

Article 25B.

State Nature and Historic Preserve Dedication Act.

§ 143-260.6. Short title.

This Article shall be known and may be cited as the State Nature and Historic Preserve Dedication Act. (1973, c. 443, s. 1.)

§ 143-260.7. Purpose.

It is the purpose of this Article to prescribe the conditions and procedures under which properties may be specially dedicated for the purposes enumerated by Article XIV, Sec. 5 of the North Carolina Constitution ("Conservation of Natural Resources"), accepted by the General Assembly for said purposes, and thereby constituted part of the State Nature and Historic Preserve. (1973, c. 443, s. 2.)

§ 143-260.8. Procedures.

(a) Within the meaning of this section:

- (1) "Local governing body" means, as the case may be, the board of commissioners of a county, the city council (or equivalent legislative body) of a city, or the board of aldermen or board of commissioners (or equivalent legislative body) of a town.
- (2) "Local government" means a county, city or town.
- (3) "Properties" include any properties or interest in properties acquired by purchase or gift.

(b) The Council of State may petition the General Assembly to enact a law pursuant to Article XIV, Sec. 5 of the North Carolina Constitution, accepting any properties owned by the State of North Carolina (or proposed for gift to or purchase by the State) and designated in the petition for inclusion in the State Nature and Historic Preserve.

(c) The governing body of any local government, or any combination of two or more such bodies may petition the General Assembly to enact a law pursuant to Article XIV, Sec. 5 of the North Carolina Constitution, accepting any properties owned by the local government (or proposed for gift to or purchase by the local government) and designated in the petition for inclusion in the State Nature and Historic Preserve.

(d) The petition referred to in subsections (b) and (c) of this section shall identify the properties sought to be included in the Preserve. The General Assembly may then enact a law to accept the designated properties in the Preserve and enactment of the law by the General Assembly shall constitute the special dedication and acceptance of the designated properties in the State Nature and Historic Preserve contemplated by Article XIV, Sec. 5 of the North Carolina Constitution.

(e) In order to provide accessible information to the public concerning the State Nature and Historic Preserve, every law accepting or removing properties in the Preserve shall be codified in the General Statutes. A certified copy of every law accepting or removing properties in the Preserve shall be transmitted by the Secretary of State to the register of deeds in each county wherein these properties, or any part of them, are located, for filing and indexing in the grantor index.

(f) This Article shall constitute an exclusive procedure only for placing properties in the State Nature and Historic Preserve, and shall not preclude the dedication of properties by other

means for purposes identical or similar to those enumerated by Article XIV, Sec. 5 of the North Carolina Constitution.

(g) It is the intent of this Article to complement any applicable provisions of federal and State law and regulations relating to dedication or acceptance of properties for purposes similar to those enumerated by Article XIV, Sec. 5 of the North Carolina Constitution. The Council of State is hereby authorized to adopt rules and regulations to implement the provisions of this Article, including rules and regulations consistent with this Article to comport with applicable federal and State law and regulations. A copy of this Article, and of any rules affecting properties owned by local governments shall be filed by the Council of State with the chairman of the local governing body of every county, city and town within 30 days after ratification. (1973, c. 443, s. 3; 1999-268, s. 6; 2003-234, s. 3; 2022-31, s. 2.)

§ 143-260.9. Dedication shall not affect maintenance and improvement of existing structures or facilities.

The dedication of property to the State Nature and Historic Preserve shall not prevent the administering State agency or local governing body from carrying out normal maintenance and improvement of existing structures or facilities that are appropriate to, and consistent with, the purpose for which the property in question was obtained by the State agency or local governing body. (1973, c. 443, s. 4.)

