

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1127

Short Title: State Nature and Historic Preserve.

(Public)

Sponsors: Senator Horton.

Referred to: Agriculture/Environment/Natural Resources.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CODIFY THE JOINT RESOLUTION DEDICATING PROPERTIES AS
2 PART OF THE STATE NATURE AND HISTORIC PRESERVE, INCLUDING
3 THE CODIFICATION OF NAME CHANGES OF CERTAIN LANDS
4 PREVIOUSLY ACCEPTED INTO THE STATE NATURE AND HISTORIC
5 PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE
6 AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; AND TO
7 DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM.
8

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,

9 The General Assembly of North Carolina enacts:

10 Section 1. The following parcels of tracts of land are removed, pursuant to
11 Article XIV, Section 5 of the North Carolina Constitution, from the State Nature and
12 Historic Preserve:

- 13 (1) All lands and waters as follows: The portion of that certain tract or
14 parcel of land at Eno River State Park in Durham County, Lebanon

1 Township, described in Deed Book 1626-854, and more particularly
2 described in a Department of Transportation drawing entitled "Sketch
3 Showing a Portion of the Property of the State of North Carolina,
4 Division of Parks and Recreation, Durham County Project 8.1351301
5 ID# U-2102 for tracts 155, 158, 159, and 163"; the portion of that
6 certain tract or parcel of land at Eno River State Park in Durham
7 County, Lebanon Township, described in Deed Book 1945-773 and
8 more particularly described in a Department of Transportation drawing
9 entitled "Sketch Showing a Portion of the Property of the State of North
10 Carolina, Division of Parks and Recreation, Durham County Project
11 8.1351301 ID# U-2102 for tracts 155, 158, 159, and 163"; and the
12 certain parcels or tracts of land in Durham and Orange Counties
13 identified as tracts I, II, III, and IVA on the George C. Love, Jr. survey
14 entitled "Plat Prepared for Acquisition of Zener Forest for Eno River
15 State Park" dated December 2, 1993, and revised December 14, 1993.

16 (2) All lands and waters as follows: The portion of that certain tract or
17 property at Hanging Rock State Park in Stokes County, Danbury
18 Township, described in Deed Book 360, Page 160, that is a 30-foot
19 wide right-of-way beginning approximately 183 feet south of SR 1001
20 and extending in a southerly direction approximately 1,479 feet and
21 more particularly shown on a survey titled, "J. Spot Taylor Heirs,
22 Danbury Township, Stokes County, N.C." by Grinski Surveying
23 Company, June 1985, as extending from the southwest corner of the
24 Bobby Joe Lankford tract.

25 (3) All lands and waters as follows: The portion of that certain tract or
26 property at South Mountains State Park in Burke County, Lower Creek
27 Township, described in Deed Book 862, Page 1471 for the new right-of-
28 way for SR 1904 needed for the relocation of this road within the park
29 and as described in the drawing and shown as between the Rutherford
30 Electric Membership Corporation right-of-way and the southern
31 property boundary dated January 28, 1999, entitled "Survey for State of
32 North Carolina" file name 12455.dwg by Suttles Surveying P.A.; and the
33 portions of those certain tracts or property at South Mountains State
34 Park in Burke County, in Upper Fork Township described in Deed Book
35 860, Page 341 and Deed Book 884, Page 1641 that are south of the
36 centerline of the CCC road and shown on the drawing entitled "Land
37 Trade Between South Mountains State Park and Adjacent Game Land
38 Along CCC Road" by the Division of Parks and Recreation dated March
39 15, 1999.

