

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1163

Senate State and Local Government Committee Substitute Adopted 6/16/20

Senate Finance Committee Substitute Adopted 6/17/20

Short Title: Guilford Funds/Cabarrus Land/Brunsw Shellfish.

(Public)

Sponsors:

Referred to:

May 19, 2020

A BILL TO BE ENTITLED

1 AN ACT TO REALLOCATE CERTAIN WATER AND SEWER FUNDING AND TO
2 TRANSFER CERTAIN PARCELS OF THE STONEWALL JACKSON MANUAL
3 TRAINING AND INDUSTRIAL SCHOOL PROPERTY TO THE COUNTY OF
4 CABARRUS AND TO CREATE A PILOT PROGRAM FOR SHELLFISH
5 CULTIVATION OR WATER COLUMN LEASES IN BRUNSWICK COUNTY.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Funds allocated to Guilford County and the municipalities of Oak
9 Ridge, Stokesdale, and Summerfield for water and wastewater system improvements by Section
10 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17 and Section 2 of S.L. 2019-75,
11 that remain unspent and unencumbered shall, notwithstanding any provision of those acts to the
12 contrary, be reallocated equally to the municipalities of Oak Ridge, Stokesdale, and Summerfield
13 for each municipality's water infrastructure projects.

14 **SECTION 2.** Funds in Section 1 of this act not spent or encumbered by June 30,
15 2022, shall be returned by the local governments funded by Section 1 of this act to the Office of
16 State Budget and Management and revert to the General Fund.

17 **SECTION 3.(a)** The State of North Carolina shall convey to the Cabarrus County
18 Board of Commissioners, for consideration of one dollar (\$1.00), all its rights, titles, and interests
19 in that portion of those areas of the Stonewall Jackson Manual Training and Industrial School
20 campus identified in accordance with Section 4 of this act. The conveyance is subject to any
21 historic preservation covenants and any easement reserved by the State for ingress and egress to
22 the Stonewall Jackson Manual Training and Industrial School campus owned by the State after
23 the conveyances in accordance with this act. The property conveyed to the Cabarrus County
24 Board of Commissioners shall be used for a public purpose.

25 **SECTION 3.(b)** The State of North Carolina shall convey the real property identified
26 in accordance with Section 4 of this act "as is" and "where is" without warranty. The State makes
27 no representations or warranties concerning the title to the property, the boundaries of the
28 property, the uses to which the property may be put, zoning, local ordinances, or any physical,
29 environmental, health, and safety conditions relating to the property.

30 **SECTION 3.(c)** The conveyance of the State's rights, titles, and interests in the real
31 property identified in accordance with Section 4 of this act shall be exempt from the provisions
32 of Article 7 of Chapter 146 of the General Statutes except as provided in Section 4 of this act.
33 The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General
34 Statutes, provided that the provisions of G.S. 146-74 shall not apply.



1 **SECTION 3.(d)** Within the property conveyed to Cabarrus County, and for as long
2 as the county does not sell, convey, transfer, lease, or otherwise cede control of said property, the
3 Department of Public Safety may use any space constructed for public safety training and any
4 natural space for emergency management training subject to the availability of those spaces. The
5 Department of Public Safety shall schedule the use of those spaces through the local managing
6 agencies and shall receive priority scheduling over any entities located or based outside Cabarrus
7 County.

8 **SECTION 4.** To identify the properties to be transferred in accordance with Section
9 3 of this act, the following shall occur:

