

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

3

SENATE BILL 1211
Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/22/02
Third Edition Engrossed 7/24/02

Short Title: Nat & Hist Preserve and Park System Removals. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO REMOVE BOONE'S CAVE STATE NATURAL AREA AND A PORTION OF BALDHEAD ISLAND STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE THESE PROPERTIES FROM THE STATE PARKS SYSTEM, TO AUTHORIZE THE TRANSFER OF THESE PROPERTIES FOR LIMITED PURPOSES, AND TO ALLOW CERTAIN PUBLIC ENTITIES TO USE THE FIRE TOWER AT MOUNT JEFFERSON STATE NATURAL AREA FOR PUBLIC COMMUNICATION PURPOSES.

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 April 3, 2001: ~~Baldhead Island State Natural Area~~, Bay Tree Lake State Park, ~~Boone's Cave State Natural Area~~, Bullhead Mountain State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp State Natural Area, Eno River State Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Gorges State Park, Hammocks Beach State Park, Hemlock Bluffs State Natural Area, Jones Lake State Park, Lake James State Park, Lake Norman State Park, Lake Waccamaw State Park, Lumber River State Park, Medoc Mountain State Park, Merchants Millpond State Park, Mitchells Millpond State Natural Area, ~~Mount Jefferson State Natural Area~~, Mount Mitchell State Park, Occoneechee

1 Mountain State Natural Area, Pettigrew State Park, Pilot Mountain
2 State Park, Raven Rock State Park, Run Hill State Natural Area,
3 Singletary Lake State Park, Theodore Roosevelt State Natural Area,
4 and Weymouth Woods-Sandhills Nature Preserve.

5 ...

6 (16) All lands and waters located within the boundaries of Baldhead Island
7 State Natural Area as of April 3, 2001, with the exception of the
8 southern one-quarter of the appurtenant easement on that certain tract
9 or parcel of property at Baldhead Island State Natural Area in
10 Brunswick County, Smithville Township, described in Deed Book
11 401, Page 602, and more particularly described as follows: the tract
12 beginning at a point having North Carolina Grid Coordinates
13 y=40000.00, x=2315685.00; thence due west 510 feet to a point in the
14 high water mark of the marsh having North Carolina Grid Coordinates
15 y=40000.00, x=2315175.00; thence with the high water mark of the
16 marsh in a northerly direction to a point intersecting the northern
17 boundary of the tract, which is represented by a line running due east
18 and west and intersecting North Carolina Grid Coordinates
19 y=40750.00, x=2315685.00; thence along the northern boundary to a
20 point intersecting the mean high water line of the Atlantic Ocean;
21 thence in a southerly direction with the mean high water line of the
22 Atlantic Ocean to the point of beginning. The tract excluded from the
23 State Nature and Historic Preserve under this subdivision is deleted
24 from the State Parks System pursuant to G.S. 113-44.14. The State of
25 North Carolina may only exchange this land for other land for the
26 expansion of Baldhead Island State Natural Area or sell this land and
27 use the proceeds for that purpose. The State may not otherwise sell or
28 exchange this land.

29 (17) All lands and waters located within the boundaries of Mount Jefferson
30 State Natural Area as of April 3, 2001. With respect to the
31 communications tower site on the top of Mount Jefferson and located
32 on that certain tract or parcel of land at Mount Jefferson State Natural
33 Area in Ashe County, West Jefferson Township, described in Deed
34 Book F-3, Page 94, the State may provide space at the communications
35 tower site to State public safety and emergency management agencies
36 for the placement of antennas, repeaters, and other communications
37 devices for public communication purposes. Notwithstanding G.S.
38 146-29.2, the State may lease space at the communications tower site
39 to local governments in Ashe County for the placement of antennas,
40 repeaters, and other communications devices for public
41 communication purposes. State agencies and local governments that
42 are authorized to place communications devices at the communications
43 tower site pursuant to this subdivision may also locate at or near the
44 communications tower site communications equipment that is

1 necessary for the proper operation of the communication devices. The
2 use of the communications tower site pursuant to this subdivision is
3 authorized by the General Assembly as a purpose other than the public
4 purposes specified in Article XIV, Section 5, of the North Carolina
5 Constitution, Article 25B of Chapter 143 of the General Statutes, and
6 Article 2C of Chapter 113 of the General Statutes."

7 **SECTION 2.** Boone's Cave State Natural Area is deleted from the State
8 Parks System pursuant to G.S. 113-44.14. The State may transfer this property to
9 Davidson County for management as a park. The instrument transferring this property
10 shall provide that the State retains a possibility of reverter and shall provide that in the
11 event that Davidson County ceases to manage the property as a park the property shall
12 revert to the State. The State may not otherwise sell or exchange the property.

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