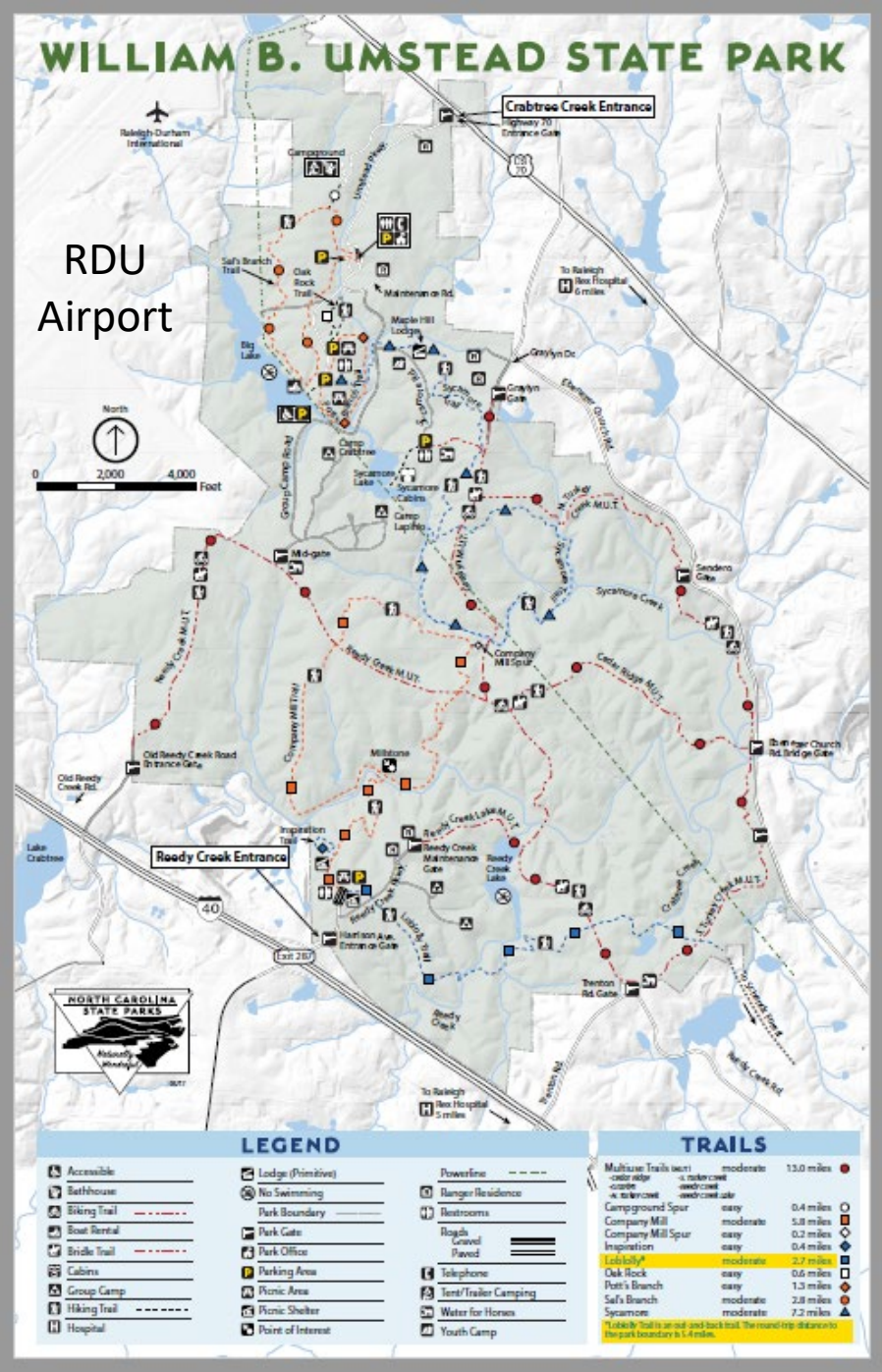


Border Encroachment by RDU Airport into the William B. Umstead State Park

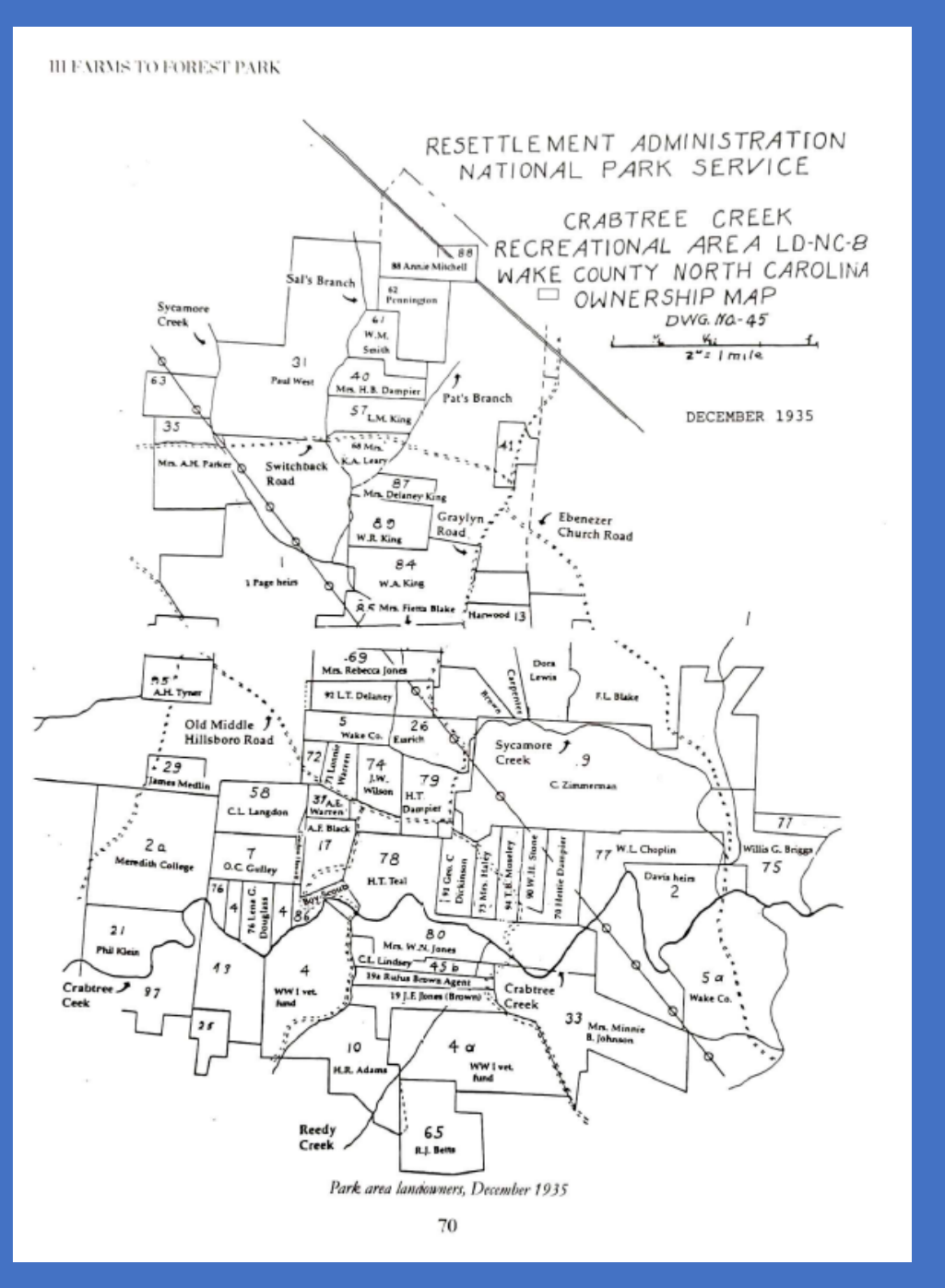
*RDU Airport has taken Umstead State Park land
and leased it to Wake Stone Corporation
for an open mine rock quarry pit*

March 11, 2024

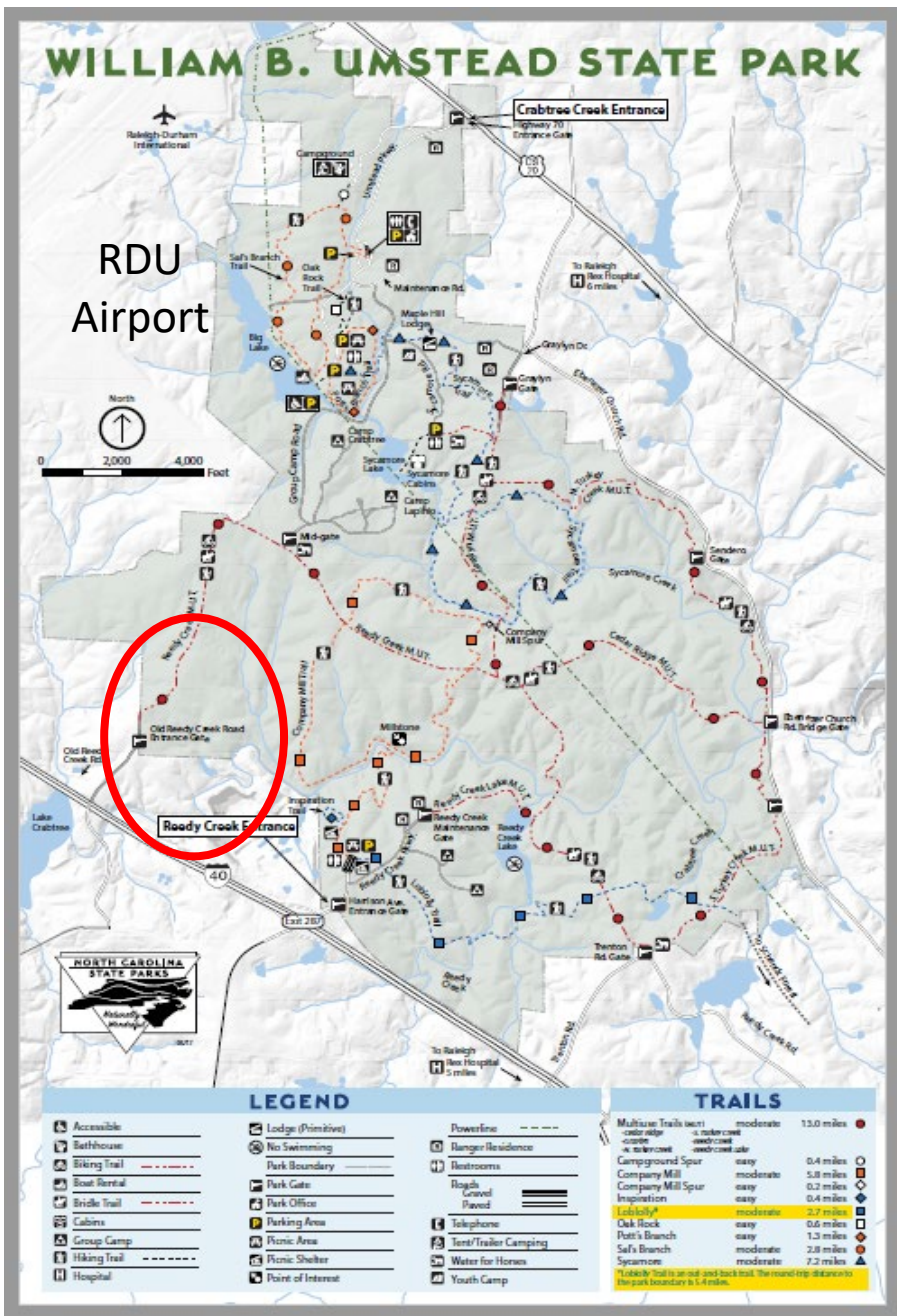
By Natalie Lew, MA with input from Dr. Jean Spooner



