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Cliff Ogburn
Town Manager

Town of Nags Head

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Nags Head, North Carolina 27959
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www.townofnagshead.net

Doug Remaley
Commissioner

Anna Sadler
Commissioner

M. Renée Cahoon
Commissioner

By Certified Mail

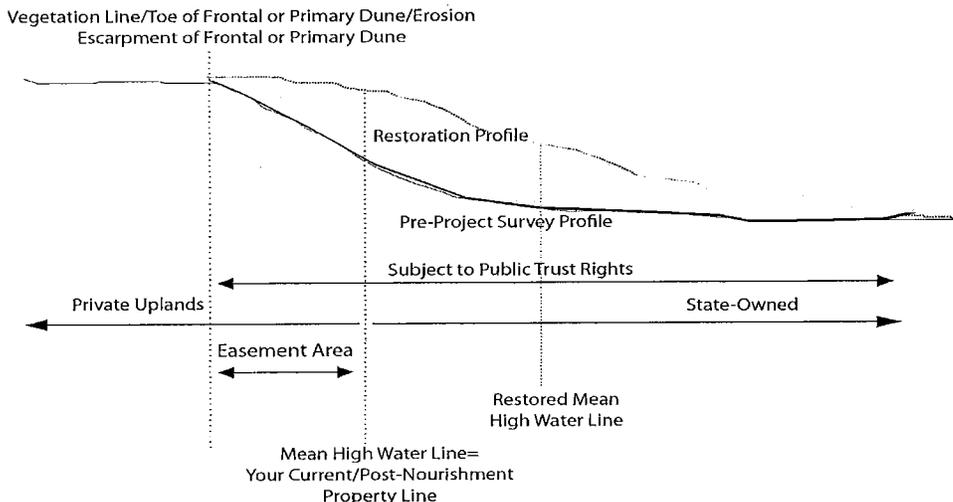
January X, 2011

RE: Request for Easement on Your Property for Beach Nourishment Project
PIN Number:
Tax Parcel:

Dear Nags Head Oceanfront Property Owner:

As you know, the Town of Nags Head has been working on a nourishment project to place sand on the beach from Blackman Street (Mile Post 11) to the Nags Head/National Park Service line (Mile Post 21). This project will advance your shoreline anywhere from approximately 50-125 feet, depending upon your property's location and its erosion rate (more information is available on the Town's web site, www.townofnagshead.net, Beach Nourishment).

We plan to begin construction in April 2011. However, prior to construction, the Town needs your approval to deposit sand and perform other work associated with beach nourishment and re-nourishment on a specific section of property you own, described above. The property on which the Town will need to work lies waterward of the following locations, whichever is most waterward: the Vegetation Line; the toe of the Frontal Dune or Primary Dune; or the Erosion Escarpment of the Frontal Dune or Primary Dune.



This area is specifically described on the enclosed easement. Please be aware that this is not a perpetual easement; the Town only requests that it have the easement rights through April 1, 2021.

You will not lose land or access rights if you sign the easement. We are simply asking for your approval to deposit sand and work on a specific section of your property on one or perhaps more occasions, during a ten year period. Except for the brief periods when construction or repairs are ongoing, you will still be able to access the beach from your property and construct a dune walkover (the walkover must still comply with federal, state, and local regulations, as they must currently).

At the outset of the nourishment project, a survey will be conducted to establish the existing mean high water line, which is currently your littoral property line and will remain your property line after the project. In other words, your oceanfront property line today is the mean high water line. As a result of beach nourishment, the mean high water line will move waterward; however, your property line will not; it will remain fixed at the pre-nourishment mean high water line. As set forth on the enclosed Notice, the Town may need to enter the beach in front of your property.

All owners having an interest in the property must sign an easement. Additional copies may be downloaded from the Town's web site at www.townofnagshead.net. Please return the easement with notarized signatures by February XX, 2011 to:

Town of Nags Head – Easements
PO Box 99
Nags Head, NC 27959

It is critical that you sign the easement. The project's success relies on a stable, continuous deposit of sand. If you do not sign the enclosed easement and return it by February XX, 2011, you are hereby notified pursuant to North Carolina General Statute 40A-40 that the Town intends to condemn, by eminent domain, the necessary easement rights. The Town estimates that no compensation to the owners is required for the interest sought. The Town will file a condemnation action for the easement area on your property as soon as practical after said date. The condemnation action would be for a purpose as to which title to the easement interest would immediately vest in the Town when the complaint is filed to institute the action to condemn, pursuant to North Carolina General Statutes 40A-42.

You have the right to file for injunctive relief and to answer the complaint after it has been filed. You should consult with an attorney regarding your rights.

Note: Due to the high wave energy off our shore, beach nourishment project construction will take place from April through September.

If you have any questions on the Town's beach nourishment project, please either visit the Town's web site at www.townofnagshead.net or call the Town at 252-441-5508.

Sincerely,

Cliff Ogburn, Town Manager

NOTICE OF INTENT TO ENTER PROPERTY

Please consider this letter a NOTICE pursuant to North Carolina General Statute 40A-11 of the Town's intent to enter the property described on the enclosed letter to make surveys, examinations, or appraisals as may be necessary or expedient in carrying out and performing its rights and duties pursuant to an easement on your property or in connection with its intent to institute an action to condemn, by eminent domain, the necessary easement on the referenced property. This entry will occur on or after February XX, 2011.

This work will be done in connection with the Town's beach nourishment project as permitted by the United States Army Corp. of Engineers Permit SAW 2006-40282.

NO STRUCTURES WILL BE ENTERED WITHOUT YOUR PRIOR EXPRESS PERMISSION.

Please contact Town Hall at 252-441-5508 if you have any questions or concerns.

Cliff Ogburn, Town Manager