

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 202
HOUSE BILL 280

AN ACT TO PERMIT THE TOWN OF HIGHLANDS IN MACON COUNTY TO
LEASE CERTAIN REALTY FOR THE PURPOSES OF ESTABLISHING AND
MAINTAINING A BOTANICAL GARDEN.

WHEREAS, the following described real property was deeded to the Town of Highlands to be used for public park purposes in 1925 and the town has been unable to develop and maintain the property for public park purposes; and

WHEREAS, the Highlands Biological Station, Inc. was founded in 1927 and conducts a program of basic biological research and educational program in the basic sciences; and

WHEREAS, ten universities of the southeast, including North Carolina State College, the University of North Carolina and Duke University, are subscribing institutional members of the Station and administer the program of the Station through a board of managers composed of representatives of each of the educational institutions; and

WHEREAS, the Highlands Biological Station, Inc. and the Town of Highlands desire to make the real property in question available to the Highlands Biological Station, Inc. for the purposes of establishing, maintaining and using the realty as a botanical garden for the education and entertainment of citizens of the Town of Highlands, and guests, and Students, and tourists generally who may be attracted to the proposed botanical garden; and

WHEREAS, the governing board of the Town of Highlands believes that the use of the real property for botanical garden purposes will be within the public park purposes for which the real property was deeded to the town, and that the best interests of the Town of Highlands and its citizens would be served by the development and maintenance of botanical gardens at the site of this real property: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Highlands in Macon County, through its governing board, is hereby authorized to negotiate and enter into a lease with the Highlands Biological Station, Inc. of the following described real property owned by the town under a deed conveying same to the town in 1925 for use as a public park, to wit:

Being Lot No. 4 of the Lindenwood Lake Property of T. Peden Anderson, as per plat and survey thereof by J. Q. Pierson, dated April and May, 1924, and duly

recorded at page 298 of Book J-4 of Deeds, Macon County Registry, to which reference is hereby made for a more particular description.

The lease may be for a term not to exceed 99 years and for a nominal rental of one dollar (\$1.00), and may be upon other terms and conditions which shall be within the discretion of the governing board of the Town of Highlands, and which the board may consider to be in the best interests of the Town of Highlands. The lease may contain such provisions as in the discretion of the board shall suitably protect the right of access and use by the citizens of the Town of Highlands of the property in question with respect to the proposed botanical gardens, and may also suitably safeguard the Town of Highlands as against the lessee with respect to the establishment and continued maintenance of the property for botanical garden purposes and for the education, recreation and enjoyment of the citizens of the Town of Highlands.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1961.