

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 60*
Committee Substitute Favorable 3/13/13
Committee Substitute #2 Favorable 5/8/13
Fourth Edition Engrossed 5/13/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H60-PCS10407-TM-40

Short Title: Transfer of Indian Cultural Center Property. (Public)

Sponsors:

Referred to:

February 5, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND
3 THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS
4 RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION
5 OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Definitions. – The following definitions apply in this act:

- 8 (1) Indian Cultural Center site. – Parcel 1, less and except approximately 110
9 acres for the use and operation of the Riverside Golf Course within Parcel 1,
10 as well as Parcel 2, Parcel 3, and Parcel 4, all of which are located in Maxton
11 Township, Robeson County.
- 12 (2) Parcel 1. – 386.69 acres, more or less, by deed from the Riverside Country
13 Club of Pembroke, Inc., dated April 14, 1983, recorded in Book 533, Page
14 164, Robeson County Registry and by deed dated August 24, 1984, recorded
15 in Book 563, Page 254, Robeson County Registry.
- 16 (3) Parcel 2. – 91.5 acres, more or less, by deed from Evelyn S. Morgan Abbott,
17 dated March 25, 1988, recorded in Book 575, Page 523, Robeson County
18 Registry.
- 19 (4) Parcel 3. – 10 acres, more or less, by deed from H.C. Locklear, et ux, dated
20 December 12, 1985, recorded in Book 586, Page 142, Robeson County
21 Registry.
- 22 (5) Parcel 4. – 42.50 acres, more or less, by deed from Ronald Revels and wife,
23 Dorisetta Revels, dated December 17, 1996, recorded in Book 931, Page
24 415, Robeson County Registry.

25 **SECTION 2.** Termination of leases. – (a) The Department of Administration shall
26 terminate the lease between the State and the North Carolina Indian Cultural Center, Inc., for
27 the Indian Cultural Center site. Notice of termination shall be given no later than 15 days after
28 the effective date of this act.

29 **SECTION 2.(b)** The Department of Administration shall terminate the lease
30 between the State and the Riverside Golf Center for the property known as the Riverside Golf
31 Course, which is located within Parcel 1. Notice of termination shall be provided in accordance
32 with the terms of the existing lease. Thirty days' notice shall be given, as required under the
33 lease, and notice shall be given no later than 15 days after the effective date of this act.



* H 6 0 - P C S 1 0 4 0 7 - T M - 4 0 *

1 **SECTION 3.** Appraisal of Parcel 1. – The Department of Administration shall
2 obtain an appraisal for Parcel 1, for which the sum of seven thousand three hundred dollars
3 (\$7,300) is appropriated from the General Fund to the Department of Administration. This
4 appraisal shall include both of the following:

- 5 (1) An appraisal of Parcel 1 subject to the restrictive covenants and reversion to
6 the State provided in Section 4(a) of this act.
- 7 (2) An appraisal of Parcel 1 without the restrictive covenants and reversion to
8 the State provided in Section 4(a) of this act.

9 **SECTION 4.** Sale of Parcel 1. – (a) The Department of Administration shall first
10 offer Parcel 1 to the Lumbee Tribal Administration for purchase, subject to the following
11 restrictive covenants that would run with the land, a violation of any of which would result in
12 the property reverting to State ownership:

- 13 (1) The land must be made and remain open and available for public use.
- 14 (2) The land must be made and remain available for use by North Carolina
15 tribes and American Indian urban organizations for free or at cost.
- 16 (3) The parcel cannot be subdivided.
- 17 (4) The natural resources cannot be sold or leased.

18 If any provision of this subsection or its application is held invalid, the invalidity does not
19 affect other provisions or applications of this subsection that can be given effect without the
20 invalid provisions or application, and to this end the provisions of this subsection are severable.

21 **SECTION 4.(b)** The Department of Administration shall provide a copy of the
22 appraisal required under Section 3 of this act to the Lumbee Tribal Administration. The
23 Lumbee Tribal Administration shall have 90 days from receipt of a copy of the appraisal to
24 enter into a contract to purchase the property for the appraised price or a negotiated price based
25 upon the appraised price.

26 **SECTION 4.(c)** If the Lumbee Tribal Administration does not enter into a contract
27 with the State to purchase the property within 90 days of receiving the appraisal of Parcel 1,
28 then the Department of Administration shall dispose of Parcel 1 according to the general laws
29 for the sale of State land and without the restrictive covenants or reversionary interest discussed
30 in subsection (a) of this section.

31 **SECTION 4.(d)** Although the Department of Administration may enter into a
32 purchase contract with the Lumbee Tribal Administration under subsection (b) of this section,
33 the sale shall not be finalized until after consultation with the Joint Legislative Program
34 Evaluation Oversight Committee. The Department shall submit a detailed report of the
35 transaction, including a copy of the purchase contract, to the Chairs of the Committee and to
36 the Director of the Program Evaluation Division of the General Assembly. If the Committee
37 does not hold a meeting to hear the consultation within 90 days of receiving the submission of
38 the detailed report, the consultation requirement is satisfied. This consultation is in addition to
39 any consultation with the Joint Legislative Commission on Governmental Operations that may
40 be required under G.S. 146-27(b).

41 **SECTION 5.** Proceeds of sale of Parcel 1. – The net proceeds of the sale under
42 Section 4 of this act shall be distributed as follows:

- 43 (1) The sum of seven thousand three hundred dollars (\$7,300) shall be deposited
44 into the General Fund in order to reimburse the General Fund for the
45 appropriation made in Section 3 of this act.
- 46 (2) Any funds remaining after funds are deposited under subdivision (1) of this
47 section shall be distributed as follows:
 - 48 a. Twenty-five percent (25%) shall be deposited into the General Fund
49 and shall be appropriated from the General Fund to the Department
50 of Environment and Natural Resources, Division of Parks and
51 Recreation, for improvements to Parcel 2, Parcel 3, and Parcel 4.

1 b. Seventy-five percent (75%) shall be deposited into the Savings
2 Reserve Account established under G.S. 143C-4-2.

3 **SECTION 6.** Allocation of other parcels. – Parcel 2, Parcel 3, and Parcel 4 are
4 allocated to the Department of Environment and Natural Resources, Division of Parks and
5 Recreation, to be used as part of the Lumber River State Park.

6 **SECTION 7.** This act is effective when it becomes law.