

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 1127**

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/26/99

House Committee Substitute Favorable 6/15/99

Short Title: State Nature and Historic Preserve.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CODIFY THE JOINT RESOLUTION DEDICATING PROPERTIES AS  
3 PART OF THE STATE NATURE AND HISTORIC PRESERVE, INCLUDING  
4 THE CODIFICATION OF NAME CHANGES OF CERTAIN LANDS  
5 PREVIOUSLY ACCEPTED INTO THE STATE NATURE AND HISTORIC  
6 PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE  
7 AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; TO DELETE  
8 CERTAIN LANDS FROM THE STATE PARKS SYSTEM; AND TO MAKE A  
9 TECHNICAL CORRECTION TO THE STATE CONSTITUTION TO ALLOW  
10 THE DEDICATION AND ACCEPTANCE OF PROPERTY INTO THE STATE  
11 NATURE AND HISTORIC PRESERVE BY THE GENERAL ASSEMBLY BY A  
12 BILL RATHER THAN BY A JOINT RESOLUTION.

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

1 The General Assembly of North Carolina enacts:

2 Section 1. The portions of land at South Mountains State Park that lie south of  
3 the centerline of the CCC road as shown on the drawing entitled "Land Trade between  
4 South Mountains State Park and Adjacent Game Lands along CCC Road" prepared by the  
5 Division of Parks and Recreation, dated March 15, 1999, and filed in the State Property  
6 Office and that lie either within the tract or property in Burke County, Lower Fork  
7 Township, described in Deed Book 495, Page 501, or within the tract or property in  
8 Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715,  
9 Page 719, are removed from the State Nature and Historic Preserve pursuant to Article  
10 XIV, Section 5 of the North Carolina Constitution.

11 Section 2. G.S. 143-260.10 reads as rewritten:

12 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

15 (1) All lands and waters within the boundaries of the following units of the  
16 State Parks System as of ~~April 4, 1989~~; April 6, 1999: Baldhead Island  
17 State Natural Area, Bay Tree Lake State Park, Boones Cave State Park,  
18 Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the  
19 Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp  
20 State Natural Area, Duke Power State Park, ~~Eno River State Park~~, Fort  
21 Fisher State Recreation Area, Fort Macon State Park, Goose Creek State  
22 Park, Hammocks Beach State Park, ~~Hanging Rock State Park~~, Hemlock  
23 Bluffs State Natural Area, Jockey's Ridge State Park, Jones Lake State  
24 Park, Lake James State Park, Lake Waccamaw State Park, Lumber  
25 River State Park, Medoc Mountain State Park, ~~Merchant's~~ Merchants  
26 Millpond State Park, Mitchells Millpond State Natural Area ~~north of S.R.~~  
27 ~~2224, Area~~, Mount Jefferson State Park, State Natural Area, Mount  
28 Mitchell State Park, Occonechee Mountain State Natural Area,  
29 Pettigrew State Park, Pilot Mountain State Park, Raven Rock State Park,  
30 Run Hill State Natural Area, Singletary Lake State Park, ~~South~~  
31 ~~Mountains State Park~~, Theodore Roosevelt State Natural Area, and  
32 Weymouth Woods-Sandhills Nature Preserve.

33 (2) All lands and waters within the boundaries of William B. Umstead State  
34 Park as of ~~April 4, 1989~~; April 6, 1999, with the exception of Tract  
35 Number 65, containing 22.93140 acres as shown on a survey prepared  
36 by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled  
37 'Property of The State of North Carolina William B. Umstead State  
38 Park', dated January 14, ~~1977~~, ~~and as~~ 1977 and filed in the State Property  
39 Office, which was removed from the State Nature and Historic Preserve  
40 by Chapter 450, Section 1 of the 1985 Session Laws. The State of  
41 North Carolina may only exchange this land for other land for the  
42 expansion of William B. Umstead State Park or sell and use the

