

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  
Senate Finance Committee Substitute Adopted 7/15/09

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.**

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 ~~1 May 2007~~: May 5, 2009: Baldhead Island State Natural



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.