

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**SENATE BILL 854**  
**House Committee Substitute Favorable 5/22/01**  
**Third Edition Engrossed 5/23/01**

Short Title: State Nature and Historic Preserve.

(Public)

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Sponsors:

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Referred to:

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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

1 499, and Deed Book 227, Page 501, and containing 33,901 square feet as shown on the  
2 survey prepared by Styons Surveying Services entitled "Raw Water Well Site 13  
3 Jockey's Ridge State Park" dated March 7, 2001, and filed in the State Property Office.

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

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

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

15 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

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

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

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

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

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

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

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

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

40 (8) All lands and waters within the boundaries of Stone Mountain State  
41 Park as of ~~April 6, 1999, April 3, 2001~~, with the exception of the  
42 following ~~tract:~~ tracts: The portion of that certain tract or parcel of land

1 at Stone Mountain State Park in Wilkes County, Traphill Township,  
2 described as parcel 33-02 in Deed Book 633-193, and more  
3 particularly described as all of the land in this parcel lying to the west  
4 of the eastern edge of the Air Bellows Road, as shown on the National  
5 Park Service Land Status Map 33 dated March 24, 1981 and filed in  
6 the State Property Office, containing approximately 72 ~~aeres.~~acres;  
7 and the portion of that certain tract or parcel of land at Stone Mountain  
8 State Park in Alleghany County, Cherry Lane Township, described in  
9 Deed Book 219, Page 543, and more particularly described as all of  
10 the land in this parcel lying north of the new division line on the  
11 survey by Andrews and Hobson Surveyors dated August 15, 2000, and  
12 entitled 'Property Exchange Agreement for State of North Carolina &  
13 the United States of America', and filed in the State Property Office.  
14 The ~~tract~~tracts excluded from the State Nature and Historic Preserve  
15 under this subdivision ~~is~~are deleted from the State Parks System in  
16 accordance with G.S. 113-44.14.

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

29 ~~(10) All lands and waters within the boundaries of Gorges State Park as~~  
30 ~~shown on the map entitled "Boundaries of Gorges State Park" prepared~~  
31 ~~by the Division of Parks and Recreation, dated May 27, 1999, and filed~~  
32 ~~in the State Property Office, which lands and waters are a portion of~~  
33 ~~the lands and waters acquired by the State of North Carolina on April~~  
34 ~~29, 1999, the purchase of which was approved by the Council of State~~  
35 ~~at its meeting on March 2, 1999.~~

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

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

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

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

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

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

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

1 parcel of land at Jockey's Ridge State Park in Dare County, Nags Head  
2 Township, described in Deed Book 224, Page 790, and Deed Book  
3 224, Page 794, and containing 34,471 square feet as shown on the  
4 survey prepared by Styons Surveying Services entitled 'Raw Water  
5 Well Site 15 Jockey's Ridge State Park' dated March 7, 2001, and filed  
6 in the State Property Office."

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

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

14  FOR  AGAINST

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

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