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

3 (3) ~~All lands within the boundaries of Jockey's Ridge State Park as of April~~  
4 ~~4, 1989, with the exception of the following tract: That certain tract or~~  
5 ~~parcel of land at Jockey's Ridge State Park in Dare County, Nags Head~~  
6 ~~Township, more particularly described as follows: Beginning at an iron~~  
7 ~~rod which is located North 39°07'08"West 74.96 feet from an iron pipe~~  
8 ~~having a NC Coordinate value of X 2996057.363 and Y 823796.892,~~  
9 ~~said iron rod also being located in a common property line between the~~  
10 ~~State of North Carolina and R. M. Ritchie, et al.; thence running from~~  
11 ~~said beginning point South 39°07'08"East 10 feet to a point; thence~~  
12 ~~North 49°10'51"East 47.98 feet to a point in the right-of-way of U.S.~~  
13 ~~158 Bypass; thence northwesterly along the aforementioned right-of-~~  
14 ~~way 10 feet to an iron rod; thence South 49°10'51"West 47.98 feet to~~  
15 ~~the point and place of beginning and containing 479.80 square feet more~~  
16 ~~or less, and as drawn out by the Design and Development Section of the~~  
17 ~~Division of Parks and Recreation on a map dated November 8, 1988.~~

18 (4) All lands within the boundaries of Morrow Mountain State Park as of  
19 April 4, 1989, April 6, 1999, with the exception of the following tract:  
20 That certain tract or parcel of land at Morrow Mountain State Park in  
21 Stanly County, North Albemarle Township, containing 0.303 acres,  
22 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a  
23 map dated August 27, 1988, and filed in the State Property Office,  
24 reference to which is hereby made for a more complete description.

25 (5) ~~All lands within the boundaries of Pettigrew State Park as of April 4,~~  
26 ~~1989, with the exception of the following tract: The portion of that~~  
27 ~~certain tract or parcel of land at Pettigrew State Park in Washington~~  
28 ~~County, Scuppernon Township, described in Deed Book 257, page~~  
29 ~~479, lying south of S.R. 1183 or the extension thereof along its present~~  
30 ~~right-of-way.~~

31 (6) All land within the boundaries of Crowder's-Crowders Mountain State  
32 Park as of April 4, 1989, April 6, 1999, with the exception of the  
33 following tract: The portion of that certain tract or parcel of land at  
34 Crowder's-Crowders Mountain State Park in Gaston County, Crowder's  
35 Crowders Mountain Township, described in Deed Book 1939, page 800,  
36 and containing 757.28 square feet and as shown in a survey by Tanner  
37 and McConnaughey, P.A. dated ~~7/22/88.~~ July 22, 1988 and filed in the  
38 State Property Office.

39 (7) All lands owned in fee simple by the State at the New River Scenic  
40 River as of April 4, 1989, April 6, 1999, with the exception of the  
41 following tract: That certain tract or parcel of land at the New River  
42 Scenic River in Alleghany County, Piney Creek Township, described in  
43 Deed Book 112, page 610, containing 16.54 acres, and consisting of lots

