

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2020-63
HOUSE BILL 1163

AN ACT TO REALLOCATE CERTAIN WATER AND SEWER FUNDING AND TO TRANSFER CERTAIN PARCELS OF THE STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL PROPERTY TO THE COUNTY OF CABARRUS AND TO CREATE A PILOT PROGRAM FOR SHELLFISH CULTIVATION OR WATER COLUMN LEASES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Funds allocated to Guilford County and the municipalities of Oak Ridge, Stokesdale, and Summerfield for water and wastewater system improvements by Section 14.20A of S.L. 2016-94, as amended by Section 1 of S.L. 2017-17 and Section 2 of S.L. 2019-75, that remain unspent and unencumbered shall, notwithstanding any provision of those acts to the contrary, be reallocated equally to the municipalities of Oak Ridge, Stokesdale, and Summerfield for each municipality's water infrastructure projects.

SECTION 2. Funds in Section 1 of this act not spent or encumbered by June 30, 2022, shall be returned by the local governments funded by Section 1 of this act to the Office of State Budget and Management and revert to the General Fund.

SECTION 3.(a) The State of North Carolina shall convey to the Cabarrus County Board of Commissioners, for consideration of one dollar (\$1.00), all its rights, titles, and interests in that portion of those areas of the Stonewall Jackson Manual Training and Industrial School campus identified in accordance with Section 4 of this act. The conveyance is subject to any historic preservation covenants and any easement reserved by the State for ingress and egress to the Stonewall Jackson Manual Training and Industrial School campus owned by the State after the conveyances in accordance with this act. The property conveyed to the Cabarrus County Board of Commissioners shall be used for a public purpose.

SECTION 3.(b) The State of North Carolina shall convey the real property identified in accordance with Section 4 of this act "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property.

SECTION 3.(c) The conveyance of the State's rights, titles, and interests in the real property identified in accordance with Section 4 of this act shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes except as provided in Section 4 of this act. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

SECTION 3.(d) Within the property conveyed to Cabarrus County, and for as long as the county does not sell, convey, transfer, lease, or otherwise cede control of said property, the Department of Public Safety may use any space constructed for public safety training and any natural space for emergency management training subject to the availability of those spaces. The Department of Public Safety shall schedule the use of those spaces through the local managing agencies and shall receive priority scheduling over any entities located or based outside Cabarrus County.



SECTION 4. To identify the properties to be transferred in accordance with Section 3 of this act, the following shall occur:

- (1) The Department of Administration shall, within 90 days of this act becoming law and in consultation with the Department of Public Safety, the State Historic Preservation Office, and Cabarrus County, survey and identify those portions of the Stonewall Jackson Manual Training and Industrial School property that meet any of the following descriptions:
 - a. The Frank Liske Park.
 - b. The Stonewall Jackson Manual Training and Industrial School historic campus.
 - c. The property located at 4533 Stough Road, Concord, North Carolina, and being further identified as Parcel 2 in Report Number 2020-03, the Final Report of the Program Evaluation Division of the North Carolina General Assembly to the Joint Legislative Program Evaluation Oversight Committee dated April 13, 2020.
- (2) The surveys required by subdivision (1) of this section shall focus on optimizing the historic district for preservation and rehabilitation while minimizing impact on the current operations of the Stonewall Jackson Youth Development Center.
- (3) Within 90 days of the completion of the surveys required by subdivision (1) of this section, the Department of Public Safety shall relocate the perimeter fence of the Stonewall Jackson Youth Development Center and undertake to make any other changes to the operations necessary to comply with this act.
- (4) The State Historic Preservation Office shall coordinate with the County of Cabarrus to develop all historic preservation covenants to be included in the deed of transfer. The State Historic Preservation Office shall provide the County of Cabarrus with information regarding the National Register of Historic Places and any requirements under that Register for preservation and rehabilitation.
- (5) The Council of State shall approve all deed descriptions, covenants, and restrictions of the property to be transferred in accordance with Section 3 of this act.

SECTION 5. The Department of Administration shall, within 30 days of the effective date of this act, place on the market for sale Cabarrus County Real Property ID #11-041-0015.50 and Cabarrus County Real Property ID #11-041-0015.10, as depicted in the Cabarrus County Tax Office records. All proceeds shall be used to offset expenses incurred under Sections 3 and 4(3) of this act.

SECTION 6.(a) Notwithstanding Section 2 of Chapter 876 of the 1967 Session Laws or any other provision of law to the contrary, the Secretary of Environmental Quality may grant shellfish cultivation leases or water column leases in Brunswick County as provided in the pilot program established by this section. In granting leases under the pilot program, the Division of Marine Fisheries of the Department of Environmental Quality shall comply with the requirements in Article 16 of Chapter 113 of the General Statutes and regulations adopted thereunder.

SECTION 6.(b) The Secretary of Environmental Quality shall grant shellfish cultivation leases or water column leases authorized by subsection (a) of this section only in the waters enclosed by a line beginning at a 1" PVC pipe located just south of the Atlantic Intracoastal Waterway channel and with NC Grid coordinates (NAD 83) of North=59,477.97' and East=2,190,370.42' and also located South 2°12'36" East, a distance of 765.76 feet from a flag pole across the Atlantic Intracoastal Waterway channel and being near the edge of the parking area of the Inlet View restaurant; this flag pole being located South 56°01'46" East, a

distance of 524.45 feet from United States Coast and Geodetic Survey Monument M161, having NC Grid Coordinates North 60,536.21' and East 2,189,905.94'. Thence leaving the beginning corner and running South 62°48'39" East, 745.22 feet to a 1" PVC pipe; thence running South 57°14'01" West, 766.57 feet to a 1" PVC pipe; thence running North 23°07'28" West, 420.73 feet to a 1" PVC pipe; thence running South 70°24'32" West, 742.96 feet to a 1" PVC pipe; thence running North 26°51'08" West, 241.36 feet to a 1" PVC pipe; thence running North 67°10'44" East, 1037.11 feet to the point of beginning.

SECTION 6.(c) The Division of Marine Fisheries shall study the advantages and disadvantages associated with leases authorized by this section. In conducting this study, the Division shall consult with shellfish growers, nearby riparian owners, and other users of the public bottoms and waters. The Division shall submit an interim report of its findings, including any recommendations, to the General Assembly no later than January 1, 2027, and a final report of its findings, including any recommendations, to the General Assembly no later than January 1, 2032. In its final report, the Division shall include a recommendation on whether the pilot program should be terminated, be made permanent, or be expanded.

SECTION 6.(d) This section becomes effective July 1, 2020, and shall expire July 1, 2032. Any leases granted pursuant to this section shall terminate no later than July 1, 2033.

SECTION 7. Except as otherwise specified, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:21 p.m. this 1st day of July, 2020