

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**S**

**1**

**SENATE BILL 854**

Short Title: State Nature and Historic Preserve.

(Public)

---

Sponsors: Senators Horton; Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Lucas, Martin of Guilford, Moore, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Thomas, Warren, Weinstein, and Wellons.

---

Referred to: Rules and Operations of the Senate.

---

April 4, 2001

A BILL TO BE ENTITLED  
AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS  
PART OF THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE  
CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE;  
TO CODIFY THESE REMOVALS; AND TO 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 the State Nature and Historic 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 following tracts of land are removed from the State Nature and Historic Preserve pursuant to Article XIV, Section 5 of the North Carolina Constitution:

(a) The portion of that certain tract or parcel at Bushy Lake State Natural Area in Beaver Dam Township, Cumberland County, described in Deed Book 3588, Page 583, and shown as the 0.58 acre parcel within tract 2 on the Recombination Survey for the State of North Carolina by Lewis G. Paschal, Professional Land Surveyor, dated April 1989 and December 2000, and filed in the State Property Office.

(b) The portion of that certain tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags Head Township, described in Deed Book 227, page 501, and

1 containing 33,901 square feet as shown on the survey prepared by Styons Surveying  
2 Services entitled "Raw Water Well Site 13 Jockey's Ridge State Park" dated March 7,  
3 2001, and filed in the State Property Office.

4 (c) The portion of that certain tract or parcel of land at Jockey's Ridge State Park  
5 in Dare County, Nags Head Township, described in Deed Book 222, page 726, and  
6 containing 42,909 square feet as shown on the survey prepared by Styons Surveying  
7 Services entitled "Raw Water Well Site 14 Jockey's Ridge State Park" dated March 7,  
8 2001, and filed in the State Property Office.

9 (d) The portion of that certain tract or parcel of land at Jockey's Ridge State Park  
10 in Dare County, Nags Head Township, described in Deed Book 265, page 306, and  
11 containing 34,471 square feet as shown on the survey prepared by Styons Surveying  
12 Services entitled "Raw Water Well Site 15 Jockey's Ridge State Park" dated March 7,  
13 2001, and filed in the State Property Office.

14 **SECTION 2.** G.S. 143-260.10 reads as rewritten:

15 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

18 (1) All lands and waters within the boundaries of the following units of  
19 the State Parks System as of ~~April 6, 1999~~, April 3, 2001: Baldhead  
20 Island State Natural Area, Bay Tree Lake State Park, Boones Cave  
21 State Park, Natural Area, Bullhead Mountain State Natural Area,  
22 Bushy Lake State Natural Area, Carolina Beach State Park, Cliffs of  
23 the Neuse State Park, Chowan Swamp State Natural Area, Dismal  
24 Swamp State Natural Area, ~~Duke Power State Park~~, Eno River State  
25 Park, Fort Fisher State Recreation Area, Fort Macon State Park, Goose  
26 Creek State Park, Gorges State Park, Hammocks Beach State Park,  
27 Hemlock Bluffs State Natural Area, ~~Jockey's Ridge State Park~~, Jones  
28 Lake State Park, Lake James State Park, Lake Norman State Park,  
29 Lake Waccamaw State Park, Lumber River State Park, Medoc  
30 Mountain State Park, Merchants Millpond State Park, Mitchells  
31 Millpond State Natural Area, Mount Jefferson State Natural Area,  
32 Mount Mitchell State Park, Occonechee Mountain State Natural  
33 Area, Pettigrew State Park, Pilot Mountain State Park, Raven Rock  
34 State Park, Run Hill State Natural Area, Singletary Lake State Park,  
35 Theodore Roosevelt State Natural Area, and Weymouth  
36 Woods-Sandhills Nature Preserve.