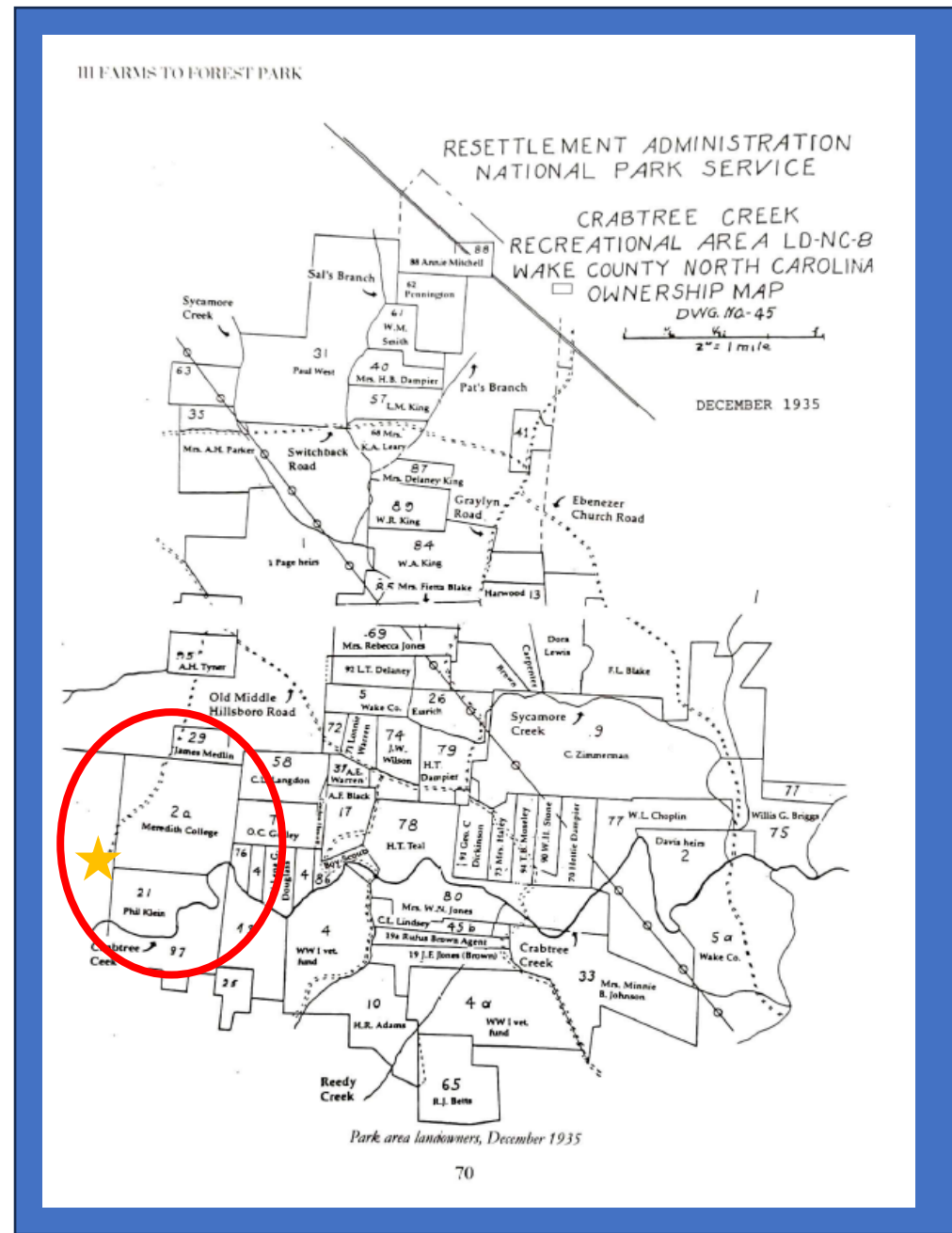
O R I E N T A T I O N



Area of Interest



Tracts of Interest: 2a and 21



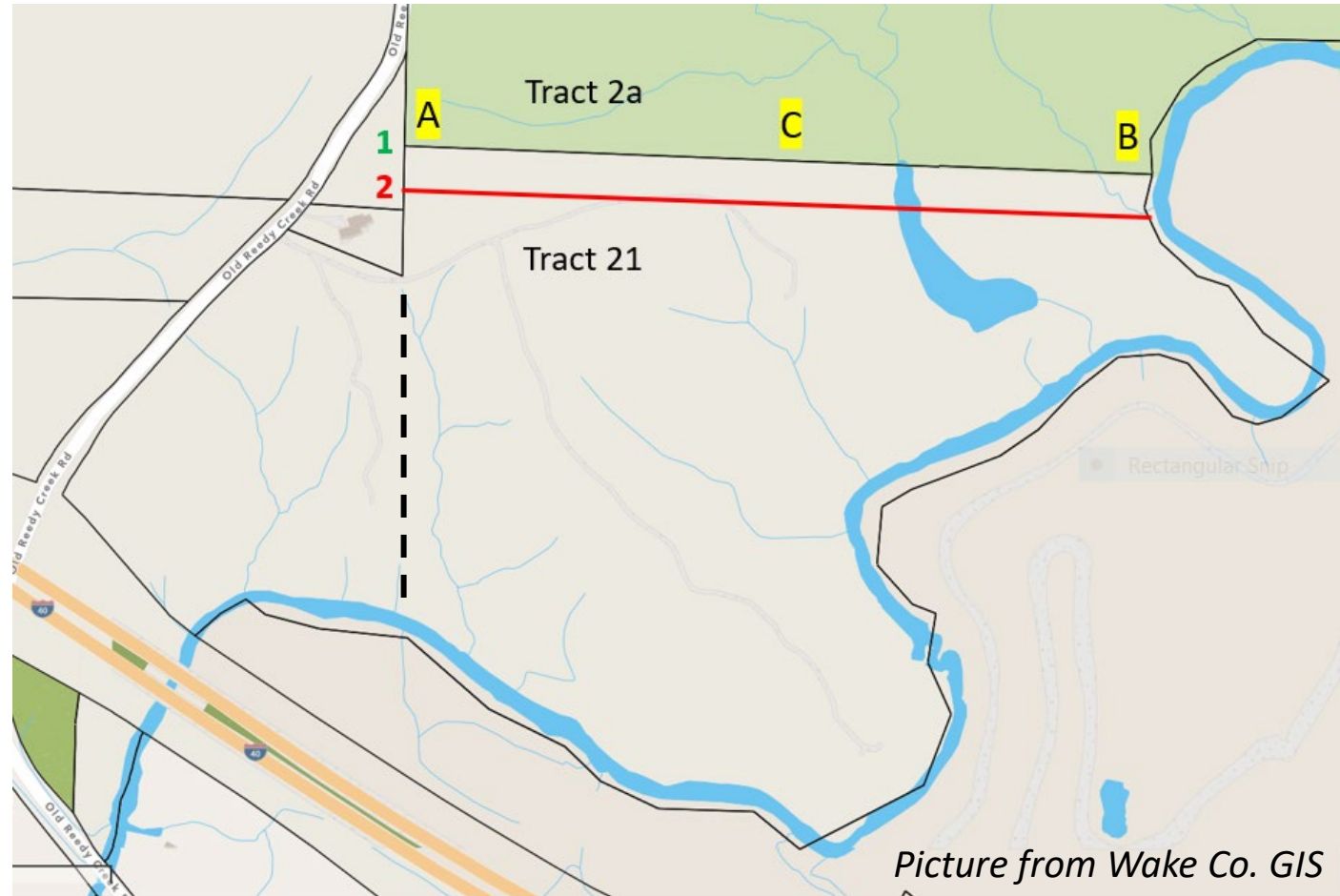
★ Border of Interest = the common border between Tract 2a and Tract 21

The problem:

Where exactly in the North-South plane is the common border of Tract 2a (part of Umstead State Park) and Tract 21 (public land on Umstead State Park's critical acquisition list but "managed" by the Raleigh Durham Airport Authority (RDUAA) and who has leased it to Wake Stone for an open mine pit)?