- 1                   #12 through #19 on the survey by Dudley and Zeh, R.L.S. dated ~~9/21/79~~.  
2                   September 21, 1979, recorded in Plat Book 4, Page 94, and filed in the  
3                   State Property Office.
- 4           (8)       All lands and waters within the boundaries of Stone Mountain State  
5                   Park as of ~~April 4, 1989~~, April 6, 1999, with the exception of the  
6                   following tract: The portion of that certain tract or parcel of land at  
7                   Stone Mountain State Park in Wilkes County, Traphill Township,  
8                   described as parcel 33-02 in Deed Book 633-193, and more particularly  
9                   described as all of the land in this parcel lying to the west of the eastern  
10                  edge of the Air Bellows ~~Gap Road~~ Road, as shown on the National Park  
11                  Service Land Status Map 33 dated ~~3/24/81~~, March 24, 1981 and filed in  
12                  the State Property Office, containing approximately 72 acres. The tract  
13                  excluded from the State Nature and Historic Preserve under this  
14                  subdivision is deleted from the State Parks System in accordance with  
15                  G.S. 113-44.14.
- 16           (9)       All lands and waters located within the boundaries of the following  
17                   State Historic Sites as of ~~March 6, 1979~~; January 1, 1999: Alamance  
18                   Battleground Historic Site, Battleground, Charles B. Aycock Birthplace,  
19                   Historic Bath Historic Site, Bath, Bennett Place, Bentonville Battleground  
20                   Historic Site, Battleground, Brunswick Town Historic Site, Town/Fort  
21                   Anderson, Governor Richard Caswell Memorial/C.S.S. Neuse Historic Site,  
22                   C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins  
23                   Brown Memorial, Duke Homestead Historic Site, Homestead, Historic  
24                   Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living  
25                   Historical Farm, House in the Horseshoe Historic Site, James Iredell House  
26                   Historic Site, Horseshoe, North Carolina Transportation Museum,  
27                   President James K. Polk Memorial Historic Site, Memorial, Reed Gold  
28                   Mine, Somerset Place, Stagville Preservation Center Historic Site,  
29                   Stagville, State Capitol Historic Site, Capitol, Town Creek Indian Mound  
30                   Historic Site, Mound, Tryon Palace Historic Site, Governor Sites &  
31                   Gardens, Zebulon B. Vance Birthplace Historic Site, Birthplace, and  
32                   Thomas Wolfe Memorial Historic Site. Memorial.
- 33           (10)       All lands and waters within the boundaries of Gorges State Park as  
34                   shown on the map entitled 'Boundaries of Gorges State Park' prepared  
35                   by the Division of Parks and Recreation, dated May 27, 1999, and filed  
36                   in the State Property Office, which lands and waters are a portion of the  
37                   lands and waters acquired by the State of North Carolina on April 29,  
38                   1999, the purchase of which was approved by the Council of State at its  
39                   meeting on March 2, 1999.
- 40           (11)       All lands and waters located within the boundaries of Eno River State  
41                   Park as of April 6, 1999, with the exception of the following tracts: The  
42                   portion of that tract or parcel of land at Eno River State Park in Durham  
43                   County, Lebanon Township, described in Deed Book 1626, Page 854,

1           required for the right-of-way and easements for the expansion of Guess  
2           Road and more particularly described in a Department of Transportation  
3           drawing entitled 'Sketch Showing a Portion of the Property of State of  
4           North Carolina, North Carolina Parks and Recreation, Durham County',  
5           for TIP U-2102, Project 8.1351302, parcel 155, dated June 8, 1999 and  
6           filed in the State Property Office; and the portion of that tract or parcel  
7           of land at Eno River State Park in Durham County, Lebanon Township,  
8           described in Deed Book 1945, Page 773, required for the right-of-way  
9           and easements for the expansion of Guess Road and more particularly  
10           described in a Department of Transportation drawing entitled 'Sketch  
11           Showing Proposed Right of Way, Property of State of North Carolina  
12           (Formerly Association for the Preservation of the Eno), Durham County'  
13           for TIP U-2102, Project 8.1351302, parcels 159 and 163, dated June 1,  
14           1999 and filed in the State Property Office. These two tracts excluded  
15           from the State Nature and Historic Preserve under this subdivision are  
16           deleted from the State Parks System in accordance with G.S. 113-44.14.

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

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

1 prepared by the Division of Parks and Recreation, dated March 15,  
2 1999, and filed in the State Property Office and that lie within: (i) the  
3 tract or property in Burke County, Lower Fork Township, described in  
4 Deed Book 495, Page 501; (ii) the tract or property in Burke County,  
5 Lower Fork and Upper Fork Townships, described in Deed Book 715,  
6 Page 719; or, (iii) within the tracts or property in Burke County, Upper  
7 Fork Township, described in Deed Book 860, Page 341, and Deed Book  
8 884, Page 1640. The tracts excluded from the State Nature and Historic  
9 Preserve under this subdivision are deleted from the State Parks System  
10 in accordance with G.S. 113-44.14. The State of North Carolina may  
11 only exchange this land for other land for the expansion of South  
12 Mountains State Park or sell this land and use the proceeds for that  
13 purpose. The State may not otherwise sell or exchange this land."

14 Section 3. Section 5 of Article XIV of the Constitution of North Carolina  
15 reads as rewritten:

16 "Sec. 5. Conservation of natural resources.