- 10 (1) The Department of Administration shall, within 90 days of this act becoming
11 law and in consultation with the Department of Public Safety, the State
12 Historic Preservation Office, and Cabarrus County, survey and identify those
13 portions of the Stonewall Jackson Manual Training and Industrial School
14 property that meet any of the following descriptions:
- 15 a. The Frank Liske Park.
 - 16 b. The Stonewall Jackson Manual Training and Industrial School historic
17 campus.
 - 18 c. The property located at 4533 Stough Road, Concord, North Carolina,
19 and being further identified as Parcel 2 in Report Number 2020-03, the
20 Final Report of the Program Evaluation Division of the North Carolina
21 General Assembly to the Joint Legislative Program Evaluation
22 Oversight Committee dated April 13, 2020.
- 23 (2) The surveys required by subdivision (1) of this section shall focus on
24 optimizing the historic district for preservation and rehabilitation while
25 minimizing impact on the current operations of the Stonewall Jackson Youth
26 Development Center.
- 27 (3) Within 90 days of the completion of the surveys required by subdivision (1)
28 of this section, the Department of Public Safety shall relocate the perimeter
29 fence of the Stonewall Jackson Youth Development Center and undertake to
30 make any other changes to the operations necessary to comply with this act.
- 31 (4) The State Historic Preservation Office shall coordinate with the County of
32 Cabarrus to develop all historic preservation covenants to be included in the
33 deed of transfer. The State Historic Preservation Office shall provide the
34 County of Cabarrus with information regarding the National Register of
35 Historic Places and any requirements under that Register for preservation and
36 rehabilitation.
- 37 (5) The Council of State shall approve all deed descriptions, covenants, and
38 restrictions of the property to be transferred in accordance with Section 3 of
39 this act.

40 **SECTION 5.** The Department of Administration shall, within 30 days of the
41 effective date of this act, place on the market for sale Cabarrus County Real Property ID
42 #11-041-0015.50 and Cabarrus County Real Property ID #11-041-0015.10, as depicted in the
43 Cabarrus County Tax Office records. All proceeds shall be used to offset expenses incurred under
44 Sections 3 and 4(3) of this act.

45 **SECTION 6.(a)** Notwithstanding Section 2 of Chapter 876 of the 1967 Session Laws
46 or any other provision of law to the contrary, the Secretary of Environmental Quality may grant
47 shellfish cultivation leases or water column leases in Brunswick County as provided in the pilot
48 program established by this section. In granting leases under the pilot program, the Division of
49 Marine Fisheries of the Department of Environmental Quality shall comply with the
50 requirements in Article 16 of Chapter 113 of the General Statutes and regulations adopted
51 thereunder.

1 **SECTION 6.(b)** The Secretary of Environmental Quality shall grant shellfish
2 cultivation leases or water column leases authorized by subsection (a) of this section only in the
3 waters enclosed by a line beginning at a 1" PVC pipe located just south of the Atlantic
4 Intracoastal Waterway channel and with NC Grid coordinates (NAD 83) of North=59,477.97'
5 and East=2,190,370.42' and also located South 2°12'36" East, a distance of 765.76 feet from a
6 flag pole across the Atlantic Intracoastal Waterway channel and being near the edge of the
7 parking area of the Inlet View restaurant; this flag pole being located South 56°01'46" East, a
8 distance of 524.45 feet from United States Coast and Geodetic Survey Monument M161, having
9 NC Grid Coordinates North 60,536.21' and East 2,189,905.94'. Thence leaving the beginning
10 corner and running South 62°48'39" East, 745.22 feet to a 1" PVC pipe; thence running South
11 57°14'01" West, 766.57 feet to a 1" PVC pipe; thence running North 23°07'28" West, 420.73 feet
12 to a 1" PVC pipe; thence running South 70°24'32" West, 742.96 feet to a 1" PVC pipe; thence
13 running North 26°51'08" West, 241.36 feet to a 1" PVC pipe; thence running North 67°10'44"
14 East, 1037.11 feet to the point of beginning.

15 **SECTION 6.(c)** The Division of Marine Fisheries shall study the advantages and
16 disadvantages associated with leases authorized by this section. In conducting this study, the
17 Division shall consult with shellfish growers, nearby riparian owners, and other users of the
18 public bottoms and waters. The Division shall submit an interim report of its findings, including
19 any recommendations, to the General Assembly no later than January 1, 2027, and a final report
20 of its findings, including any recommendations, to the General Assembly no later than January
21 1, 2032. In its final report, the Division shall include a recommendation on whether the pilot
22 program should be terminated, be made permanent, or be expanded.

23 **SECTION 6.(d)** This section becomes effective July 1, 2020, and shall expire July
24 1, 2032. Any leases granted pursuant to this section shall terminate no later than July 1, 2033.

25 **SECTION 7.** Except as otherwise specified, this act is effective when it becomes
26 law.