

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1196
PROPOSED COMMITTEE SUBSTITUTE H1196-PCS10912-RIx-15

Short Title: State Nat. & Hist. Pres. Addns. & Del.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE
STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS
FROM THE STATE NATURE AND HISTORIC PRESERVE.

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

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

Whereas, more than 12,350 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the State Nature and Historic Preserve pursuant to a petition of the Council of State dated May 1, 2007; and

Whereas, in accordance with G.S. 143-260.8, it is anticipated that on May 5, 2009, the Council of State will vote to petition the General Assembly to enact a law pursuant to Section 5 of Article XIV of the North Carolina Constitution to dedicate and accept properties added to the State Parks System and designated in the petition for inclusion as parts of the State Nature and Historic Preserve; and

Whereas, it is anticipated that as a part of its petition of May 5, 2009, the Council of State will request the General Assembly to remove certain properties from the State Nature and Historic Preserve; and

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

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

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

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

- (1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~4 May 2007~~; May 5, 2009: Baldhead Island State Natural



* H 1 1 9 6 - P C S 1 0 9 1 2 - R I X - 1 5 *

1 Area, Bay Tree Lake State Park, Bear Paw State Natural Area, Beech Creek
2 Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake
3 State Natural Area, Carolina Beach State Park, Carvers Creek State Park,
4 ~~Chimney Rock State Park~~, Cliffs of the Neuse State Park, Chowan Swamp
5 State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk
6 Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park,
7 Goose Creek State Park, Gorges State Park, Haw River State Park,
8 Hammocks Beach State Park, Jones Lake State Park, Lake Norman State
9 Park, Lea Island State Natural Area, Lower Haw River State Natural Area,
10 Lumber River State Park, Mayo River State Park, Medoc Mountain State
11 Park, Merchants Millpond State Park, Mitchells Millpond State Natural
12 Area, Mount Mitchell State Park, ~~Mountain Bog State Natural Area~~,
13 Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot
14 Mountain State Park, Pineola Bog State Natural Area, Raven Rock State
15 Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area,
16 Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore
17 Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature
18 Preserve.

19 (2) All lands and waters within the boundaries of William B. Umstead State
20 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of Tract Number 65,
21 containing 22.93140 acres as shown on a survey prepared by John S.
22 Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State
23 of North Carolina William B. Umstead State Park", dated January 14, 1977
24 and filed in the State Property Office, which was removed from the State
25 Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session
26 Laws. The tract excluded from the State Nature and Historic Preserve under
27 this subdivision is deleted from the State Parks System in accordance with
28 G.S. 113-44.14. The State of North Carolina may only exchange this land for
29 other land for the expansion of William B. Umstead State Park or sell and
30 use the proceeds for that purpose. The State of North Carolina may not
31 otherwise sell or exchange this land.

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

33 (4) All lands within the boundaries of Morrow Mountain State Park as of ~~1 May~~
34 ~~2007~~ May 5, 2009, with the exception of the following tract: That certain
35 tract or parcel of land at Morrow Mountain State Park in Stanly County,
36 North Albemarle Township, containing 0.303 acres, more or less, as
37 surveyed and platted by Thomas W. Harris R.L.S., on a map dated August
38 27, 1988, and filed in the State Property Office, reference to which is hereby
39 made for a more complete description.

40 (5) Repealed by Session Laws 1999-268, s. 2.

41 (6) All land within the boundaries of Crowders Mountain State Park as of ~~1 May~~
42 ~~2007~~ May 5, 2009, with the exception of the following tracts. The tracts
43 excluded from the State Nature and Historic Preserve under this subdivision
44 are deleted from the State Parks System in accordance with G.S. 113-44.14.
45 The State of North Carolina may only exchange this land for other land for
46 the expansion of Crowders Mountain State Park or sell this land and use the
47 proceeds for that purpose. The State may not otherwise sell or exchange this
48 land.

49 a. The portion of that certain tract or parcel of land at Crowders
50 Mountain State Park in Gaston County, Crowders Mountain
51 Township, described in Deed Book 1939, page 800, and containing

- 1 757.28 square feet and as shown in a survey by Tanner and
2 McConnaughey, P.A. dated July 22, 1988 and filed in the State
3 Property Office.
- 4 b. The portion of that certain tract or parcel of land at Crowders
5 Mountain State Park in Gaston County, east of and including the
6 right-of-way along and across Old Peach Orchard Road, as shown in
7 a survey by the City of Gastonia, File No. 400-194, dated November
8 23, 1998, and filed in the State Property Office.
- 9 c. The portion of that certain tract or parcel of land at Crowders
10 Mountain State Park in Cleveland County, described in Deed Book
11 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem
12 Road) and containing 14,964 square feet as shown on the survey
13 entitled "Survey for Crowders Mountain State Park, Deed Book
14 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by
15 David W. Dickson, P.A. dated February 28, 2008.
- 16 (7) All lands owned in fee simple by the State within the boundaries of New
17 River State Park as of ~~1 May 2007~~ May 5, 2009.
- 18 (8) All lands and waters within the boundaries of Stone Mountain State Park as
19 of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The
20 portion of that certain tract or parcel of land at Stone Mountain State Park in
21 Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book
22 633-193, and more particularly described as all of the land in this parcel
23 lying to the west of the eastern edge of the Air Bellows Road, as shown on
24 the National Park Service Land Status Map 33 dated March 24, 1981 and
25 filed in the State Property Office, containing approximately 72 acres. The
26 tract excluded from the State Nature and Historic Preserve under this
27 subdivision is deleted from the State Parks System in accordance with
28 G.S. 113-44.14.
- 29 (9) All lands and waters located within the boundaries of the following State
30 Historic Sites as of ~~1 May 2007~~ May 5, 2009: Alamance Battleground,
31 Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville
32 Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor
33 Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead,
34 Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek
35 Living Historical Farm, House in the Horseshoe, North Carolina
36 Transportation Museum, James K. Polk Memorial, Reed Gold Mine,
37 Somerset Place, Stagville, State Capitol, Town Creek Indian Mound, Tryon
38 Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, and Thomas
39 Wolfe Memorial.
- 40 (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.
- 41 (12) All lands and waters located within the boundaries of Hanging Rock State
42 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
43 tract: The portion of that tract or property at Hanging Rock State Park in
44 Stokes County, Danbury Township, described in Deed Book 360, Page 160,
45 for a 30-foot wide right-of-way beginning approximately 183 feet south of
46 SR 1001 and extending in a southerly direction approximately 1,479 feet to
47 the southwest corner of the Bobby Joe Lankford tract and more particularly
48 shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury
49 Township, Stokes County, N.C.", by Grinski Surveying Company, dated
50 June 1985, and filed in the State Property Office. The tract excluded from

1 the State Nature and Historic Preserve under this subdivision is deleted from
2 the State Parks System in accordance with G.S. 113-44.14.

3 (13) All lands and waters located within the boundaries of South Mountains State
4 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
5 tracts. The tracts excluded from the State Nature and Historic Preserve under
6 this subdivision are deleted from the State Parks System in accordance with
7 G.S. 113-44.14.

8 a., b. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

9 c. The portions of land at South Mountains State Park that lie south of
10 the centerline of the CCC road as shown on the drawing entitled
11 "Land Trade between South Mountains State Park and Adjacent
12 Game Lands along CCC Road" prepared by the Division of Parks
13 and Recreation, dated March 15, 1999, and filed in the State Property
14 Office and that lie within: (i) the tract or property in Burke County,
15 Lower Fork Township, described in Deed Book 495, Page 501; (ii)
16 the tract or property in Burke County, Lower Fork and Upper Fork
17 Townships, described in Deed Book 715, Page 719; or, (iii) within
18 the tracts or property in Burke County, Upper Fork Township,
19 described in Deed Book 860, Page 341, and Deed Book 884, Page
20 1640. The State of North Carolina may only exchange this land for
21 other land for the expansion of South Mountains State Park or sell
22 this land and use the proceeds for that purpose. The State may not
23 otherwise sell or exchange this land.

24 d. Repealed by Session Laws 2007-307, s. 1, effective July 28, 2007.

25 (14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.

26 (15) All lands and waters within the boundaries of Jockey's Ridge State Park as
27 of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The
28 portion of those certain tracts or parcels of land at Jockey's Ridge State Park
29 in Dare County, Nags Head Township, described in Deed Book 227, Page
30 499, and Deed Book 227, Page 501, and containing 33,901 square feet as
31 shown on the survey prepared by Styons Surveying Services entitled "Raw
32 Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001, and
33 filed in the State Property Office; the portion of that certain tract or parcel of
34 land at Jockey's Ridge State Park in Dare County, Nags Head Township,
35 described in Deed Book 222, Page 726, and containing 42,909 square feet as
36 shown on the survey prepared by Styons Surveying Services entitled "Raw
37 Water Well Site 14 Jockey's Ridge State Park" dated March 7, 2001, and
38 filed in the State Property Office; and the portion of that certain tract or
39 parcel of land at Jockey's Ridge State Park in Dare County, Nags Head
40 Township, described in Deed Book 224, Page 790, and Deed Book 224,
41 Page 794, and containing 34,471 square feet as shown on the survey
42 prepared by Styons Surveying Services entitled "Raw Water Well Site 15
43 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State
44 Property Office.