37 (2) All lands and waters within the boundaries of William B. Umstead  
38 State Park as of ~~April 6, 1999~~, April 3, 2001, with the exception of  
39 Tract Number 65, containing 22.93140 acres as shown on a survey  
40 prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS),  
41 entitled "Property of The State of North Carolina William B. Umstead  
42 State Park", dated January 14, 1977 and filed in the State Property  
43 Office, which was removed from the State Nature and Historic  
44 Preserve by Chapter 450, Section 1 of the 1985 Session Laws. The

1 tract excluded from the State Nature and Historic Preserve under this  
2 subdivision is deleted from the State Parks System in accordance with  
3 G.S. 113-44.14. The State of North Carolina may only exchange this  
4 land for other land for the expansion of William B. Umstead State Park  
5 or sell and use the proceeds for that purpose. The State of North  
6 Carolina may not otherwise sell or exchange this land.

7 (3) Repealed by Session Laws 1999-268, s. 2.

8 (4) All lands within the boundaries of Morrow Mountain State Park as of  
9 ~~April 6, 1999, April 3, 2001,~~ with the exception of the following tract:  
10 That certain tract or parcel of land at Morrow Mountain State Park in  
11 Stanly County, North Albemarle Township, containing 0.303 acres,  
12 more or less, as surveyed and platted by Thomas W. Harris R.L.S., on  
13 a map dated August 27, 1988, and filed in the State Property Office,  
14 reference to which is hereby made for a more complete description.

15 (5) Repealed by Session Laws 1999-268, s. 2.

16 (6) All land within the boundaries of Crowders Mountain State Park as of  
17 ~~April 6, 1999, April 3, 2001,~~ with the exception of the following tract:  
18 The portion of that certain tract or parcel of land at Crowders  
19 Mountain State Park in Gaston County, Crowders Mountain  
20 Township, described in Deed Book 1939, page 800, and containing  
21 757.28 square feet and as shown in a survey by Tanner and  
22 McConnaughey, P.A. dated July 22, 1988 and filed in the State  
23 Property Office. The tract excluded from the State Nature and Historic  
24 Preserve under this subdivision is deleted from the State Parks System  
25 in accordance with G.S. 113-44.14. The State of North Carolina may  
26 only exchange this land for other land for the expansion of Crowders  
27 Mountain State Park or sell this land and use the proceeds for that  
28 purpose. The State may not otherwise sell or exchange this land.

29 (7) All lands owned in fee simple by the State at the New River Scenic  
30 River as of ~~April 6, 1999 with the exception of the following tract:~~  
31 ~~That certain tract or parcel of land at the New River Scenic River in~~  
32 ~~Alleghany County, Piney Creek Township, described in Deed Book~~  
33 ~~112, page 610, containing 16.54 acres, and consisting of lots #12~~  
34 ~~through #19 on the survey by Dudley and Zeh, R.L.S. dated September~~  
35 ~~21, 1979, recorded in Plat Book 4, Page 94, and filed in the State~~  
36 ~~Property Office.~~ April 3, 2001.

37 (8) All lands and waters within the boundaries of Stone Mountain State  
38 Park as of ~~April 6, 1999, April 3, 2001,~~ with the exception of the  
39 following ~~tract:~~ tracts: The portion of that certain tract or parcel of land  
40 at Stone Mountain State Park in Wilkes County, Traphill Township,  
41 described as parcel 33-02 in Deed Book 633-193, and more  
42 particularly described as all of the land in this parcel lying to the west  
43 of the eastern edge of the Air Bellows Road, as shown on the National  
44 Park Service Land Status Map 33 dated March 24, 1981 and filed in

1 the State Property Office, containing approximately 72 acres—acres;  
2 and the portion of that certain tract or parcel of land at Stone Mountain  
3 State Park in Alleghany County, Cherry Lane Township, described in  
4 Deed Book 219, page 543, and more particularly described as all of the  
5 land in this parcel lying north of the new division line on the survey by  
6 Andrews and Hobson Surveyors dated August 15, 2000, and entitled  
7 “Property Exchange Agreement for State of North Carolina and the  
8 United States of America”, and filed in the State Property Office. The  
9 ~~tract~~tracts excluded from the State Nature and Historic Preserve under  
10 this subdivision ~~is~~are deleted from the State Parks System in  
11 accordance with G.S. 113-44.14.

