

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

2

**SENATE BILL 627
House Committee Substitute Favorable 6/3/03**

Short Title: State Nat. & Hist. Preserve Adds. & Removals.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

1 AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF
2 THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN
3 LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO
4 DELETE A PARK FROM THE STATE PARKS SYSTEM.
5

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

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

16 Whereas, over 6,700 acres have been added to the State Parks System since
17 the last dedication and acceptance of properties as part of the State Nature and Historic
18 Preserve pursuant to a petition of the Council of State dated 3 April 2001, and

19 Whereas, in accordance with G.S. 143-260.8, on 6 May 2003 the Council of
20 State voted to petition the General Assembly to enact a law pursuant to Section 5 of
21 Article XIV of the Constitution of North Carolina to dedicate and accept properties
22 added to the State Parks System and designated in the petition for inclusion as parts of
23 the State Nature and Historic Preserve; and

24 Whereas, as a part of its petition of 6 May 2003 the Council of State also
25 requested the General Assembly to remove certain properties from the State Nature and
26 Historic Preserve; and

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

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

2 "**§ 143-260.10. Components of State Nature and Historic Preserve.**

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

5 (1) All lands and waters within the boundaries of the following units of
6 the State Parks System as of ~~April 3, 2001~~; 6 May 2003: Baldhead
7 Island State Natural Area, Bay Tree Lake State Park, Beech Creek Bog
8 State Natural Area, Bullhead Mountain State Natural Area, Bushy
9 Lake State Natural Area, Carolina Beach State Park, Cliffs of the
10 Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp
11 State Natural Area, Elk Knob State Natural Area, ~~Eno River State~~
12 ~~Park~~, Fort Fisher State Recreation Area, Fort Macon State Park, Goose
13 Creek State Park, Gorges State Park, Hammocks Beach State Park,
14 Hemlock Bluffs State Natural Area, Jones Lake State Park, Lake
15 James State Park, Lake Norman State Park, Lake Waccamaw State
16 Park, Lea Island State Natural Area, Lumber River State Park, Medoc
17 Mountain State Park, Merchants Millpond State Park, Mitchells
18 Millpond State Natural Area, Mount Mitchell State Park, Occoneechee
19 Mountain State Natural Area, Pettigrew State Park, Pilot Mountain
20 State Park, Raven Rock State Park, Run Hill State Natural Area,
21 Singletary Lake State Park, Theodore Roosevelt State Natural Area,
22 and Weymouth Woods-Sandhills Nature Preserve.

23 (2) All lands and waters within the boundaries of William B. Umstead
24 State Park as of ~~April 3, 2001~~; 6 May 2003 with the exception of Tract
25 Number 65, containing 22.93140 acres as shown on a survey prepared
26 by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled
27 "Property of The State of North Carolina William B. Umstead State
28 Park", dated January 14, 1977 and filed in the State Property Office,
29 which was removed from the State Nature and Historic Preserve by
30 Chapter 450, Section 1 of the 1985 Session Laws. The tract excluded
31 from the State Nature and Historic Preserve under this subdivision is
32 deleted from the State Parks System in accordance with G.S.
33 113-44.14. The State of North Carolina may only exchange this land
34 for other land for the expansion of William B. Umstead State Park or
35 sell and use the proceeds for that purpose. The State of North Carolina
36 may not otherwise sell or exchange this land.

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

38 (4) All lands within the boundaries of Morrow Mountain State Park as of
39 ~~April 3, 2001~~; 6 May 2003 with the exception of the following tract:
40 That certain tract or parcel of land at Morrow Mountain State Park in
41 Stanly County, North Albemarle Township, containing 0.303 acres,
42 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on
43 a map dated August 27, 1988, and filed in the State Property Office,
44 reference to which is hereby made for a more complete description.

- 1 (5) Repealed by Session Laws 1999-268, s. 2.
- 2 (6) All land within the boundaries of Crowders Mountain State Park as of
- 3 ~~April 3, 2001~~, 6 May 2003 with the exception of the following ~~tract~~
- 4 ~~tracts~~: The portion of that certain tract or parcel of land at Crowders
- 5 Mountain State Park in Gaston County, Crowders Mountain
- 6 Township, described in Deed Book 1939, page 800, and containing
- 7 757.28 square feet and as shown in a survey by Tanner and
- 8 McConnaughey, P.A. dated July 22, 1988 and filed in the State
- 9 Property Office. The portion of that certain tract or parcel of land at
- 10 Crowders Mountain State Park in Cleveland County, Number Four
- 11 Township, described in Deed Book 1286, Page 85, and containing 1.64
- 12 acres as shown on the drawing prepared by the Division of Parks and
- 13 Recreation entitled "Property to Be Excepted Crowders Mountain
- 14 State Park" dated 14 April 2003, and filed in the State Property Office.
- 15 The ~~tract~~ tracts excluded from the State Nature and Historic Preserve
- 16 under this subdivision ~~is~~ are deleted from the State Parks System in
- 17 accordance with G.S. 113-44.14. The State of North Carolina may
- 18 only exchange this land for other land for the expansion of Crowders
- 19 Mountain State Park or sell this land and use the proceeds for that
- 20 purpose. The State may not otherwise sell or exchange this land.
- 21 (7) All lands owned in fee simple by the State within the boundaries of
- 22 New River State Park as of ~~April 3, 2001~~, 6 May 2003.
- 23 (8) All lands and waters within the boundaries of Stone Mountain State
- 24 Park as of ~~April 3, 2001~~, 6 May 2003 with the exception of the
- 25 following tracts: The portion of that certain tract or parcel of land at
- 26 Stone Mountain State Park in Wilkes County, Traphill Township,
- 27 described as parcel 33-02 in Deed Book 633-193, and more
- 28 particularly described as all of the land in this parcel lying to the west
- 29 of the eastern edge of the Air Bellows Road, as shown on the National
- 30 Park Service Land Status Map 33 dated March 24, 1981 and filed in
- 31 the State Property Office, containing approximately 72 acres; and the
- 32 portion of that certain tract or parcel of land at Stone Mountain State
- 33 Park in Alleghany County, Cherry Lane Township, described in Deed
- 34 Book 219, Page 543, and more particularly described as all of the land
- 35 in this parcel lying north of the new division line on the survey by
- 36 Andrews and Hobson Surveyors dated August 15, 2000, and entitled
- 37 "Property Exchange Agreement for State of North Carolina & the
- 38 United States of America", and filed in the State Property Office. The
- 39 tracts excluded from the State Nature and Historic Preserve under this
- 40 subdivision are deleted from the State Parks System in accordance
- 41 with G.S. 113-44.14.
- 42 (9) All lands and waters located within the boundaries of the following
- 43 State Historic Sites as of ~~April 3, 2001~~, 6 May 2003: Alamance
- 44 Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett

1 Place, Bentonville Battleground, Brunswick Town/Fort Anderson,
2 C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins
3 Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs,
4 Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm,
5 House in the Horseshoe, North Carolina Transportation Museum,
6 James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville,
7 State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites
8 & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe
9 Memorial.

10 (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15,
11 2001.

12 (12) All lands and waters located within the boundaries of Hanging Rock
13 State Park as of ~~April 3, 2001~~, 6 May 2003 with the exception of the
14 following tract: The portion of that tract or property at Hanging Rock
15 State Park in Stokes County, Danbury Township, described in Deed
16 Book 360, Page 160, for a 30-foot wide right-of-way beginning
17 approximately 183 feet south of SR 1001 and extending in a southerly
18 direction approximately 1,479 feet to the southwest corner of the
19 Bobby Joe Lankford tract and more particularly shown on a survey
20 entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes
21 County, N.C.", by Grinski Surveying Company, dated June 1985, and
22 filed in the State Property Office. The tract excluded from the State
23 Nature and Historic Preserve under this subdivision is deleted from the
24 State Parks System in accordance with G.S. 113-44.14.

25 (13) All lands and waters located within the boundaries of South Mountains
26 State Park as of ~~April 3, 2001~~, 6 May 2003 with the exception of the
27 following ~~tracts:~~ tracts. The tracts excluded from the State Nature and
28 Historic Preserve under this subdivision are deleted from the State
29 Parks System in accordance with G.S. 113-44.14.

30 a. The portion of that tract or property at South Mountains State
31 Park in Burke County, Lower Creek Township, described in
32 Deed Book 862, Page 1471, required for the right-of-way and
33 easements for the relocation of SR 1904 within the park and
34 lying generally between the Rutherford Electric Membership
35 Corporation right-of-way and the southern property boundary of
36 the park, as described in the drawing entitled "Survey for State
37 of North Carolina", dated January 28, 1999, prepared by Suttles
38 Surveying, P.A., bearing the preparer's file name 12455.dwg
39 and filed in the State Property ~~Office;~~Office. The State of North
40 Carolina may only exchange this land for other land for the
41 expansion of South Mountains State Park or sell this land and
42 use the proceeds for that purpose. The State may not otherwise
43 sell or exchange this land.

- 1 **b.** The portion of those certain tracts or parcels of land at South
2 Mountains State Park in Burke County, Lower Creek
3 Township, described in Deed Book 925, Page 1284, and Deed
4 Book 870, Page 1729 required for the right-of-way and
5 easements for the relocation of SR 1904 within the Park and
6 shown on the drawing prepared by Suttles Surveying P.A.
7 entitled "Survey of the Proposed Centerline of the New Road
8 Alignment for the State of North Carolina" bearing the
9 preparer's file name 12455D.dwg, dated 10 April 2003, and
10 filed in the State Property Office. The State of North Carolina
11 may only exchange this land for other land for the expansion of
12 South Mountains State Park or sell this land and use the
13 proceeds for that purpose. The State may not otherwise sell or
14 exchange this land.
- 15 **c.** ~~and the~~ The portions of land at South Mountains State Park that
16 lie south of the centerline of the CCC road as shown on the
17 drawing entitled "Land Trade between South Mountains State
18 Park and Adjacent Game Lands along CCC Road" prepared by
19 the Division of Parks and Recreation, dated March 15, 1999,
20 and filed in the State Property Office and that lie within: (i) the
21 tract or property in Burke County, Lower Fork Township,
22 described in Deed Book 495, Page 501; (ii) the tract or property
23 in Burke County, Lower Fork and Upper Fork Townships,
24 described in Deed Book 715, Page 719; or, (iii) within the tracts
25 or property in Burke County, Upper Fork Township, described
26 in Deed Book 860, Page 341, and Deed Book 884, Page 1640.
27 The State of North Carolina may only exchange this land for
28 other land for the expansion of South Mountains State Park or
29 sell this land and use the proceeds for that purpose. The State
30 may not otherwise sell or exchange this land.
- 31 **d.** The portion of that certain tract or parcel of land at South
32 Mountains State Park in Burke County, Morganton Township,
33 described in Deed Book 28, Page 607, Deed Book 28, Page
34 467, and Plat Book 3, Page 78, and containing 0.33 acres as
35 shown on the drawing prepared by Hawkins Land Surveying
36 entitled "Subdivision for Trustees of Walker Top Baptist
37 Church" dated 26 September 2001, and filed with the State
38 Property Office. The State may transfer this property to the
39 Trustees of Walker Top Baptist Church to be used for church
40 purposes. The instrument transferring this property shall
41 provide that the State retains a possibility of reverter and shall
42 provide that, in the event that the Walker Top Baptist Church
43 ceases to use the property for church purposes, the property

1 shall revert to the State. The State may not otherwise sell or
2 exchange the property.

3 ~~The tracts excluded from the State Nature and Historic Preserve~~
4 ~~under this subdivision are deleted from the State Parks System~~
5 ~~in accordance with G.S. 113-44.14. The State of North Carolina~~
6 ~~may only exchange this land for other land for the expansion of~~
7 ~~South Mountains State Park or sell this land and use the~~
8 ~~proceeds for that purpose. The State may not otherwise sell or~~
9 ~~exchange this land.~~

10 (14) ~~All lands and waters within the boundaries of Bushy Lake State~~
11 ~~Natural Area as of April 3, 2001, with the exception of the following~~
12 ~~tract: The portion of that certain tract or parcel of land at Bushy Lake~~
13 ~~State Natural Area in Cumberland County, Beaver Dam Township,~~
14 ~~described in Deed Book 3588, Page 583, and shown as the 0.58 acre~~
15 ~~parcel within tract 2 on the survey prepared by Lewis G. Paschal,~~
16 ~~Professional Land Surveyor, entitled "Recombination Survey for State~~
17 ~~of North Carolina" dated April 1989 and December 2000, and filed in~~
18 ~~the State Property Office. The tract excluded from the State Nature and~~
19 ~~Historic Preserve under this subdivision is deleted from the State Parks~~
20 ~~System pursuant to G.S. 113-44.14. The State of North Carolina may~~
21 ~~only exchange this land for other land for the expansion of Bushy Lake~~
22 ~~State Natural Area or sell this land and use the proceeds for that~~
23 ~~purpose. The State may not otherwise sell or exchange this land.~~

24 (15) All lands and waters within the boundaries of Jockey's Ridge State
25 Park as of ~~April 3, 2001,~~ 6 May 2003 with the exception of the
26 following tracts: The portion of those certain tracts or parcels of land
27 at Jockey's Ridge State Park in Dare County, Nags Head Township,
28 described in Deed Book 227, Page 499, and Deed Book 227, Page 501,
29 and containing 33,901 square feet as shown on the survey prepared by
30 Styons Surveying Services entitled "Raw Water Well Site 13 Jockey's
31 Ridge State Park" dated March 7, 2001, and filed in the State Property
32 Office; the portion of that certain tract or parcel of land at Jockey's
33 Ridge State Park in Dare County, Nags Head Township, described in
34 Deed Book 222, Page 726, and containing 42,909 square feet as shown
35 on the survey prepared by Styons Surveying Services entitled "Raw
36 Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001,
37 and filed in the State Property Office; and the portion of that certain
38 tract or parcel of land at Jockey's Ridge State Park in Dare County,
39 Nags Head Township, described in Deed Book 224, Page 790, and
40 Deed Book 224, Page 794, and containing 34,471 square feet as shown
41 on the survey prepared by Styons Surveying Services entitled "Raw
42 Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001,
43 and filed in the State Property Office.

1 (16) All lands and waters located within the boundaries of Mount Jefferson
2 State Natural Area as of ~~April 3, 2001~~, 6 May 2003. With respect to
3 the communications tower site on the top of Mount Jefferson and
4 located on that certain tract or parcel of land at Mount Jefferson State
5 Natural Area in Ashe County, West Jefferson Township, described in
6 Deed Book F-3, Page 94, the State may provide space at the
7 communications tower site to State public safety and emergency
8 management agencies for the placement of antennas, repeaters, and
9 other communications devices for public communications purposes.
10 Notwithstanding G.S. 146-29.2, the State may lease space at the
11 communications tower site to local governments in Ashe County for
12 the placement of antennas, repeaters, and other communications
13 devices for public communications purposes. State agencies and local
14 governments that are authorized to place communications devices at
15 the communications tower site pursuant to this subdivision may also
16 locate at or near the communications tower site communications
17 equipment that is necessary for the proper operation of the
18 communications devices. The use of the communications tower site
19 pursuant to this subdivision is authorized by the General Assembly as
20 a purpose other than the public purposes specified in Article XIV,
21 Section 5, of the North Carolina Constitution, Article 25B of Chapter
22 143 of the General Statutes, and Article 2C of Chapter 113 of the
23 General Statutes."

24 (17) All lands and waters within the Eno River State Park as of 6 May 2003
25 with the exception of the following tract: The portion of that certain
26 tract or parcel of land at Eno River State Park in Durham County,
27 Durham Outside Township, described in Deed Book 435, Page 673,
28 and Plat Book 87, Page 66, containing 11,000 square feet and being
29 the portion of Lot No. 2 shown as the existing scenic easement hereby
30 removed on the drawing prepared by Sear-Brown entitled
31 "Recombination Plat Eno Forest Subdivision" bearing the preparer's
32 file name 00-208-07.dwg, and filed with State Property Office. The
33 tract excluded from the State Nature and Historic Preserve under this
34 subdivision is deleted from the State Parks System pursuant to G.S.
35 113-44.14. The State of North Carolina may only exchange this land
36 for other land for the expansion of Eno River State Park or sell this
37 land and use the proceeds for that purpose. The State may not
38 otherwise sell or exchange this land."

39 **SECTION 2.** The following tracts of land are removed from the State Nature
40 and Historic Preserve pursuant to Section 5 of Article XIV of the Constitution of North
41 Carolina:

42 (1) The portion of that certain tract or parcel of land at Crowders
43 Mountain State Park in Cleveland County, Number Four Township,
44 described in Deed Book 1286, Page 85, and containing 1.64 acres as

1 shown on the drawing prepared by the Division of Parks and
2 Recreation entitled "Property to be Excepted Crowders Mountain State
3 Park" dated 14 April 2003 and filed in the State Property Office.

4 (2) The portion of those certain tracts or parcels of land at South
5 Mountains State Park in Burke County, Lower Creek Township,
6 described in Deed Book 925, Page 1284, and Deed Book 870, Page
7 1729 required for the right-of-way and easements for the relocation of
8 SR 1904 within the Park and shown on the drawing prepared by
9 Suttles Surveying P.A. entitled "Survey of the Proposed Centerline of
10 the New Road Alignment for the State of North Carolina" bearing the
11 preparer's file name 12455D.dwg, dated 10 April 2003 and filed in the
12 State Property Office.

13 (3) The portion of that certain tract or parcel of land at South Mountains
14 State Park in Burke County, Morganton Township, described in Deed
15 Book 28, Page 607, Deed Book 28, Page 467, and Plat Book 3, Page
16 78, and containing 0.33 acres as shown on the drawing prepared by
17 Hawkins Land Surveying entitled "Subdivision for Trustees of Walker
18 Top Baptist Church" dated 26 September 2001 and filed with the State
19 Property Office.

20 (4) The portion of that certain tract or parcel of land at Eno River State
21 Park in Durham County, Durham Outside Township, described in
22 Deed Book 435, Page 673, and Plat Book 87, Page 66, containing
23 11,000 square feet and being the portion of Lot No. 2 shown as the
24 existing scenic easement hereby removed on the drawing prepared by
25 Sear-Brown entitled "Recombination Plat Eno Forest Subdivision"
26 bearing the preparer's file name 00-208-07.dwg, and filed with State
27 Property Office.

28 **SECTION 3.** G.S. 143-260.8(e) reads as rewritten:

29 "(e) In order to provide accessible information to the public concerning the State
30 Nature and Historic Preserve, every law accepting or removing properties in the
31 Preserve shall be codified in the General Statutes. A certified copy of every law
32 accepting or removing properties in the Preserve shall be transmitted by the Secretary of
33 State to the register of deeds in each county wherein these properties, or any part of
34 them, are located, for filing and indexing in the grantor index."

35 **SECTION 4.** In accordance with G.S. 143-260.8(e), the Secretary of State is
36 directed to forward a certified copy of this act to the register of deeds of each county in
37 which any portion of the property dedicated and accepted or removed by this act as part
38 of the State Nature and Historic Preserve is located.

39 **SECTION 5.** Waynesborough State Park is deleted from the State Parks
40 System pursuant to G.S. 113-44.14.

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