§ 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 May 2, 2023: Baldhead Island State Natural Area, Bakers Lake State Natural Area, Bay Tree Lake State Natural Area, Bear Paw State Natural Area, Beech Creek Bog State Natural Area, Bob's Creek State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Deep River State Trail, Dismal Swamp State Park, Elk Knob State Park, Fonta Flora State Trail, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Grandfather Mountain State Park, Haw River State Park, Hammocks Beach State Park, Jones Lake State Park, Lake Norman State Park, Lea Island State Natural Area, Medoc Mountain State Park, Merchants Millpond State Park, Mount Mitchell State Park, Pettigrew State Park, Pilot Mountain State Park, Pineola Bog State Natural Area, Pisgah View State Park, Raven Rock State Park, Run Hill State Natural Area, Salmon Creek State Natural Area, Sandy Run Savannas State Natural Area, Singletary Lake State Park, Stone Mountain State Park, Sugar Mountain State Natural Area, Theodore Roosevelt State Natural Area, Warwick Mill Bay State Natural Area, Weymouth Woods-Sandhills State Natural Area, Wilderness Gateway State Trail, and Yellow Mountain State Natural Area.
- (2) All lands and waters within the boundaries of William B. Umstead State Park as of May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of

North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land. [The tracts are as follows:]

- a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws.
 - b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 13337, Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.
- (3) Repealed by Session Laws 1999-268, s. 2.
- (4) All lands within the boundaries of Morrow Mountain State Park as of May 2, 2023, with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.
- (5) Repealed by Session Laws 1999-268, s. 2.
- (6) All land within the boundaries of Crowders Mountain State Park as of May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Crowders Mountain State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated July 22, 1988 and filed in the State Property Office.
 - b. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
 - c. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page No. 85, located on the north side of SR 2245 (Bethlehem Road) and containing 14,964 square feet as shown on the survey entitled "Survey for Crowders Mountain State Park, Deed Book 1103-107, Township 4 Kings Mountain, Cleveland County, N.C." by David W. Dickson, P.A. dated February 28, 2008.

- d. The portion of that certain tract or parcel of land at Crowders Mountain State Park in Cleveland County, described in Deed Book 1286, Page 85, and containing 0.06 acres and 0.515 acres as shown on the survey entitled "Boundary Survey for the State of N.C. Department of Administration, Township No. Four Cleveland County, N.C." by Carolinas Design Group, PLLC, dated November 6, 2007.
 - e. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
 - f. The portion of that certain tract or parcel of property at Crowders Mountain State Park in Gaston County, Crowders Mountain Township, described in Deed Book 1240, Page 451, and containing 225 square feet as shown in a survey prepared by R&W Engineering and Surveying entitled "Conveyance of 0.0052 acres owned by Crowders Mountain State Park, Gaston Co., NC" and dated January 18, 1995.
- (7) All lands owned in fee simple by the State within the boundaries of New River State Park as of May 2, 2023, with the exception of the following tracts: The portion of that certain tract or parcel of land at New River State Park in Ashe County, Chestnut Hill Township, described in Deed Book 432, Page 724, and containing 44,033 square feet as shown on the survey prepared by Thomas Herman Company, PLLC and entitled "Survey for State of North Carolina, Division of Parks and Recreation; Harold Davis; and Joe Davis" dated March 24, 2017, and on file with the State Property Office.
- (8) Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
- (9) All lands and waters located within the boundaries of the following State Historic Sites as of May 2, 2023: Alamance Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett Place, Bentonville Battleground, Brunswick Town/Fort Anderson, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe, North Carolina Transportation Museum, President James K. Polk, Reed Gold Mine, Shallow Ford of the Yadkin, Somerset Place, Historic Stagville, State Capitol, Thomas Day House/Union Tavern, Town Creek Indian Mound, Tryon Palace Historic Sites and Gardens, Zebulon B. Vance Birthplace, Endor Iron Furnace, and Thomas Wolfe Memorial, with the exception of the following tracts:
- a. The parcel of property at Tryon Palace Historic Sites and Gardens in Craven County, described in Deed Book 1740, Page 575, and located at 308 George Street, New Bern, North Carolina, 28562.
 - b. The portion of that certain tract or parcel of property at Tryon Palace Historic Sites and Gardens in Craven County, described in Deed Book 1248, Page 699, and containing approximately 4,250 square feet as shown on a survey prepared by Rivers & Associates, Inc., entitled "Easement Survey Map for: The City of New Bern Permanent Utility and Maintenance Easement, State of North Carolina (State Property Office) 116 West Jones Street, Raleigh, NC 27603," dated April 24, 2017.
- (10), (11) Repealed by Session Laws 2001-217, s. 2, effective June 15, 2001.

- (12) All lands and waters located within the boundaries of Hanging Rock State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.
 - b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing Camp Sertoma Tracts" by C.E Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.
 - c. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 368, Page 415, and containing 2,800 square feet as shown on the survey prepared by Norman T. Scott entitled "Survey For David Hoskins," dated May 20, 2020.
 - d. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, Yadkin Township, described in Deed Book 588, Page 727, and containing 0.155 acres as shown on the survey entitled "Plat of Survey for the State of North Carolina Showing Proposed Boundary Line Agreement" by C.E. Robertson and Associates, PC, dated March 14, 2023. The tract excluded from the State Nature and Historic Preserve under this sub-subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.
- (13) Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
- (14) Repealed by Session Laws 2003-234, s. 1, effective June 19, 2003.
- (15) All lands and waters within the boundaries of Jockey's Ridge State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portion of those certain tracts or parcels of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, Page 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the survey prepared by Styons

- (17) All lands and waters within the Eno River State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Eno River State Park in Durham County, Durham Outside Township, described in Deed Book 435, Page 673, and Plat Book 87, Page 66, containing 11,000 square feet and being the portion of Lot No. 2 shown as the existing scenic easement hereby removed on the drawing prepared by Sear-Brown entitled "Recombination Plat Eno Forest Subdivision" bearing the preparer's file name 00-208-07.dwg, and filed with State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
 - b. The portion of that certain tract or parcel of land at Eno River State Park in Orange County, described in Deed Book 3878, Page 461, and Plat Book 98, Page 11, containing 5,313 square feet and required for the permanent easements for bridge replacement project B-4216 on SR 1002 (St. Mary's Road), as shown in the drawing entitled "Preliminary Plans, Project Reference No. B-4216" prepared for North Carolina Department of Transportation by Mulkey Engineers and Consultants dated March 10, 2009, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Eno River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- (18) All land and waters within the boundaries of Hemlock Bluffs State Natural Area as of May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hemlock Bluffs State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portion of that certain tract or parcel of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461, Page 037, containing 2,025 square feet and being the portion of this tract shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office.

- b. The portion of those certain tracts or parcels of land at Hemlock Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed Book 4670, Page 420, containing 24,092 square feet and being the portion of these tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State Property Office.
 - c. The portion of that certain tract or parcel of property in Wake County, described in Deed Book 3135, Page 937, and containing 14.4 acres as shown in a survey prepared by A. Roger Barnes (RLS) entitled "Proposed Exchange of 14.4 Acres From the State of North Carolina to the Town of Cary," dated August 19, 1988.
- (19) All lands and waters within the boundaries of Lake James State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Lake James State Park containing 13.85 acres, and being 100 feet to the east and 150 feet to the west of a centerline shown on a survey by Witherspoon Surveying PLLC, dated February 9, 2007, and filed in the State Property Office. The State of North Carolina may grant a temporary easement to Duke Energy Corporation across this tract to facilitate the Catawba Dam Embankment Seismic Stability Improvements Project. The grant of the easement within Lake James State Park to Duke Energy Corporation under this sub-subdivision constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of Lake James State Park or another State park. The State may not otherwise sell or exchange this land.
 - b. The portion of that certain tract or parcel of land at Lake James State Park in McDowell County, Nebo Township, described in Deed Book 377, Page 423, and also shown as Tract B on the plat of survey prepared by Kenneth D. Suttles, RLS, dated December 4, 1987, entitled "Lake James State Park," Sheet 1 of 2, recorded in Plat Book 4, Page 275 of the McDowell County Registry, for a 40-foot right-of-way beginning at the southwest corner of Tract B and continuing along the southern boundary 86 38' 51 E for 400 feet to the now or former John D. Walker property. The State of North Carolina may grant an easement across this tract to extinguish prescriptive easements on Tract B to improve management of the State park property. The State may not otherwise sell or exchange this land. The easement excluded from the State Nature and Historic

Preserve under this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54.

- c. Repealed by Session Laws 2023-70, s. 13, effective June 30, 2023.
- (20) All lands and waters within the boundaries of Lake Waccamaw State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County described in Deed Book 835, Page 590, containing 48,210 square feet and being the portion of this tract shown as new R/W and permanent utility easement on drawing prepared by State of North Carolina Department of Transportation entitled "Map of Proposed Right of Way Property of State of North Carolina (Parks and Recreation) Columbus County" for Tip B-3830 on SR 1947 (Bella Coola Road) done by John E. Kaukola, PLS No. 3999 and compiled 1-18-2008, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lake Waccamaw State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
 - b. The portions of that certain tract or parcel of land at Lake Waccamaw State Park in Columbus County, Bolton Township, described in Deed Book 231, Page 597, containing 56,440 square feet and being the portion of this tract shown as Option A and Proposed 20' Wide Utility easement on a drawing entitled "Map for State of North Carolina and Town of Lake Waccamaw" and filed with the State Property Office. The grant of the easement within Lake Waccamaw State Park to the Town of Lake Waccamaw under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes.
- (21) All lands and waters within the boundaries of Chimney Rock State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent

Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.

- b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.
 - c. Repealed by Session Laws 2022-31, s. 1, effective June 30, 2022.
 - d. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, being Parcel 2 as described in Deed Book 933, Page 598, containing 0.24 acres as shown on a survey prepared by Professional Surveying Services entitled "Chimney Rock State Park," dated April 13, 2007. The tract excluded from the State Nature and Historic Preserve under this section is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- (22) All State-owned land and waters within the boundaries of the Mountains-to-Sea Trail as of May 2, 2023, with the exception of the following tract: The portion of that certain tract or parcel in Johnston County described in Deed Book 3634, Page 278, containing 1.538 acres as shown as the proposed easement area for Piedmont Natural Gas Company transmission line on the drawing prepared by McKim & Creed entitled "Easement Across The Land Of State of North Carolina," dated September 28, 2021, and revised October 6, 2021. The State of North Carolina may grant an easement to Piedmont Natural Gas Company across this tract to facilitate the transmission of natural gas. The grant of the

easement within the Mountains-to-Sea Trail to Piedmont Natural Gas Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes. The State of North Carolina may use the proceeds from the easement only for the expansion or improvement of the Mountains-to-Sea Trail or another State park. The State may not otherwise sell or exchange this land.

- (23) All State-owned land and waters within the boundaries of Gorges State Park as of May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Gorges State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portions of that certain tract or parcel of land in Transylvania County, described in Deed Book 267, Page 838, containing a total of 7.26 acres for the North Carolina Department of Transportation project TIP R-2409C US 64 Safety Improvements. As shown on right-of-way drawing from the North Carolina Department of Transportation dated May 22, 2014, for TIP R-2409C, Parcel 002, on file with the State Property Office.
 - b. Repealed by Session Laws 2023-70, s. 13, effective June 30, 2023.
- (24) All State-owned land and waters within the boundaries of Lower Haw State Natural Area as of May 2, 2023, with the exception of the following tracts:
- a. The portion of that certain tract or parcels in Chatham County, described in Deed Book 1319, Page 1047, containing 12,501 square feet and shown on a survey entitled "Recombination Survey for the North Carolina Division of Parks and Recreation and PK Ventures I LTD Partnership" prepared by S.D. Puckett and Associates dated April 22, 2014, and on file with the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lower Haw State Natural Area or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
 - b. The portion of that certain tract or parcel of land at Lower Haw State Natural Area in Chatham County, Center Township, containing 1,658 square feet and shown on a survey prepared by TEP Engineering entitled "Permanent Electrical Easement Exhibit," dated June 15, 2020. The State of North Carolina may grant an easement to Conterra Ultra Broadband across this tract to extend broadband services. The grant of the easement within Lower Haw State Natural Area to Conterra Ultra Broadband under this section constitutes authorization by the General

Assembly that the described tract of land may be used for a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes.

- (25) All State-owned land and waters within the boundaries of Lumber River State Park as of May 2, 2023, with the exception of the following tracts:
- a. The portions of those certain tracts or parcels of land in Robeson County, described in Deed Book 919, Page 862, Deed Book 1097, Page 837, Deed Book 935, Page 170, Deed Book 1125, Page 562, and Deed Book 1117, Page 680, containing a total of 3.39 acres for the North Carolina Department of Transportation secondary road project 6C.078030 SR 2245 (VC Britt Road) and shown on the survey entitled "Survey of Tracts 1A and 1B, VC Britt Rd, Orrum NC" prepared by the North Carolina Department of Transportation. The tracts excluded from the State Nature and Historic Preserve under this sub-subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
 - b. The portions of that certain tract or parcel of property at Lumber River State Park in Robeson County, described in Deed Book 575, Page 523, and containing approximately 1.08 acre (Tract A) and 0.12 acre (Tract C) as shown in a survey by Jerry W. Lee entitled "Survey for State of North Carolina" dated June 28, 2016. The land described in this sub-subdivision is deleted from the State Park System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Lumber River State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
 - c. The portion of those certain tracts or parcels of land at Lumber River State Park in Robeson County, Pembroke Township, described in Deed Book 575, Page 523 and Deed Book 931, Page 415 and containing a total of approximately 2.12 acres as shown in surveys prepared by McKim and Creed and labeled Drawing Number 2017-041 and 2017-042 dated April 24, 2017, and on file with the State Property Office.
 - d. The portion of that certain tract or parcel of land at Lumber River State Park in Robeson County, described in Deed Book 1899, Page 479, containing 0.5 acres and being a 20-foot wide easement beginning at N.C. 711 (Country Club Road) and extending in a southerly direction approximately 1,200 feet along the eastern boundary of the Elaine K. Leggett tract, as shown on a survey prepared by W.E. Stone Jr., entitled "Map of Property in Raft Swamp TWP Robeson County N.C., Made For Estate of O.C. Norment," dated November 24, 1970. The tracts

excluded from the State Nature and Historic Preserve under this sub-subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54.

- e. The portions of that certain tract or parcel of land at Lumber River State Park in Robeson County, described in Deed Book 1134, Page 70, containing a total of 9,572.57 square feet for the North Carolina Department of Transportation Improvement Plan I-6064A (Interstate-95 Widening) and shown on the drawing prepared by ICE of Carolinas, PLLC, and filed in the State Property Office.
- (26) All State-owned land and waters within the boundaries of Mitchells Millpond State Natural Area as of May 2, 2023, with the exception of the following tracts. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of the State Parks System or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land. [The tracts are as follows:]
- a. The portions of that certain tract or parcel in Wake County, described in Deed Book 2445, Page 62, containing approximately 0.215 acres as shown on the right-of-way plan for SR 2224 (Mitchell Mill Road) bridge No. 162 replacement project and on file with the State Property Office.
 - b. The portion of that certain tract or parcel of property at Mitchell's Millpond State Natural Area in Wake County, described in Deed Book 4186, Page 756, and containing 0.08 acres as shown in a survey by the North Carolina Department of Transportation, Right-of-Way Branch, entitled "State of North Carolina, Parcel 002," dated March 11, 2015.
- (27) All lands and waters within the boundaries of Carvers Creek State Park as of May 2, 2023, with the exception of the following tract: the portion of that certain tract or parcel of land at Carvers Creek State Park in Cumberland County, described in Deed Book 8466, Page 67, and containing 0.33 acres, more or less, as shown on the survey entitled "Ingress-Egress Easement for Stone Mountain Farm, LLC & William C. Elliott, Estate & The State of North Carolina" by George L. Lott, PLS, dated November 2013, and revised in May 2015 and filed with the State Property Office.
- (28) All lands and waters within the boundaries of Mayo River State Park as of May 2, 2023, with the exception of the following tracts, to allow construction of an access bridge from a tract or parcel of land owned by the State of North Carolina over the Mayo River, which bridge shall be of sufficient width to allow emergency vehicle and State Park vehicle access for the purpose of addressing public safety issues and service vehicle access to monitor, maintain, repair, or replace the existing sewer line traversing portions of Mayo River State Park:
- a. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1244, Page 1392, and containing 6.62 acres.

- b. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1244, Page 1390, and containing 0.62 acres.
 - c. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2214, and containing 0.61 acres.
 - d. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2216, and containing 0.52 acres.
 - e. The portion of that certain tract or parcel of land at Mayo River State Park in Rockingham County described in Deed Book 1353, Page 2216, and containing 1.54 acres.
- (29) Certain tracts within and in the vicinity of the National Landmark Historic District of Bethania in Forsyth County containing approximately 189.84 acres, identified within the State Property Office file as those complexes designated as Bethania Walnut Bluffs and Historic Bethabara Park, and assigned to the Department of Natural and Cultural Resources as of May 2, 2023.
- (30) All lands and waters located within the boundaries of the Occoneechee Mountain State Natural Area as of May 2, 2023, with the exception of the following tract: the portion of that certain tract or parcel of land at Occoneechee Mountain State Natural Area in Orange County, Hillsborough Township, described in Deed Book 6638, Page 2222, and Deed Book 6638, Page 2227, containing 2,662.48 square feet for the North Carolina Department of Transportation Improvement Plan I-3306A (Interstate-40 Widening) and shown on the drawing prepared by HDR Engineering, Inc., of the Carolinas and filed in the State Property Office.
- (31) All lands and waters located within the boundaries of South Mountains State Park as of May 2, 2023, with the exception of the following tract: with respect to the communications tower site on Walkertop Mountain located on a portion of that certain tract or parcel of land at South Mountains State Park in Burke County, Morganton Township, described in Deed Book 2654, Page 801, the State may provide space at the communications tower site for the placement of broadband infrastructure on State land. In conformance with G.S. 146-29.2, the State shall allow the collocation, installation, and operation of equipment by a broadband provider on any existing structure owned by the State. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Article XIV, Section 5, of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Part 32 of Article 2 of Chapter 143B of the General Statutes. (1979, c. 498; 1989, Joint Res. 23; c. 146, s. 1; 1989 (Reg. Sess., 1990), c. 1004, s. 30; 1999-268, s. 2; 2001-217, s. 2; 2002-149, s. 1; 2003-234, s. 1; 2004-25, s. 2; 2007-307, s. 1; 2008-11, s. 1; 2009-503, s. 1; 2014-62, s. 1; 2015-241, s. 14.30(z), (aa); 2015-268, s. 5.4(f); 2017-113, s. 1; 2019-241, s. 5; 2022-31, s. 1; 2023-70, s. 13.)

§§ 143-260.10A through 143-260.10B: Repealed by Session Laws 1989, c. 146, ss. 3, 4.

§ 143-260.10C. (Repealed) Removal of land in Hemlock Bluffs from the State Nature and Historic Preserve. (1989, c. 384, s. 1; 2015-241, s. 14.30(z), (aa); 2015-268, s. 5.4(f); repealed by 2022-31, s. 3(a), effective June 30, 2022.)

§ 143-260.10D. Removal of land at Hammocks Beach State Park from the State Nature and Historic Preserve.

Notwithstanding the provisions of G.S. 143-260.10(1), the tract identified as a portion of the property legally described in Deed Book 414, Page 607, Onslow County Registry, containing 0.063 acres; beginning at a point located S 25°19'50" W, 60.86 feet, thence S 02°10'40" E, 33.61 feet from the southeast corner of above reference property, proceeding from said beginning point S 02°10'40" E, 32.73 feet, thence S 69°12'45" W, 176.47 feet to a point, thence N 59°47'25" E, 189.47 feet to the point of beginning; as shown on a survey prepared by John P. McLean Engineering Associates and entitled "Exhibit Map Showing Land Swap Between N.C. Park Service and Hammocks Point" dated June 29, 1990, is removed from the State Nature and Historic Preserve.

The State of North Carolina may only exchange this land for other land for inclusion in Hammocks Beach State Park or sell the land and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

The removal of the portion of Hammocks Beach State Park under this section achieves the requirements and purposes of Part 32 of Article 7 [Article 2] of Chapter 143B of the General Statutes and constitutes a deletion from the State Parks System as required by G.S. 143B-135.54. (1991, c. 318, s. 1; 2015-241, s. 14.30(z), (aa); 2015-268, s. 5.4(f).)

§ 143-260.10E. Utility easement at William B. Umstead State Park.

