

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-133  
HOUSE BILL 410**

AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN  
UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Town of Pinebluff (hereafter "Town") owns the following tracts of undeveloped property in the southern part of the Town, which the Town desires to preserve as park land for future generations:

- (1) Being all of that property having the Moore County LRK number 54213, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 177, Page 111.
- (2) Being all of that property having the Moore County LRK number 54214, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 146, Page 216.
- (3) Being all of that property having the Moore County LRK number 54215, which is separated by an unopened portion of Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property and which was conveyed to the Town by deed recorded in the Moore County Registry at Book 218, Page 587.
- (4) Being all of that property having the Moore County LRK number 54217 and which consists of the center court of the block bounded by New England Avenue on the north, Pecan Street on the east, an unopened portion of Boston Avenue on the south, and an unopened portion of Pine Street on the west.
- (5) Being all that property having the Moore County LRK number 56645 and which consists of the center court of the block bounded by New England Avenue on the north; Walnut Street, which is also U.S. Highway 1, on the west; Boston Avenue on the south; and Pecan Street on the west.
- (6) Being all of the property having the Moore County LRK number 56640, which is separated by Boston Avenue from the northern boundary of the property commonly referred to as the Well Spring Property.
- (7) Being all of the property having the Moore County LRK numbers 54227 and 54228, which is commonly referred to as the Well Spring Property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 140, Page 318.
- (8) Being all of the property having the Moore County LRK number 96000559, which is a Town well site that was subdivided from the Well Spring



- Property (Moore County Registry at Book 140, Page 318) by deed recorded in the Moore County Registry at Book 1208, Page 9.
- (9) Being all of the property having the Moore County LRK number 96000574, which is a Town well site that was subdivided from the Well Spring Property (Moore County Registry at Book 140, Page 318) by deed recorded in the Moore County Registry at Book 1213, Page 140.
  - (10) Being all of that property having the Moore County LRK number 52164, which is commonly referred to as the Sanitarium Property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 3275, Page 415.
  - (11) Being all of that property having the Moore County LRK number 56638, which is commonly referred to as Delano Park and was conveyed to the Town by deed recorded in the Moore County Registry at Book 168, Page 44.
  - (12) Being all of that property having the Moore County LRK number 53218, which is a 1.171-acre tract of land adjacent to the above described Delano Park property and was conveyed to the Town by deed recorded in the Moore County Registry at Book 1780, Page 288.
  - (13) Being all of that property conveyed to the Town by deed recorded in the Moore County Registry at Book 168, Page 46.

**SECTION 2.** Except as provided in Sections 3 and 4 of this act, the Town shall be subject to the following restrictions with respect to its ownership and use of the properties described in Section 1 of this act:

- (1) The properties may be used only as parks, nature preserves, or a combination thereof, and may include such amenities as the Town deems appropriate.
- (2) Except as authorized in this subdivision and subdivisions 4 and 5 of this section, no trees, shrubs, or other vegetation, or any parts thereof, on the properties may be cut, removed, or otherwise managed. Trees and other vegetation may be cut, removed, or otherwise managed as necessary to accommodate park amenities, to maintain the health of the ecosystems on the properties and, as necessary, to control exotic invasive species. Trees and other vegetation may also be cleared for emergency purposes. Any cutting, removal, or other vegetation management shall be undertaken only in accordance with a plan prepared by a North Carolina registered forester, certified arborist, or other similarly qualified professional, except that emergency work may be performed at any time by emergency personnel.
- (3) The Town, through its own staff or through a third party with whom the Town has entered a lease or other agreement, may collect pine straw on any of the properties. No plan shall be required prior to undertaking the activity authorized under this subdivision.
- (4) The Town or other governmental entities may continue to operate existing well sites or other public utilities over, in, under, or through any of the properties. Furthermore, the Town or other governmental entities may acquire easements or fee simple title over, in, under, or through any of the properties for the installation or maintenance of public utilities and for access to the public utilities. Vegetation may be cleared within utility areas as is reasonably necessary to maintain the utilities and access thereto.
- (5) Notwithstanding the provisions of G.S. 160A-265, none of the properties, or any portion thereof, may be sold, transferred, or conveyed by the Town, except that the Town may sell, transfer, or convey any of the properties, or any portion thereof, to any governmental or nonprofit organization, subject

to restrictions that limit the use of the properties substantially to the uses allowed by this act.

**SECTION 3.** The Town may use up to 15 acres of the total acreage of the properties described in Section 1 of this act for any lawful governmental purpose, including, but not limited to, the construction of a new fire station or Town hall. The Town may use the 15 acres for various projects occurring at different times, and the acreage used may include one or any combination of the properties described in Section 1 of this act.

**SECTION 4.** Fifty years from the effective date of this act, the Board of Commissioners of the Town may remove some or all of the restrictions imposed in this act on the properties described in Section 2 of this act. In order for the removal or modification of the restrictions to become effective, the Board of Commissioners shall adopt a resolution detailing the removal or modification, and the terms of the resolution must be approved by at least sixty percent (60%) of the residents of the Town casting votes in a referendum on the matter. The referendum must be held at the same time as a general election and must be called in the same manner as a special election in accordance with the requirements of G.S. 163-287 or such other statute that shall be in effect at the time that governs the calling of a special election.

**SECTION 5.** Any resident of the Town shall have standing to sue to enforce the provisions of this act. The action shall be brought in the Superior Court of Moore County.

**SECTION 6.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15<sup>th</sup> day of June, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives