

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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1

HOUSE BILL 1311*

Short Title: State Nature and Historic Preserve.

(Public)

Sponsors: Representative Gibson.

Referred to: Environment and Natural Resources.

April 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS
3 PART OF THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE
4 CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE;
5 TO CODIFY THESE REMOVALS; AND TO DELETE CERTAIN LANDS FROM
6 THE STATE PARKS SYSTEM.

7 Whereas, Article XIV, Section 5 of the North Carolina Constitution
8 authorizes the dedication of State and local government properties as part of the State
9 Nature and Historic Preserve upon acceptance by resolution adopted by a vote of
10 three-fifths of the members of each house of the General Assembly and removal of
11 properties from the State Nature and Historic Preserve by law adopted by three-fifths of
12 the members of each house of the General Assembly; Now, therefore,

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** The following tracts of land are removed from the State Nature
15 and Historic Preserve pursuant to Article XIV, Section 5 of the North Carolina
16 Constitution:

17 (a) The portion of that certain tract or parcel at Bushy Lake State Natural Area in
18 Beaver Dam Township, Cumberland County, described in Deed Book 3588, Page 583,
19 and shown as the 0.58 acre parcel within tract 2 on the Recombination Survey for the
20 State of North Carolina by Lewis G. Paschal, Professional Land Surveyor, dated April
21 1989 and December 2000, and filed in the State Property Office.

22 (b) The portion of that certain tract or parcel of land at Jockey's Ridge State Park
23 in Dare County, Nags Head Township, described in Deed Book 227, page 501, and
24 containing 33,901 square feet as shown on the survey prepared by Styons Surveying
25 Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7,
26 2001, and filed in the State Property Office.

27 (c) The portion of that certain tract or parcel of land at Jockey's Ridge State Park
28 in Dare County, Nags Head Township, described in Deed Book 222, page 726, and

1 containing 42,909 square feet as shown on the survey prepared by Styons Surveying
2 Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7,
3 2001, and filed in the State Property Office.

4 (d) The portion of that certain tract or parcel of land at Jockey's Ridge State Park
5 in Dare County, Nags Head Township, described in Deed Book 265, page 306, and
6 containing 34,471 square feet as shown on the survey prepared by Styons Surveying
7 Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7,
8 2001, and filed in the State Property Office.

9 **SECTION 2.** G.S. 143-260.10 reads as rewritten:

10 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

13 (1) All lands and waters within the boundaries of the following units of
14 the State Parks System as of ~~April 6, 1999~~; April 3, 2001: Baldhead
15 Island State Natural Area, Bay Tree Lake State Park, Boones Cave
16 State Park, ~~Natural Area~~, Bullhead Mountain State Natural Area,
17 ~~Bushy Lake State Natural Area~~, Carolina Beach State Park, Cliffs of
18 the Neuse State Park, Chowan Swamp State Natural Area, Dismal
19 Swamp State Natural Area, ~~Duke Power State Park~~, Eno River State
20 Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose
21 Creek State Park, Gorges State Park, Hammocks Beach State Park,
22 Hemlock Bluffs State Natural Area, ~~Jockey's Ridge State Park~~, Jones
23 Lake State Park, Lake James State Park, Lake Norman State Park,
24 Lake Waccamaw State Park, Lumber River State Park, Medoc
25 Mountain State Park, Merchants Millpond State Park, Mitchells
26 Millpond State Natural Area, Mount Jefferson State Natural Area,
27 Mount Mitchell State Park, Occonechee Mountain State Natural
28 Area, Pettigrew State Park, Pilot Mountain State Park, Raven Rock
29 State Park, Run Hill State Natural Area, Singletary Lake State Park,
30 Theodore Roosevelt State Natural Area, and Weymouth
31 Woods-Sandhills Nature Preserve.

32 (2) All lands and waters within the boundaries of William B. Umstead
33 State Park as of ~~April 6, 1999~~; April 3, 2001, with the exception of
34 Tract Number 65, containing 22.93140 acres as shown on a survey
35 prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS),
36 entitled "Property of The State of North Carolina William B. Umstead
37 State Park", dated January 14, 1977 and filed in the State Property
38 Office, which was removed from the State Nature and Historic
39 Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The
40 tract excluded from the State Nature and Historic Preserve under this
41 subdivision is deleted from the State Parks System in accordance with
42 G.S. 113-44.14. The State of North Carolina may only exchange this
43 land for other land for the expansion of William B. Umstead State Park

1 or sell and use the proceeds for that purpose. The State of North
2 Carolina may not otherwise sell or exchange this land.

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

4 (4) All lands within the boundaries of Morrow Mountain State Park as of
5 ~~April 6, 1999, April 3, 2001~~, with the exception of the following tract:
6 That certain tract or parcel of land at Morrow Mountain State Park in
7 Stanly County, North Albemarle Township, containing 0.303 acres,
8 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on
9 a map dated August 27, 1988, and filed in the State Property Office,
10 reference to which is hereby made for a more complete description.

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

12 (6) All land within the boundaries of Crowders Mountain State Park as of
13 ~~April 6, 1999, April 3, 2001~~, with the exception of the following tract:
14 The portion of that certain tract or parcel of land at Crowders
15 Mountain State Park in Gaston County, Crowders Mountain
16 Township, described in Deed Book 1939, page 800, and containing
17 757.28 square feet and as shown in a survey by Tanner and
18 McConnaughey, P.A. dated July 22, 1988 and filed in the State
19 Property Office. The tract excluded from the State Nature and Historic
20 Preserve under this subdivision is deleted from the State Parks System
21 in accordance with G.S. 113-44.14. The State of North Carolina may
22 only exchange this land for other land for the expansion of Crowders
23 Mountain State Park or sell this land and use the proceeds for that
24 purpose. The State may not otherwise sell or exchange this land.

25 (7) All lands owned in fee simple by the State at the New River Scenic
26 River as of ~~April 6, 1999~~ with the exception of the following tract:
27 ~~That certain tract or parcel of land at the New River Scenic River in~~
28 ~~Alleghany County, Piney Creek Township, described in Deed Book~~
29 ~~112, page 610, containing 16.54 acres, and consisting of lots #12~~
30 ~~through #19 on the survey by Dudley and Zeh, R.L.S. dated September~~
31 ~~21, 1979, recorded in Plat Book 4, Page 94, and filed in the State~~
32 ~~Property Office. April 3, 2001.~~

33 (8) All lands and waters within the boundaries of Stone Mountain State
34 Park as of ~~April 6, 1999, April 3, 2001~~, with the exception of the
35 following ~~tract:~~ tracts: The portion of that certain tract or parcel of land
36 at Stone Mountain State Park in Wilkes County, Traphill Township,
37 described as parcel 33-02 in Deed Book 633-193, and more
38 particularly described as all of the land in this parcel lying to the west
39 of the eastern edge of the Air Bellows Road, as shown on the National
40 Park Service Land Status Map 33 dated March 24, 1981 and filed in
41 the State Property Office, containing approximately 72 ~~acres.~~ acres;
42 and the portion of that certain tract or parcel of land at Stone Mountain
43 State Park in Alleghany County, Cherry Lane Township, described in
44 Deed Book 219, page 543, and more particularly described as all of the

1 land in this parcel lying north of the new division line on the survey by
2 Andrews and Hobson Surveyors dated August 15, 2000, and entitled
3 "Property Exchange Agreement for State of North Carolina and the
4 United States of America", and filed in the State Property Office. The
5 ~~tract~~ tracts ~~excluded from the State Nature and Historic Preserve under~~
6 ~~this subdivision is~~ are ~~deleted from the State Parks System in~~
7 ~~accordance with G.S. 113-44.14.~~

8 (9) All lands and waters located within the boundaries of the following
9 State Historic Sites as of ~~January 1, 1999:~~ April 3, 2001: Alamance
10 Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett
11 Place, Bentonville Battleground, Brunswick Town/Fort Anderson,
12 C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins
13 Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs,
14 Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm,
15 House in the Horseshoe, North Carolina Transportation Museum,
16 James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville,
17 State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites
18 & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe
19 Memorial.

20 (10) ~~All lands and waters within the boundaries of Gorges State Park as~~
21 ~~shown on the map entitled "Boundaries of Gorges State Park" prepared~~
22 ~~by the Division of Parks and Recreation, dated May 27, 1999, and filed~~
23 ~~in the State Property Office, which lands and waters are a portion of~~
24 ~~the lands and waters acquired by the State of North Carolina on April~~
25 ~~29, 1999, the purchase of which was approved by the Council of State~~
26 ~~at its meeting on March 2, 1999.~~

27 (11) ~~All lands and waters located within the boundaries of Eno River State~~
28 ~~Park as of April 6, 1999, with the exception of the following tracts:~~
29 ~~The portion of that tract or parcel of land at Eno River State Park in~~
30 ~~Durham County, Lebanon Township, described in Deed Book 1626,~~
31 ~~Page 854, required for the right of way and easements for the~~
32 ~~expansion of Guess Road and more particularly described in a~~
33 ~~Department of Transportation drawing entitled "Sketch Showing a~~
34 ~~Portion of the Property of State of North Carolina, North Carolina~~
35 ~~Parks and Recreation, Durham County", for TIP U 2102, Project~~
36 ~~8.1351302, parcel 155, dated June 8, 1999 and filed in the State~~
37 ~~Property Office; and the portion of that tract or parcel of land at Eno~~
38 ~~River State Park in Durham County, Lebanon Township, described in~~
39 ~~Deed Book 1945, Page 773, required for the right of way and~~
40 ~~easements for the expansion of Guess Road and more particularly~~
41 ~~described in a Department of Transportation drawing entitled "Sketch~~
42 ~~Showing Proposed Right of Way, Property of State of North Carolina~~
43 ~~(Formerly Association for the Preservation of the Eno), Durham~~
44 ~~County" for TIP U 2102, Project 8.1351302, parcels 159 and 163,~~