12 (9) All lands and waters located within the boundaries of the following  
13 State Historic Sites as of ~~January 1, 1999~~: April 3, 2001: Alamance  
14 Battleground, Charles B. Aycock Birthplace, Historic Bath, Bennett  
15 Place, Bentonville Battleground, Brunswick Town/Fort Anderson,  
16 C.S.S. Neuse and Governor Caswell Memorial, Charlotte Hawkins  
17 Brown Memorial, Duke Homestead, Historic Edenton, Fort Dobbs,  
18 Fort Fisher, Historic Halifax, Horne Creek Living Historical Farm,  
19 House in the Horseshoe, North Carolina Transportation Museum,  
20 James K. Polk Memorial, Reed Gold Mine, Somerset Place, Stagville,  
21 State Capitol, Town Creek Indian Mound, Tryon Palace Historic Sites  
22 & Gardens, Zebulon B. Vance Birthplace, and Thomas Wolfe  
23 Memorial.

24 (10) ~~All lands and waters within the boundaries of Gorges State Park as~~  
25 ~~shown on the map entitled "Boundaries of Gorges State Park" prepared~~  
26 ~~by the Division of Parks and Recreation, dated May 27, 1999, and filed~~  
27 ~~in the State Property Office, which lands and waters are a portion of~~  
28 ~~the lands and waters acquired by the State of North Carolina on April~~  
29 ~~29, 1999, the purchase of which was approved by the Council of State~~  
30 ~~at its meeting on March 2, 1999.~~

31 (11) ~~All lands and waters located within the boundaries of Eno River State~~  
32 ~~Park as of April 6, 1999, with the exception of the following tracts:~~  
33 ~~The portion of that tract or parcel of land at Eno River State Park in~~  
34 ~~Durham County, Lebanon Township, described in Deed Book 1626,~~  
35 ~~Page 854, required for the right of way and easements for the~~  
36 ~~expansion of Guess Road and more particularly described in a~~  
37 ~~Department of Transportation drawing entitled "Sketch Showing a~~  
38 ~~Portion of the Property of State of North Carolina, North Carolina~~  
39 ~~Parks and Recreation, Durham County", for TIP U 2102, Project~~  
40 ~~8.1351302, parcel 155, dated June 8, 1999 and filed in the State~~  
41 ~~Property Office; and the portion of that tract or parcel of land at Eno~~  
42 ~~River State Park in Durham County, Lebanon Township, described in~~  
43 ~~Deed Book 1945, Page 773, required for the right of way and~~  
44 ~~easements for the expansion of Guess Road and more particularly~~

1 described in a Department of Transportation drawing entitled "Sketch  
2 Showing Proposed Right of Way, Property of State of North Carolina  
3 (Formerly Association for the Preservation of the Eno), Durham  
4 County" for TIP U-2102, Project 8.1351302, parcels 159 and 163,  
5 dated June 1, 1999 and filed in the State Property Office. These two  
6 tracts excluded from the State Nature and Historic Preserve under this  
7 subdivision are deleted from the State Parks System in accordance  
8 with G.S. 113-44.14.

9 (12) All lands and waters located within the boundaries of Hanging Rock  
10 State Park as of ~~April 6, 1999~~, April 3, 2001, with the exception of the  
11 following tract: The portion of that tract or property at Hanging Rock  
12 State Park in Stokes County, Danbury Township, described in Deed  
13 Book 360, Page 160, for a 30-foot wide right-of-way beginning  
14 approximately 183 feet south of SR 1001 and extending in a southerly  
15 direction approximately 1,479 feet to the southwest corner of the  
16 Bobby Joe Lankford tract and more particularly shown on a survey  
17 entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes  
18 County, N.C.", by Grinski Surveying Company, dated June 1985, and  
19 filed in the State Property Office. The tract excluded from the State  
20 Nature and Historic Preserve under this subdivision is deleted from the  
21 State Parks System in accordance with G.S. 113-44.14.