The answer boils down to these questions:

- A. *Where is the Southwest corner of Tract 2a (aka the Northwest corner of Tract 21)?***
- B. *Where is the Southeast corner of Tract 2a (aka the Northeast corner of Tract 21)?***
- C. *What is the length of the Southern border of Tract 2a (aka the Northern boundary Tract 21)?***
- The following information will show that the common border is in Position #2 as shown in the picture to the right and that Position 1 (as depicted on Wake County GIS) is wrong. It is critical to resolve the border issue ASAP as Wake Stone will soon start deforesting and mining land that belongs to Umstead State Park.**



Picture from Wake Co. GIS

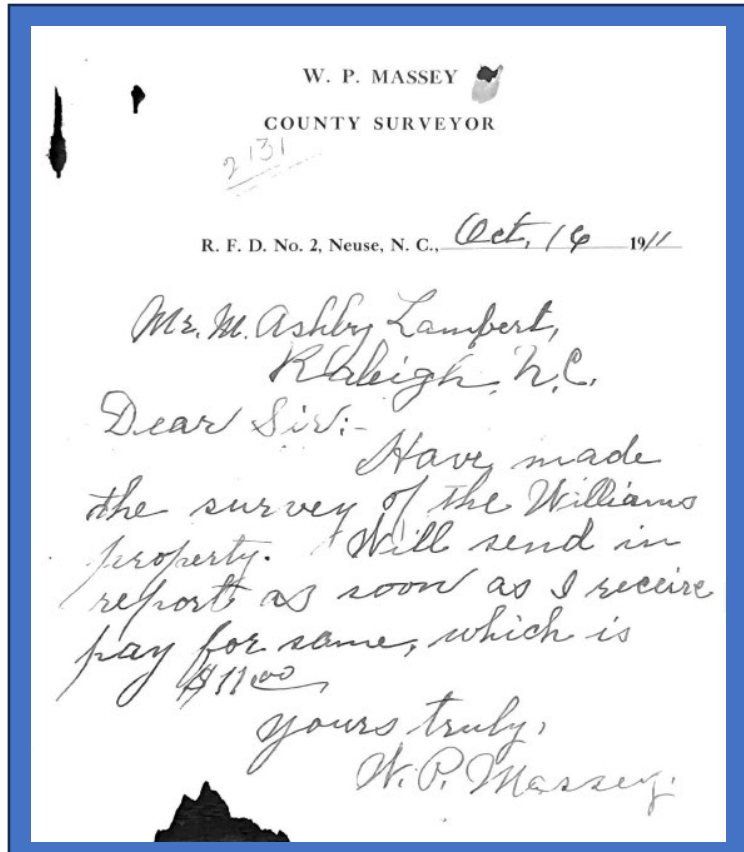
Question A:

**Where is the Southwest corner of Tract 2a
(aka the Northwest corner of Tract 21, Odd Fellows)?**

Land Tract 2a

- Purchased at courthouse auction by Coy C. Jordan in Nov/1911 as part of an estate sale.
- In Oct/2011, prior to the estate sale, a border survey (metes and bounds) was done. No map has been located, to date.

Oct/1911 bill
for border
survey of
Tract 2a.



WAKE COUNTY LAND FOR SALE

Pursuant to an order of the Superior Court of Wake County, made in the special proceeding entitled Mary Emily Jordan et al. ex parte, and being numbered 1755 on the Special Proceedings Docket of said county, the undersigned will on

SATURDAY, NOVEMBER 25, 1911

at 12 o'clock, at the Court House Door in the
City of Raleigh, N. C.

offer for sale to the highest bidder for cash, the following described land lying in Wake County, to-wit: Lying on the North side of Crabtree Creek in Cedar Fork Township, beginning at J. P. H. Adams' corner in C. L. Duke's line; thence N. 4° 30' E. 3120 feet to a stake Duke's corner in Page's line; thence S. 85° E. 3025 feet to a mulberry stump House's corner; thence S. 4° 30' W. 2650 feet to a red oak on Crabtree Creek at the point of a large rock; thence up said creek 950 feet to pointers, J. P. H. Adams' corner; thence N. 85° W. 2390 feet to the beginning, containing Two Hundred and Nine (209) acres according to the survey made by W. P. Massey, County Surveyor, October 13, 1911. Being known as the old Annie Blake tract owned by the late Mary E. Williams, wife of J. Q. Williams, deceased; and being 4 miles North of Cary and about 9 miles Northwest of Raleigh.

This land has much pine and other wood upon it, and about 40 acres is under cultivation in cotton this year. It is good land for corn, wheat, tobacco and fruit.

This land is sold to settle an estate, and I shall offer it in small tracts or as a whole as I deem best at the sale. Parties not desiring to attend the sale may leave their bids with me to be used at the sale, or may submit private bids to me at any time.

FOR FURTHER INFORMATION SEE

M. ASHBY LAMBERT, Commissioner
RALEIGH, N. C.

Land Tract 2a

- In 1912, Coy C. Jordan sold this 209 acre tract to AE Jordan. See Book 0259 0487.
- In 1915, AE Jordan mortgaged this 209 acre tract to “Meredith College” (name displayed on the land acquisition map). See Book 0295 0337. This mortgage references the survey done in Oct/2011.

By a line beginning at J.P.H.Adams' corner in C.L.Duke's line; thence north 4° 30' east 3120 feet to a stake, Duke's corner in Page's line; thence south 85° east 3025 feet to a mulberry stump, House's corner; thence south 4 degrees 30 minutes west 2650 feet to a red oak on Crabtree Creek at the point of a large rock; thence up the meanders of said creek 950 feet to pointers, J.P.H.Adams' corner; thence N. 85° W. 2390 feet to the beginning; containing 209 acres, more or less, according to the survey made by W.P.Massey, County Surveyor, on October 13, 1911; being the same land owned during her lifetime by the late Mary E. Williams, wife of J.Q.Williams,

- In 1937, AE Jordan sold this 209 acre tract to John D. Davis
- In 1937, the United States of America (USA) purchased the *entire 209 acre tract* (using federal money) from PD Davis and others for incorporation into the Crabtree Creek National Recreation Demonstration Area (RDA). See Book 0743 0499. This deed is referred to as the [1937 National Park Service \(NPS\) purchase deed](#).
- In 1943, the federal government transferred the Crabtree Creek RDA to the State of North Carolina via quitclaim deed. See Book 0894 0060. This deed is referred to as the [1943 NPS transfer deed](#).
- In 1955, the Park was renamed The William B. Umstead State Park.

1943 NPS Transfer Deed from the USA to North Carolina includes a Reversion Clause

Per the 1943 NPS Transfer Deed, no part of Tract 2a can be taken from the Park (or given away) due to the restriction that it must be used “exclusively for public park, recreational, and conservation purposes” (i.e., the Reversion Clause).

8000894PG00060

Together with the equipment situated thereon and more particularly set forth and described in a bill of sale of even date to be filed for recordation in the Office of the Register of Deeds of Wake County, North Carolina;

Subject to all easements, rights-of-way, licenses, leases, and outstanding interests in, upon, across or through said property which have heretofore been granted or reserved by the United States of America or its predecessors in title.

PROVIDED ALWAYS, that this deed is made upon the express condition that the State of North Carolina shall use the said property exclusively for public park, recreational, and conservation purposes, and the further express condition that the United States of America assumes no obligation for the maintenance or operation of the said property after the acceptance of this deed;

PROVIDED FURTHER, that the title and right to possession of said lands, together with the improvements and equipment thereon, shall revert to the United States of America upon a finding by the Secretary of the Interior, after notice to the State of North Carolina and after an opportunity for a hearing, that the said State has not complied with the afore-said conditions during a period of more than three years, which finding shall be final and conclusive.

4000894PG00040

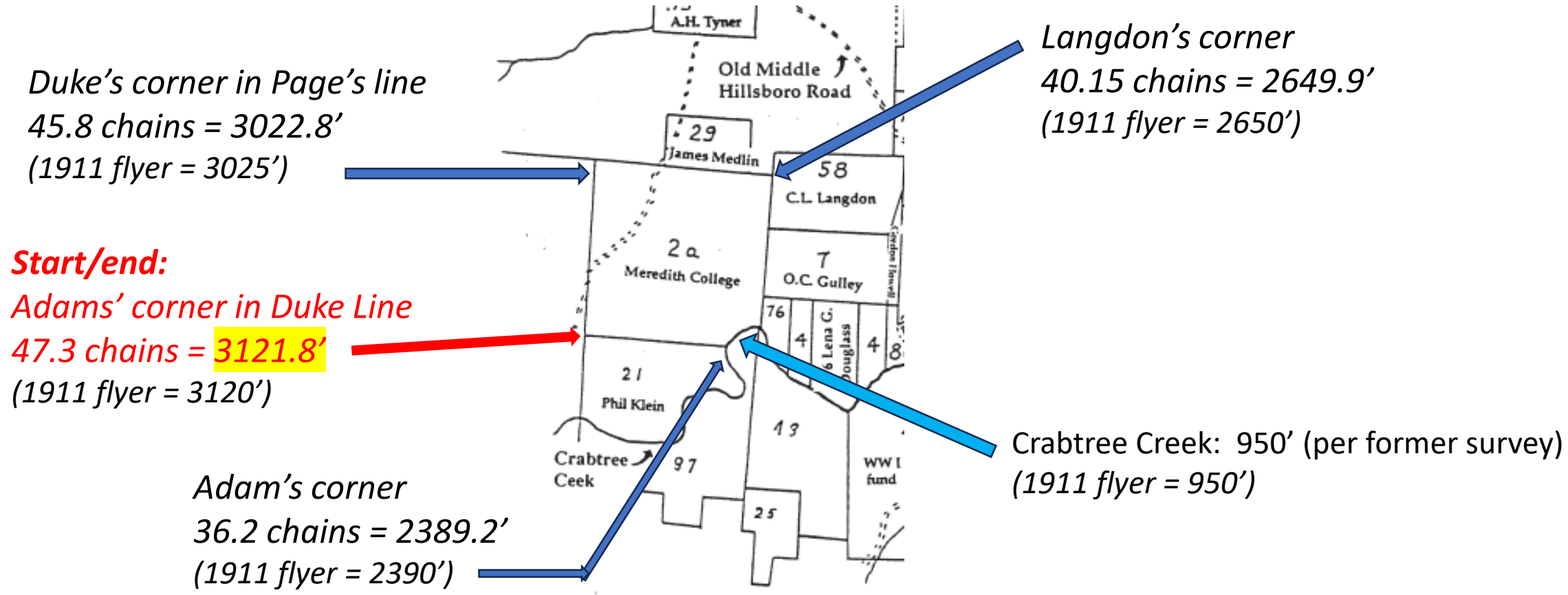
.....
:: "D E E D" ::
:: UNITED STATES OF AMERICA ::
:: TO ::
:: STATE OF NORTH CAROLINA ::
.....