1 ~~dated June 1, 1999 and filed in the State Property Office. These two~~
2 ~~tracts excluded from the State Nature and Historic Preserve under this~~
3 ~~subdivision are deleted from the State Parks System in accordance~~
4 ~~with G.S. 113-44.14.~~

5 (12) All lands and waters located within the boundaries of Hanging Rock
6 State Park as of ~~April 6, 1999, April 3, 2001~~, with the exception of the
7 following tract: The portion of that tract or property at Hanging Rock
8 State Park in Stokes County, Danbury Township, described in Deed
9 Book 360, Page 160, for a 30-foot wide right-of-way beginning
10 approximately 183 feet south of SR 1001 and extending in a southerly
11 direction approximately 1,479 feet to the southwest corner of the
12 Bobby Joe Lankford tract and more particularly shown on a survey
13 entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes
14 County, N.C.", by Grinski Surveying Company, dated June 1985, and
15 filed in the State Property Office. The tract excluded from the State
16 Nature and Historic Preserve under this subdivision is deleted from the
17 State Parks System in accordance with G.S. 113-44.14.

18 (13) All lands and waters located within the boundaries of South Mountains
19 State Park as of ~~April 6, 1999, April 3, 2001~~, with the exception of the
20 following tracts: The portion of that tract or property at South
21 Mountains State Park in Burke County, Lower Creek Township,
22 described in Deed Book 862, Page 1471, required for the right-of-way
23 and easements for the relocation of SR 1904 within the park and lying
24 generally between the Rutherford Electric Membership Corporation
25 right-of-way and the southern property boundary of the park, as
26 described in the drawing entitled "Survey for State of North Carolina",
27 dated January 28, 1999, prepared by Suttles Surveying, P.A., bearing
28 the preparer's file name 12455.dwg and filed in the State Property
29 Office; and the portions of land at South Mountains State Park that lie
30 south of the centerline of the CCC road as shown on the drawing
31 entitled "Land Trade between South Mountains State Park and
32 Adjacent Game Lands along CCC Road" prepared by the Division of
33 Parks and Recreation, dated March 15, 1999, and filed in the State
34 Property Office and that lie within: (i) the tract or property in Burke
35 County, Lower Fork Township, described in Deed Book 495, Page
36 501; (ii) the tract or property in Burke County, Lower Fork and Upper
37 Fork Townships, described in Deed Book 715, Page 719; or, (iii)
38 within the tracts or property in Burke County, Upper Fork Township,
39 described in Deed Book 860, Page 341, and Deed Book 884, Page
40 1640. The tracts excluded from the State Nature and Historic Preserve
41 under this subdivision are deleted from the State Parks System in
42 accordance with G.S. 113-44.14. The State of North Carolina may
43 only exchange this land for other land for the expansion of South

1 Mountains State Park or sell this land and use the proceeds for that
2 purpose. The State may not otherwise sell or exchange this land.

3 (14) All lands and waters within the boundaries of Bushy Lake State
4 Natural Area as of April 3, 2001, with the exception of the following
5 tract: The portion of that certain tract or parcel at Bushy Lake State
6 Natural Area in Beaver Dam Township, Cumberland County,
7 described in Deed Book 3588, Page 583, and shown as the 0.58 acre
8 parcel within tract 2 on the Recombination Survey for the State of
9 North Carolina by Lewis G. Paschal, Professional Land Surveyor,
10 dated April 1989 and December 2000, and filed in the State Property
11 Office. The tract excluded from the State Nature and Historic Preserve
12 under this subdivision is deleted from the State Parks System pursuant
13 to G.S. 113-44.14. The State of North Carolina may only exchange this
14 land for other land for the expansion of Bushy Lake State Natural Area
15 or sell this land and use the proceeds for that purpose. The State may
16 not otherwise sell or exchange this land.

17 (15) All lands and waters within the boundaries of Jockey's Ridge State
18 Park as of April 3, 2001, with the exception of the following tracts:
19 The portion of that certain tract or parcel of land at Jockey's Ridge
20 State Park in Dare County, Nags Head Township, described in Deed
21 Book 227, page 501, and containing 33,901 square feet as shown on
22 the survey prepared by Styons Surveying Services entitled "Raw
23 Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001,
24 and filed in the State Property Office; the portion of that certain tract
25 or parcel of land at Jockey's Ridge State Park in Dare County, Nags
26 Head Township, described in Deed Book 222, page 726, and
27 containing 42,909 square feet as shown on the survey prepared by
28 Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's
29 Ridge State Park" dated March 7, 2001, and filed in the State Property
30 Office; and the portion of that certain tract or parcel of land at Jockey's
31 Ridge State Park in Dare County, Nags Head Township, described in
32 Deed Book 265, page 306, and containing 34,471 square feet as shown
33 on the survey prepared by Styons Surveying Services entitled "Raw
34 Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001,
35 and filed in the State Property Office."

36 **SECTION 3.** This act is effective when it becomes law.