

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 854
House Committee Substitute Favorable 5/22/01**

Short Title: State Nature and Historic Preserve.

(Public)

Sponsors:

Referred to:

April 4, 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, TO DELETE CERTAIN LANDS FROM THE
6 STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL
7 AMENDMENT TO THE STATE CONSTITUTION RELATING TO
8 ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE
9 NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE
10 OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION.

11 Whereas, Article XIV, Section 5 of the North Carolina Constitution
12 authorizes the dedication of State and local government properties as part of the State
13 Nature and Historic Preserve upon acceptance by resolution adopted by a vote of
14 three-fifths of the members of each house of the General Assembly and removal of
15 properties from the State Nature and Historic Preserve by law adopted by three-fifths of
16 the members of each house of the General Assembly; Now, therefore,
17 The General Assembly of North Carolina enacts:

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

21 (a) The portion of that certain tract or parcel of land at Bushy Lake State
22 Natural Area in Cumberland County, Beaver Dam Township, described in Deed Book
23 3588, Page 583, and shown as the 0.58 acre parcel within tract 2 on the survey prepared
24 by Lewis G. Paschal, Professional Land Surveyor, entitled "Recombination Survey for
25 State of North Carolina" dated April 1989 and December 2000, and filed in the State
26 Property Office.

27 (b) The portion of those certain tracts or parcels of land at Jockey's Ridge
28 State Park in Dare County, Nags Head Township, described in Deed Book 227, Page
29 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the

1 survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13
2 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

3 (c) The portion of that certain tract or parcel of land at Jockey's Ridge
4 State Park in Dare County, Nags Head Township, described in Deed Book 222, Page
5 726, and containing 42,909 square feet as shown on the survey prepared by Styons
6 Surveying Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated
7 March 7, 2001, and filed in the State Property Office.

8 (d) The portion of that certain tract or parcel of land at Jockey's Ridge
9 State Park in Dare County, Nags Head Township, described in Deed Book 224, Page
10 790, and Deed Book 224, Page 794, and containing 34,471 square feet as shown on the
11 survey prepared by Styons Surveying Services entitled "Raw Water Well Site 15
12 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

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

14 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

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

36 (2) All lands and waters within the boundaries of William B. Umstead
37 State Park as of ~~April 6, 1999~~, April 3, 2001, with the exception of
38 Tract Number 65, containing 22.93140 acres as shown on a survey
39 prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS),
40 entitled "Property of The State of North Carolina William B. Umstead
41 State Park", dated January 14, 1977 and filed in the State Property
42 Office, which was removed from the State Nature and Historic

1 Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The
2 tract excluded from the State Nature and Historic Preserve under this
3 subdivision is deleted from the State Parks System in accordance with
4 G.S. 113-44.14. The State of North Carolina may only exchange this
5 land for other land for the expansion of William B. Umstead State Park
6 or sell and use the proceeds for that purpose. The State of North
7 Carolina may not otherwise sell or exchange this land.

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

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

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

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

30 (7) All lands owned in fee simple by the State at the New River Scenic
31 River as of ~~April 6, 1999~~ with the exception of the following tract:
32 That certain tract or parcel of land at the New River Scenic River in
33 Alleghany County, Piney Creek Township, described in Deed Book
34 112, page 610, containing 16.54 acres, and consisting of lots #12
35 through #19 on the survey by Dudley and Zeh, R.L.S. dated September
36 21, 1979, recorded in Plat Book 4, Page 94, and filed in the State
37 Property Office. April 3, 2001.

38 (8) All lands and waters within the boundaries of Stone Mountain State
39 Park as of ~~April 6, 1999, April 3, 2001,~~ with the exception of the
40 following ~~tract:~~ tracts: The portion of that certain tract or parcel of land
41 at Stone Mountain State Park in Wilkes County, Traphill Township,
42 described as parcel 33-02 in Deed Book 633-193, and more

1 particularly described as all of the land in this parcel lying to the west
2 of the eastern edge of the Air Bellows Road, as shown on the National
3 Park Service Land Status Map 33 dated March 24, 1981 and filed in
4 the State Property Office, containing approximately 72 ~~acres.~~acres;
5 and the portion of that certain tract or parcel of land at Stone Mountain
6 State Park in Alleghany County, Cherry Lane Township, described in
7 Deed Book 219, Page 543, and more particularly described as all of
8 the land in this parcel lying north of the new division line on the
9 survey by Andrews and Hobson Surveyors dated August 15, 2000, and
10 entitled 'Property Exchange Agreement for State of North Carolina &
11 the United States of America', and filed in the State Property Office.
12 The ~~tract~~tracts excluded from the State Nature and Historic Preserve
13 under this subdivision ~~is~~are deleted from the State Parks System in
14 accordance with G.S. 113-44.14.

