to the point and place of
5 BEGINNING, said tract of land containing 1.84 acres, more or less, as
6 shown on a survey dated July 31, 1981, as prepared by F.D. Lawrence,
7 Registered Surveyor, together with all rights and easements
8 appurtenant thereto, and all right, title and interest of the State in, to
9 and under the streets, rights-of-way and roads contiguous thereto (the
10 "Appurtenances") in "as is" condition;

11 (2) All buildings and improvements situated on or in the land (the
12 "Improvements"), and all fixtures, equipment permanently attached to
13 the Improvements, appliances necessary to the use and operation of the
14 Improvements, including by way of example and not by way of
15 limitation, carpeting, light fixtures, heating and air conditioning units
16 and equipment, water heaters and equipment ("Fixtures and
17 Equipment"), all in "as is" condition; and

18 (3) The State's right, title and interest in all surveys, plans, specifications,
19 operating manuals, warranties and guarantees covering the
20 Improvements and the Fixtures and Equipment; and the State's right,
21 title and interest in any assignable utility agreements, escrows,
22 licenses, franchises and permits relating to the Land, Improvements or
23 Fixtures and Equipment.

24 **SECTION 2.(c)** Notwithstanding the provisions of G.S. 146-75,
25 G.S. 146-76, or any other provision of law, execution and delivery of title shall not
26 require approval of or participation by the Governor or the Council of State but shall be
27 executed and delivered by the State Property Office of the Department of
28 Administration.

29 **SECTION 2.(d)** Johnson & Wales University has been paid by the State the
30 sum of two million dollars (\$2,000,000) as an incentive grant from the State. The
31 conveyance under this section is in lieu of other incentives by the State.

32 **SECTION 2.(e)** The appraised value of the property transfer under this
33 section shall be considered as meeting, on a dollar-for-dollar basis, the requirements for
34 Sale of Surplus Property under Section 2.2(a) of S.L. 2003-284.

35 **SECTION 2.(f)** The closing on the Property shall take place in the State
36 Property Office not more than 90 days following the effective date of this act. The State
37 of North Carolina shall deliver to Johnson & Wales University a nonwarranty deed to
38 the Land, the Improvements and the Appurtenances, a nonwarranty bill of sale to the
39 Fixtures and Equipment, and other necessary and customary real estate closing
40 documents.

41 **SECTION 2.(g)** The State shall continue to maintain, operate, and manage
42 the Property after the effective date of this act until the conveyance of title. All efforts to
43 sell the Property other than the transfer provided for in this section shall cease upon the
44 effective date of this act; and, any sale or document providing for sale entered into after

1 such effective date and during the pendency of the transfer contemplated by this act
2 shall be void and of no force or effect.

3 **SECTION 3.** This act is effective when it becomes law.