(a) The State of North Carolina may grant a utility easement to Carolina Power and Light Company across a tract of land within William B. Umstead State Park. The easement shall be 100 feet wide, extending 50 feet on each side of the following-described survey line: Lying and being in Leesville township, Wake County, North Carolina; BEGINNING at point B2 as shown on the Drawing hereinafter referred to, the point B2 being located in a southern property line of Raleigh Durham Airport Authority (formerly Continental Mortgage Investors) and a northern property line of the State of North Carolina; the point B2 also being located North 87 degrees 01 minute 31 seconds West 834.04 feet from a concrete monument making a southeastern corner of Raleigh Durham Airport Authority (formerly Continental Mortgage Investors); and runs thence South 02 degrees 01 minute 53 seconds East 3508.00 feet to point A2 on the Drawing, the location of Point A2 having North Carolina Coordinates Y=773, 193.769 and X=2,069,162.420, the Point A2 being located at the terminus of Carolina Power and Light Company's existing 100 foot wide right-of-way strip, as shown and described on Carolina Power and Light Company Drawing No. RW-A-5246, dated September 1977, which Drawing also shows the respective complementing sidelines going to make up the easement.

(b) The State of North Carolina may only use the proceeds from the easement described in subsection (a) of this section to acquire property at any State park.

(c) The grant of the easement within William B. Umstead State Park to Carolina Power and Light Company under this section constitutes authorization by the General Assembly that the described tract of land may be used for a utility easement, which is a purpose other than the public purposes as specified in Article XIV, Section 5, of the Constitution, Article 25B of Chapter 143 of

the General Statutes, and Part 32 of Article 7 [Article 2] of Chapter 143B of the General Statutes. (1991 (Reg. Sess., 1992), c. 907, s. 1; 2015-241, s. 14.30(z).)

§ 143-260.10F. Road right-of-way; Pilot Mountain State Park.

(a) Notwithstanding the provisions of G.S. 143-260.10, the State of North Carolina may convey a road right-of-way to the Department of Transportation across lands within Pilot Mountain State Park. The right-of-way for the road shall begin 71.9 feet S 70° 41' 12" E of park corner number 94 as shown on the June 1, 1968, Pilot Mountain State Park survey by Southern Mapping & Engineering Company. From point of beginning N 70° 41' 12" W for 71.9 feet, then following the centerline of the existing road SR 2068 N 02° 31' 21" E for 24.13 feet, then N 25° 17' 28" E for 225.06 feet, then N 35° 31' 48" E for 139.35 feet, then with the northern boundary of the park S 55° 48' 51" E for 30.0 feet, then along new right-of-way line for approximately 350 feet as shown on Department of Transportation Plat of SR 2068, Shoals Road – McKinney Cut, Surry County, W.O. 6.742488 dated August 28, 1992, to point of beginning. The area of this right-of-way is approximately 17,850 square feet.

(b) The property described in subsection (a) of this section is removed from the State Nature and Historic Preserve and deleted from the State Parks System.

(c) The State shall only use the proceeds from this right-of-way to acquire lands for the expansion of Pilot Mountain State Park. (1993, c. 457.)

§ 143-260.10G. (Repealed) Removal of land in Crowders Mountain State Park from the State Nature and Historic Preserve. (1995, c. 131, s. 1; 2015-241, s. 14.30(aa); 2015-268, s. 5.4(f); repealed by 2022-31, s. 3(b), effective June 30, 2022.)

§ 143-260.10H. (Repealed) Removal of land in Gorges State Park from the State Nature and Historic Preserve. (2016-100, s. 11(a); repealed by 2022-31, s. 3(c), effective June 30, 2022.)

§ 143-260.10I. (Repealed) Removal of land in Jockey's Ridge State Park from the State Nature and Historic Preserve. (2016-100, s. 11(a); repealed by 2022-31, s. 3(d), effective June 30, 2022.)

§ 143-260.10J. (Repealed) Removal of land in Mitchell's Millpond State Natural Area from the State Nature and Historic Preserve. (2016-100, s. 11(a); repealed by 2022-31, s. 3(e), effective June 30, 2022.)