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

27 (10) ~~All lands and waters within the boundaries of Gorges State Park as~~
28 ~~shown on the map entitled "Boundaries of Gorges State Park" prepared~~
29 ~~by the Division of Parks and Recreation, dated May 27, 1999, and filed~~
30 ~~in the State Property Office, which lands and waters are a portion of~~
31 ~~the lands and waters acquired by the State of North Carolina on April~~
32 ~~29, 1999, the purchase of which was approved by the Council of State~~
33 ~~at its meeting on March 2, 1999.~~

34 (11) ~~All lands and waters located within the boundaries of Eno River State~~
35 ~~Park as of April 6, 1999, with the exception of the following tracts:~~
36 ~~The portion of that tract or parcel of land at Eno River State Park in~~
37 ~~Durham County, Lebanon Township, described in Deed Book 1626,~~
38 ~~Page 854, required for the right of way and easements for the~~
39 ~~expansion of Guess Road and more particularly described in a~~
40 ~~Department of Transportation drawing entitled "Sketch Showing a~~
41 ~~Portion of the Property of State of North Carolina, North Carolina~~
42 ~~Parks and Recreation, Durham County", for TIP U 2102, Project~~

1 ~~8.1351302, parcel 155, dated June 8, 1999 and filed in the State~~
2 ~~Property Office; and the portion of that tract or parcel of land at Eno~~
3 ~~River State Park in Durham County, Lebanon Township, described in~~
4 ~~Deed Book 1945, Page 773, required for the right-of-way and~~
5 ~~easements for the expansion of Guess Road and more particularly~~
6 ~~described in a Department of Transportation drawing entitled "Sketch~~
7 ~~Showing Proposed Right of Way, Property of State of North Carolina~~
8 ~~(Formerly Association for the Preservation of the Eno), Durham~~
9 ~~County" for TIP U 2102, Project 8.1351302, parcels 159 and 163,~~
10 ~~dated June 1, 1999 and filed in the State Property Office. These two~~
11 ~~tracts excluded from the State Nature and Historic Preserve under this~~
12 ~~subdivision are deleted from the State Parks System in accordance~~
13 ~~with G.S. 113-44.14.~~

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

27 (13) All lands and waters located within the boundaries of South Mountains
28 State Park as of ~~April 6, 1999, April 3, 2001~~, with the exception of the
29 following tracts: The portion of that tract or property at South
30 Mountains State Park in Burke County, Lower Creek Township,
31 described in Deed Book 862, Page 1471, required for the right-of-way
32 and easements for the relocation of SR 1904 within the park and lying
33 generally between the Rutherford Electric Membership Corporation
34 right-of-way and the southern property boundary of the park, as
35 described in the drawing entitled 'Survey for State of North Carolina',
36 dated January 28, 1999, prepared by Suttles Surveying, P.A., bearing
37 the preparer's file name 12455.dwg and filed in the State Property
38 Office; and the portions of land at South Mountains State Park that lie
39 south of the centerline of the CCC road as shown on the drawing
40 entitled 'Land Trade between South Mountains State Park and
41 Adjacent Game Lands along CCC Road' prepared by the Division of
42 Parks and Recreation, dated March 15, 1999, and filed in the State

1 Property Office and that lie within: (i) the tract or property in Burke
2 County, Lower Fork Township, described in Deed Book 495, Page
3 501; (ii) the tract or property in Burke County, Lower Fork and Upper
4 Fork Townships, described in Deed Book 715, Page 719; or, (iii)
5 within the tracts or property in Burke County, Upper Fork Township,
6 described in Deed Book 860, Page 341, and Deed Book 884, Page
7 1640. The tracts excluded from the State Nature and Historic Preserve
8 under this subdivision are deleted from the State Parks System in
9 accordance with G.S. 113-44.14. The State of North Carolina may
10 only exchange this land for other land for the expansion of South
11 Mountains State Park or sell this land and use the proceeds for that
12 purpose. The State may not otherwise sell or exchange this land.

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

27 (15) All lands and waters within the boundaries of Jockey's Ridge State
28 Park as of April 3, 2001, with the exception of the following tracts:
29 The portion of those certain tracts or parcels of land at Jockey's Ridge
30 State Park in Dare County, Nags Head Township, described in Deed
31 Book 227, Page 499, and Deed Book 227, Page 501, and containing
32 33,901 square feet as shown on the survey prepared by Styons
33 Surveying Services entitled 'Raw Water Well Site 13 Jockey's Ridge
34 State Park' dated March 7, 2001, and filed in the State Property Office;
35 the portion of that certain tract or parcel of land at Jockey's Ridge State
36 Park in Dare County, Nags Head Township, described in Deed Book
37 222, Page 726, and containing 42,909 square feet as shown on the
38 survey prepared by Styons Surveying Services entitled 'Raw Water
39 Well Site 14 Jockey's Ridge State Park' dated March 7, 2001, and filed
40 in the State Property Office; and the portion of that certain tract or
41 parcel of land at Jockey's Ridge State Park in Dare County, Nags Head
42 Township, described in Deed Book 224, Page 790, and Deed Book

1 224, Page 794, and containing 34,471 square feet as shown on the
2 survey prepared by Styons Surveying Services entitled 'Raw Water
3 Well Site 15 Jockey's Ridge State Park' dated March 7, 2001, and filed
4 in the State Property Office."

5 **SECTION 3.** Section 4 of S.L. 1999-268 reads as rewritten:

6 "Section 4. The amendment set out in Section 3 of this act shall be submitted to the
7 qualified voters of the State at the next ~~election at which another amendment to the~~
8 ~~Constitution is submitted to the voters, statewide primary election,~~ which election shall
9 be conducted under the laws then governing elections in the State. Ballots, voting
10 systems, or both may be used in accordance with Chapter 163 of the General Statutes.
11 The question to be used in the voting systems and ballots shall be:

12 FOR AGAINST

13 Constitutional amendment making a technical correction to allow dedication
14 and acceptance of property into the State Nature and Historic Preserve by the General
15 Assembly by enactment of a bill rather than a joint resolution.' "

16 **SECTION 4.** This act is effective when it becomes law.