

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS15241-RIz-9 (4/2)

Short Title: State Nat. & Hist. Preserve Removals. (Public)

Sponsors: Senator Horton.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND
3 HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM
4 THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE
5 ENVIRONMENTAL REVIEW COMMISSION.

6 Whereas, Section 5 of Article XIV of the Constitution of North Carolina
7 authorizes the dedication of State and local government properties as part of the State
8 Nature and Historic Preserve upon acceptance by a law enacted by a three-fifths vote of
9 the members of each house of the General Assembly and provides for removal of
10 properties from the State Nature and Historic Preserve by a law enacted by a three-fifths
11 vote of the members of each house of the General Assembly; and

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

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

19 **SECTION 1.** G.S. 143-260.10 reads as rewritten:

20 **"§ 143-260.10. Components of State Nature and Historic Preserve.**

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

- 23 (1) All lands and waters within the boundaries of the following units of
24 the State Parks System as of 6 May 2003: Baldhead Island State
25 Natural Area, Bay Tree Lake State Park, Beech Creek Bog State
26 Natural Area, Bullhead Mountain State Natural Area, Bushy Lake
27 State Natural Area, Carolina Beach State Park, Cliffs of the Neuse

1 State Park, Chowan Swamp State Natural Area, Dismal Swamp State
 2 Natural Area, Elk Knob State Natural Area, Fort Fisher State
 3 Recreation Area, Fort Macon State Park, Goose Creek State Park,
 4 Gorges State Park, Hammocks Beach State Park, ~~Hemlock Bluffs State~~
 5 ~~Natural Area~~, Jones Lake State Park, Lake James State Park, Lake
 6 Norman State Park, Lake Waccamaw State Park, Lea Island State
 7 Natural Area, Lumber River State Park, Medoc Mountain State Park,
 8 Merchants Millpond State Park, Mitchells Millpond State Natural
 9 Area, Mount Mitchell State Park, Occoneechee Mountain State
 10 Natural Area, Pettigrew State Park, Pilot Mountain State Park, Raven
 11 Rock State Park, Run Hill State Natural Area, Singletary Lake State
 12 Park, Theodore Roosevelt State Natural Area, and Weymouth
 13 Woods-Sandhills Nature Preserve.

14 ...

15 (18) All land and waters within the boundaries of Hemlock Bluffs State
 16 Natural Area as of May 6, 2003, with the exception of the following
 17 tracts: The portion of that certain tract or parcel of land at Hemlock
 18 Bluffs State Natural Area in Wake County, Swift Creek Township,
 19 described in Deed Book 2461, Page 037, containing 2,025 square feet
 20 and being the portion of this tract shown as proposed R/W on the
 21 drawing prepared by Titan Atlantic Group entitled "Right of Way
 22 Acquisition Map for Town of Cary Widening of Kildaire Farm Road
 23 (SR 1300) from Autumgate Drive to Palace Green" sheet 1 of 3
 24 bearing the preparer's file name Town of Cary Case File No. TOC
 25 01-37, dated 26 September 2003, and filed with the State Property
 26 Office; and the portion of those certain tracts or parcels of land at
 27 Hemlock Bluffs State Natural Area in Wake County, Swift Creek
 28 Township, described in Deed Book 4670, Page 420, containing 24,092
 29 square feet and being the portion of these tracts shown as proposed
 30 R/W on the drawing prepared by Titan Atlantic Group entitled "Right
 31 of Way Acquisition Map for Town of Cary Widening of Kildaire Farm
 32 Road (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3
 33 bearing the preparer's file name Town of Cary Case File No. TOC
 34 01-37, dated 26 September 2003, and filed with the State Property
 35 Office. The tracts excluded from the State Nature and Historic
 36 Preserve under this subdivision are deleted from the State Parks
 37 System pursuant to G.S. 113-44.14. The State of North Carolina may
 38 only exchange this land for other land for the expansion of Hemlock
 39 Bluffs State Natural Area or sell this land and use the proceeds for that
 40 purpose. The State may not otherwise sell or exchange this land."

41 **SECTION 2.** The following tracts of land are removed from the State Nature
 42 and Historic Preserve pursuant to Section 5 of Article XIV of the Constitution of North
 43 Carolina: The portion of that certain tract or parcel of land at Hemlock Bluffs State
 44 Natural Area in Wake County, Swift Creek Township, described in Deed Book 2461,

1 Page 037, containing 2,025 square feet and being the portion of this tract shown as
2 proposed R/W on the drawing prepared by Titan Atlantic Group entitled "Right of Way
3 Acquisition Map for Town of Cary Widening of Kildaire Farm Road (SR 1300) from
4 Autumgate Drive to Palace Green" sheet 1 of 3 bearing the preparer's file name Town of
5 Cary Case File No. TOC 01-37, dated 26 September 2003, and filed with the State
6 Property Office; and the portion of those certain tracts or parcels of land at Hemlock
7 Bluffs State Natural Area in Wake County, Swift Creek Township, described in Deed
8 Book 4670, Page 420, containing 24,092 square feet and being the portion of these
9 tracts shown as proposed R/W on the drawing prepared by Titan Atlantic Group entitled
10 "Right of Way Acquisition Map for Town of Cary Widening of Kildaire Farm Road
11 (SR 1300) from Autumgate Drive to Palace Green" sheet 3 of 3 bearing the preparer's
12 file name Town of Cary Case File No. TOC 01-37, dated 26 September 2003, and filed
13 with the State Property Office.

14 **SECTION 3.** The following tract is removed from the State Parks System
15 pursuant to G.S. 113-44.14: The portion of that certain tract or parcel of land at Pilot
16 Mountain State Park in Surry County, Shoals Township, described in Plat Book 21,
17 Page 76, containing 104.280 acres, and shown as the "Horne Creek Living Historical
18 Park" on the drawing prepared by Joe L. Cooke, bearing the preparer's file name Dwg.
19 3/330, dated 23 March 2004, and filed with the State Property Office. This property
20 may be reallocated to the Department of Cultural Resources for its use of the property
21 as the Horne Creek Farm State Historic Site. This property will remain in the State
22 Nature and Historic Preserve.

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

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