

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1196
Committee Substitute Favorable 5/5/09
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/23/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1196-PCS80489-RIx-42

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 18,000 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, on May 5, 2009, the Council of State
voted 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, as a part of its petition of May 5, 2009, the Council of State also requested
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.



* H 1 1 9 6 - P C S 8 0 4 8 9 - R I X - 4 2 *

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

- 3 (1) All lands and waters within the boundaries of the following units of the State
4 Parks System as of ~~1 May 2007~~ May 5, 2009: Baldhead Island State Natural
5 Area, Bay Tree Lake State Park, Bear Paw State Natural Area, Beech Creek
6 Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake
7 State Natural Area, Carolina Beach State Park, Carvers Creek State Park,
8 ~~Chimney Rock State Park~~, Cliffs of the Neuse State Park, Chowan Swamp
9 State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk
10 Knob State Park, Fort Fisher State Recreation Area, Fort Macon State Park,
11 Goose Creek State Park, Gorges State Park, Haw River State Park,
12 Hammocks Beach State Park, Jones Lake State Park, Lake Norman State
13 Park, Lea Island State Natural Area, Lower Haw River State Natural Area,
14 Lumber River State Park, Mayo River State Park, Medoc Mountain State
15 Park, Merchants Millpond State Park, Mitchells Millpond State Natural
16 Area, Mount Mitchell State Park, ~~Mountain Bog State Natural Area~~,
17 Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot
18 Mountain State Park, Pineola Bog State Natural Area, Raven Rock State
19 Park, Run Hill State Natural Area, Sandy Run Savannas State Natural Area,
20 Singletary Lake State Park, Sugar Mountain State Natural Area, Theodore
21 Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature
22 Preserve.
- 23 (2) All lands and waters within the boundaries of William B. Umstead State
24 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of Tract Number 65,
25 containing 22.93140 acres as shown on a survey prepared by John S.
26 Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State
27 of North Carolina William B. Umstead State Park", dated January 14, 1977
28 and filed in the State Property Office, which was removed from the State
29 Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session
30 Laws. The tract excluded from the State Nature and Historic Preserve under
31 this subdivision is deleted from the State Parks System in accordance with
32 G.S. 113-44.14. The State of North Carolina may only exchange this land for
33 other land for the expansion of William B. Umstead State Park or sell and
34 use the proceeds for that purpose. The State of North Carolina may not
35 otherwise sell or exchange this land.
- 36 (3) Repealed by Session Laws 1999-268, s. 2.
- 37 (4) All lands within the boundaries of Morrow Mountain State Park as of ~~1 May~~
38 ~~2007~~ May 5, 2009, with the exception of the following tract: That certain
39 tract or parcel of land at Morrow Mountain State Park in Stanly County,
40 North Albemarle Township, containing 0.303 acres, more or less, as
41 surveyed and platted by Thomas W. Harris R.L.S., on a map dated August
42 27, 1988, and filed in the State Property Office, reference to which is hereby
43 made for a more complete description.
- 44 (5) Repealed by Session Laws 1999-268, s. 2.
- 45 (6) All land within the boundaries of Crowders Mountain State Park as of ~~1 May~~
46 ~~2007~~ May 5, 2009, with the exception of the following tracts. The tracts
47 excluded from the State Nature and Historic Preserve under this subdivision
48 are deleted from the State Parks System in accordance with G.S. 113-44.14.
49 The State of North Carolina may only exchange this land for other land for
50 the expansion of Crowders Mountain State Park or sell this land and use the

