

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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**SENATE BILL 1127**

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

Short Title: State Nature and Historic Preserve.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

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

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:

- 1 (1) All lands and waters as follows: The portion of that certain tract or  
2 parcel of land at Eno River State Park in Durham County, Lebanon  
3 Township, described in Deed Book 1626-854, and more particularly  
4 described in a Department of Transportation drawing entitled "Sketch  
5 Showing a Portion of the Property of the State of North Carolina,  
6 Division of Parks and Recreation, Durham County Project 8.1351301  
7 ID# U-2102 for tracts 155, 158, 159, and 163"; the portion of that  
8 certain tract or parcel of land at Eno River State Park in Durham  
9 County, Lebanon Township, described in Deed Book 1945-773 and  
10 more particularly described in a Department of Transportation drawing  
11 entitled "Sketch Showing a Portion of the Property of the State of North  
12 Carolina, Division of Parks and Recreation, Durham County Project  
13 8.1351301 ID# U-2102 for tracts 155, 158, 159, and 163"; and the  
14 certain parcels or tracts of land in Durham and Orange Counties  
15 identified as tracts I, II, III, and IVA on the George C. Love, Jr. survey  
16 entitled "Plat Prepared for Acquisition of Zener Forest for Eno River  
17 State Park" dated December 2, 1993, and revised December 14, 1993.
- 18 (2) All lands and waters as follows: The portion of that certain tract or  
19 property at Hanging Rock State Park in Stokes County, Danbury  
20 Township, described in Deed Book 360, Page 160, that is a 30-foot  
21 wide right-of-way beginning approximately 183 feet south of SR 1001  
22 and extending in a southerly direction approximately 1,479 feet and  
23 more particularly shown on a survey titled, "J. Spot Taylor Heirs,  
24 Danbury Township, Stokes County, N.C." by Grinski Surveying  
25 Company, June 1985, as extending from the southwest corner of the  
26 Bobby Joe Lankford tract.
- 27 (3) All lands and waters as follows: The portion of that certain tract or  
28 property at South Mountains State Park in Burke County, Lower Creek  
29 Township, described in Deed Book 862, Page 1471 for the new right-of-  
30 way for SR 1904 needed for the relocation of this road within the park  
31 and as described in the drawing and shown as between the Rutherford  
32 Electric Membership Corporation right-of-way and the southern  
33 property boundary dated January 28, 1999, entitled "Survey for State of  
34 North Carolina" file name 12455.dwg by Suttles Surveying P.A.; and the  
35 portions of those certain tracts or property at South Mountains State  
36 Park in Burke County, in Upper Fork Township described in Deed Book  
37 860, Page 341 and Deed Book 884, Page 1641 that are south of the  
38 centerline of the CCC road and shown on the drawing entitled "Land  
39 Trade Between South Mountains State Park and Adjacent Game Land  
40 Along CCC Road" by the Division of Parks and Recreation dated March  
41 15, 1999.

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

43 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

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

21 (2) All lands and waters within the boundaries of William B. Umstead State  
22 Park as of ~~April 4, 1989~~; April 6, 1999, with the exception of Tract  
23 Number 65, containing 22.93140 acres as shown on a survey prepared  
24 by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled  
25 'Property of The State of North Carolina William B. Umstead State  
26 Park', dated January 14, 1977, and as removed from the State Nature  
27 and Historic Preserve by Chapter 450, Section 1 of the 1985 Session  
28 Laws. The tract excluded from the State Nature and Historic Preserve  
29 under this subdivision is deleted from the State Parks System in  
30 accordance with G.S. 113-44.14. The State of North Carolina may only  
31 exchange this land for other land for the expansion of William B.  
32 Umstead State Park or sell and use the proceeds for that purpose. The  
33 State of North Carolina may not otherwise sell or exchange this land.

34 (3) ~~All lands within the boundaries of Jockey's Ridge State Park as of April~~  
35 ~~4, 1989, with the exception of the following tract: That certain tract or~~  
36 ~~parcel of land at Jockey's Ridge State Park in Dare County, Nags Head~~  
37 ~~Township, more particularly described as follows: Beginning at an iron~~  
38 ~~rod which is located North 39°07'08"West 74.96 feet from an iron pipe~~  
39 ~~having a NC Coordinate value of X 2996057.363 and Y 823796.892,~~  
40 ~~said iron rod also being located in a common property line between the~~  
41 ~~State of North Carolina and R. M. Ritchie, et al.; thence running from~~  
42 ~~said beginning point South 39°07'08"East 10 feet to a point; thence~~  
43 ~~North 49°10'51"East 47.98 feet to a point in the right of way of U.S.~~

1           ~~158 Bypass; thence northwesterly along the aforementioned right-of-~~  
2           ~~way 10 feet to an iron rod; thence South 49°10'51" West 47.98 feet to~~  
3           ~~the point and place of beginning and containing 479.80 square feet more~~  
4           ~~or less, and as drawn out by the Design and Development Section of the~~  
5           ~~Division of Parks and Recreation on a map dated November 8, 1988.~~

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

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, Seppernong 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 lands and waters within the boundaries of Gorges State Park, the  
27 purchase of which was approved by the Council of State at its meeting  
28 on 2 March 1999, as of the date on which the lands and waters are  
29 purchased by the State.

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

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

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

24          (13) All land and waters located within the boundaries of South Mountains  
25          State Park as of April 6, 1999, with the exception of the following  
26          tracts: The portion of that certain tract or property at South Mountains  
27          State Park in Burke County, Lower Creek Township, described in Deed  
28          Book 862, Page 1471 for the new right-of-way for SR 1904 needed for  
29          the relocation of this road within the park and as described in the  
30          drawing and shown as between the Rutherford Electric Membership  
31          Corporation right-of-way and the southern property boundary dated  
32          January 28, 1999, entitled 'Survey for State of North Carolina' file name  
33          12455.dwg by Suttles Surveying P.A.; and the portions of those certain  
34          tracts or property at South Mountains State Park in Burke County, in  
35          Upper Fork Township described in Deed Book 860, Page 341 and Deed  
36          Book 884, Page 1641 that are south of the centerline of the CCC road  
37          and shown on the drawing entitled 'Land Trade Between South  
38          Mountains State Park and Adjacent Game Land Along CCC Road' by  
39          the Division of Parks and Recreation dated March 15, 1999. The tracts  
40          excluded from the State Nature and Historic Preserve under this  
41          subdivision are deleted from the State Parks System in accordance with  
42          G.S. 113-44.14. The State of North Carolina may only exchange this  
43          land for other land for the expansion of South Mountains State Park or

1                    sell this land and use the proceeds for that purpose. The State may not  
2                    otherwise sell or exchange this land."  
3                    Section 3. This act is effective when it becomes law.