

A RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS IN CERTAIN PROPERTIES, INCLUDING BY CONDEMNATION

WHEREAS, for the purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly in connection with the beach nourishment project to be undertaken pursuant to United States Army Corp. of Engineers Permit SAW 2006-40282 ("the Project"), the governing body of the Town of Nags Head hereby determines that it is desirable, necessary and in the public interest to acquire a limited easement over certain portions of each oceanfront property in the nourishment project area, which extends from Blackman Street (approximately Mile Post 11) to the Nags Head/National Park Service line (approximately Mile Post 21) ("the Project Area"); and

WHEREAS, the Town believes that the interest needed in each property is of minimal or de minimis value and is worth less than the amount by which work done in connection with the Project will preserve, enhance or increase the value of each affected property; and

WHEREAS, the Town anticipates that it will be unable to acquire the needed easement rights in some of the properties in the Project Area by the owners' voluntary conveyance; and

WHEREAS, it is necessary that the Town obtain the necessary limited easement rights on properties within the Project Area so that the Project may proceed without undue delay.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. For each ocean front property in the Project Area, the Town shall acquire, by condemnation if necessary, for purposes allowed by North Carolina General Statute Section 40A-3(b1)(10) and particularly as and to the extent needed in connection with the Project, an easement in each such property extending waterward from the following locations, whichever is most waterward: the Vegetation Line; the toe of the Frontal or Primary Dune; or the Erosion Escarpment of the Frontal or Primary Dune. As used herein, the capitalized terms shall have the meaning as set forth in 15A of the North Carolina Administrative Code, Section 7H.0305.

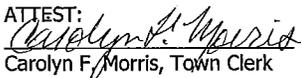
2. The easement shall be effective immediately upon acquisition but shall expire on April 1, 2021.

3. The attorneys representing the Town are authorized and directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the subject easement rights or interests in the property in the Project Area described herein and take any actions as necessary in connection with the acquisition process.

Adopted this 5th day of January 2011.

A handwritten signature in black ink, appearing to read "Robert O. Oakes, Jr.", written over a horizontal line.

Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