IN WITNESS WHEREOF, I, the said HAROLD L. ICKES, Secretary of the Interior, have hereunto set my hand and affixed the official seal of the Department of the Interior of the United States of America, this 12th day of March, 1943.

Land Tract 2a: Metes and bounds per the 1937 NPS purchase deed are as follows:

These metes and bounds (and angles) are the same as in the 1943 transfer deed from USA to NC (Book 0894 page 0040) and they are consistent with the 1911 sale flyer.

Beginning at Adams' corner in the Duke line; thence north 4 deg. 30' East 47.30 chains to a stake, Duke's corner in Page's line, thence south 85 deg. east 45.80 chains to a stake in Langdon's corner; thence south 4 deg. 30' West 40.15 chains to a pointer, on Crabtree Creek, thence up the meanders of said Creek (950 feet according to former survey) to Adams corner, thence north 85 deg. west 36.20 chains to the beginning containing 209 acres, according to map of Mrs. Boris B. Petroff.



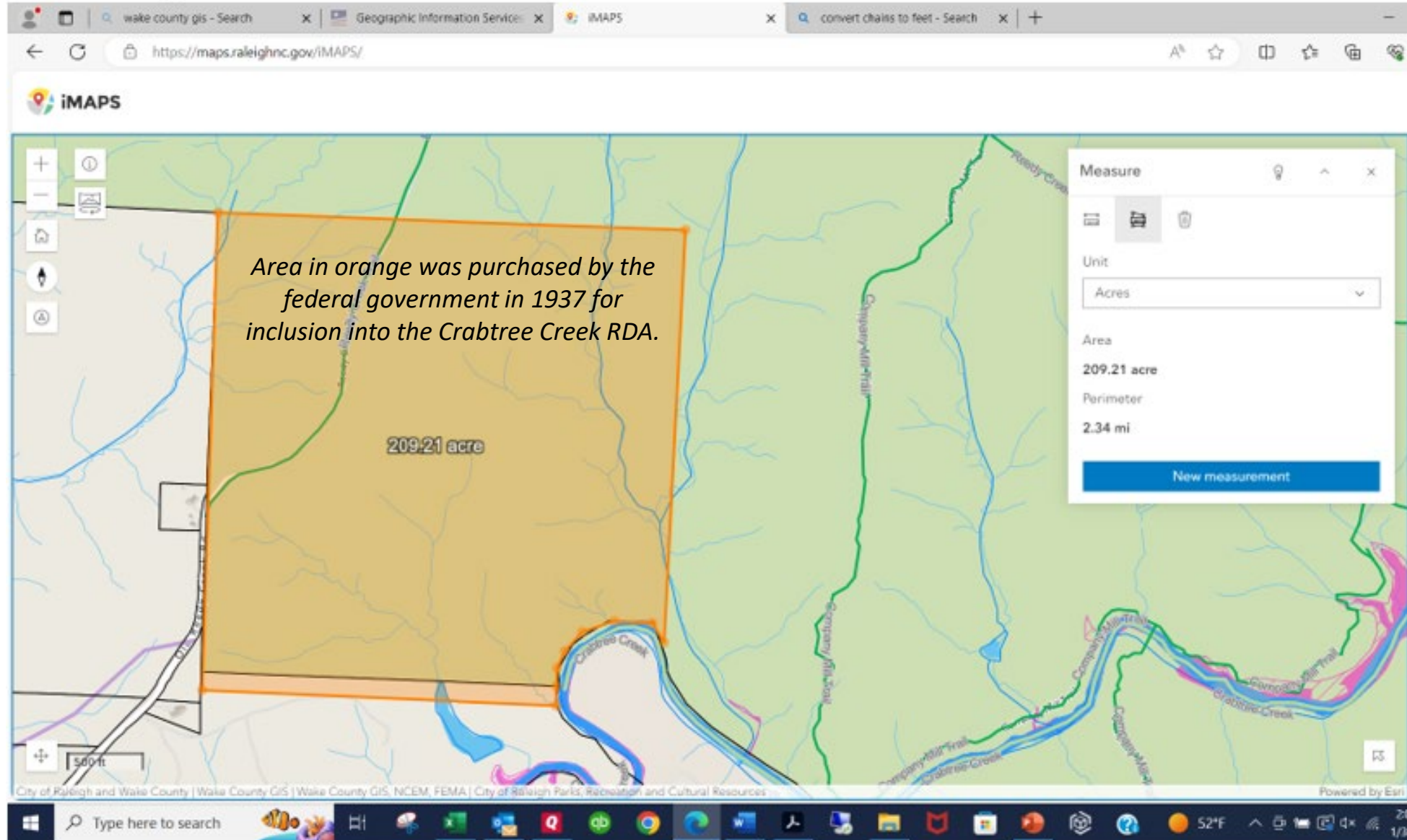
The North/South Border on the Western side of Tract 2a is not displayed correctly on Wake County GIS. The actual border is longer, measuring 3,121.8 feet according to the 1937 NPS purchase deed.

The screenshot shows a web browser window with the URL <https://maps.raleighnc.gov/iMAPS/>. The map displays a green area labeled "Tract 2a" with a vertical orange dashed line representing a border. A green circle highlights the northwest corner of the tract, with a text box stating: "The Northwest corner of Tract 2a is a known, fixed point now referred to as the Page-Duke-Davis corner. (A picture of this corner is shown later in this presentation)." A yellow arrow points to a specific point on the border line with the text "Border goes to this point." A measurement tool window is open on the right, showing a distance of 3,121.78 ft. The browser's taskbar at the bottom shows the time as 2:09 PM on 1/30/2024.

For Tract 2a, the metes and bounds in the **1937 NPS Purchase Deed** produce the area shown below in orange when using the “distance” and “area” features within the “measure” function in Wake County GIS. *This area is 209 acres and agrees with the 1937 NPS purchase deed.*

The true Southern border of Tract 2a extends further South than what is displayed on Wake County GIS and goes through more of Foxcroft Lake.

Per Wake County GIS, the southern border of Tract 2a is more Northerly than the true boundary. *Using the GIS boundaries to calculate acreage produces a shortage of 10-15 acres.*



Question B:

**Where is the Southeast corner of Tract 2a
(aka the Northeast corner of Tract 21, Odd Fellows)?**

1938 Department of the Interior National Park Service (NPS) map of the Crabtree Creek Recreation Demonstration Project

(aka The William B. Umstead State Park)

*Note: Map orientation is not standard
North-South orientation.*

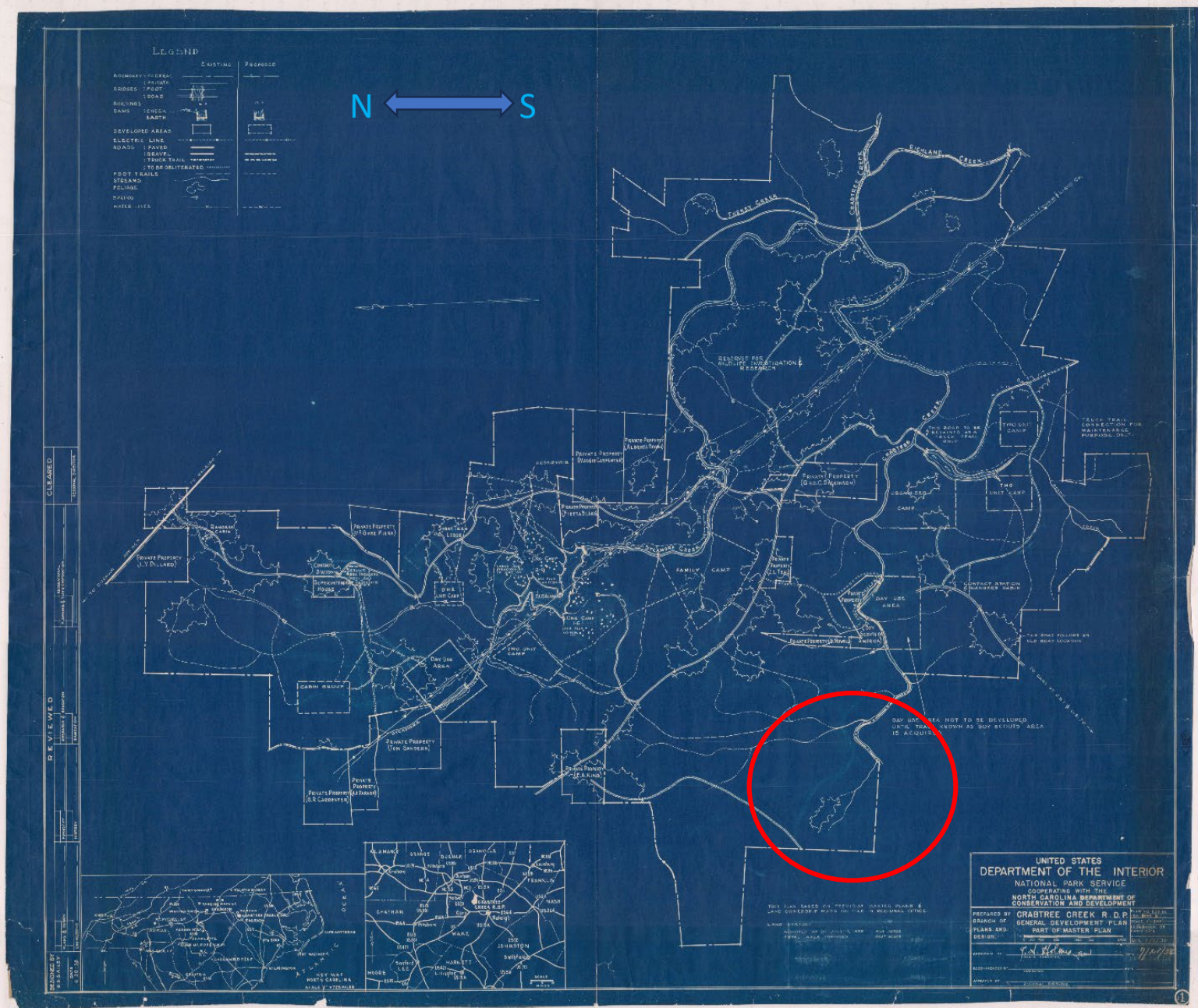
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
COOPERATING WITH THE
NORTH CAROLINA DEPARTMENT OF
CONSERVATION AND DEVELOPMENT

