

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE DRS65182-LE-6A (1/17)**

Short Title: Use of State Prop./Blount St. Historic Dist. (Public)

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Sponsors: Senator Rand.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE  
BLOUNT STREET HISTORIC DISTRICT.

Whereas, the North Carolina Capital Planning Commission adopted a master plan for the State government complex in Raleigh; and

Whereas, recommendations in the master plan for the Blount Street Historic District include: (i) the introduction of residential land uses, (ii) infill along Blount Street with structures equal to the quality of existing structures, (iii) the systematic removal of most State offices from the existing structures, and (iv) the adaptive reuse for private residences of structures previously used for State office space; and

Whereas, implementation of the master plan will result in (i) the moving of State offices to more efficient structures, (ii) the preservation of historical structures and the historic district, and (iii) the revitalization of the area consistent with the principles of smart growth development; and

Whereas, the adaptation of property in this area to mixed residential and business use should be accomplished by the private sector and not by State government;

Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Modification of the Capital Area Master Plan to provide for the sale of certain properties. – Prior to May 1, 2004, the Department of Administration and the Capital Planning Commission shall modify the Capital Area Master Plan for State Government to provide for the sale to private or public entities of State-owned properties within and adjacent to the Blount Street Historic District, an area bordered by North Person Street, Jones Street, North Wilmington Street, and Peace Street, except for the Leonidas Lafayette Polk House, on Blount Street, which shall be excluded from the sales provisions hereof. The sales shall take place at such times as the Department of

1 Administration determines that land is no longer needed for State purposes and that it is  
2 in the best interest of the State that the land be sold.

3 **SECTION 1.(b)** Preservation or conservation agreements required on all  
4 sales. – The sale of property in this area shall be subject to preservation or conservation  
5 agreements as defined in G.S. 121-35 that ensure that the use of the property is  
6 consistent with the historic and architectural character of the district. The Historic  
7 Preservation Foundation of North Carolina, Inc., shall be a party to all preservation or  
8 conservation agreements entered into pursuant to this act. The Historic Preservation  
9 Foundation of North Carolina, Inc., is authorized to enforce such agreements in  
10 accordance with G.S. 121-39.

11 **SECTION 1.(c)** Procedures for the sale of properties. – Due to (i) the  
12 significant architectural, archaeological, artistic, cultural, or historical associations of  
13 these properties, (ii) the properties' relationship to other property that is significant for  
14 architectural, archaeological, artistic, cultural, or historical associations, and (iii) the  
15 requirement that a preservation agreement or conservation agreement as defined in G.S.  
16 121-35 is placed in the deed conveying said property from the State, these properties  
17 shall be sold by private negotiation and sale, and all such sales shall be approved by the  
18 State Property Office.

19 When a property available for sale is not to be sold and used as a private  
20 residence, advertisement of the availability of that property for sale shall occur at least  
21 45 days prior to any private negotiations for the sale of that property. Also, an  
22 announcement of the terms of the proposed sale and an opportunity for public comment  
23 on the proposed sale shall occur at least 45 days prior to the sale.

24 When a property available for sale is to be sold and used as a private  
25 residence, advertisement of the availability of that property for sale shall occur at least  
26 45 days prior to any private negotiations for the sale of that property. The property may  
27 then be sold without a 45-day public comment period.

28 The Department of Administration shall use the services of the Historic  
29 Preservation Foundation of North Carolina, Inc., to assist it in the administration of this  
30 act.

31 **SECTION 2.** Use of the net proceeds of sales. – The net proceeds of any  
32 sale made in accordance with this act shall be handled in the following priority order:

- 33 (1) The funds shall be used in accordance with the provisions of any trust  
34 or other instrument of title under which title to the real property was  
35 acquired by the State. The term "net proceeds" means the gross  
36 amount received from the sale of any such property less any expenses  
37 incurred incident to that sale, subject to regulations adopted by the  
38 Governor and approved by the Council of State.
- 39 (2) The next ten million dollars (\$10,000,000) of the funds shall be placed  
40 in a special trust fund in the Department of State Treasurer, hereinafter  
41 to be held in trust and used solely for the upkeep, repair, and  
42 maintenance of State-owned properties not to be sold hereunder and  
43 located within the Blount Street Historic District. The State Treasurer,  
44 as custodian of the special trust fund, shall authorize the use of interest

1 earned by the special trust fund only for such purposes approved by  
2 the Governor and the Secretary of Cultural Resources. The State  
3 Treasurer shall authorize the use of the principal only as authorized by  
4 the General Assembly and approved by the Governor and the  
5 Secretary of Cultural Resources.

6 (3) The remainder of the funds shall be deposited in the General Fund.

7 **SECTION 3.(a)** Establishment of the Blount Street Historic District  
8 Oversight Committee. – The Blount Street Historic District Oversight Committee is  
9 established in the Office of the Governor.

10 **SECTION 3.(b)** Membership of the Committee. – The Committee shall  
11 consist of six members appointed as follows:

12 (1) Two members appointed by the Governor, one of whom shall be a  
13 person with experience in urban planning;

14 (2) Two members appointed by the President Pro Tempore of the Senate,  
15 one of whom shall be a person with experience in historic  
16 preservation; and

17 (3) Two members appointed by the Speaker of the House of  
18 Representatives, one of whom shall be a resident of Historic Oakwood  
19 in Raleigh.

20 In making initial appointments to the Committee, the appointing officers shall  
21 designate one appointee to serve for a term of four years ending July 1, 2007, and one a  
22 term of six years ending July 1, 2009. Subsequent terms shall be for four years. A  
23 member shall continue to serve until the member's successor is appointed. A vacancy  
24 shall be filled for the remainder of the term by the officer who made the original  
25 appointment.

26 In making all appointments, the appointing officer shall consider the unique  
27 historic and architectural nature of the area and shall appoint people who are dedicated  
28 to preserving it.

29 **SECTION 3.(c)** Purpose of the Committee. – The purpose of the Committee  
30 shall be to monitor the implementation of this act.

31 **SECTION 4.** Implementation plan for this act. – Prior to September 1, 2003,  
32 the Department of Administration shall submit to the Blount Street Historic District  
33 Oversight Committee a plan for the implementation of this act and a schedule for  
34 implementation of the plan. The plan shall provide for the sale of any property that is  
35 vacant for more than three months. The plan may also provide for the sale of property  
36 in separate parcels.

37 **SECTION 5.** G.S. 143B-79 reads as rewritten:

38 "§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.

39 There is hereby created the Executive Mansion Fine Arts Committee. The Executive  
40 Mansion Fine Arts Committee shall have the following functions and duties:

41 (1) To advise the Secretary of Cultural Resources on the preservation and  
42 maintenance of the Executive Mansion located at 200 North Blount  
43 Street, Raleigh, North Carolina;

- 1 (2) To encourage gifts and objects of art, furniture and articles of  
2 historical value for furnishing the Executive Mansion, and advise the  
3 Secretary of Cultural Resources on major changes in the furnishings of  
4 the Mansion;
- 5 (3) To make recommendations to the Secretary of Cultural Resources  
6 concerning major renovations necessary to preserve and maintain the  
7 structure;
- 8 (4) To aid the Secretary of Cultural Resources in keeping a complete list  
9 of all gifts and articles received together with their history and value;
- 10 (4a) To advise the Secretary of Cultural Resources on the use of funds from  
11 the special trust fund held in trust by the State Treasurer for the  
12 upkeep, repair, and maintenance of State-owned property located  
13 within the Blount Street Historic District to the extent that such funds  
14 are to be used for the upkeep, repair, and maintenance of the Executive  
15 Mansion. These funds shall not be expended without the approval of  
16 the Committee;
- 17 (5) No gifts or articles shall be accepted for the Executive Mansion  
18 without the approval of the Committee;
- 19 (6) The Committee shall advise the Secretary of Cultural Resources upon  
20 any matter the Secretary may refer to it; and
- 21 (7) The Committee may dispose of property held in the Executive  
22 Mansion after consultation with a review committee comprised of one  
23 person from the Executive Mansion Fine Arts Committee, appointed  
24 by its chairman; one person from the Department of Administration  
25 appointed by the Secretary of Administration; and two qualified  
26 professionals from the Department of Cultural Resources, Division of  
27 Archives and History, appointed by the Secretary of Cultural  
28 Resources. Upon request of the Executive Mansion Fine Arts  
29 Committee, the review committee will view proposed items for  
30 disposition and make a recommendation to the North Carolina  
31 Historical Commission who will make a final decision. The Historical  
32 Commission must consider whether the disposition is in the best  
33 interest of the State of North Carolina. If such property is sold, (i)  
34 if the records with regard to the property reflect that it was acquired by  
35 the State by gift or devise the net proceeds of each such sale shall be  
36 deposited in the State Treasury to the credit of the Executive Mansion,  
37 Special Fund, and shall be used only for the purchase, conservation,  
38 restoration or repair of other property for use in the Executive Mansion  
39 and; (ii) if the records with regard to the property reflect that the  
40 property was acquired by the State by purchase with appropriated  
41 funds or do not show the manner of acquisition, the net proceeds of  
42 such sale shall be deposited in the General Fund."

43 **SECTION 6.** This act is effective when it becomes law.