17 It shall be the policy of this State to conserve and protect its lands and waters for the  
18 benefit of all its citizenry, and to this end it shall be a proper function of the State of  
19 North Carolina and its political subdivisions to acquire and preserve park, recreational,  
20 and scenic areas, to control and limit the pollution of our air and water, to control  
21 excessive noise, and in every other appropriate way to preserve as a part of the common  
22 heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands,  
23 and places of beauty.

24 To accomplish the aforementioned public purposes, the State and its counties, cities  
25 and towns, and other units of local government may acquire by purchase or gift  
26 properties or interests in properties which shall, upon their special dedication to and  
27 acceptance by ~~resolution adopted~~ a law enacted by a vote of three-fifths of the members of  
28 each house of the General Assembly for those public purposes, constitute part of the  
29 'State Nature and Historic Preserve,' and which shall not be used for other purposes  
30 except as authorized by law enacted by a vote of three-fifths of the members of each  
31 house of the General Assembly. The General Assembly shall prescribe by general law  
32 the conditions and procedures under which such properties or interests therein shall be  
33 dedicated for the aforementioned public purposes."

34 Section 4. The amendment set out in Section 3 of this act shall be submitted to  
35 the qualified voters of the State at the next election at which another amendment to the  
36 Constitution is submitted to the voters, which election shall be conducted under the laws  
37 then governing elections in the State. Ballots, voting systems, or both may be used in  
38 accordance with Chapter 163 of the General Statutes. The question to be used in the  
39 voting systems and ballots shall be:

40 **"[ ] FOR [ ] AGAINST**

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

1 Section 5. If a majority of the votes cast on the question are in favor of the  
2 amendment set out in Section 3 of this act, the State Board of Elections shall certify the  
3 amendment to the Secretary of State. The amendment becomes effective upon this  
4 certification. The Secretary of State shall enroll the amendment so certified among the  
5 permanent records of that office.

6 Section 6. G.S. 143-260.8 reads as rewritten:

7 **"§ 143-260.8. Procedures.**

8 (a) Within the meaning of this section:

9 (1) 'Local governing body' means, as the case may be, the board of  
10 commissioners of a county, the city council (or equivalent legislative  
11 body) of a city, or the board of aldermen or board of commissioners (or  
12 equivalent legislative body) of a town.

13 (2) 'Local government' means a county, city or town.

14 (3) 'Properties' include any properties or interest in properties acquired by  
15 purchase or gift.

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

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

27 (d) The petition referred to in subsections (a) and (b) of this section shall identify  
28 the properties sought to be included in the Preserve. The General Assembly may then ~~by~~  
29 joint resolution ~~enact a law to~~ accept the designated properties in the Preserve and ~~adoption~~  
30 of said resolution ~~enactment of the law~~ by the General Assembly shall constitute the  
31 special dedication and acceptance of the designated properties in the State Nature and  
32 Historic Preserve contemplated by Article XIV, Sec. 5 of the North Carolina  
33 Constitution.

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

40 (f) This Article shall constitute an exclusive procedure only for placing properties  
41 in the State Nature and Historic Preserve, and shall not preclude the dedication of  
42 properties by other means for purposes identical or similar to those enumerated by Article  
43 XIV, Sec. 5 of the North Carolina Constitution.

1 (g) It is the intent of this Article to complement any applicable provisions of  
2 federal and State law and regulations relating to dedication or acceptance of properties  
3 for purposes similar to those enumerated by Article XIV, Sec. 5 of the North Carolina  
4 Constitution. The Council of State is hereby authorized to adopt rules and regulations to  
5 implement the provisions of this Article, including rules and regulations consistent with  
6 this Article to comport with applicable federal and State law and regulations. A copy of  
7 this Article, and of any ~~such rules or regulations~~ rules affecting properties owned by local  
8 governments shall be filed by the Council of State with the chairman of the local  
9 governing body of every county, city and town within 30 days after ~~ratification or adoption~~  
10 ~~as the case may be.~~ ratification."

11 Section 7. Sections 1 through 5 and Section 7 of this act are effective when  
12 this act becomes law. Section 6 of this act becomes effective when the amendment set  
13 out in Section 3 of this act becomes effective.