PREPARED BY CRABTREE CREEK R. D. P. PLAN NO. RDP NC
BRANCH OF CRA. 9002-B
DESIGN.
SCALE - 1" = 800'
DESIGNATION ON
CAMP-LD-B
DATE 7/1/38

APPROVED BY *F. A. Holmes* DATE *7/27/38*
STATE FORESTER DEPARTMENT NPS

RECOMMENDED BY _____ DATE _____
INSPECTOR

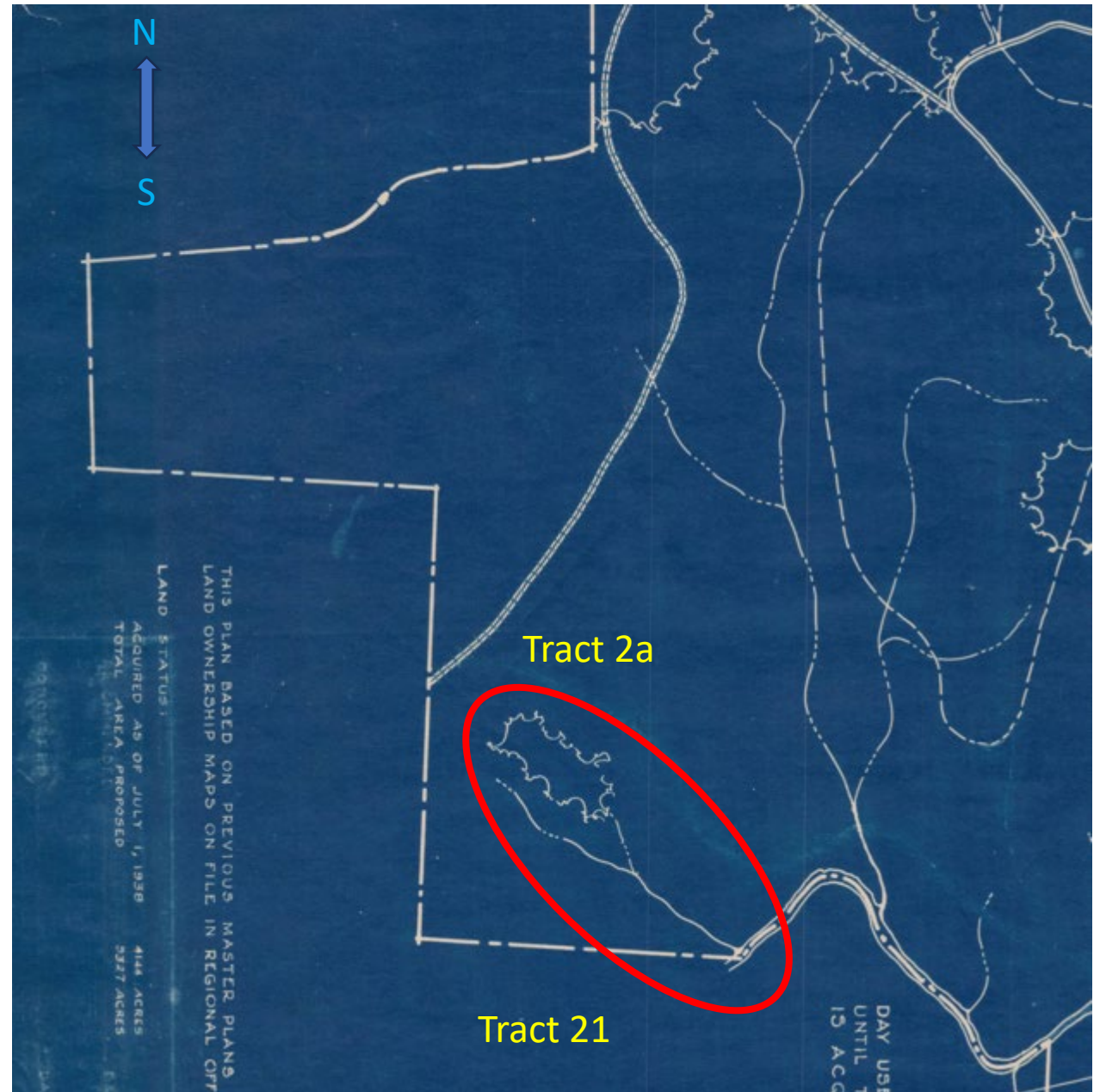
APPROVED BY _____ DATE _____
REGIONAL DIRECTOR



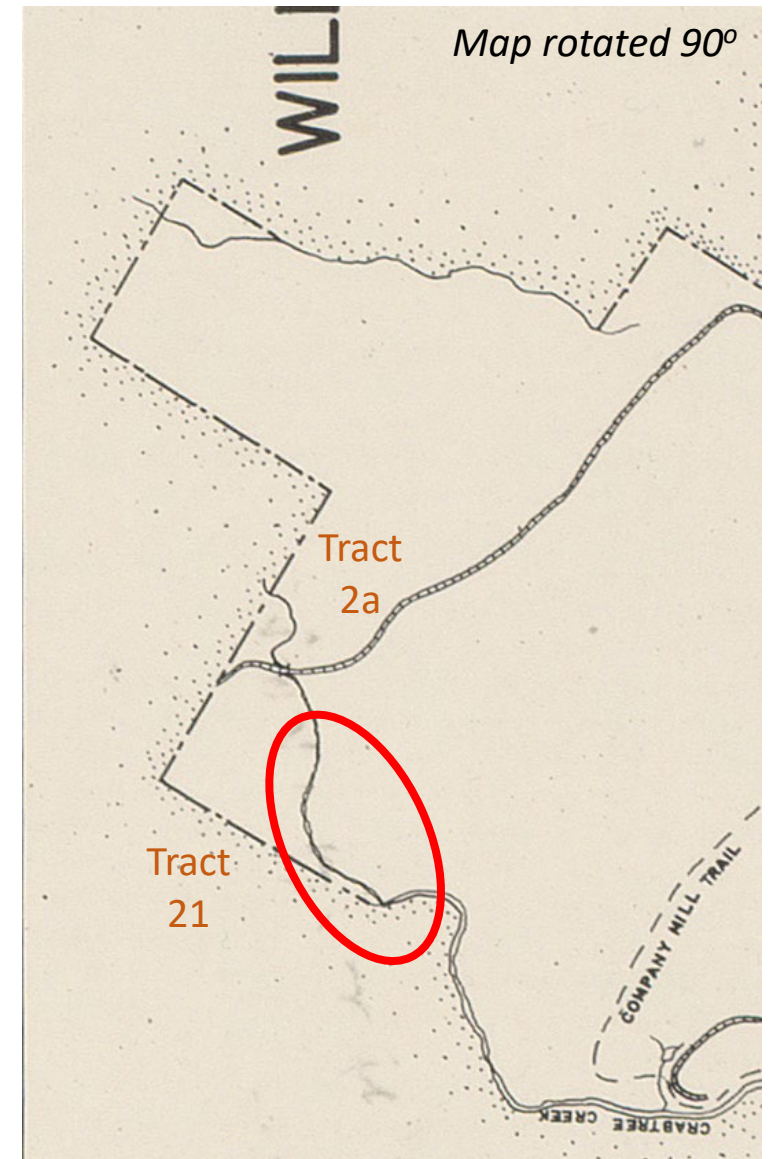
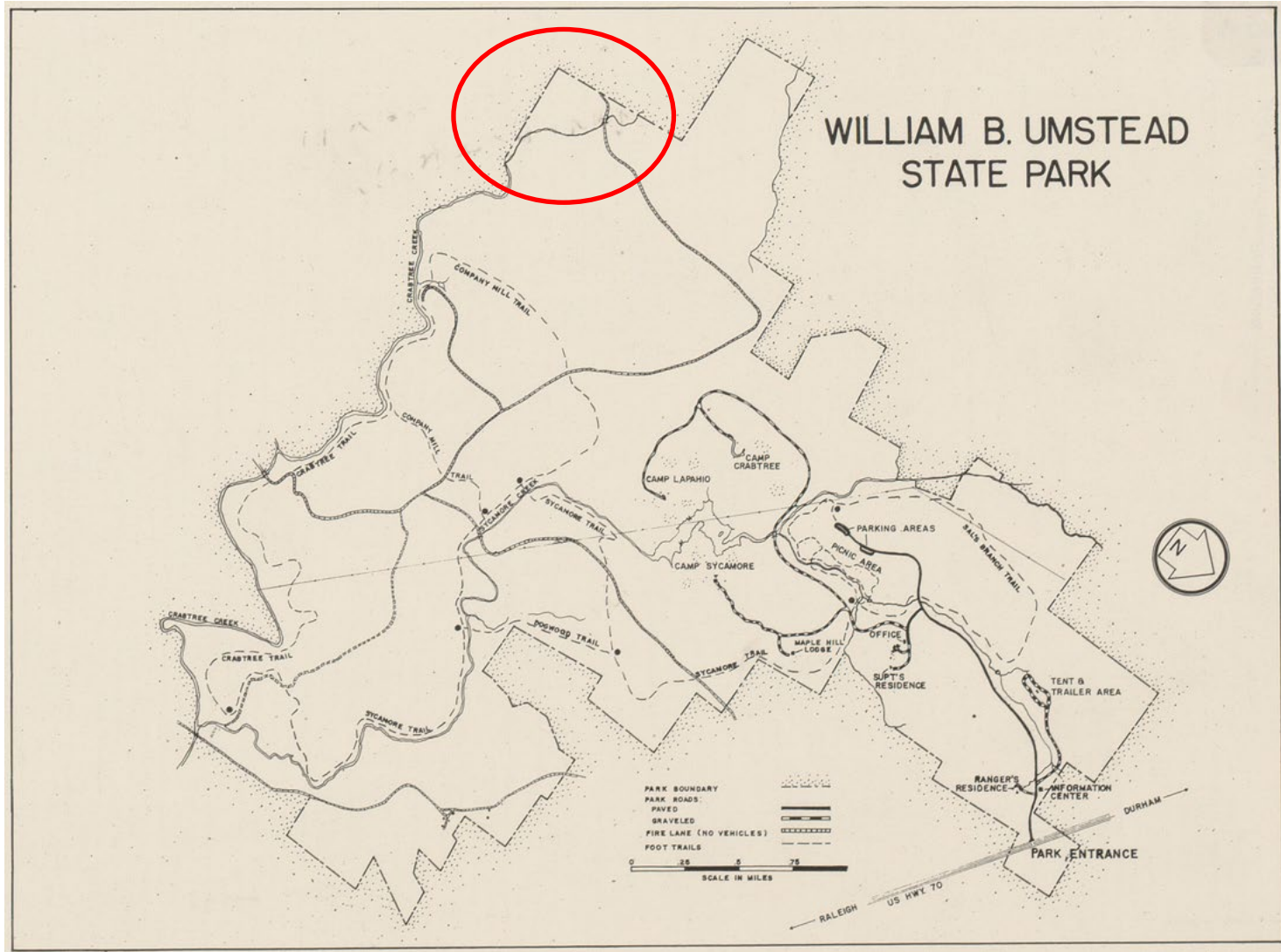
Per the 1938 NPS map, there is a tributary running into Crabtree Creek just north of the Southeast border of Tract 2a.

This tributary being entirely within Umstead State Park is consistent with Tract 2a being 209 acres. (It is also consistent with Tract 21 being about 70 acres as will be shown later.)

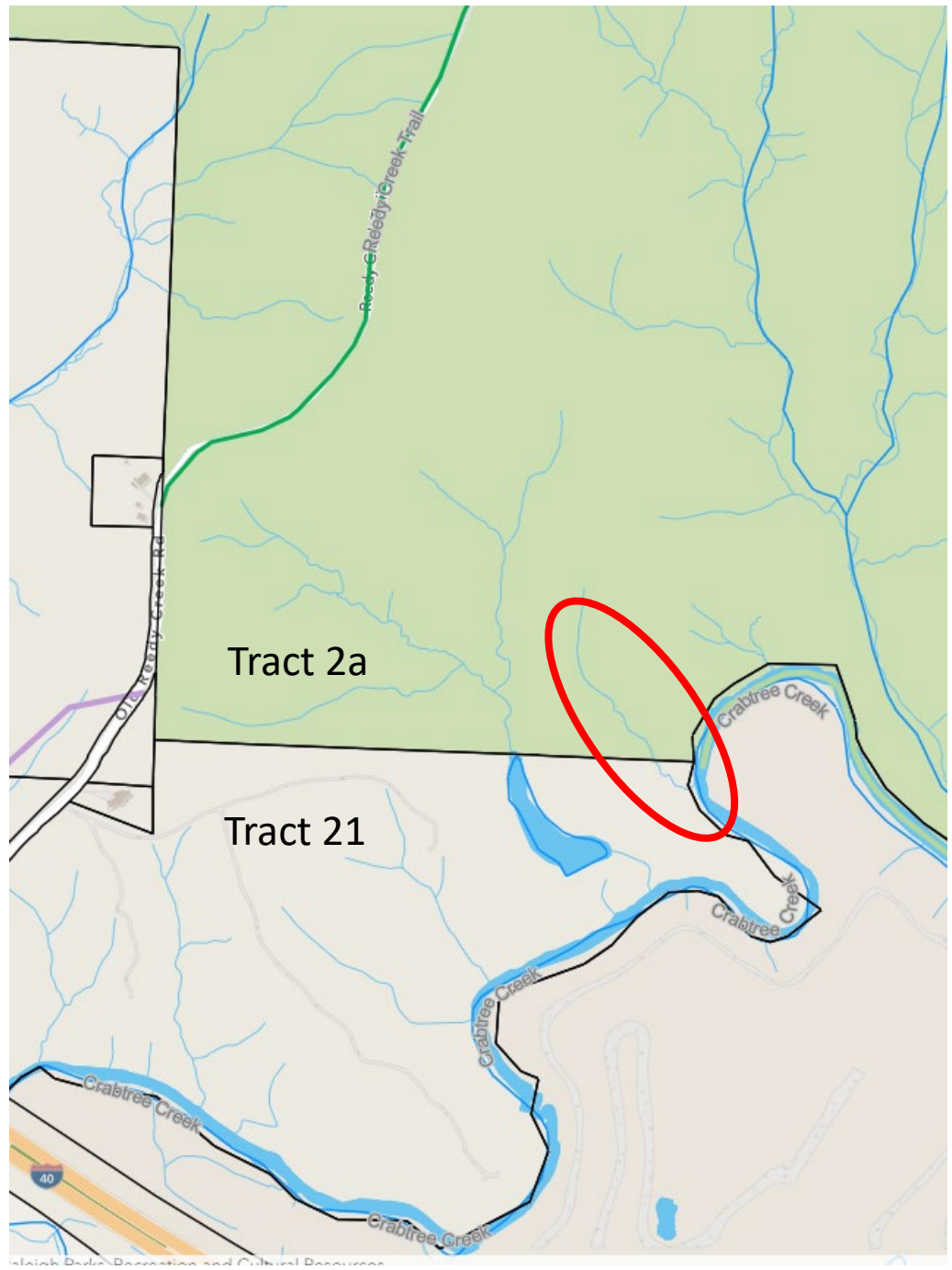
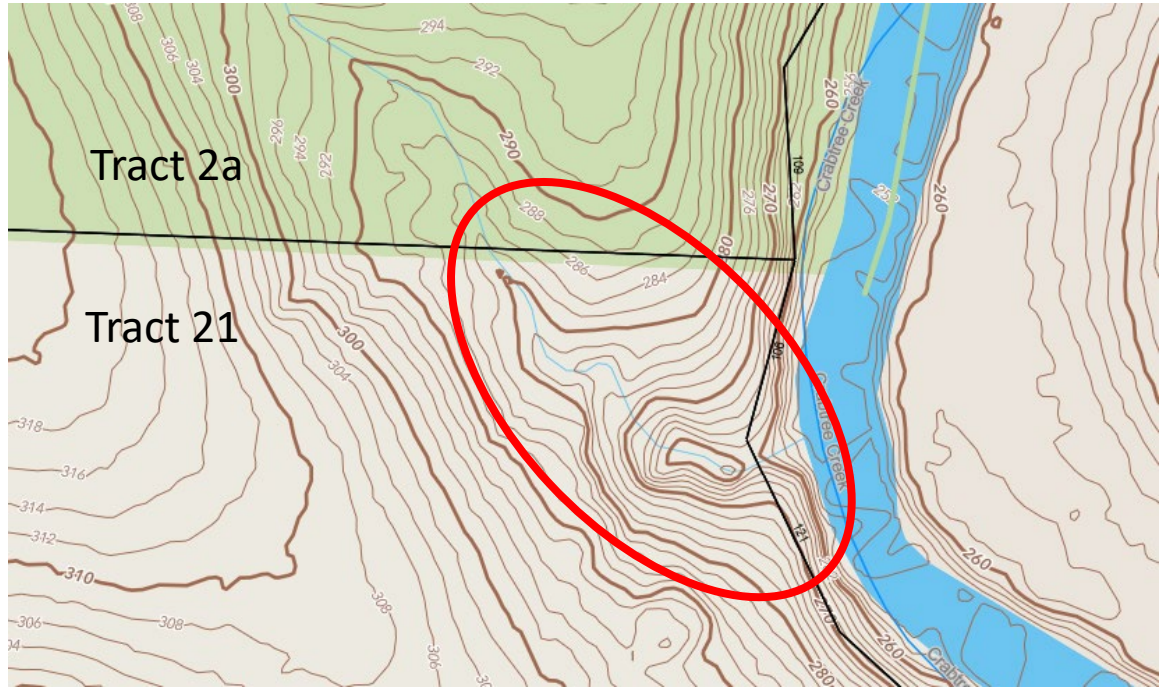
The large rocks and steep topography at the confluence area of this tributary with Crabtree Creek make this a significant and stable feature.



The 1960 William B. Umstead State Park map also shows that there is a tributary running into Crabtree Creek just north of the Southeast border of Tract 2a.



- Wake County GIS shows a tributary running into Crabtree Creek.
- Based on the 1938 NPS map that shows this tributary to be within Umstead State Park, Wake County GIS has the border of Umstead State Park too far North.

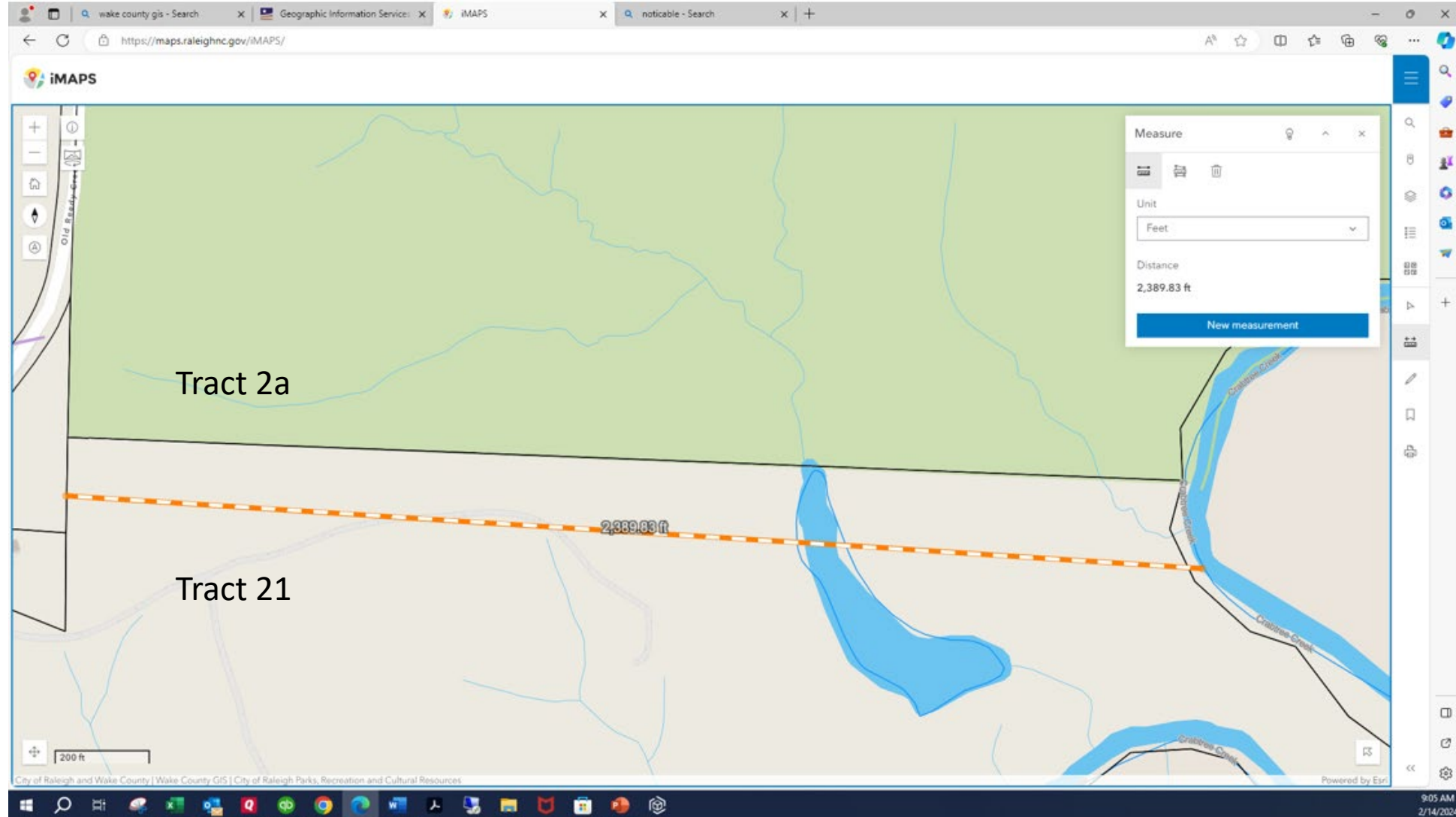


The topography where the tributary meets Crabtree Creek is very steep. There are large boulders in the confluence area with Crabtree Creek. Hence, it is a stable and noticeable feature. This significant feature should be within the boundary of Umstead State Park.

Question C:

**What is the length of the Southern border of Tract 2a
(aka the Northern boundary of Tract 21, Odd Fellows)?**

The 1937 NPS purchase deed for Tract 2a indicates the length of the southern border is 2,389' at a slight southerly angle when heading Easterly (e.g., South 88° East). This length and angle is consistent with the correct locations of the corners in questions A and B.



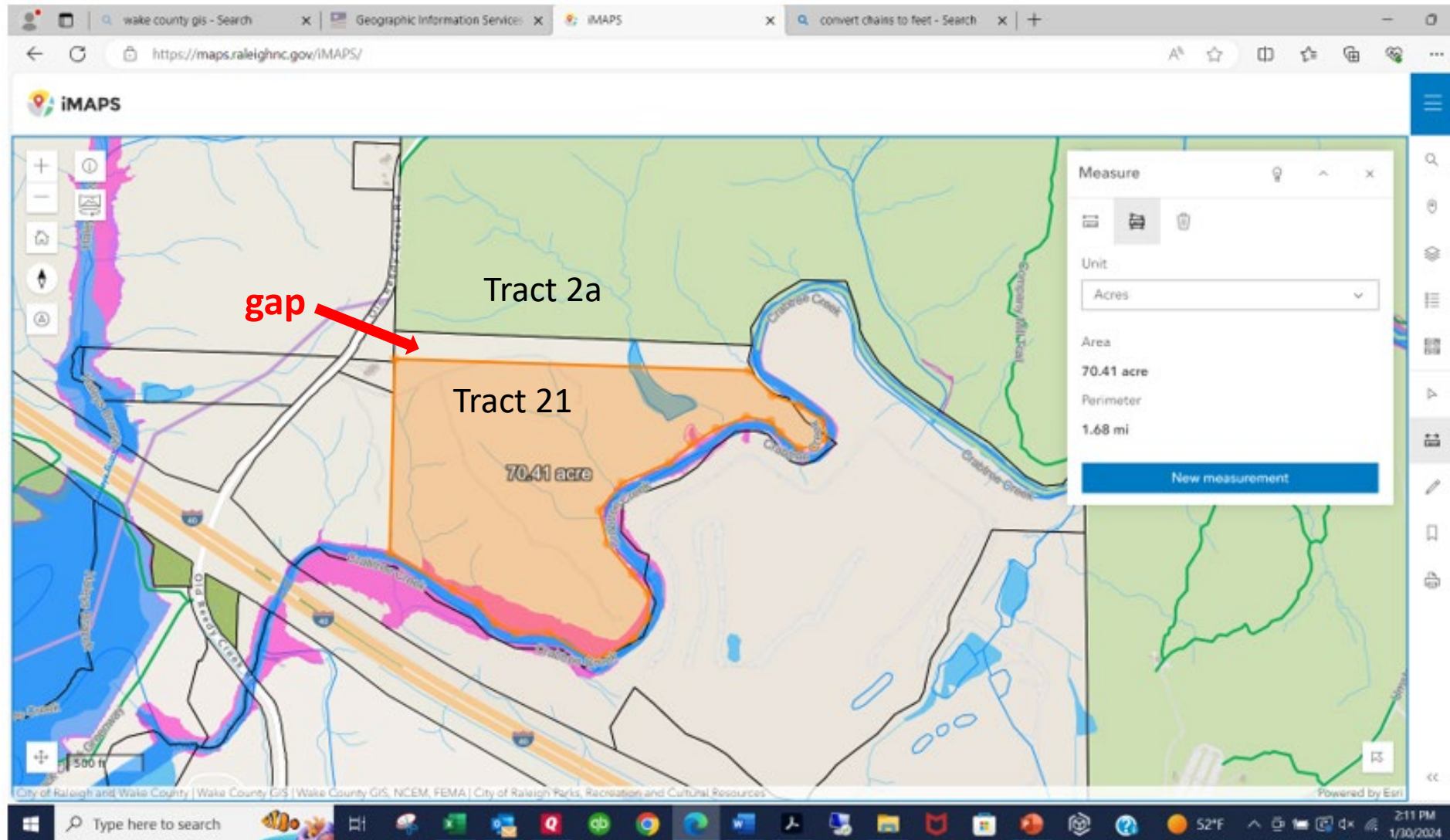
Comparison to Tract 21, Odd Fellows:

Land Tract 21

- Land Tract 21 was part of a 128 acre tract as of 1881.
- In 1881, PB Price purchased a 128 acre tract from an estate sale (Book 0065, page 0794).
 - The metes and bounds in this deed overlap adjacent lands.
 - In 1897, the land was subdivided into two tracts and sold.
 - ❖ “60 acres” to CO and HP Evans (Book 0142, page 0197)
 - ❖ “70 acres *more or less*” to JPH Adams (Book 0140, page 0488). This latter parcel is Tract 21.
- Since 1897, Land Tract 21 was sold several times. (1897: Book 0140, page 0488; 1903: Book 0187, page 0113; 1915: Book 0301, page 0344; 1926: Book 0491, page 0302; 1941: Book 0877, page 0147).
- In all deeds subsequent to the 1881 deed, there is no mention of a survey, suggesting that the metes and bounds and acreage were simply repeated from deed to deed. Thus, errors have been repeated.
 - In all subsequent deeds, the metes and bounds for Tract 21 are not consistent with contiguous lands (e.g., they overlap Tract 2a, etc.).
 - All subsequent deeds indicate that Land Tract 21 contains “70 acres *more or less*.” Tract 21 being “70 acres *more or less*” is consistent with Tract 2a being 209 acres and it is consistent with the responses to Questions A, B, and C.

Land Tract 21

- Using the “measure” function on the Wake County GIS site, plotting 70 acres produces the **orange** shape in the map below.
- The **gap** between the **green** and **orange** coloring in the map below is consistent with Land Tract 2a being 209 acres (*meaning that **the gap land is part of Umstead State Park***).



Land Tract 21

- 1948 and 1951: Two 1-acre tracts were subdivided off of the main Tract 21 and sold.
- Tract 21 (now “68 acres more or less”) was subsequently sold a few times (1952, Book 1098 page 0575; 1955, Book 1212 page 0346; 1958, Book 1324 page 0355; 1958, Book 1324, page 0400).
- 1958: Tract 21 (“68 acres more or less”) was purchased by the International Order of Odd Fellows (IOOF), Book 1332-0385.
 - This is why the land is referred to today as the Odd Fellows.
 - IOOF used the land exclusively for outdoor recreation, including camping, hiking, and swimming, such uses being complimentary to Umstead State Park and its purposes.
- The 68 acre (more or less) tract is land locked, so in 1958, IOOF purchased from Max Collins a tract just shy of 1-acre that connects the main tract to Old Reedy Creek (ORC) Road (Book 1337 0100).

Land Tract 21

- 1976: Per IOOF meeting minutes, the IOOF, under threat of condemnation by RDU and with no discussion amongst leaders and with no notice to their members, sells their land to RDU.
 - The land is deeded to the Counties of Wake and Durham and the cities of Raleigh and Durham (not RDU).
 - RDU only “manages” this land.
 - RDU knew at this time that this land was on the Umstead State Park’s acquisition.
- **Magically, at the time of sale, 68+1 acres (“more or less”) became 83 acres, a 14 acre discrepancy!**
 - ***As per RDUA meeting minutes (seen below), RDU knew about this 14 acre discrepancy. However, RDU did not inform State Parks or any other entity nor did they investigate the reason for this 14 acre discrepancy!***

Authority Minutes 6/1/76

Page three

Note: This is the first mention the IOOF land in the RDUA Meeting Minutes.

Authority Minutes 7/6/76

Page two

EXECUTIVE SESSION - Mr. Mitchell moved, seconded by Dr. Williams that the Airport Authority go into executive session to discuss real estate matters with Attorney Purrington. Adopted.

2570-M

Attorney Purrington advised the Airport Authority of a letter received from Independent Oddfellows offering to convey 68.94 acres of land in line with the approach to the proposed Runway 32L and between Reedy Creek Road and Crabtree Creek, at \$2,000.00 an acre. Mr. Mitchell moved, seconded by Dr. Williams that Attorney Purrington seek a bonified written offer to sell at \$2,000.00 per acre and a 30-days option in which the Airport Authority could accept the same. Adopted.

