

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 1607*
Committee Substitute Favorable 6/1/04**

Short Title: State Nat. & Hist. Preserve Removals.

(Public)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

1
2 AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL
3 AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE
4 STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE
5 WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO
6 REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED
7 WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS
8 SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED
9 TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE
10 HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
11 COMMISSION.

12 Whereas, Section 5 of Article XIV of the Constitution of North Carolina
13 authorizes the dedication of State and local government properties as part of the State
14 Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of
15 the members of each house of the General Assembly and provides for removal of
16 properties from the State Nature and Historic Preserve by a law enacted by a three-fifths
17 vote of the members of each house of the General Assembly; and

18 Whereas, the General Assembly enacted the State Nature and Historic
19 Preserve Dedication Act, Chapter 443 of the 1973 Session Laws, to prescribe the
20 conditions and procedures under which properties may be specifically dedicated for the
21 purposes set out in Section 5 of Article XIV of the Constitution of North Carolina; and

22 Whereas, G.S. 113-44.14 provides for additions to, and deletions from, the
23 State Parks System upon authorization by the General Assembly; Now, therefore,
24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** The following tracts of land are removed from the State Nature
26 and Historic Preserve pursuant to Section 5 of Article XIV of the Constitution of North
27 Carolina: The portion of that certain tract or parcel of land at Hemlock Bluffs State
28 Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461,
29 Page 037, containing 2,025 square feet and being the portion of this tract shown as

1 proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way
2 Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from
3 Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of
4 Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
5 Property Office; and the portion of those certain tracts or parcels of land at Hemlock
6 Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed
7 Book 4670, Page 420, containing 24,092 square feet and being the portion of these
8 tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled
9 "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road
10 (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's
11 file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed
12 with the State Property Office.

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

14 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

- 17 (1) All lands and waters within the boundaries of the following units of
18 the State Parks System as of 6 May 2003: Baldhead Island State
19 Natural Area, Bay Tree Lake State Park, Beech Creek Bog State
20 Natural Area, Bullhead Mountain State Natural Area, Bushy Lake
21 State Natural Area, Carolina Beach State Park, Cliffs of the Neuse
22 State Park, Chowan Swamp State Natural Area, Dismal Swamp State
23 Natural Area, Elk Knob State Natural Area, Fort Fisher State
24 Recreation Area, Fort Macon State Park, Goose Creek State Park,
25 Gorges State Park, Hammocks Beach State Park, ~~Hemlock Bluffs State~~
26 ~~Natural Area~~, Jones Lake State Park, Lake James State Park, Lake
27 Norman State Park, Lake Waccamaw State Park, Lea Island State
28 Natural Area, Lumber River State Park, Medoc Mountain State Park,
29 Merchants Millpond State Park, Mitchells Millpond State Natural
30 Area, Mount Mitchell State Park, Occoneechee Mountain State
31 Natural Area, Pettigrew State Park, Pilot Mountain State Park, Raven
32 Rock State Park, Run Hill State Natural Area, Singletary Lake State
33 Park, Theodore Roosevelt State Natural Area, and Weymouth
34 Woods-Sandhills Nature Preserve.

35 ...

- 36 (18) All land and waters within the boundaries of Hemlock Bluffs State
37 Natural Area as of 6 May 2003, with the exception of the following
38 tracts: The portion of that certain tract or parcel of land at Hemlock
39 Bluffs State Natural Area in Wake County, Swift Creek Township,
40 described in Deed Book 2461, Page 037, containing 2,025 square feet
41 and being the portion of this tract shown as proposed R/W on the
42 drawing prepared by Titan Atlantic Group entitled "Right of Way
43 Acquisition Map for Town of Cary Widening of Kildaire Farm Road
44 (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3

1 bearing the preparer's file name Town of Cary Case File No. TOC
2 01-37, dated 26 September 2003, and filed with the State Property
3 Office; and the portion of those certain tracts or parcels of land at
4 Hemlock Bluffs State Natural Area in Wake County, Swift Creek
5 Township, described in Deed Book 4670, Page 420, containing 24,092
6 square feet and being the portion of these tracts shown as proposed
7 R/W on the drawing prepared by Titan Atlantic Group entitled "Right
8 of Way Acquisition Map for Town of Cary Widening of Kildaire Farm
9 Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3
10 bearing the preparer's file name Town of Cary Case File No. TOC
11 01-37, dated 26 September 2003, and filed with the State Property
12 Office. The tracts excluded from the State Nature and Historic
13 Preserve under this subdivision are deleted from the State Parks
14 System pursuant to G.S. 113-44.14. The State of North Carolina may
15 only exchange this land for other land for the expansion of Hemlock
16 Bluffs State Natural Area or sell this land and use the proceeds for that
17 purpose. The State may not otherwise sell or exchange this land."

18 **SECTION 3.** The following tract is removed from the State Parks System
19 pursuant to G.S. 113-44.14: The portion of that certain tract or parcel of land at Pilot
20 Mountain State Park in Surry County, Shoals Township, described in Plat Book 21,
21 Page 76, containing 104.280 acres, and shown as the "Horne Creek Living Historical
22 Park" on the drawing prepared by Joe L. Cooke, bearing the preparer's file name Dwg.
23 3/331, dated 23 March 2004, and filed with the State Property Office. This property
24 may be reallocated to the Department of Cultural Resources for its use of the property
25 as the Horne Creek Living Historical Farm State Historic Site. This property will
26 remain in the State Nature and Historic Preserve.

27 **SECTION 4.** In accordance with G.S. 143-260.8(e), the Secretary of State is
28 directed to forward a certified copy of this act to the register of deeds of each county in
29 which any portion of the property removed from the State Nature and Historic Preserve
30 by this act is located.

31 **SECTION 5.** This act is effective when it becomes law.