

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1607*

Short Title: State Nat. & Hist. Preserve Removals. (Public)

Sponsors: Representatives Weiss and Miner (Primary Sponsors).

Referred to: Environment and Natural Resources.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND
HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM
THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE
ENVIRONMENTAL REVIEW COMMISSION.

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

Whereas, the General Assembly enacted the State Nature and Historic Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the conditions and procedures under which properties may be specifically dedicated for the purposes set out in Section 5 of Article XIV of the Constitution of North Carolina; and

Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the State Parks System upon authorization by the General Assembly; Now, therefore, 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 6 May 2003: Baldhead Island State Natural Area, Bay Tree Lake State Park, Beech Creek Bog State Natural Area, Bullhead Mountain State Natural Area, Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp State Natural Area, Elk Knob State Natural Area, Fort Fisher State

1 Recreation Area, Fort Macon State Park, Goose Creek State Park,
 2 Gorges State Park, Hammocks Beach State Park, ~~Hemlock Bluffs State~~
 3 ~~Natural Area~~, Jones Lake State Park, Lake James State Park, Lake
 4 Norman State Park, Lake Waccamaw State Park, Lea Island State
 5 Natural Area, Lumber River State Park, Medoc Mountain State Park,
 6 Merchants Millpond State Park, Mitchells Millpond State Natural
 7 Area, Mount Mitchell State Park, Occoneechee Mountain State
 8 Natural Area, Pettigrew State Park, Pilot Mountain State Park, Raven
 9 Rock State Park, Run Hill State Natural Area, Singletary Lake State
 10 Park, Theodore Roosevelt State Natural Area, and Weymouth
 11 Woods-Sandhills Nature Preserve.

12 ...

13 (18) All land and waters within the boundaries of Hemlock Bluffs State
 14 Natural Area as of May 6, 2003, with the exception of the following
 15 tracts: The portion of that certain tract or parcel of land at Hemlock
 16 Bluffs State Natural Area in Wake County, Swift Creek Township,
 17 described in Deed Book 2461, Page 037, containing 2,025 square feet
 18 and being the portion of this tract shown as proposed R/W on the
 19 drawing prepared by Titan Atlantic Group entitled "Right of Way
 20 Acquisition Map for Town of Cary Widening of Kildaire Farm Road
 21 (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3
 22 bearing the preparer's file name Town of Cary Case File No. TOC
 23 01-37, dated 26 September 2003, and filed with the State Property
 24 Office; and the portion of those certain tracts or parcels of land at
 25 Hemlock Bluffs State Natural Area in Wake County, Swift Creek
 26 Township, described in Deed Book 4670, Page 420, containing 24,092
 27 square feet and being the portion of these tracts shown as proposed
 28 R/W on the drawing prepared by Titan Atlantic Group entitled "Right
 29 of Way Acquisition Map for Town of Cary Widening of Kildaire Farm
 30 Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3
 31 bearing the preparer's file name Town of Cary Case File No. TOC
 32 01-37, dated 26 September 2003, and filed with the State Property
 33 Office. The tracts excluded from the State Nature and Historic
 34 Preserve under this subdivision are deleted from the State Parks
 35 System pursuant to G.S. 113-44.14. The State of North Carolina may
 36 only exchange this land for other land for the expansion of Hemlock
 37 Bluffs State Natural Area or sell this land and use the proceeds for that
 38 purpose. The State may not otherwise sell or exchange this land."

39 **SECTION 2.** The following tracts of land are removed from the State Nature
 40 and Historic Preserve pursuant to Section 5 of Article XIV of the Constitution of North
 41 Carolina: The portion of that certain tract or parcel of land at Hemlock Bluffs State
 42 Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461,
 43 Page 037, containing 2,025 square feet and being the portion of this tract shown as
 44 proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way

1 Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from
2 Autumgate Drive to Palace Green” sheet 1 of 3 bearing the preparer's file name Town of
3 Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
4 Property Office; and the portion of those certain tracts or parcels of land at Hemlock
5 Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed
6 Book 4670, Page 420, containing 24,092 square feet and being the portion of these
7 tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled
8 "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road
9 (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's
10 file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed
11 with the State Property Office.

12 **SECTION 3.** The following tract is removed from the State Parks System
13 pursuant to G.S. 113-44.14: The portion of that certain tract or parcel of land at Pilot
14 Mountain State Park in Surry County, Shoals Township, described in Plat Book 21,
15 Page 76, containing 104.280 acres, and shown as the "Horne Creek Living Historical
16 Park" on the drawing prepared by Joe L. Cooke, bearing the preparer's file name Dwg.
17 3/330, dated 23 March 2004, and filed with the State Property Office. This property
18 may be reallocated to the Department of Cultural Resources for its use of the property
19 as the Horne Creek Farm State Historic Site. This property will remain in the State
20 Nature and Historic Preserve.

21 **SECTION 4.** In accordance with G.S. 143-260.8(e), the Secretary of State is
22 directed to forward a certified copy of this act to the register of deeds of each county in
23 which any portion of the property removed by this act as part of the State Nature and
24 Historic Preserve is located.

25 **SECTION 5.** This act is effective when it becomes law.