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NORTH CAROLINA

DARE COUNTY

FOR RECORDING PURPOSES:

GRANTORS: Jason Victor Ribeiro  
Steven W. Ribeiro  
Steven W. Ribeiro, as Administrator of the Estate of Anthony H. Ribeiro  
GRANTEE: Town of Nags Head



**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE  
OR DEMOLISH THE STRUCTURE AT 6316 S. VIRGINIA DARE TRAIL, NAGS HEAD,  
NORTH CAROLINA AS DANGEROUS AND UNSAFE FOR HUMAN HABITATION AND  
DIRECTING THE PLACEMENT OF A NOTICE THEREON THAT THE SAME MAY NOT BE  
OCCUPIED**

WHEREAS, the Board of Commissioners for the Town of Nags Head (the "Town") finds that pursuant to N.C.G.S. § 160A-426 et seq. the structure, appurtenances and fixtures (collectively the "Structure") located 6316 S. Virginia Dare Trail, Nags Head, North Carolina (the "Property") have been and remain unsafe for human habitation and occupancy. The Town further finds that the Structure is especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring and heating system, inadequate means of egress, or other causes as detailed in the August 14, 2013 order (the "Order") of the Town's Building Inspector issued in accordance with N.C.G.S. § 160A-426 et seq. A copy of the Order has been attached to this ordinance. The Town further finds that that all of the procedures required in the Town's ordinances and N.C.G.S. § 160A-426 et seq. have been complied with; and

WHEREAS, the record owners of the Structure, Jason Victor Ribeiro, Steven W. Ribeiro, and Steven W. Ribeiro, as Administrator of the Estate of Anthony H. Ribeiro (the "Owners"), have been given notice and a reasonable opportunity greater than sixty (60) days to remove or demolish the Structure pursuant to the Order and have failed to comply with the Order. The Owners have not appealed the Order and pursuant to N.C.G.S. § 160A-430 the Order is final. Therefore, pursuant to N.C.G.S. § 160A-432(b), the Town may cause the Structure to be removed or demolished; and

WHEREAS, the Structure should be removed or demolished as directed by the Town's Building Inspector and should be placarded by placing on the Structure a notice prohibiting use for human habitation or occupation until such removal or demolition occurs; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the Town of Nags Head that:

Section 1. The Town's Building Inspector is hereby authorized and directed to place a placard on the Structure located at 6316 S. Virginia Dare Trail, Town of Nags Head, North Carolina containing the following language:

"This building is dangerous and unsafe for human occupation. The use or occupation of this building for any purpose is prohibited and unlawful."

Section 2. The Town's Building Inspector is hereby authorized and directed to proceed to remove or demolish the above described Structure in accordance with the Order and N.C.G.S. § 160A-426 et seq.

Section 3. The cost of removal or demolition of the Structure shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Tax Collector for the Town of Nags Head and shall have the same priority and be collected in the same manner as the lien for special assessments as provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. The Town's Building Inspector shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The Building Inspector shall credit the proceeds against the cost of removal or demolition. The Town's Building Inspector shall certify the remaining balance to the Tax Collector for the Town of Nags Head. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Town's Building Inspector shall deposit any surplus in the Office of the Dare County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by N.C.G.S. § 160A-432(b).

Section 5. The amounts incurred by the Town in connection with the removal or demolition shall also be a lien against any other real property owned by the Owners within the Town limits or within one mile of the Town limits, except for the Owners' primary residences. The provisions of N.C.G.S. § 160A-432(b) apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

Section 6. This ordinance shall be in full force and effect from and after the 18<sup>th</sup> day of December 2013.



Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:

  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney



Date adopted: December 18, 2013

Motion to adopt by Commissioner \_\_\_\_\_  
Motion seconded by Commissioner \_\_\_\_\_  
Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS