

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-268
SENATE BILL 1127

AN ACT TO CODIFY THE JOINT RESOLUTION DEDICATING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, INCLUDING THE CODIFICATION OF NAME CHANGES OF CERTAIN LANDS PREVIOUSLY ACCEPTED INTO THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM; AND TO MAKE A TECHNICAL CORRECTION TO THE STATE CONSTITUTION TO ALLOW THE DEDICATION AND ACCEPTANCE OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE BY THE GENERAL ASSEMBLY BY A BILL RATHER THAN BY A JOINT RESOLUTION.

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,

The General Assembly of North Carolina enacts:

Section 1. The portions of land at South Mountains State Park that lie south of the centerline of the CCC road as shown on the drawing entitled "Land Trade between South Mountains State Park and Adjacent Game Lands along CCC Road" prepared by the Division of Parks and Recreation, dated March 15, 1999, and filed in the State Property Office and that lie either within the tract or property in Burke County, Lower Fork Township, described in Deed Book 495, Page 501, or within the tract or property in Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715, Page 719, are removed from the State Nature and Historic Preserve pursuant to Article XIV, Section 5 of the North Carolina Constitution.

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

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

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

- (1) All lands and waters within the boundaries of the following units of the State Parks System as of ~~April 4, 1989~~: April 6, 1999: Baldhead

Island State Natural Area, Bay Tree Lake State Park, Boones Cave State Park, Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of the Neuse State Park, Chowan Swamp State Natural Area, Dismal Swamp State Natural Area, Duke Power State Park, ~~Eno River State Park~~, Fort Fisher State Recreation Area, Fort Macon State Park, Goose Creek State Park, Hammocks Beach State Park, ~~Hanging Rock State Park~~, Hemlock Bluffs State Natural Area, Jockey's Ridge State Park, Jones Lake State Park, Lake James State Park, Lake Waccamaw State Park, Lumber River State Park, Medoc Mountain State Park, ~~Merchant's~~ Merchants Millpond State Park, Mitchells Millpond State Natural Area ~~north of S.R. 2224, Area~~, Mount Jefferson State Park, State Natural Area, Mount Mitchell State Park, Occoneechee Mountain State Natural Area, Pettigrew State Park, Pilot Mountain State Park, Raven Rock State Park, Run Hill State Natural Area, Singletary Lake State Park, ~~South Mountains State Park~~, Theodore Roosevelt State Natural Area, and Weymouth Woods-Sandhills Nature Preserve.

- (2) All lands and waters within the boundaries of William B. Umstead State Park as of ~~April 4, 1989~~, April 6, 1999, with the exception of Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled 'Property of The State of North Carolina William B. Umstead State Park', dated January 14, ~~1977~~, and as 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.
- (3) ~~All lands within the boundaries of Jockey's Ridge State Park as of April 4, 1989, with the exception of the following tract: That certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, more particularly described as follows: Beginning at an iron rod which is located North 39°07'08" West 74.96 feet from an iron pipe having a NC Coordinate value of X-2996057.363 and Y 823796.892, said iron rod also being located in a common property line between the State of North Carolina and R. M. Ritchie, et al.; thence running from said beginning point South 39°07'08" East 10 feet to a point; thence North 49°10'51" East 47.98 feet to a point in the right of way of U.S. 158 Bypass; thence northwesterly along the aforementioned right of way 10 feet to an iron rod; thence South 49°10'51" West 47.98 feet to the point and place of beginning and containing 479.80 square feet more or less, and as~~

~~drawn out by the Design and Development Section of the Division of Parks and Recreation on a map dated November 8, 1988.~~

- (4) All lands within the boundaries of Morrow Mountain State Park as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the following tract: That certain tract or parcel of land at Morrow Mountain State Park in Stanly County, North Albemarle Township, containing 0.303 acres, more or less, as surveyed and platted by Thomas W. Harris R.L.S., on a map dated August 27, 1988, and filed in the State Property Office, reference to which is hereby made for a more complete description.
- (5) ~~All lands within the boundaries of Pettigrew State Park as of April 4, 1989, with the exception of the following tract: The portion of that certain tract or parcel of land at Pettigrew State Park in Washington County, Scuppernon Township, described in Deed Book 257, page 479, lying south of S.R. 1183 or the extension thereof along its present right of way.~~
- (6) All land within the boundaries of ~~Crowder's~~ Crowders Mountain State Park as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the following tract: The portion of that certain tract or parcel of land at ~~Crowder's~~ Crowders Mountain State Park in Gaston County, ~~Crowder's~~ Crowders Mountain Township, described in Deed Book 1939, page 800, and containing 757.28 square feet and as shown in a survey by Tanner and McConnaughey, P.A. dated ~~7/22/88.~~ July 22, 1988 and filed in the State Property Office.
- (7) All lands owned in fee simple by the State at the New River Scenic River as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the following tract: That certain tract or parcel of land at the New River Scenic River in Alleghany County, Piney Creek Township, described in Deed Book 112, page 610, containing 16.54 acres, and consisting of lots #12 through #19 on the survey by Dudley and Zeh, R.L.S. dated ~~9/21/79.~~ September 21, 1979, recorded in Plat Book 4, Page 94, and filed in the State Property Office.
- (8) All lands and waters within the boundaries of Stone Mountain State Park as of ~~April 4, 1989, April 6, 1999,~~ with the exception of the following tract: The portion of that certain tract or parcel of land at Stone Mountain State Park in Wilkes County, Traphill Township, described as parcel 33-02 in Deed Book 633-193, and more particularly described as all of the land in this parcel lying to the west of the eastern edge of the Air Bellows ~~Gap Road Road,~~ as shown on the National Park Service Land Status Map 33 dated ~~3/24/81,~~ March 24, 1981 and filed in the State Property Office, containing approximately 72 acres. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.

- (9) All lands and waters located within the boundaries of the following State Historic Sites as of ~~March 6, 1979~~: January 1, 1999: Alamance Battleground Historic Site, Battleground, Charles B. Aycock Birthplace, Historic Bath Historic Site, Bath, Bennett Place, Bentonville Battleground Historic Site, Battleground, Brunswick Town Historic Site, Town/Fort Anderson, Governor Richard Caswell Memorial/C.S.S. Neuse Historic Site, C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins Brown Memorial, Duke Homestead Historic Site, Homestead, Historic Edenton, Fort Dobbs, Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm, House in the Horseshoe Historic Site, James Iredell House Historic Site, Horseshoe, North Carolina Transportation Museum, President James K. Polk Memorial Historic Site, Memorial, Reed Gold Mine, Somerset Place, Stagville Preservation Center Historic Site, Stagville, State Capitol Historic Site, Capitol, Town Creek Indian Mound Historic Site, Mound, Tryon Palace Historic Site, Governor Sites & Gardens, Zebulon B. Vance Birthplace Historic Site, Birthplace, and Thomas Wolfe Memorial Historic Site. Memorial.
- (10) All lands and waters within the boundaries of Gorges State Park as shown on the map entitled 'Boundaries of Gorges State Park' prepared by the Division of Parks and Recreation, dated May 27, 1999, and filed in the State Property Office, which lands and waters are a portion of the lands and waters acquired by the State of North Carolina on April 29, 1999, the purchase of which was approved by the Council of State at its meeting on March 2, 1999.
- (11) All lands and waters located within the boundaries of Eno River State Park as of April 6, 1999, with the exception of the following tracts: The portion of that tract or parcel of land at Eno River State Park in Durham County, Lebanon Township, described in Deed Book 1626, Page 854, required for the right-of-way and easements for the expansion of Guess Road and more particularly described in a Department of Transportation drawing entitled 'Sketch Showing a Portion of the Property of State of North Carolina, North Carolina Parks and Recreation, Durham County', for TIP U-2102, Project 8.1351302, parcel 155, dated June 8, 1999 and filed in the State Property Office; and the portion of that tract or parcel of land at Eno River State Park in Durham County, Lebanon Township, described in Deed Book 1945, Page 773, required for the right-of-way and easements for the expansion of Guess Road and more particularly described in a Department of Transportation drawing entitled 'Sketch Showing Proposed Right of Way, Property of State of North Carolina (Formerly Association for the Preservation of the Eno), Durham County' for TIP U-2102, Project 8.1351302, parcels 159 and 163, dated June 1, 1999 and filed in the State Property Office. These two

tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14.

- (12) All lands and waters located within the boundaries of Hanging Rock State Park as of April 6, 1999, with the exception of the following tract: The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, 'J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.', by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 113-44.14.
- (13) All lands and waters located within the boundaries of South Mountains State Park as of April 6, 1999, with the exception of the following tracts: The portion of that tract or property at South Mountains State Park in Burke County, Lower Creek Township, described in Deed Book 862, Page 1471, required for the right-of-way and easements for the relocation of SR 1904 within the park and lying generally between the Rutherford Electric Membership Corporation right-of-way and the southern property boundary of the park, as described in the drawing entitled 'Survey for State of North Carolina', dated January 28, 1999, prepared by Suttles Surveying, P.A., bearing the preparer's file name 12455.dwg and filed in the State Property Office; and the portions of land at South Mountains State Park that lie south of the centerline of the CCC road as shown on the drawing entitled 'Land Trade between South Mountains State Park and Adjacent Game Lands along CCC Road' prepared by the Division of Parks and Recreation, dated March 15, 1999, and filed in the State Property Office and that lie within: (i) the tract or property in Burke County, Lower Fork Township, described in Deed Book 495, Page 501; (ii) the tract or property in Burke County, Lower Fork and Upper Fork Townships, described in Deed Book 715, Page 719; or, (iii) within the tracts or property in Burke County, Upper Fork Township, described in Deed Book 860, Page 341, and Deed Book 884, Page 1640. The tracts excluded from the State Nature and Historic Preserve under this subdivision are deleted from the State Parks System in accordance with G.S. 113-44.14. The State of North Carolina may only exchange this land for other land for the expansion of South Mountains State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land."

Section 3. Section 5 of Article XIV of the Constitution of North Carolina reads as rewritten:

"Sec. 5. Conservation of natural resources.

It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by ~~resolution adopted~~ a law enacted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the 'State Nature and Historic Preserve,' and which shall not be used for other purposes except as authorized by law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes."

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

"[] FOR [] AGAINST

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

Section 5. If a majority of the votes cast on the question are in favor of the amendment set out in Section 3 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon this certification. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

Section 6. G.S. 143-260.8 reads as rewritten:

"§ 143-260.8. Procedures.

(a) Within the meaning of this section:

- (1) 'Local governing body' means, as the case may be, the board of commissioners of a county, the city council (or equivalent legislative body) of a city, or the board of aldermen or board of commissioners (or equivalent legislative body) of a town.
- (2) 'Local government' means a county, city or town.

(3) 'Properties' include any properties or interest in properties acquired by purchase or gift.

(b) The Council of State may petition the General Assembly to ~~adopt a resolution~~ enact a law pursuant to Article XIV, Sec. 5 of the North Carolina Constitution, accepting any properties owned by the State of North Carolina (or proposed for gift to or purchase by the State) and designated in ~~said the~~ petition for inclusion in the State Nature and Historic Preserve.

(c) The governing body of any local government, or any combination of two or more such bodies may petition the General Assembly to ~~adopt a resolution~~ enact a law pursuant to Article XIV, Sec. 5 of the North Carolina Constitution, accepting any properties owned by ~~said the~~ local government (or proposed for gift to or purchase by ~~said the~~ local government) and designated in ~~said the~~ petition for inclusion in the State Nature and Historic Preserve.

(d) The petition referred to in subsections (a) and (b) of this section shall identify the properties sought to be included in the Preserve. The General Assembly may then ~~by joint resolution~~ enact a law to accept the designated properties in the Preserve and ~~adoption of said resolution~~ enactment of the law by the General Assembly shall constitute the special dedication and acceptance of the designated properties in the State Nature and Historic Preserve contemplated by Article XIV, Sec. 5 of the North Carolina Constitution.

(e) In order to provide accessible information to the public concerning the State Nature and Historic Preserve, every ~~resolution-law~~ law accepting properties in the Preserve shall be codified in the General Statutes. A certified copy of every ~~resolution-law~~ law accepting properties in the Preserve shall be transmitted by the Secretary of State to the register of deeds in each county wherein ~~said these~~ properties, or any part of them, are located, for filing and indexing in the grantor index.

(f) This Article shall constitute an exclusive procedure only for placing properties in the State Nature and Historic Preserve, and shall not preclude the dedication of properties by other means for purposes identical or similar to those enumerated by Article XIV, Sec. 5 of the North Carolina Constitution.

(g) It is the intent of this Article to complement any applicable provisions of federal and State law and regulations relating to dedication or acceptance of properties for purposes similar to those enumerated by Article XIV, Sec. 5 of the North Carolina Constitution. The Council of State is hereby authorized to adopt rules and regulations to implement the provisions of this Article, including rules and regulations consistent with this Article to comport with applicable federal and State law and regulations. A copy of this Article, and of any ~~such rules or regulations~~ rules affecting properties owned by local governments shall be filed by the Council of State with the chairman of the local governing body of every county, city and town within 30 days after ~~ratification or adoption as the case may be.~~ ratification."

Section 7. Sections 1 through 5 and Section 7 of this act are effective when this act becomes law. Section 6 of this act becomes effective when the amendment set out in Section 3 of this act becomes effective.

In the General Assembly read three times and ratified this the 30th day of June, 1999.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 1:17 p.m. this 9th day of July, 1999