45 (16) All lands and waters located within the boundaries of Mount Jefferson State
46 Natural Area as of ~~1 May 2007~~ May 5, 2009. With respect to the
47 communications tower site on the top of Mount Jefferson and located on that
48 certain tract or parcel of land at Mount Jefferson State Natural Area in Ashe
49 County, West Jefferson Township, described in Deed Book F-3, Page 94, the
50 State may provide space at the communications tower site to State public
51 safety and emergency management agencies for the placement of antennas,

1 repeaters, and other communications devices for public communications
2 purposes. Notwithstanding G.S. 146-29.2, the State may lease space at the
3 communications tower site to local governments in Ashe County for the
4 placement of antennas, repeaters, and other communications devices for
5 public communications purposes. State agencies and local governments that
6 are authorized to place communications devices at the communications
7 tower site pursuant to this subdivision may also locate at or near the
8 communications tower site communications equipment that is necessary for
9 the proper operation of the communications devices. The use of the
10 communications tower site pursuant to this subdivision is authorized by the
11 General Assembly as a purpose other than the public purposes specified in
12 Article XIV, Section 5, of the North Carolina Constitution, Article 25B of
13 Chapter 143 of the General Statutes, and Article 2C of Chapter 113 of the
14 General Statutes.

15 (17) All lands and waters within the Eno River State Park as of ~~1 May 2007~~ May
16 5, 2009, with the exception of the following ~~tract~~ tracts:

17 a. The portion of that certain tract or parcel of land at Eno River State
18 Park in Durham County, Durham Outside Township, described in
19 Deed Book 435, Page 673, and Plat Book 87, Page 66, containing
20 11,000 square feet and being the portion of Lot No. 2 shown as the
21 existing scenic easement hereby removed on the drawing prepared by
22 Sear-Brown entitled "Recombination Plat Eno Forest Subdivision"
23 bearing the preparer's file name 00-208-07.dwg, and filed with State
24 Property Office. The tract excluded from the State Nature and
25 Historic Preserve under this subdivision is deleted from the State
26 Parks System pursuant to G.S. 113-44.14. The State of North
27 Carolina may only exchange this land for other land for the
28 expansion of Eno River State Park or sell this land and use the
29 proceeds for that purpose. The State may not otherwise sell or
30 exchange this land.

31 b. The portion of that certain tract or parcel of land at Eno River State
32 Park in Orange County, described in Deed Book 3878, Page 461, and
33 Plat Book 98, Page 11, containing 5,313 square feet and required for
34 the permanent easements for bridge replacement project B-4216 on
35 SR 1002 (St. Mary's Road), as shown in the drawing entitled
36 "Preliminary Plans, Project Reference No. B-4216" prepared for
37 North Carolina Department of Transportation by Mulkey Engineers
38 and Consultants dated March 10, 2009, and filed with the State
39 Property Office. The tracts excluded from the State Nature and
40 Historic Preserve under this section are deleted from the State Parks
41 System pursuant to G.S. 113-44.14. The State of North Carolina may
42 only exchange this land for other land for the expansion of Eno River
43 State Park or sell this land and use the proceeds for that purpose. The
44 State may not otherwise sell or exchange this land.

45 (18) All land and waters within the boundaries of Hemlock Bluffs State Natural
46 Area as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
47 tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs
48 State Natural Area in Wake County, Swift Creek Township, described in
49 Deed Book 2461, Page 037, containing 2,025 square feet and being the
50 portion of this tract shown as proposed R/W on the drawing prepared by
51 Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of

1 Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to
2 Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary
3 Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
4 Property Office; and the portion of those certain tracts or parcels of land at
5 Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township,
6 described in Deed Book 4670, Page 420, containing 24,092 square feet and
7 being the portion of these tracts shown as proposed R/W on the drawing
8 prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map
9 for Town of Cary Widening of Kildaire Farm Road (SR 1300) from
10 Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file
11 name Town of Cary Case File No. TOC 01-37, dated 26 September 2003,
12 and filed with the State Property Office. The tracts excluded from the State
13 Nature and Historic Preserve under this subdivision are deleted from the
14 State Parks System pursuant to G.S. 113-44.14. The State of North Carolina
15 may only exchange this land for other land for the expansion of Hemlock
16 Bluffs State Natural Area or sell this land and use the proceeds for that
17 purpose. The State may not otherwise sell or exchange this land.

