

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30280-LB-98F* (2/6)

Short Title: Butner Incorporation.

(Public)

Sponsors: Representative Crawford.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER
3 CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH
4 CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY
5 INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING
6 CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Findings and Purpose. The General Assembly finds as follows:

- 9 (1) The Camp Butner reservation is administered by the Secretary of the
10 Department of Health and Human Services (hereinafter "Secretary") in
11 accordance with the provisions of Article 6 of Chapter 122C of the
12 General Statutes (the Camp Butner reservation is variously referred to,
13 in whole or in part, as the Camp Butner reservation, the Town of
14 Butner, and the Community of Butner and in this act shall be referred
15 to as the "Butner Reservation").
- 16 (2) The Department of Health and Human Services (hereinafter
17 "Department") has long operated the Town of Butner with the
18 Secretary or the Secretary's designee acting as the de facto mayor of
19 the Town of Butner.
- 20 (3) The operation of the Town of Butner is not a core function of the
21 Department, and the Department's mission would not be negatively
22 impacted by the incorporation of the Town of Butner.
- 23 (4) The utilities were transferred to the South Granville Water and Sewer
24 Authority ("SGWASA") pursuant to the provisions of Session Law
25 2006-159 which also provides that SGWASA shall pay to the
26 Department a sum, indexed to inflation, as set out in that legislation to

support the operations of the Butner Reservation including the Town of Butner.

(5) The citizens of the Town of Butner currently also pay a tax authorized by Section 1 of Chapter 830 of the 1983 Session Laws of twenty-five cents (25¢) per one hundred dollars (\$100.00) valuation of all real and personal property to the Butner Public Safety Division of the Department of Crime Control and Public Safety.

(6) The customers of the utility have paid for water and sewer over the years, and those payments have also financed the operations of the Town of Butner.

(7) Certain personal property has been purchased by the Department for use in operating the Butner Reservation and that personal property traditionally used primarily for the benefit of the portion of the Butner Reservation to be incorporated should be transferred by the State to the newly incorporated Town of Butner.

SECTION 1.1. A Charter for the Town of Butner is enacted to read:

"CHARTER OF THE TOWN OF BUTNER.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Butner are a body corporate and politic under the name 'Town of Butner.' The Town of Butner has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Butner are as shown on a map produced March 7, 2007, by the Granville County Tax Department, and kept on file in the Butner City Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections.

"Section 2.2. **Extraterritorial Jurisdiction.** Until modified in accordance with law, the extraterritorial jurisdiction of the Town of Butner under G.S. 160A-360 shall be as shown on a map produced March 7, 2007, by the Granville County Tax Department and kept on file in the Butner City Hall, the Granville County Planning Department, and in the office of the Granville County Board of Elections.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structure of the Governing Body; Number of Members.** The governing body of the Town of Butner shall be the Town Council, which shall have six members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election of 2009 provided for by Article IV of this Charter, _____ is appointed Mayor and _____ are appointed members of the Town Council of the Town of Butner. If any person named in this section is unable to serve, the remaining named members of the Town Council shall, by majority vote, appoint a person to serve until the initial election is held.

1 "Section 3.3. **Manner of Electing Council; Term of Office.** The qualified voters of
2 the entire Town shall elect members of the Town Council from the Town at large. The
3 three members elected in 2009 who receive the highest number of votes shall serve
4 four-year terms and the three members elected in 2009 who receive the next highest
5 number of votes shall serve two-year terms. All members elected in 2011 and thereafter
6 shall serve four-year terms. To be eligible for election to the Town Council, an
7 individual must reside in the Town of Butner. Vacancies on the Town Council shall be
8 filled in accordance with G.S. 160A-63.

9 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified
10 voters of the entire Town shall elect the Mayor in 2009 and biennially thereafter for a
11 term of two years. The Mayor shall attend and preside over meetings of the Town
12 Council, shall advise the Town Council from time to time as to the matters involving the
13 Town of Butner, and only shall have the right to vote as a member of the Town Council
14 on matters before the Town Council when his or her vote is necessary to break a tie.

15 "Section 3.5. **Manner of Electing Mayor Pro Tempore; Term of Office; Duties.**
16 The Mayor Pro Tempore shall be elected from among the members of the Town
17 Council at the organizational meeting after the effective date of incorporation and shall
18 serve until the meeting after the initial election in November 2009. At that meeting in
19 2009, and biennially thereafter, the Mayor Pro Tempore shall be elected from among
20 the members of the Town Council and shall serve for a term of two years. The Mayor
21 Pro Tempore shall act both in the absence or disability of the Mayor. If the Mayor and
22 the Mayor Pro Tempore are both absent from a meeting of the Town Council, the
23 members of the Town Council present may elect a temporary chairman to preside in the
24 absence. The Mayor Pro Tempore shall have the right to vote on all matters before the
25 Town Council and shall be considered a member of the Town Council for all purposes.

26 "Section 3.6. **Compensation of Mayor and Town Council.** Compensation of the
27 Mayor and members of the Town Council shall be fixed by the Town Council pursuant
28 to the provisions of G.S. 160A-64.

29 "ARTICLE IV. ELECTIONS.

30 "Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a
31 nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

32 "Section 4.2. **Date of Election.** Elections shall be conducted in accordance with
33 Chapter 163 of the General Statutes, except that the first election is to be held on the
34 statewide date for municipal elections in November 2009.

35 "Section 4.3. **Special Elections and Referenda.** Special elections and referenda
36 may be held only as provided by general law or applicable local acts of the General
37 Assembly.

38 "ARTICLE V. ORGANIZATION AND ADMINISTRATION.

39 "Section 5.1. **Form of Government.** The Town shall operate under the
40 Council-Manager plan as provided in Part 2 of Article 7 of Chapter 160A of the General
41 Statutes.

42 "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

43 "Section 6.1. **Powers of the Town Council.** The Town Council may levy those
44 taxes and fees authorized by general law.

1 "Section 6.2. **Budget.** From and after July 1, 2007, the citizens and property in the
2 Town of Butner shall be subject to municipal taxes levied for the fiscal year beginning
3 July 1, 2007, and, for that purpose, the Town shall obtain from Granville County a
4 record of the property in the area herein incorporated that was listed for taxes as of
5 January 1, 2007. The Town may adopt a budget ordinance for fiscal year 2007-2008
6 without following the timetable in the Local Government Budget and Fiscal Control Act
7 but shall follow the sequence of actions in the spirit of the Act insofar as is practical.
8 For fiscal year 2007-2008, ad valorem taxes may be paid at par or face amount within
9 90 days of adoption of the budget ordinance and thereafter in accordance with the
10 schedule in G.S. 106-360 as if the taxes had been due and payable on September 1,
11 2007. The Town may adopt a budget ordinance for fiscal year 2006-2007 without
12 following the timetable in the Local Government Budget and Fiscal Control Act, but
13 shall follow the sequence of actions in the spirit of the Act insofar as is practical, but no
14 ad valorem taxes shall be levied for that year.

15 "ARTICLE VII. ORDINANCES.

16 "Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of
17 Butner is authorized to adopt such ordinances as the Town Council deems necessary for
18 the governance of the Town.

19 "ARTICLE VIII. MISCELLANEOUS.

20 "Section 8.1. **Conflicts of Interest.** Business shall be conducted in accordance with
21 G.S. 14-234 and in accordance with other applicable statutes.

22 "Section 8.2. **Provision of Services and Administration of Functions.** The Town
23 Council may enter into agreements with other governmental bodies and private
24 enterprises for the provision of services and the administration of corporate functions in
25 order to provide the services and administer the functions in the most efficient and
26 cost-effective manner."

27 **SECTION 2.** The incorporation of the Town of Butner by Section 1 of this
28 act and the remaining provisions of this act satisfy the requirement of Section 2(c) of
29 Session Law 2006-159 that the majority of the functions of the Department performed
30 at the Butner Reservation are assumed by a municipal corporation organized pursuant to
31 the laws of the State of North Carolina.

32 **SECTION 3.(a)** The Governor shall convey to the incorporated Town of
33 Butner on or before September 1, 2007, all right, title, and interest in all of the personal
34 property used by the Department for the benefit of that portion of the Reservation to be
35 incorporated by this bill in the operation of the Town of Butner including tools,
36 vehicles, lawn mowers, backhoe loaders, and files specific to the operation of the newly
37 incorporated Town of Butner including, but not limited to, the following:

- 38 (1) 1992 Ford Truck, VIN number 1FTEF14Y6NLA85717;
- 39 (2) 2002 Ford F-250, VIN number 1FTNW21F42EC18905;
- 40 (3) 2003 Ford F-250, VIN number 1FTNX21P33EEC90069;
- 41 (4) 2003 Ford F-250, VIN number 1FTNX21PX3EC90070;
- 42 (5) 2003 Ford F-250, VIN number 1FTNX21P13EC90071;
- 43 (6) 2007 International Dump Truck, VIN number
44 1HTWAAAN17J408280;

- 1 (7) Texas Bragg Utility Trailer, number 17XFP1011V1976244;
- 2 (8) Hardee Trailer Tandem, number 1H9ET2148LLD59020;
- 3 (9) 2007 Hudson 9-ton trailer, number 10HHTDID171000022;
- 4 (10) Toro 16HP walk behind mower model 30182, number 30182-690886;
- 5 (11) John Deere Z-TRAK Riding Mower, number TC0777B021014;
- 6 (12) Ford Model 1710 T22 Tractor with mower, number UL11130;
- 7 (13) Massey Ferguson MF481-4 tractor, number BP09020;
- 8 (14) Ford/New Holland Model DR655D backhoe/loader, number A430916;
- 9 (15) Bobcat model 743 Skid-steer loader, number 501939197;
- 10 (16) Hyundai Robex R55-7 mini excavator, number M80111802; and
- 11 (17) Such additional equipment used by the Department primarily for the
- 12 operation of the Town of Butner as shown on a list of equipment
- 13 agreed upon by the Department and the interim governing board of the
- 14 Butner Advisory Council and which is on file with the Secretary and
- 15 the Chairman of the Butner Advisory Council.

16 **SECTION 3.(b)** On or before September 1, 2007, the Governor shall convey
17 to the incorporated Town of Butner for use for recreation facilities, the preservation of
18 open space, and future development all right, title, and interest in the following real
19 property owned by the State of North Carolina, which property is within the area to be
20 incorporated as the Town of Butner:

- 21 (1) Granville County Tax Parcel # 086501473006, as shown on that
- 22 certain plat recorded at Plat Book 13, Page 122 of the Granville
- 23 County Registry and containing 0.6065 acres more or less;
- 24 (2) Granville County Tax Parcel # 086502572428, consisting of 5.79 acres
- 25 more or less and more particularly described as a strip of land
- 26 approximately 100.00 in width running parallel to the railroad track off
- 27 of B Street;
- 28 (3) Granville County Tax Parcel # 086607782896 consisting of 0.54 acres
- 29 more or less and more particularly described as Lot 2, 12th Street;
- 30 (4) Granville County Tax Parcel # 086607782946, consisting of lot 1 as
- 31 shown on that certain plat recorded at Plat Book 12, Page 137 of the
- 32 Granville County Registry;
- 33 (5) Granville County Tax Parcel # 086720719052, consisting of lot 6A as
- 34 shown on that certain plat recorded at Plat Book 15, Page 23 of the
- 35 Granville County Registry;
- 36 (6) Granville County Tax Parcel # 087610265136, being a water meter
- 37 station site approximately 55 feet in length and 25 feet in width off of
- 38 Gate 2 Road;
- 39 (7) Granville County Tax Parcel # 087606275755, consisting of lot 5 as
- 40 shown on that certain plat recorded at Plat Book 5, Page 25 of the
- 41 Granville County Registry;
- 42 (8) Granville County Tax Parcel # 087606276823, consisting of lots 6 and
- 43 7 as shown on that certain plat recorded at Plat Book 5, Page 25 of the
- 44 Granville County Registry;

- 1 (9) Granville County Tax Parcel # 087606287781, being a small lot
2 approximately 25.00 feet in width on the southeast end, 27.00 feet in
3 width on the northwest end, and 155.2 feet in length located off of C
4 Street;
- 5 (10) Granville County Tax Parcel # 087718217623, consisting of that
6 portion of the 30 foot alley owned by the State as shown on that
7 certain plat recorded at Plat Book 3, Page 149 of the Granville County
8 Registry;
- 9 (11) Granville County Tax Parcel # 087718228382, consisting of lot 22-A
10 as shown on that certain plat recorded at Plat Book 16, Page 140 of the
11 Granville County Registry;
- 12 (12) Granville County Tax Parcel # 087718229235, consisting of lot 23-A
13 as shown on that certain plat recorded at Plat Book 16, Page 140 of the
14 Granville County Registry;
- 15 (13) Granville County Tax Parcel # 087718320095, consisting of lot 26-A
16 as shown on that certain plat recorded at Plat Book 17, Page 97 of the
17 Granville County Registry;
- 18 (14) Granville County Tax Parcel # 086608788472, consisting of lot 13 as
19 shown on that certain plat recorded at Plat Book 5, Page 127 of the
20 Granville County Registry;
- 21 (15) Granville County Tax Parcel # 086608785481, consisting of lot 1 as
22 shown on that certain plat recorded at Plat Book 5, Page 127 of the
23 Granville County Registry;
- 24 (16) Granville County Tax Parcel # 086608890153, consisting of lot 7 as
25 shown on that certain plat recorded at Plat Book 7, Page 74 of the
26 Granville County Registry;
- 27 (17) Granville County Tax Parcel # 086608891250, consisting of lot 8 as
28 shown on that certain plat recorded at Plat Book 7, Page 74 of the
29 Granville County Registry;
- 30 (18) Granville County Tax Parcel # 087606396411, consisting of lot 10 as
31 shown on that certain plat recorded at Plat Book 2, Page 118A of the
32 Granville County Registry;
- 33 (19) Granville County Tax Parcel # 086615636355, consisting of lot 4 as
34 shown on that certain plat recorded at Plat Book 4, Page 141 of the
35 Granville County Registry;
- 36 (20) Granville County Tax Parcel # 086615635235, consisting of lot 5 as
37 shown on that certain plat recorded at Plat Book 4, Page 141 of the
38 Granville County Registry;
- 39 (21) Granville County Tax Parcel # 086501487018, consisting of lots 4 and
40 5 as shown on that certain plat recorded at Plat Book 2, Page 147 of
41 the Granville County Registry;
- 42 (22) Granville County Tax Parcel # 086501499107, consisting of lots 26
43 and 27 as shown on that certain plat recorded at Plat Book 2, Page 147
44 of the Granville County Registry;

- 1 (23) Granville County Tax Parcel # 086604501213, consisting of lots 48
2 and 49 as shown on that certain plat recorded at Plat Book 2, Page 147
3 of the Granville County Registry;
- 4 (24) That certain tract or parcel of land identified in the Butner Long-Range
5 Master Plan dated December 1998 prepared pursuant to Section 4 of
6 Senate Bill 428, 1997 Session, consisting of 650 acres more or less
7 located in the southern portion of the study area as described in said
8 master plan along 'B' Street and west of 12th, 5th, and 4th Street. Upon
9 the disposition of said land by the Town of Butner, twenty-five percent
10 (25%) of any sales proceeds shall be retained by the Town of Butner
11 and the remainder of the sales proceeds, if any, shall be paid to the
12 State Treasurer by the Town for deposit in a capital improvement
13 account to the credit of the Department of Health and Human Services
14 as set out in Section 12 hereof. The costs of sale, if any, shall be
15 deducted from the sales proceeds and shall be allocated between the
16 Town and the Department based upon each party's share of the sales
17 proceeds;
- 18 (25) That certain tract or parcel of land identified in the Butner Long-Range
19 Master Plan dated December 1998 prepared pursuant to Section 4 of
20 Senate Bill 428, 1997 Session, consisting of five acres more or less
21 located in the central portion of the study area as described in said
22 master plan along Central Avenue, midway between 'D' Street and 'E'
23 Street and known as the Gazebo area;
- 24 (26) That certain tract or parcel of land identified in the Butner Long-Range
25 Master Plan dated December 1998 prepared pursuant to Section 4 of
26 Senate Bill 428, 1997 Session, consisting of 30 acres more or less
27 located in the central portion of the study area, between 'F' Street and
28 'G' Street and from 12th Street to Central Avenue; provided, however,
29 that the State shall retain ownership of the portion of said property
30 consisting of 7843.45 square feet (0.18 acres) currently leased by the
31 State to Sprint as shown on that certain map entitled "Site Survey for:
32 Sprint," prepared by Jim Morrow, Professional Land Surveyor and
33 dated January 9, 2005, and upon which is currently located a cellular
34 telephone tower. It is further provided that this property shall vest in
35 the Town of Butner if said property is no longer leased by the State for
36 use as a communications tower or is no longer used or occupied by the
37 State for State purposes;
- 38 (27) That certain tract or parcel of land between 'D' Street and 'E' Street and
39 from 24th Street to 26th Street upon which is located that structure
40 known as the Butner Sports Arena;
- 41 (28) That certain building and parcel of land known as Granville County
42 Tax Parcel # 087605091519 located on Central Avenue currently
43 leased by the Department to the Employment Security Commission;
44 provided, however, that such transfer shall be subject to the terms of

- 1 the existing lease between the Department and the Employment
2 Security Commission;
- 3 (29) That certain tract or parcel of land consisting of twenty acres more or
4 less previously designated for use as a ball field for Town of Butner
5 and being that portion of a 83.6892 acre tract shown on a survey titled
6 "Survey for North Carolina Department of Human Resources, Butner,
7 North Carolina," and dated October 23, 1995 by James R. Wilson,
8 Registered Land Surveyor lying northeast of the Wake Electric
9 Management Corporation power line right-of-way as shown on said
10 map;
- 11 (30) That certain tract or parcel of land described in Session Law 1997-443
12 and set aside for the use of the citizens of Butner "until the time . . .
13 that a permanent local government is established on the Butner
14 Reservation at which time the land shall be transferred to the local
15 government." Said tract or parcel of land is more particularly described
16 in said session law as follows: "Approximately 2 acres, on the east
17 side it borders Central avenue with a line running along the Wallace
18 Bradshur property on the north back to the tree line next to the
19 ADATC. From there it follows a tree line south and west to and
20 including the softball field. From the softball field it turns east to the
21 State Employees Credit Union and follows the Credit Union property
22 on the south side back to Central Avenue." In addition thereto, said
23 conveyance is intended to include all property owned by the State,
24 including all alleyways, (except the property occupied by the State
25 Employees Credit Union) bounded on the south by the above
26 described softball field, on the north by Central Avenue, on the west
27 by the property formerly belonging to Wallace Bradsher (now owned
28 by Ronald Alligood) and on the east by West E Street;
- 29 (31) That certain portion of the lands owned by the State containing 8.11
30 acres more or less bordered by Western Avenue, 21st Street, Granville
31 Street, and that certain parcel of land described in the Granville
32 County tax records as Granville County Tax Parcel # 086720900028 to
33 the south;
- 34 (32) That certain portion of the lands owned by the State beginning at a
35 point in the northeast corner of that parcel of land described in the
36 Granville County tax records as Granville County Tax Parcel #
37 087717029272 and continuing in a straight line from said point
38 northeast in a manner parallel to F Street approximately 1,762.64 feet
39 to a point perpendicular to the southwest corner of the paved surface of
40 25th Street; running thence southeast approximately 227.01 feet to a
41 point being a common corner between Granville County Tax Parcel #
42 087713234113, the subject property, and 25th Street and running
43 thence southwest approximately 235.00 feet to a corner, thence
44 southeast approximately 590.05 feet along the boundaries with

- 1 Granville County Tax Parcel numbers 087713234113, 087714235047,
2 087714225965, 087714226845, and 087714226762; thence southwest
3 approximately 99.00 feet to a common corner with Granville County
4 Tax Parcel number 087714225529; thence northwest approximately
5 225.00 feet to a corner; thence southwest approximately 560.00 feet to
6 a corner with Granville County Tax Parcel # 087717221306; thence
7 southeast along a common boundary with Granville County Tax Parcel
8 # 087717221306 approximately 225.00 feet to a corner with East F
9 Street; thence southwest approximately 329.00 feet to a common
10 corner with Granville County Tax Parcel # 087717127160 and East F
11 Street; thence northwest approximately 225.00 feet to a common
12 corner with Granville County Tax Parcel # 087717127160; thence
13 southwest approximately 308.32 feet along Granville County Tax
14 Parcel numbers 087717127160, 087717126083, and 087717125071 to
15 a corner; thence northeast approximately 18.00 feet; thence northwest
16 approximately 354.00 feet to a corner with Western Avenue; thence
17 southeast approximately 244.00 feet to a common corner with
18 Granville County Tax Parcel # 087717029272 and Western Avenue;
19 thence northwest approximately 225.00 feet along the boundary of
20 Granville County Tax Parcel # 087717029272 to the point and place of
21 beginning containing 21.9718 acres more or less;
- 22 (33) Granville County Tax Parcel # 086502592083, consisting of 5.34 acres
23 more or less;
- 24 (34) Granville County Tax Parcel # 086502592311, consisting of 1.07 acres
25 more or less and more particularly described as Lot 1, West B Street;
- 26 (35) Granville County Tax Parcel # 086604503159, consisting of 0.47 acres
27 more or less and more particularly described as Lots 48, 49, Block B,
28 B Street;
- 29 (36) Granville County Tax Parcel # 086604503279, consisting of 0.46 acres
30 more or less and more particularly described as Lots 50, 51, Block B,
31 B Street;
- 32 (37) Granville County Tax Parcel # 086604503379, consisting of 0.44 acres
33 more or less and more particularly described as Lots 52, 53, Block B,
34 B Street;
- 35 (38) Granville County Tax Parcel # 086604503499, consisting of 0.45 acres
36 more or less and more particularly described as Lots 54, 55, Block B,
37 B Street;
- 38 (39) Granville County Tax Parcel # 086604504519, consisting of 0.46 acres
39 more or less and more particularly described as Lots 56, 57, Block B,
40 B Street;
- 41 (40) Granville County Tax Parcel # 086604504638, consisting of 0.45 acres
42 more or less and more particularly described as Lots 58, 59, Block B,
43 B Street;

- 1 (41) Granville County Tax Parcel # 086604504868, consisting of 0.46 acres
2 more or less and more particularly described as Lots 62, 63, Block B,
3 B Street;
- 4 (42) Granville County Tax Parcel # 086604504978, consisting of 0.44 acres
5 more or less and more particularly described as Lots 64, 65, Block B,
6 B Street;
- 7 (43) Granville County Tax Parcel # 086604513433, consisting of 0.48 acres
8 more or less and more particularly described as Lots 72, 73, Block A,
9 B Street;
- 10 (44) Granville County Tax Parcel # 086604515008, consisting of 0.44 acres
11 more or less and more particularly described as Lots 66, 67, Block B,
12 B Street;
- 13 (45) Granville County Tax Parcel # 086604515128, consisting of 0.44 acres
14 more or less and more particularly described as Lots 68, 69, Block B,
15 B Street;
- 16 (46) Granville County Tax Parcel # 086604515258, consisting of 0.44 acres
17 more or less and more particularly described as Lots 70, 71, Block B,
18 B Street;
- 19 (47) Granville County Tax Parcel # 086604515377, consisting of 0.42 acres
20 more or less and more particularly described as Lots 72, 73, Block B,
21 B Street;
- 22 (48) Granville County Tax Parcel # 086604516404, consisting of 0.43 acres
23 more or less and more particularly described as Lots 74, 75, Block B,
24 B Street;
- 25 (49) Granville County Tax Parcel # 086604516533, consisting of 0.42 acres
26 more or less and more particularly described as Lots 76, 77, Block B,
27 B Street;
- 28 (50) Granville County Tax Parcel # 086604516661, consisting of 0.42 acres
29 more or less and more particularly described as Lots 78, 79, Block B,
30 B Street;
- 31 (51) Granville County Tax Parcel # 086604517710, consisting of 0.43 acres
32 more or less and more particularly described as Lots 80, 81, Block B,
33 B Street;
- 34 (52) Granville County Tax Parcel # 086604517870, consisting of 0.43 acres
35 more or less and more particularly described as Lots 82, 83, Block B,
36 B Street;
- 37 (53) Granville County Tax Parcel # 086604518827, consisting of 0.42 acres
38 more or less and more particularly described as Lots 84, 85, Block B,
39 B Street;
- 40 (54) Granville County Tax Parcel # 086604518944, consisting of 0.43 acres
41 more or less and more particularly described as Lots 86, 87, Block B,
42 B Street;

- 1 (55) Granville County Tax Parcel # 086604528092, consisting of 0.43 acres
2 more or less and more particularly described as Lots 88, 89, Block B,
3 B Street;
- 4 (56) Granville County Tax Parcel # 086604528460, consisting of 0.47 acres
5 more or less and more particularly described as Lots 94, 95, Block A,
6 B Street;
- 7 (57) Granville County Tax Parcel # 086604529150, consisting of 0.43 acres
8 more or less and more particularly described as Lots 90, 91, Block B,
9 B Street;
- 10 (58) Granville County Tax Parcel # 086604620117, consisting of 0.44 acres
11 more or less and more particularly described as Lots 92, 93, Block B,
12 B Street;
- 13 (59) Granville County Tax Parcel # 086604620274, consisting of 0.43 acres
14 more or less and more particularly described as Lots 94, 95, Block B,
15 B Street;
- 16 (60) Granville County Tax Parcel # 086604621322, consisting of 0.44 acres
17 more or less and more particularly described as Lots 96, 97, Block B,
18 B Street;
- 19 (61) Granville County Tax Parcel # 086604621399, consisting of 0.44 acres
20 more or less and more particularly described as Lots 98, 99, Block B,
21 B Street;
- 22 (62) Granville County Tax Parcel # 086615623535, consisting of 1.11 acres
23 more or less and more particularly described as Lot 100-103, B Street;
- 24 (63) Granville County Tax Parcel # 086615624652, consisting of 0.44 acres
25 more or less and more particularly described as Lots 104, 105, Block
26 B, B Street;
- 27 (64) Granville County Tax Parcel # 086615625628, consisting of 0.46 acres
28 more or less and more particularly described as Lots 106, 107, Block
29 B, B Street;
- 30 (65) Granville County Tax Parcel # 086615626714, consisting of 0.58 acres
31 more or less and more particularly described as Lots 108, 109, Block
32 B, B Street;
- 33 (66) Granville County Tax Parcel # 086612870444, consisting of 0.46 acres
34 more or less and more particularly described as Lot 3 (Drain Lot), 12th
35 Street;
- 36 (67) Granville County Tax Parcel # 086608870513, consisting of 0.46 acres
37 more or less and more particularly described as Lot 2, 12th Street;
- 38 (68) Granville County Tax Parcel # 086612871305, consisting of 0.46 acres
39 more or less and more particularly described as Lot 4, 12th Street;
- 40 (69) Granville County Tax Parcel # 086608880691, consisting of 0.71 acres
41 more or less and more particularly described as Lot 19, 13th Street;
- 42 (70) Granville County Tax Parcel # 086608880736, consisting of 0.51 acres
43 more or less and more particularly described as Lot 15, F Street;

- 1 (71) Granville County Tax Parcel # 087717027043, consisting of 0.52 acres
2 more or less and more particularly described as Lot 13, Western
3 Avenue;
- 4 (72) Granville County Tax Parcel # 086720919453, consisting of 0.51 acres
5 more or less and more particularly described as Lot 3, G Street;
- 6 (73) Granville County Tax Parcel # 087717010447, consisting of 0.52 acres
7 more or less and more particularly described as Lot 4, Western
8 Avenue;
- 9 (74) Granville County Tax Parcel # 087717011524, consisting of 0.52 acres
10 more or less and more particularly described as Lot 5, Western
11 Avenue;
- 12 (75) Granville County Tax Parcel # 087717012600 consisting of 0.52 acres
13 more or less and more particularly described as Lot 6, Western
14 Avenue;
- 15 (76) Granville County Tax Parcel # 087717012677, consisting of 0.51 acres
16 more or less and more particularly described as Lot 7, Western
17 Avenue;
- 18 (77) Granville County Tax Parcel # 087717013753, consisting of 0.51 acres
19 more or less and more particularly described as Lot 8, Western
20 Avenue;
- 21 (78) Granville County Tax Parcel # 087717014739, consisting of 0.51 acres
22 more or less and more particularly described as Lot 9, Western
23 Avenue;
- 24 (79) Granville County Tax Parcel # 087717015805, consisting of 0.51 acres
25 more or less and more particularly described as Lot 10, Western
26 Avenue;
- 27 (80) Granville County Tax Parcel # 087717015991, consisting of 0.51 acres
28 more or less and more particularly described as Lot 11, Western
29 Avenue;
- 30 (81) Granville County Tax Parcel # 087717016967, consisting of 0.50 acres
31 more or less and more particularly described as Lot 12, Western
32 Avenue;
- 33 (82) Granville County Tax Parcel # 087717028039, consisting of 0.51 acres
34 more or less and more particularly described as Lot 14, Western
35 Avenue;
- 36 (83) Granville County Tax Parcel # 087717029106, consisting of 0.51 acres
37 more or less and more particularly described as Lot 15, Western
38 Avenue;
- 39 (84) Granville County Tax Parcel # 087717029272, consisting of 0.51 acres
40 more or less and more particularly described as Lot 16, Western
41 Avenue;
- 42 (85) Granville County Tax Parcel # 087717110827, consisting of 0.74 acres
43 more or less and more particularly described as Lot 8, Western
44 Avenue;

- 1 (86) Granville County Tax Parcel # 087717111915, consisting of 0.73 acres
- 2 more or less and more particularly described as Lot 7, Western
- 3 Avenue;
- 4 (87) Granville County Tax Parcel # 087717122002, consisting of 0.74 acres
- 5 more or less and more particularly described as Lot 6, Western
- 6 Avenue;
- 7 (88) Granville County Tax Parcel # 087717123009, consisting of 0.74 acres
- 8 more or less and more particularly described as Lot 5, Western
- 9 Avenue; and
- 10 (89) All other lots, alleyways, and parcels of land one acre or less not
- 11 currently occupied by the State of North Carolina.

12 **SECTION 3.(c)** The Town of Butner may dispose of any of the above
 13 described real property by private negotiation and sale and shall specifically be exempt
 14 from the provisions of Article 12, Chapter 160A of the General Statutes.

15 **SECTION 3.1.** G.S. 122C-3(3) reads as rewritten:

16 "**§ 122C-3. Definitions.**

17 The following definitions apply in this Chapter:

- 18 ...
- 19 (3) "Camp Butner reservation" means the original Camp Butner
- 20 reservation as may be designated by the Secretary as having been
- 21 acquired by the State and includes not only areas which are owned and
- 22 occupied by the State but also those which may have been leased or
- 23 otherwise disposed of by the ~~State~~ State, and shall also include those
- 24 areas within the municipal boundaries of the Town of Butner and that
- 25 portion of the extraterritorial jurisdiction of the Town of Butner
- 26 consisting of lands not owned by the State of North Carolina.

27"

28 **SECTION 4.** G.S. 122C-403 reads as rewritten:

29 "**§ 122C-403. Secretary's authority over Camp Butner reservation.**

30 The Secretary shall administer the Camp Butner ~~reservation~~ reservation except (i)
 31 those areas within the municipal boundaries of the Town of Butner and (ii) that portion
 32 of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the
 33 State of North Carolina. In performing this duty, the Secretary has the powers listed
 34 below. In exercising these powers the Secretary has the same authority and is subject to
 35 the same restrictions that the governing body of a city would have and would be subject
 36 to if the reservation was a city, unless this section provides to the contrary. The
 37 Secretary may:

- 38 (1) Regulate airports on the reservation in accordance with the powers
- 39 granted in Article 4 of Chapter 63 of the General Statutes.
- 40 (2) Take actions in accordance with the general police power granted in
- 41 Article 8 of Chapter 160A of the General Statutes.
- 42 (3) Regulate the development of the reservation in accordance with the
- 43 powers granted in Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter
- 44 160A of the General Statutes. The Secretary may not, however, grant a

1 special use permit, a conditional use permit, or a special exception
2 under Part 3 of that Article. In addition, the Secretary is not required to
3 notify landowners of zoning classification actions under
4 G.S. 160A-384, and the protest petition requirements in
5 G.S. 160A-385, and 160A-386 do not ~~apply~~apply, but the Secretary
6 shall give the mayor of the Town of Butner at least 14 days' advance
7 written notice of any proposed zoning change. The Secretary may
8 ~~appoint the Butner Planning Council~~ establish a board consisting of
9 three or more persons to act like a Board of Adjustment to make
10 recommendations to the Secretary concerning implementation of plans
11 for the development of the reservation. When acting as a Board of
12 Adjustment, ~~the Butner Planning Council~~ that board shall be subject
13 to subsections (b), (c), (d), (f), and (g) of G.S. 160A-388.

14 (4) Establish one or more planning agencies in accordance with the power
15 granted in ~~G.S. 160A-361 or designate the Butner Planning Council as~~
16 ~~the planning agency for the reservation.~~ G.S. 160A-361.

17 (5) Regulate streets, traffic, and parking on the reservation in accordance
18 with the powers granted in Article 15 of Chapter 160A of the General
19 Statutes.

20 (6) Control erosion and sedimentation on the reservation in accordance
21 with the powers granted in G.S. 160A-458 and Article 4 of Chapter
22 113A of the General Statutes.

23 (7) Contract with and undertake agreements with units of local
24 government in accordance with the powers granted in G.S. 160A-413
25 and Article 20, Part 1, of Chapter 160A of the General Statutes.

26 (8) Regulate floodways on the reservation in accordance with the powers
27 granted in G.S. 160A-458.1 and Article 21, Part 6, of Chapter 143 of
28 the General Statutes.

29 ~~(8a) Act on resolutions adopted by the council pursuant to~~
30 ~~G.S. 122C 413.1(a). If the Secretary approves the resolution, it shall be~~
31 ~~carried out by the Butner Town Manager. The Secretary shall have no~~
32 ~~more than 30 days during which to disapprove any recommendation of~~
33 ~~the council contained in the resolution. Any disapproval shall be in~~
34 ~~writing, stating the reasons for the disapproval, and shall be returned to~~
35 ~~the council. If the Secretary does not disapprove a recommendation of~~
36 ~~the council within the prescribed period, the recommendation shall be~~
37 ~~deemed approved by the Secretary and shall be carried out by the~~
38 ~~Butner Town Manager.~~

39 (9) Assign duties given by the statutes listed in the preceding subdivisions
40 to a local official to the ~~Butner Town Manager.~~ Secretary's designee.

41 ~~(9a) Select the Butner Town Manager from the candidates submitted by the~~
42 ~~council pursuant to G.S. 122C 413.1(b). The Butner Town Manager~~
43 ~~shall serve at the pleasure of the Secretary. The Secretary shall,~~

1 through the Butner Town Manager, provide all necessary
2 administrative assistance to the council in carrying out its duties.

3 (10) Adopt rules to carry out the purposes of this Article."

4 **SECTION 5.** G.S. 122C-405 reads as rewritten:

5 **"§ 122C-405. Procedure applicable to rules.**

6 Rules adopted by the Secretary under this Article shall be adopted in accordance
7 with the procedures for adopting a city ordinance on the same subject, shall be subject
8 to review in the manner provided for a city ordinance adopted on the same subject, and
9 shall be enforceable in accordance with the procedures for enforcing a city ordinance on
10 the same subject. Violation of a rule adopted under this Article is punishable as
11 provided in G.S. 122C-406.

12 Rules adopted under this Article may apply to part or all of the Camp Butner
13 ~~reservation.~~ reservation, except those areas within the municipal boundaries of the
14 Town of Butner and that portion of the Town of Butner's extraterritorial jurisdiction
15 consisting of lands not owned by the State of North Carolina. If a public hearing is
16 required before the adoption of a rule, ~~the Butner Planning Council shall conduct the~~
17 ~~hearing.~~ the Secretary shall designate one or more employees of the Department to
18 conduct the hearing. The Butner Town Council shall receive at least 14 days' advance
19 written notice of any public hearing with all correspondence concerning such public
20 hearings to be directed to the mayor of the Town of Butner and sent by certified mail,
21 return receipt requested, or equivalent delivery service to Butner Town Hall."

22 **SECTION 6.** G.S. 122C-407 reads as rewritten:

23 **"§ 122C-407. Water and sewer system.**

24 (a) The Department may acquire, construct, establish, enlarge, maintain, operate,
25 and contract for the operation of a water supply and distribution system and a sewage
26 collection and disposal system for the Camp Butner ~~reservation.~~ reservation, and may
27 enter into such contracts, memoranda of understanding, and other agreements with other
28 persons or entities, including, but not limited to, local governments, authorities, and
29 private enterprises, reasonably necessary to extend or otherwise provide water and
30 sewer service to any portion of the Camp Butner reservation.

31 (b) ~~These water and sewer systems~~ Those things authorized by subsection (a) of
32 this section may be operated for the benefit of persons and property within the Camp
33 Butner reservation and areas outside the reservation within reasonable limitations
34 specifically including any sanitary district or city district, water and sewer authority,
35 county water and sewer district, or municipality in Durham or Granville Counties.

36 (c) The Secretary may fix and enforce water and sewer rates and charges in
37 accordance with G.S. 160A-314 as if it were a city."

38 **SECTION 7.** G.S. 122C-408 reads as rewritten:

39 **"§ 122C-408. Butner Public Safety Division of the Department of Crime Control**
40 **and Public Safety; jurisdiction; fire and police district.**

41 (a) The Secretary of Crime Control and Public Safety may employ special police
42 officers for the territory of the ~~Butner Advisory Council Jurisdiction~~ Reservation. The
43 Secretary of Crime Control and Public Safety shall contract with the Town of Butner to
44 provide fire and police protection to those areas within the incorporated limits of the

1 Town of Butner. The territorial jurisdiction of these special police officers shall be the
2 Butner Advisory Council Jurisdiction, as defined in G.S. 122C-413(a). The territorial
3 jurisdiction of these officers shall consist of the property shown on a map produced May
4 20, 2003, by the Information Systems Division of the North Carolina General Assembly
5 and kept on file in the office of the Butner Town Manager and in the office of Director
6 of the Butner Public Safety Division of the Department of Crime Control and Public
7 Safety and such additional areas which are within the incorporated limits of the Town of
8 Butner as shown on a map to be kept in the office of the Butner Town Manager and in
9 the office of Director of the Butner Public Safety Division of the Department of Crime
10 Control and Public Safety. The Secretary of Crime Control and Public Safety may
11 organize these special police officers into a public safety department for that territory
12 and may establish it as a division within that principal department as permitted by
13 Chapter 143B of the General Statutes.

14 (b) After taking the oath of office required for law-enforcement officers, the
15 special police officers authorized by this section shall have the authority of deputy
16 sheriffs of Durham and Granville Counties in those counties respectively. Within the
17 territorial jurisdiction stated in subsection (a) of this section, the special police officers
18 have the primary responsibility to enforce the laws of North ~~Carolina~~ Carolina, the
19 ordinances of the Town of Butner, and any rule applicable to that territory the Butner
20 Reservation adopted under authority of this Part or under G.S. 143-116.6 or
21 G.S. 143-116.7 or under the authority granted any other agency of the State and also
22 have the powers set forth for firemen in Articles 80, 82 and 83 of Chapter 58 of the
23 General Statutes. Any civil or criminal process to be served on any individual confined
24 at any State facility within the territorial jurisdiction described in subsection (a) of this
25 section shall be forwarded by the sheriff of the county in which the process originated to
26 the Director of the Butner Public Safety Division. Special police officers authorized by
27 this section shall be assigned to transport any individual transferred to or from any State
28 facility within the territorial jurisdiction described in subsection (a) of this section to or
29 from the psychiatric service of the University of North Carolina Hospitals at Chapel
30 Hill.

31 (c) The contract between the Town of Butner and the Department of Crime
32 Control and Public Safety shall provide that:

33 (1) The Butner Public Safety Division of the Department of Crime Control
34 and Public Safety shall provide the same level of service to the
35 incorporated area known as the Town of Butner as provided to those
36 areas of the Town of Butner served by Butner Public Safety on
37 January 1, 2007;

38 (2) The Town of Butner shall pay to the State Treasurer, on or before May
39 1 of each year, for deposit in the General Fund an amount equal to the
40 amount that actually would have been collected from real and personal
41 property ad valorem taxes due January 5, 2007, in the area
42 incorporated as the Town of Butner effective July 1, 2007, assuming a
43 tax of twenty-five cents (25¢) per one hundred dollars (\$100.00)
44 valuation of all real and personal property in said area increased

1 effective July 1 of each year by the increase in the percentage change
 2 in the Consumer Price Index published by the U.S. Department of
 3 Labor, Bureau of Labor Statistics, for the southeast region, all urban
 4 consumers (or if that data shall no longer be available, the closest
 5 equivalent substitute then in publication by the United States
 6 Government) for the previous year ended December 31st;

7 (3) If additional areas are added to the incorporated limits of the Town of
 8 Butner, the payments due under the contract shall be increased by an
 9 amount equal to the amount that actually would have been collected
 10 from real and personal property ad valorem taxes due January 5 of the
 11 year of incorporation of such area if said incorporation occurs on or
 12 before May 1 or the amount collected for the preceding year if said
 13 incorporation occurs prior to May 1 of the then current year assuming
 14 a tax of twenty-five cents (25¢) per one hundred dollars (\$100.00)
 15 valuation of all real and personal property in said area and increased
 16 yearly as set out above; and

17 (4) The Town of Butner and the Department of Crime Control and Public
 18 Safety may by mutual agreement modify the amounts required to be
 19 paid by the Town of Butner pursuant to subdivisions (2) and (3) of this
 20 subsection."

21 **SECTION 8.** G.S. 122C-409 reads as rewritten:

22 **"§ 122C-409. Community of Butner comprehensive emergency management plan.**

23 The Department of Crime Control and Public Safety shall establish an emergency
 24 management agency as defined in G.S. 166A-4(2) for ~~the Community of Butner and the~~
 25 ~~Camp Butner reservation, Reservation, and the Town of Butner."~~

26 **SECTION 9.** G.S. 122C-410 reads as rewritten:

27 **"§ 122C-410. Authority of county or city over Camp Butner ~~reservation-~~**
 28 **reservation; zoning jurisdiction by Town of Butner over State lands.**

29 (a) A municipality other than the Town of Butner may not annex territory
 30 extending into or extend its extraterritorial jurisdiction into the Camp Butner reservation
 31 without written approval from the Secretary and the Butner Town Council of each
 32 proposed annexation or extension. The Town of Butner may not annex territory
 33 extending into or extend its extraterritorial jurisdiction into those portions of the Camp
 34 Butner reservation owned by the State of North Carolina without written approval from
 35 the Secretary of each proposed annexation or extension. The procedures, if any, for
 36 withdrawing approval granted by the Secretary to an annexation or extension of
 37 extraterritorial jurisdiction shall be stated in the notice of approval.

38 (b) A county ordinance may apply in part or all of the Camp Butner reservation
 39 (other than areas within the Town of Butner) if the Secretary gives written approval of
 40 the ~~ordinance-~~ ordinance, except that ordinances adopted by a county under Article 18
 41 of Chapter 153A of the General Statutes may not apply in the extraterritorial jurisdiction
 42 of the Town of Butner without approval of the Butner Town Council. The Secretary
 43 may withdraw ~~his~~ approval of a county ordinance by giving written notification, by
 44 certified mail, return receipt requested, to the county. A county ordinance ceases to be

1 effective in the Camp Butner reservation 30 days after the county receives the written
2 notice of the withdrawal of approval. This section does not enhance or diminish the
3 authority of a county to enact ordinances applicable to the Town of Butner and its
4 extraterritorial jurisdiction.

5 (c) Notwithstanding any other provision of this Article, no portion of the lands
6 owned by the State as of September 1, 2007, which are located in the extraterritorial
7 jurisdiction or the incorporated limits of the Town of Butner shall be subject to any of
8 the powers granted to the Town of Butner pursuant to Article 19 of Chapter 160A of the
9 General Statutes except as to property no longer owned by the State. If any portion of
10 such property owned by the State of North Carolina as of September 1, 2007, is no
11 longer owned by the State the Town of Butner may exercise all legal authority granted
12 to the Town pursuant to the terms of its charter or by Article 19 of Chapter 160A of the
13 General Statutes and may do so by ordinances adopted prior to the actual date of
14 transfer. Before the State shall dispose of any property inside the incorporated limits of
15 the Town of Butner by sale or lease for any use not directly associated with a State
16 function, the Town of Butner shall first be given the right of first refusal to purchase
17 said property at fair market value as determined by the average of the value of said
18 property as determined by a qualified appraiser selected by the Secretary and a qualified
19 appraiser selected by the Town of Butner."

20 **SECTION 10.** Part 1B of Article 6 of Chapter 122C of the General Statutes
21 (Butner Advisory Council) is repealed.

22 **SECTION 11.** Article 6 of Chapter 122C of the General Statutes is amended
23 by adding a new part to read:

24 "Part 1D. Butner Commissions.

25 "**§ 122C-414. Butner Fire and Police Commission.**

26 (a) There is created a Butner Fire and Police Commission to consist of seven
27 members, to be appointed in accordance with this section.

28 (b) The Butner Fire and Police Commission shall consist of seven members,
29 three appointed by the Town of Butner, two appointed by the Secretary, one appointed
30 by the Secretary of Crime Control and Public Safety, and one appointed by the
31 Granville County Board of Commissioners. All members appointed by the Town of
32 Butner shall reside within the Town of Butner or its extraterritorial jurisdiction or the
33 Butner Reservation. All members appointed by the Secretary or the Secretary of Crime
34 Control and Public Safety shall either work at or have responsibility for one of the
35 State-run institutions located within the Butner Reservation or shall reside within the
36 Town of Butner and its extraterritorial jurisdiction or the Butner Reservation. The
37 Director of the Butner Public Safety Division of the Department of Crime Control and
38 Public Safety shall serve as an ex officio member of the Butner Fire and Police
39 Commission. No active member of the Butner Public Safety Division of the Department
40 of Crime Control and Public Safety may serve on the Butner Fire and Police
41 Commission.

42 (c) The Butner Fire and Police Commission has the following duties and
43 responsibilities:

- 1 (1) To periodically review, and recommend changes to, the operational
2 policy for the Butner Public Safety Division of the Department of
3 Crime Control and Public Safety.
- 4 (2) To consult with the Secretary of the Department of Crime Control and
5 Public Safety in the Department's hiring of the Director of the Butner
6 Public Safety Division of the Department of Crime Control and Public
7 Safety. Such consultation shall include, but not be limited to, the
8 Commission reviewing and providing its comments to the Secretary of
9 the Department of Crime Control and Public Safety on the credentials
10 of the applicants for said position. In performing its functions under
11 this subsection, the Commission members shall have the same access
12 to the applicants' personnel records pursuant to Article 7, Chapter 126
13 of the General Statutes as the Secretary of the Department of Crime
14 Control and Public Safety and shall be subject to the same restraints
15 concerning the personnel information as set out in said article
- 16 (3) To review and make recommendations to the Secretary of Crime
17 Control and Public Safety concerning the recommended needs of the
18 Butner Public Safety Division of the Department of Crime Control and
19 Public Safety.
- 20 (4) To receive and forward citizen complaints received by the
21 Commission concerning the Butner Public Safety Division of the
22 Department of Crime Control and Public Safety to the Director of the
23 Butner Public Safety Division of the Department of Crime Control and
24 Public Safety and the Secretary of the Department of Crime Control
25 and Public Safety as the Commission determines is appropriate.
- 26 (5) To perform all such other functions assigned to it by the General
27 Assembly or the Secretary of the Department of Crime Control and
28 Public Safety.

29 (d) The members of the Butner Fire and Police Commission shall be appointed
30 within 30 days after the effective date of incorporation of the Town of Butner. One
31 member appointed by the Town of Butner, one member appointed by the Secretary, and
32 the member appointed by the Granville County Board of Commissioners shall serve an
33 initial term of two years. The remainder of the members shall serve an initial term of
34 four years. The beginning date of each initial term for the purposes reappointment shall
35 be September 1, 2007. Thereafter each member shall serve a term of four years.

36 **"§ 122C-415. Butner Lands Commission.**

37 (a) There is created a Butner Lands Commission to consist of nine members, to
38 be appointed in accordance with this section.

39 (b) The Butner Lands Commission shall consist of nine members, two appointed
40 by the Town of Butner, two appointed by Granville County, two appointed by the
41 Secretary, one appointed by the Commissioner of the North Carolina Department of
42 Agriculture and Consumer Services, one appointed by the Secretary of Commerce, and
43 one appointed by the Governor on or before September 1, 2007. The Butner Lands

1 Commission shall make recommendations to the Governor on or before September 1,
2 2008, concerning:

- 3 (1) Land owned by the State of North Carolina in the Butner Reservation
4 that may be well suited to the creation of a mega-site business and
5 industrial park.
6 (2) Land owned by the State of North Carolina that should be released for
7 private commercial and residential development.
8 (3) The use of other lands within the Butner Reservation that will promote
9 agricultural research and development, the development and growth of
10 State institutions, and the preservation of natural lands."

11 **SECTION 12.** G.S. 146-30(c) reads as rewritten:

12 "(c) The amount or rate of such service charge shall be fixed by rules and
13 regulations adopted by the Governor and approved by the Council of State, but as to any
14 particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of
15 the gross amount received from such sale, lease, rental, or other disposition.
16 Notwithstanding any other provision of this Subchapter, the net proceeds derived from
17 the sale of land or products of land owned by or under the supervision and control of the
18 Wildlife Resources Commission, or acquired or purchased with funds of that
19 Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net
20 proceeds derived from the sale of land or timber from land owned by or under the
21 supervision and control of the Department of Agriculture and Consumer Services shall
22 be deposited with the State Treasurer in a capital improvement account to the credit of
23 the Department of Agriculture and Consumer Services, to be used for such specific
24 capital improvement projects or other purposes as are provided by transfer of funds
25 from those accounts in the Capital Improvement Appropriations Act. Provided further,
26 the net proceeds derived from the sale of park land owned by or under the supervision
27 and control of the Department of Environment and Natural Resources shall be deposited
28 with the State Treasurer in a capital improvement account to the credit of the
29 Department of Administration to be used for the purpose of park land acquisition as
30 provided by transfer of funds from those accounts in the Capital Improvement
31 Appropriations Act. In the Capital Improvement Appropriations Act, line items for
32 purchase of park and agricultural lands will be established for use by the Departments of
33 Administration and Agriculture. The use of such funds for any specific capital
34 improvement project or land acquisition is subject to approval by the Director of the
35 Budget. No other use may be made of funds in these line items without approval by the
36 General Assembly except for incidental expenses related to the project or land
37 acquisition. Additionally with the approval of the Director of the Budget, either
38 Department may request funds from the Contingency and Emergency Fund when the
39 necessity of prompt purchase of available land can be demonstrated and funds in the
40 capital improvement accounts are insufficient. Provided further, the net proceeds
41 derived from the sale of any portion of the land owned by the State in or around the
42 ~~unincorporated area known as Butner Reservation~~ on or after July 1, 1980, shall be
43 deposited with the State Treasurer in a capital improvement account to the credit of the
44 ~~Hospital to provide water and sewers and to bring those streets in the unincorporated~~

1 ~~area known as Butner not on the State highway system up to standards adequate for~~
2 ~~acceptance on the system, Department of Health and Human Services to make capital~~
3 ~~improvements on or to property owned by the State in the Butner Reservation according~~
4 ~~to a plan adopted by the Department of Administration, and subject to approval by the~~
5 ~~Office of State Budget and Management, with the approval of the Board of County~~
6 ~~Commissioners of Granville County, and may be used to build industrial access roads~~
7 ~~to industries located or to be located on the Butner Reservation, on the Butner lands, to~~
8 ~~construct new city streets on the Butner lands, in the Butner Reservation, extend water~~
9 ~~and sewer service on the Butner lands, Reservation, and repair storm drains on the~~
10 ~~Butner lands. Reservation, and for other capital uses on the Reservation as determined~~
11 ~~by the Secretary."~~

12 **SECTION 13.** G.S. 136-41.1(c) reads as rewritten:

13 "(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section and~~
14 ~~of G.S. 136-41.2, the unincorporated area known as Butner qualifies in all respects for~~
15 ~~allocation of funds under this section and certification of the population and street~~
16 ~~mileage of Butner by the North Carolina Department of Health and Human Services is~~
17 ~~acceptable. Funds allocated to the area for this purpose shall be administered by the~~
18 ~~Butner Town Manager. Any funds allocated to the unincorporated area known as the~~
19 ~~Butner Reservation shall be transferred to the Town of Butner."~~

20 **SECTION 14.** Section 1 of Chapter 830 of the 1983 Session Laws reads as
21 rewritten:

22 "Section 1.(a) The territorial jurisdiction of the Butner Police and Fire Protection
23 District shall include: (i) any property formerly a part of the original Camp Butner
24 reservation, including both those areas currently owned and occupied by the State and
25 its agencies and those which may have been leased or otherwise disposed of by the
26 State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County
27 adjoining the Butner reservation and the Lyons Station Sanitary District situated north
28 and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those
29 roads and the boundaries of said reservation and said sanitary ~~district.~~ district, provided,
30 however, that those portions of said lands within the corporate limits of the Town of
31 Butner are removed from the Butner Police and Fire Protection District for the purposes
32 hereof."

33 **SECTION 15.** This act is effective when it becomes law.