



2015-2016 General Assembly

SENATE BILL 124: Assumed Business Name/Industrial Commission Contempt/Parks, Part IV: Remove Property From State Nature and Historic Preserve and Authorize Deletion of Properties from State Park System

Committee:
Introduced by:
Analysis of: Part IV of S.L. 2016-100

Date: July 29, 2016
Prepared by: Brad Krehely
Staff Attorney

OVERVIEW: *Part IV of S.L. 2016-100 removes several small tracts from the State Nature and Historic Preserve and from the State Parks System to resolve deed overlaps, to allow for minor road relocations and utility easements, and to improve park management.*

This part became effective July 18, 2016.

CURRENT LAW: Section 5 of Article XIV of the Constitution of North Carolina provides for addition of properties to and removal of properties from the State Nature and Historic Preserve by a law enacted by a three-fifths vote of the members of each house of the General Assembly. The Preserve is intended to insure that lands and waters acquired and preserved for public park, recreation, conservation, and historic preservation purposes continue to be used for these purposes. Upon inclusion in the Preserve, these lands may not be used for other purposes except as authorized by a law enacted by a vote of three-fifths of the members of each house. G.S. 143-260.10 lists the current components of the Preserve.

G.S. 143B-135.54 provides conditions and procedures for additions to, and deletions from, the State Parks System that must be authorized by the General Assembly. The State Parks Act requires a majority vote of the General Assembly to remove a park or any part from the State Parks System. Most of the land within the State Parks System is included in the State Nature and Historic Preserve.

BILL ANALYSIS: This section deletes several small tracts from the State Nature and Historic Preserve and/or the State Parks System. The deletions resolve deed overlaps, allow for minor road relocations and utility easements, and improve park management. Specifically, this section deletes the following:

- A 4.2 acre parcel from **Gorges State Park** from the Preserve and the State Parks System to facilitate an exchange of land with an adjacent property owner.
- A .6 acre parcel from **Jockey's Ridge State Park** from the Preserve to allow a buried power transmission cable that crosses Jockey's Ridge and provides a power source between Nags Head and Roanoke Island to remain permanently.
- A .008 acre parcel from **Mitchell's Mill State Natural Area** from the Preserve and the State Parks System to provide the Department of Transportation a right-of-way needed for a bridge replacement project over Cedar Fork Creek in eastern Wake County.
- A 2.63 acre parcel from **Hanging Rock State Park** to correct several issues revealed by a boundary survey.

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Trina Griffin, staff attorney, substantially contributed to this summary.