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

41 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

- 1 (1) All lands and waters within the boundaries of the following units of the
2 State Parks System as of ~~April 4, 1989~~; April 6, 1999: Baldhead Island
3 State Natural Area, Bay Tree Lake State Park, Boones Cave State Park,
4 Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the
5 Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp
6 State Natural Area, Duke Power State Park, ~~Eno River State Park~~, Fort
7 Fisher State Recreation Area, Fort Macon State Park, Goose Creek State
8 Park, Hammocks Beach State Park, ~~Hanging Rock State Park~~, Hemlock
9 Bluffs State Natural Area, Jockeys Ridge State Park, Jones Lake State
10 Park, Lake James State Park, Lake Waccamaw State Park, Lumber
11 River State Park, Medoc Mountain State Park, ~~Merchant's~~ Merchants
12 Millpond State Park, Mitchells Millpond State Natural Area ~~north of S.R.~~
13 ~~2224~~, Area, Mount Jefferson State Park, State Natural Area, Mount
14 Mitchell State Park, Occoneechee Mountain State Natural Area,
15 Pettigrew State Park, Pilot Mountain State Park, Raven Rock State Park,
16 Run Hill State Natural Area, Singletary Lake State Park, ~~South~~
17 ~~Mountains State Park~~, Theodore Roosevelt State Natural Area, and
18 Weymouth Woods-Sandhills Nature Preserve.
- 19 (2) All lands and waters within the boundaries of William B. Umstead State
20 Park as of ~~April 4, 1989~~; April 6, 1999, with the exception of Tract
21 Number 65, containing 22.93140 acres as shown on a survey prepared
22 by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled
23 'Property of The State of North Carolina William B. Umstead State
24 Park', dated January 14, 1977, and as removed from the State Nature
25 and Historic Preserve by Chapter 450, Section 1 of the 1985 Session
26 Laws. The tract excluded from the State Nature and Historic Preserve
27 under this subdivision is deleted from the State Parks System in
28 accordance with G.S. 113-44.14. The State of North Carolina may only
29 exchange this land for other land for the expansion of William B.
30 Umstead State Park or sell and use the proceeds for that purpose. The
31 State of North Carolina may not otherwise sell or exchange this land.
- 32 (3) ~~All lands within the boundaries of Jockey's Ridge State Park as of April~~
33 ~~4, 1989, with the exception of the following tract: That certain tract or~~
34 ~~parcel of land at Jockey's Ridge State Park in Dare County, Nags Head~~
35 ~~Township, more particularly described as follows: Beginning at an iron~~
36 ~~rod which is located North 39°07'08" West 74.96 feet from an iron pipe~~
37 ~~having a NC Coordinate value of X 2996057.363 and Y 823796.892,~~
38 ~~said iron rod also being located in a common property line between the~~
39 ~~State of North Carolina and R. M. Ritchie, et al.; thence running from~~
40 ~~said beginning point South 39°07'08" East 10 feet to a point; thence~~
41 ~~North 49°10'51" East 47.98 feet to a point in the right-of-way of U.S.~~
42 ~~158 Bypass; thence northwesterly along the aforementioned right-of-~~
43 ~~way 10 feet to an iron rod; thence South 49°10'51" West 47.98 feet to~~

1 the point and place of beginning and containing 479.80 square feet more
2 or less, and as drawn out by the Design and Development Section of the
3 Division of Parks and Recreation on a map dated November 8, 1988.

4 (4) All lands within the boundaries of Morrow Mountain State Park as of
5 ~~April 4, 1989, April 6, 1999,~~ with the exception of the following tract:
6 That certain tract or parcel of land at Morrow Mountain State Park in
7 Stanly County, North Albemarle Township, containing 0.303 acres,
8 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a
9 map dated August 27, 1988, reference to which is hereby made for a
10 more complete description. The tract excluded from the State Nature
11 and Historic Preserve under this subdivision is deleted from the State
12 Parks System in accordance with G.S. 113-44.14.

13 (5) ~~All lands within the boundaries of Pettigrew State Park as of April 4,
14 1989, with the exception of the following tract: The portion of that
15 certain tract or parcel of land at Pettigrew State Park in Washington
16 County, Seuppernong Township, described in Deed Book 257, page
17 479, lying south of S.R. 1183 or the extension thereof along its present
18 right-of-way.~~

19 (6) All land within the boundaries of ~~Crowder's-Crowders~~ Mountain State
20 Park as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the
21 following tract: The portion of that certain tract or parcel of land at
22 ~~Crowder's-Crowders~~ Mountain State Park in Gaston County, ~~Crowder's~~
23 ~~Crowders~~ Mountain Township, described in Deed Book 1939, page 800,
24 and containing 757.28 square feet and as shown in a survey by Tanner
25 and McConnaughey, P.A. dated 7/22/88. The tract excluded from the
26 State Nature and Historic Preserve under this subdivision is deleted
27 from the State Parks System in accordance with G.S. 113-44.14. The
28 State of North Carolina may only exchange this land for other land for
29 the expansion of Crowders Mountain State Park or sell this land and use
30 the proceeds for that purpose. The State of North Carolina may not
31 otherwise sell or exchange this land.

32 (7) All lands owned in fee simple by the State at the New River Scenic
33 River as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the
34 following tract: That certain tract or parcel of land at the New River
35 Scenic River in Alleghany County, Piney Creek Township, described in
36 Deed Book 112, page 610, containing 16.54 acres, and consisting of lots
37 #12 through #19 on the survey by Dudley and Zeh, R.L.S. dated
38 9/21/79. The tract excluded from the State Nature and Historic Preserve
39 under this subdivision is deleted from the State Parks System in
40 accordance with G.S. 113-44.14.

41 (8) All lands and waters within the boundaries of Stone Mountain State
42 Park as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the
43 following tract: The portion of that certain tract or parcel of land at

1 Stone Mountain State Park in Wilkes County, Traphill Township,
2 described as parcel 33-02 in Deed Book 633-193, and more particularly
3 described as all of the land in this parcel lying to the west of the eastern
4 edge of the Air Bellows Gap Road as shown on the National Park
5 Service Land Status Map 33 dated 3/24/81, containing approximately 72
6 acres. The tract excluded from the State Nature and Historic Preserve
7 under this subdivision is deleted from the State Parks System in
8 accordance with G.S. 113-44.14.

9 (9) All lands and waters located within the boundaries of the following
10 State Historic Sites as of ~~March 6, 1979~~: January 1, 1999: Alamance
11 ~~Battleground Historic Site, Battleground, Charles B. Aycock Birthplace,~~
12 ~~Historic Bath Historic Site, Bath, Bennett Place, Bentonville Battleground~~
13 ~~Historic Site, Battleground, Brunswick Town Historic Site, Town/Fort~~
14 ~~Anderson, Governor Richard Caswell Memorial/C.S.S. Neuse Historic Site,~~
15 ~~C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins~~
16 ~~Brown Memorial, Duke Homestead Historic Site, Homestead, Historic~~
17 ~~Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living~~
18 ~~Historical Farm, House in the Horseshoe Historic Site, James Iredell House~~
19 ~~Historic Site, Horseshoe, North Carolina Transportation Museum,~~
20 ~~President James K. Polk Memorial Historic Site, Memorial, Stagville~~
21 ~~Preservation Center Historic Site, Stagville, State Capitol Historic Site,~~
22 ~~Capitol, Town Creek Indian Mound Historic Site, Mound, Tryon Palace~~
23 ~~Historic Site, Governor Sites & Gardens, Zebulon B. Vance Birthplace~~
24 ~~Historic Site, Birthplace, and Thomas Wolfe Memorial Historic Site.~~
25 Memorial.

26 (10) All land and waters within the boundaries of Gorges State Park in the
27 transaction approved by the Council of State at their March 2, 1999,
28 meeting and closed by ratification.

29 (11) All land and waters located within the boundaries of Eno River State
30 Park as of April 6, 1999, with the exception of six tracts: The portion of
31 that certain tract or parcel of land at Eno River State Park in Durham
32 County, Lebanon Township, described in Deed Book 1626-854, and
33 more particularly described in a Department of Transportation drawing
34 entitled 'Sketch Showing a Portion of the Property of the State of North
35 Carolina, Division of Parks and Recreation, Durham County Project
36 8.1351301 ID# U-2102 for tracts 155, 158, 159, and 163'; and the
37 portion of that certain tract or parcel of land at Eno River State Park in
38 Durham County, Lebanon Township, described in Deed Book 1945-773
39 and more particularly described in a Department of Transportation
40 drawing entitled "Sketch Showing a Portion of the Property of the State
41 of North Carolina, Division of Parks and Recreation, Durham County
42 Project 8.1351301 ID# U-2102 for tracts 155, 158, 159 and 163". These
43 two tracts excluded from the State Nature and Historic Preserve under

1 this subdivision are deleted from the State Parks System in accordance
2 with G.S. 113-44.14. Further exclusions from the State Nature and
3 Historic Preserve are: the certain parcels or tracts of land in Durham and
4 Orange Counties identified as tracts I, II, III, and IVA on the George C.
5 Love, Jr. survey entitled "Plat Prepared for Acquisition of Zener Forest
6 for Eno River State Park" dated December 2, 1993, and revised
7 December 14, 1993. The State of North Carolina may only exchange
8 these six tracts for other land for the expansion of Eno River State Park
9 or sell these tracts and use the proceeds for that purpose. The State of
10 North Carolina may not otherwise sell or exchange this land.

11 (12) All land and waters located within the boundaries of Hanging Rock
12 State Park as of April 6, 1999, with the exception of the following tract:
13 The portion of that certain tract or property at Hanging Rock State Park
14 in Stokes County, Danbury Township, described in Deed Book 360,
15 Page 160, that is a 30-foot wide right-of-way beginning approximately
16 183 feet south of SR 1001 and extending in a southerly direction
17 approximately 1,479 feet and more particularly shown on a survey
18 titled, "J. Spot Taylor Heirs, Danbury Township, Stokes County,
19 N.C.," by Grinski Surveying Company, June 1985, as extending from the
20 southwest corner of the Bobby Joe Lankford tract. The tract excluded
21 from the State Nature and Historic Preserve under this subdivision is
22 deleted from the State Parks System in accordance with G.S. 113-44.14.
23 The State of North Carolina may only exchange this land for other land
24 for the expansion of Hanging Rock State Park or sell this land and use
25 the proceeds for that purpose. The State may not otherwise sell or
26 exchange this land.

27 (13) All land and waters located within the boundaries of South Mountains
28 State Park as of April 6, 1999, with the exception of the following
29 tracts: The portion of that certain tract or property at South Mountains
30 State Park in Burke County, Lower Creek Township, described in Deed
31 Book 862, Page 1471 for the new right-of-way for SR 1904 needed for
32 the relocation of this road within the park and as described in the
33 drawing and shown as between the Rutherford Electric Membership
34 Corporation right-of-way and the southern property boundary dated
35 January 28, 1999, entitled "Survey for State of North Carolina" file name
36 12455.dwg by Suttles Surveying P.A.; and the portions of those certain
37 tracts or property at South Mountains State Park in Burke County, in
38 Upper Fork Township described in Deed Book 860, Page 341 and Deed
39 Book 884, Page 1641 that are south of the centerline of the CCC road
40 and shown on the drawing entitled "Land Trade Between South
41 Mountains State Park and Adjacent Game Land Along CCC Road" by
42 the Division of Parks and Recreation dated March 15, 1999. The tracts
43 excluded from the State Nature and Historic Preserve under this

1 subdivision are deleted from the State Parks System in accordance with
2 G.S. 113-44.14. The State of North Carolina may only exchange this
3 land for other land for the expansion of South Mountains State Park or
4 sell this land and use the proceeds for that purpose. The State may not
5 otherwise sell or exchange this land."

6 Section 3. This act is effective when it becomes law.