



SENATE BILL 545: State Nature and Historic Preserve Adds/Dels.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 26, 2017
Introduced by:	Sens. Hise, Britt	Prepared by:	Jennifer McGinnis Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 545 would remove two parcels from the State Nature and Historic Preserve (Preserve).*

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. 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. G.S. 143-260.10 lists the current components of the Preserve.

BACKGROUND: Properties were last accepted into the Preserve in 2014. Since that time over 7,900 acres have been added to the North Carolina Park System. The Council of State is scheduled to meet on May 2, 2017 to petition the General Assembly to accept into the Preserve various State parklands and historic sites. The petition is slated to also include a request to delete certain parcels from dedication in the Preserve for various reasons (in order to improve the management of units, allow for existing road relocations, allow for utility easements and cell towers, etc).

BILL ANALYSIS: The bill would except from dedication and/or delete from the Preserve two parcels as follows:

- Lumber River State Park: This clause excepts two small tracts totaling approximately 1.2 acres needed for an exchange of property with the adjacent church. When survey work was done on a recent addition to the State Park, graves from the church’s cemetery were found on State Park property. This property will be exchanged for frontage along the Lumber River.
- Carvers Creek State Park: This clause excepts two areas totaling approximately 0.33 acres for a non-exclusive access easement across State-owned lands. The access easement, known as “Elliot Road”, was in existence prior to State ownership, and its use was prescriptive. However, the adjoining landowner requested a permanent recorded easement for insurance purposes.

EFFECTIVE DATE: This bill would be effective when it becomes law.

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