18 (19) All lands and waters within the boundaries of Lake James State Park as of 4
19 ~~May 2007, May 5, 2009~~, with the exception of the following tracts:

20 a. The portion of that certain tract or parcel of land at Lake James State
21 Park containing 13.85 acres, and being 100 feet to the east and 150
22 feet to the west of a centerline shown on a survey by Witherspoon
23 Surveying PLLC, dated February 9, 2007, and filed in the State
24 Property Office. The State of North Carolina may grant a temporary
25 easement to Duke Energy Corporation across this tract to facilitate
26 the Catawba Dam Embankment Seismic Stability Improvements
27 Project. The grant of the easement within Lake James State Park to
28 Duke Energy Corporation under this sub-subdivision constitutes
29 authorization by the General Assembly that the described tract of
30 land may be used for a purpose other than the public purposes
31 specified in Article XIV, Section 5, of the North Carolina
32 Constitution, Article 25B of Chapter 143 of the General Statutes, and
33 Article 2C of Chapter 113 of the General Statutes. The State of North
34 Carolina may use the proceeds from the easement only for the
35 expansion or improvement of Lake James State Park or another State
36 park. The State may not otherwise sell or exchange this land.

37 b. The portion of that certain tract or parcel of land at Lake James State
38 Park in McDowell County, Nebo Township, described in Deed Book
39 377, Page 423, and also shown as Tract B on the plat of survey
40 prepared by Kenneth D. Suttles, RLS, dated December 4, 1987,
41 entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book
42 4, Page 275 of the McDowell County Registry, for a 40-foot
43 right-of-way beginning at the southwest corner of Tract B and
44 continuing along the southern boundary S 86 38' 51" E for 400 feet to
45 the now or former John D. Walker property. The State of North
46 Carolina may grant an easement across this tract to extinguish
47 prescriptive easements on Tract B to improve management of the
48 State park property. The State may not otherwise sell or exchange
49 this land. The easement excluded from the State Nature and Historic
50 Preserve under this subdivision is deleted from the State Parks
51 System pursuant to G.S. 113-44.14.

1 (20) All lands and waters within the boundaries of Lake Waccamaw State Park as
2 of ~~May 1, 2007~~, May 5, 2009, with the exception of the following tracts: The
3 portions of that certain tract or parcel of land at Lake Waccamaw State Park
4 in Columbus County described in Deed Book 835, Page 590, containing
5 48,210 square feet and being the portion of this tract shown as new R/W and
6 permanent utility easement on drawing prepared by State of North Carolina
7 Department of Transportation entitled "Map of Proposed Right of Way
8 Property of State of North Carolina (Parks and Recreation) Columbus
9 County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E.
10 Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State
11 Property Office. The tracts excluded from the State Nature and Historic
12 Preserve under this section are deleted from the State Parks System pursuant
13 to G.S. 113-44.14. The State of North Carolina may only exchange this land
14 for other land for the expansion of Lake Waccamaw State Park or sell this
15 land and use the proceeds for that purpose. The State may not otherwise sell
16 or exchange this land.

17 (21) All lands and waters within the boundaries of Chimney Rock State Park as
18 of May 5, 2009, with the exception of the following tract: The portion of that
19 certain tract or parcel of land at Chimney Rock State Park in Rutherford
20 County being a portion of Parcel 2 as described in Deed Book 933, Page
21 598, containing 346 square feet and being shown as proposed right-of-way
22 for bridge replacement project B-4258 on U.S. 64 over the Broad River on
23 drawing prepared by Kimley-Horn and Associates for the North Carolina
24 Department of Transportation and revised October 26, 2007, and filed with
25 the State Property Office. The tracts excluded from the State Nature and
26 Historic Preserve under this section are deleted from the State Parks System
27 pursuant to G.S. 113-44.14. The State of North Carolina may only exchange
28 this land for other land for the expansion of Chimney Rock State Park or sell
29 this land and use the proceeds for that purpose. The State may not otherwise
30 sell or exchange this land.

31 (22) All State-owned land and waters within the boundaries of the
32 Mountains-to-Sea Trail as of May 5, 2009, with the exception of the
33 following tract: The portion of that certain tract or parcel in Johnston County
34 described in Deed Book 3634, Page 278, containing 4.72 acres and being
35 described as proposed easement area for Piedmont Natural Gas Company
36 transmission line on drawing entitled "Easement Survey Prepared for
37 Piedmont Natural Gas Company, Line 142, Easement to be Acquired from
38 the State of North Carolina" by McKim & Creed and dated July 31, 2008,
39 and revised March 11, 2009. The State of North Carolina may grant an
40 easement to Piedmont Natural Gas Company across this tract to facilitate the
41 transmission of natural gas. The grant of the easement within the
42 Mountains-to-Sea Trail to Piedmont Natural Gas Company under this
43 section constitutes authorization by the General Assembly that the described
44 tract of land may be used for a purpose other than the public purposes
45 specified in Section 5 of Article XIV of the North Carolina Constitution,
46 Article 25B of Chapter 143 of the General Statutes, and Article 2C of
47 Chapter 113 of the General Statutes. The State of North Carolina may use
48 the proceeds from the easement only for the expansion or improvement of
49 the Mountains-to-Sea Trail or another State park. The State may not
50 otherwise sell or exchange this land."

51 **SECTION 2.** This act is effective when it becomes law.