22 (13) All lands and waters located within the boundaries of South Mountains  
23 State Park as of ~~April 6, 1999~~, April 3, 2001, with the exception of the  
24 following tracts: The portion of that tract or property at South  
25 Mountains State Park in Burke County, Lower Creek Township,  
26 described in Deed Book 862, Page 1471, required for the right-of-way  
27 and easements for the relocation of SR 1904 within the park and lying  
28 generally between the Rutherford Electric Membership Corporation  
29 right-of-way and the southern property boundary of the park, as  
30 described in the drawing entitled "Survey for State of North Carolina",  
31 dated January 28, 1999, prepared by Suttles Surveying, P.A., bearing  
32 the preparer's file name 12455.dwg and filed in the State Property  
33 Office; and the portions of land at South Mountains State Park that lie  
34 south of the centerline of the CCC road as shown on the drawing  
35 entitled "Land Trade between South Mountains State Park and  
36 Adjacent Game Lands along CCC Road" prepared by the Division of  
37 Parks and Recreation, dated March 15, 1999, and filed in the State  
38 Property Office and that lie within: (i) the tract or property in Burke  
39 County, Lower Fork Township, described in Deed Book 495, Page  
40 501; (ii) the tract or property in Burke County, Lower Fork and Upper  
41 Fork Townships, described in Deed Book 715, Page 719; or, (iii)  
42 within the tracts or property in Burke County, Upper Fork Township,  
43 described in Deed Book 860, Page 341, and Deed Book 884, Page  
44 1640. The tracts excluded from the State Nature and Historic Preserve

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

6 (14) All lands and waters within the boundaries of Bushy Lake State  
7 Natural Area as of April 3, 2001, with the exception of the following  
8 tract: The portion of that certain tract or parcel at Bushy Lake State  
9 Natural Area in Beaver Dam Township, Cumberland County,  
10 described in Deed Book 3588, Page 583, and shown as the 0.58 acre  
11 parcel within tract 2 on the Recombination Survey for the State of  
12 North Carolina by Lewis G. Paschal, Professional Land Surveyor,  
13 dated April 1989 and December 2000, and filed in the State Property  
14 Office. The tract excluded from the State Nature and Historic Preserve  
15 under this subdivision is deleted from the State Parks System pursuant  
16 to G.S. 113-44.14. The State of North Carolina may only exchange this  
17 land for other land for the expansion of Bushy Lake State Natural Area  
18 or sell this land and use the proceeds for that purpose. The State may  
19 not otherwise sell or exchange this land.

20 (15) All lands and waters within the boundaries of Jockey's Ridge State  
21 Park as of April 3, 2001, with the exception of the following tracts:  
22 The portion of that certain tract or parcel of land at Jockey's Ridge  
23 State Park in Dare County, Nags Head Township, described in Deed  
24 Book 227, page 501, and containing 33,901 square feet as shown on  
25 the survey prepared by Styons Surveying Services entitled "Raw  
26 Water Well Site 13 Jockey's Ridge State Park" dated March 7, 2001,  
27 and filed in the State Property Office; the portion of that certain tract  
28 or parcel of land at Jockey's Ridge State Park in Dare County, Nags  
29 Head Township, described in Deed Book 222, page 726, and  
30 containing 42,909 square feet as shown on the survey prepared by  
31 Styons Surveying Services entitled "Raw Water Well Site 14 Jockey's  
32 Ridge State Park" dated March 7, 2001, and filed in the State Property  
33 Office; and the portion of that certain tract or parcel of land at Jockey's  
34 Ridge State Park in Dare County, Nags Head Township, described in  
35 Deed Book 265, page 306, and containing 34,471 square feet as shown  
36 on the survey prepared by Styons Surveying Services entitled "Raw  
37 Water Well Site 15 Jockey's Ridge State Park" dated March 7, 2001,  
38 and filed in the State Property Office."

39 **SECTION 3.** This act is effective when it becomes law.