- 1 proceeds for that purpose. The State may not otherwise sell or exchange this
2 land.
- 3 a. The portion of that certain tract or parcel of land at Crowders
4 Mountain State Park in Gaston County, Crowders Mountain
5 Township, described in Deed Book 1939, page 800, and containing
6 757.28 square feet and as shown in a survey by Tanner and
7 McConnaughey, P.A. dated July 22, 1988 and filed in the State
8 Property Office.
- 9 b. The portion of that certain tract or parcel of land at Crowders
10 Mountain State Park in Gaston County, east of and including the
11 right-of-way along and across Old Peach Orchard Road, as shown in
12 a survey by the City of Gastonia, File No. 400-194, dated November
13 23, 1998, and filed in the State Property Office.
- 14 c. The portion of that certain tract or parcel of land at Crowders
15 Mountain State Park in Cleveland County, described in Deed Book
16 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem
17 Road) and containing 14,964 square feet as shown on the survey
18 entitled "Survey for Crowders Mountain State Park, Deed Book
19 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by
20 David W. Dickson, P.A. dated February 28, 2008.
- 21 (7) All lands owned in fee simple by the State within the boundaries of New
22 River State Park as of ~~1 May 2007~~ May 5, 2009.
- 23 (8) All lands and waters within the boundaries of Stone Mountain State Park as
24 of ~~1 May 2007~~ May 5, 2009, with the exception of the following tracts: The
25 portion of that certain tract or parcel of land at Stone Mountain State Park in
26 Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book
27 633-193, and more particularly described as all of the land in this parcel
28 lying to the west of the eastern edge of the Air Bellows Road, as shown on
29 the National Park Service Land Status Map 33 dated March 24, 1981 and
30 filed in the State Property Office, containing approximately 72 acres. The
31 tract excluded from the State Nature and Historic Preserve under this
32 subdivision is deleted from the State Parks System in accordance with
33 G.S. 113-44.14.
- 34 (9) All lands and waters located within the boundaries of the following State
35 Historic Sites as of ~~1 May 2007~~ May 5, 2009: Alamance Battleground,
36 Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville
37 Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor
38 Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead,
39 Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek
40 Living Historical Farm, House in the Horseshoe, North Carolina
41 Transportation Museum, James K. Polk Memorial, Reed Gold Mine,
42 Somerset Place, Stagville, State Capitol, Town Creek Indian Mound, Tryon
43 Palace Historic Sites & Gardens, Zebulon B. Vance Birthplace, and Thomas
44 Wolfe Memorial.
- 45 (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.
- 46 (12) All lands and waters located within the boundaries of Hanging Rock State
47 Park as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
48 tract: The portion of that tract or property at Hanging Rock State Park in
49 Stokes County, Danbury Township, described in Deed Book 360, Page 160,
50 for a 30-foot wide right-of-way beginning approximately 183 feet south of
51 SR 1001 and extending in a southerly direction approximately 1,479 feet to

1 the southwest corner of the Bobby Joe Lankford tract and more particularly
2 shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury
3 Township, Stokes County, N.C.", by Grinski Surveying Company, dated
4 June 1985, and filed in the State Property Office. The tract excluded from
5 the State Nature and Historic Preserve under this subdivision is deleted from
6 the State Parks System in accordance with G.S. 113-44.14.

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

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

13 c. The portions of land at South Mountains State Park that lie south of
14 the centerline of the CCC road as shown on the drawing entitled
15 "Land Trade between South Mountains State Park and Adjacent
16 Game Lands along CCC Road" prepared by the Division of Parks
17 and Recreation, dated March 15, 1999, and filed in the State Property
18 Office and that lie within: (i) the tract or property in Burke County,
19 Lower Fork Township, described in Deed Book 495, Page 501; (ii)
20 the tract or property in Burke County, Lower Fork and Upper Fork
21 Townships, described in Deed Book 715, Page 719; or, (iii) within
22 the tracts or property in Burke County, Upper Fork Township,
23 described in Deed Book 860, Page 341, and Deed Book 884, Page
24 1640. The State of North Carolina may only exchange this land for
25 other land for the expansion of South Mountains State Park or sell
26 this land and use the proceeds for that purpose. The State may not
27 otherwise sell or exchange this land.