2571-M

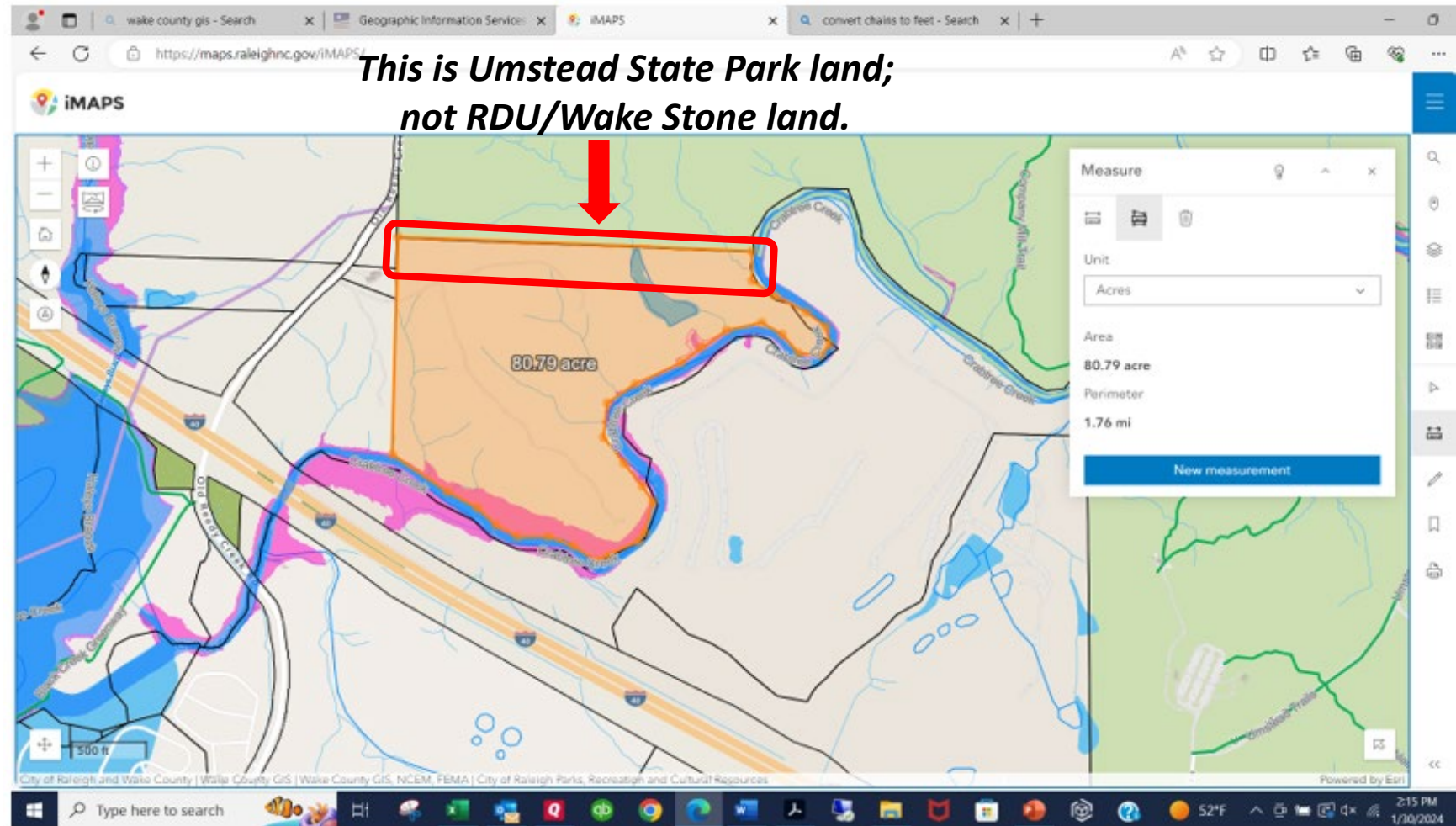
ODDFELLOWS LAND - Mr. Hatch reported that the Oddfellows tract, that had been estimated at 68 acres, actually turned out to be 83 and a fraction acres. There was considerable discussion of this acquisition after which it was moved by Mr. Kilgore, seconded by Mr. Mitchell that the Airport Director and Attorney be authorized to make this purchase at \$2,000 per acre.

Adopted.

2581-M

Where did the extra 14 acres come from? UMSTEAD STATE PARK!

- Since 1976, the border and land use issues did not matter as RDU left all of Tract 21 as is, in a forested state, *and* the public consistently used the land for recreation, including hiking, biking, fishing, etc. by all and camping by Boy Scout troupes.
- This usage is consistent with long established plans for Tract 21 to become part of Umstead State Park. Tract 21 has been on the State Park land acquisition list since 1935 and on the critical land acquisition list since 1974.
- Per the 1975 FAA approved Airport Layout Plan (ALP), Tract 21 was designated as part of Umstead State Park – meaning it was not needed for any Airport purpose and that it was surplus land for the Airport. As mentioned earlier, RDU acquired this land in 1976 under threat of condemnation, but did not transfer it to the Park.



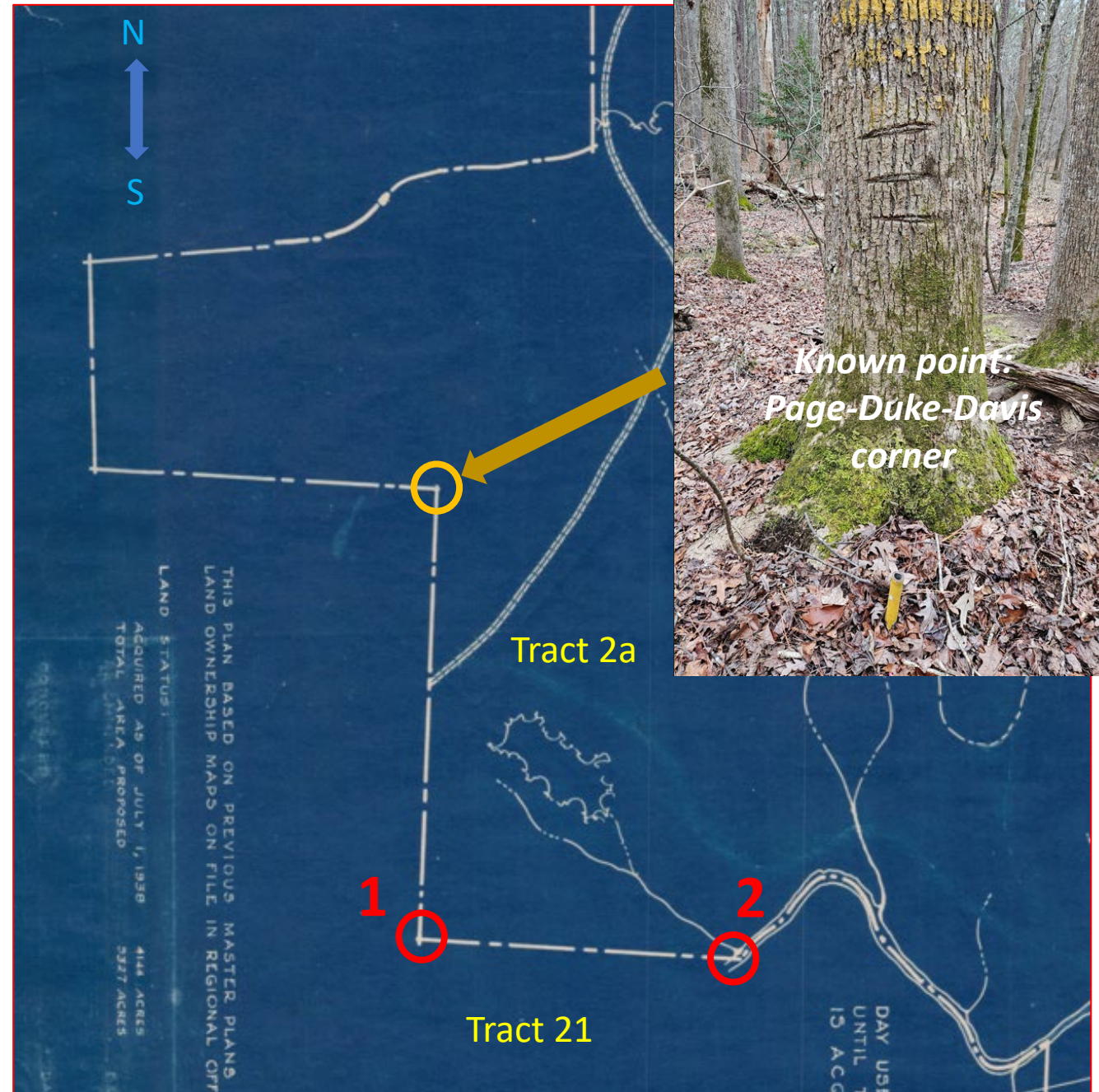
Why does this matter now?

- Fast forward from 1976 to now, 48 years.
- RDU has leased all of what they think is Tract 21 (aka, Odd Fellows) to Wake Stone for an open mine rock quarry pit. **This lease includes land belonging to Umstead State Park which was purchased by the Federal Government with a protective Reverter Clause!**

Action Needed Promptly:

- The common border between Tract 2a (a part of Umstead State Park) and Tract 21 (long planned Park land, but managed by RDU) needs to be surveyed.
- *The goal of the survey is to locate where in the North-South plane the common border of Tract 2a and Tract 21 falls.*
- The surveyor can easily locate where in the North-South plane this common border falls by measuring 3,121.8 feet from the known point in the NW corner of Tract 2a (the Page-Duke-Davis corner). This will be the SW corner of Tract 2a and noted as Point #1 on the map to the right.
- The surveyor can then confirm the actual common border by connecting Point #1 (described above) with Point #2, which is just South of where the tributary runs into Crabtree Creek as displayed on the 1938 National Park Service (NPS) map.

1938 NPS map



Additional Considerations:

- The boundary of The William B. Umstead State Park should be correctly marked on the ground and correctly displayed in Wake County GIS.
- The current RDU-Wake Stone lease should be re-evaluated as it includes land belonging to Umstead State Park.
- Wake Stone's Triangle Quarry Mining Permit modifications should be fully re-assessed as mining is not allowed within Umstead State Park per the NPS transfer deed and Wake Stone's mining operations encroach onto land that clearly belongs to Umstead State Park.