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

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

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

49 (16) All lands and waters located within the boundaries of Mount Jefferson State
50 Natural Area as of ~~1 May 2007~~ May 5, 2009. With respect to the
51 communications tower site on the top of Mount Jefferson and located on that

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

19 (17) All lands and waters within the Eno River State Park as of ~~1 May 2007~~ May
20 5, 2009, with the exception of the following ~~tract~~ tracts:

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

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

49 (18) All land and waters within the boundaries of Hemlock Bluffs State Natural
50 Area as of ~~1 May 2007~~ May 5, 2009, with the exception of the following
51 tracts: The portion of that certain tract or parcel of land at Hemlock Bluffs

1 State Natural Area in Wake County, Swift Creek Township, described in
2 Deed Book 2461, Page 037, containing 2,025 square feet and being the
3 portion of this tract shown as proposed R/W on the drawing prepared by
4 Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of
5 Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to
6 Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary
7 Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
8 Property Office; and the portion of those certain tracts or parcels of land at
9 Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township,
10 described in Deed Book 4670, Page 420, containing 24,092 square feet and
11 being the portion of these tracts shown as proposed R/W on the drawing
12 prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map
13 for Town of Cary Widening of Kildaire Farm Road (SR 1300) from
14 Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file
15 name Town of Cary Case File No. TOC 01-37, dated 26 September 2003,
16 and filed with the State Property Office. The tracts excluded from the State
17 Nature and Historic Preserve under this subdivision are deleted from the
18 State Parks System pursuant to G.S. 113-44.14. The State of North Carolina
19 may only exchange this land for other land for the expansion of Hemlock
20 Bluffs State Natural Area or sell this land and use the proceeds for that
21 purpose. The State may not otherwise sell or exchange this land.

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

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

41 b. The portion of that certain tract or parcel of land at Lake James State
42 Park in McDowell County, Nebo Township, described in Deed Book
43 377, Page 423, and also shown as Tract B on the plat of survey
44 prepared by Kenneth D. Suttles, RLS, dated December 4, 1987,
45 entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book
46 4, Page 275 of the McDowell County Registry, for a 40-foot
47 right-of-way beginning at the southwest corner of Tract B and
48 continuing along the southern boundary S 86 38' 51" E for 400 feet to
49 the now or former John D. Walker property. The State of North
50 Carolina may grant an easement across this tract to extinguish
51 prescriptive easements on Tract B to improve management of the

1 State park property. The State may not otherwise sell or exchange
2 this land. The easement excluded from the State Nature and Historic
3 Preserve under this subdivision is deleted from the State Parks
4 System pursuant to G.S. 113-44.14.

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

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

35 (22) All State-owned land and waters within the boundaries of the
36 Mountains-to-Sea Trail as of May 5, 2009, with the exception of the
37 following tract: The portion of that certain tract or parcel in Johnston County
38 described in Deed Book 3634, Page 278, containing 4.72 acres and being
39 described as proposed easement area for Piedmont Natural Gas Company
40 transmission line on drawing entitled "Easement Survey Prepared for
41 Piedmont Natural Gas Company, Line 142, Easement to be Acquired from
42 the State of North Carolina" by McKim & Creed and dated July 31, 2008,
43 and revised March 11, 2009. The State of North Carolina may grant an
44 easement to Piedmont Natural Gas Company across this tract to facilitate the
45 transmission of natural gas. The grant of the easement within the
46 Mountains-to-Sea Trail to Piedmont Natural Gas Company under this
47 section constitutes authorization by the General Assembly that the described
48 tract of land may be used for a purpose other than the public purposes
49 specified in Section 5 of Article XIV of the North Carolina Constitution,
50 Article 25B of Chapter 143 of the General Statutes, and Article 2C of
51 Chapter 113 of the General Statutes. The State of North Carolina may use

1 the proceeds from the easement only for the expansion or improvement of
2 the Mountains-to-Sea Trail or another State park. The State may not
3 otherwise sell or exchange this land."

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