



A RESOLUTION ORDERING THE CLOSING OF SEAGULL DRIVE IN SOUTH NAGS HEAD

WHEREAS, on the 6th day of April 2016 the Board of Commissioners of the Town of Nags Head directed the Town Clerk to publish the resolution of intent of the Board of Commissioners of the Town of Nags Head to consider closing the north-south portion of Seagull Drive in the *Coastland Times* newspaper once each week for four consecutive weeks and posting said resolution in two locations along said street advising the public that a public hearing would be conducted in the Town Hall at 9:00 a.m. on the 1st day of June 2016; AND

WHEREAS, the Town's Board of Commissioners further directed the Town Clerk to notify by certified mail, all persons owning property abutting on that portion of Seagull Drive proposed to be closed enclosing with such notification a copy of the resolution of intent; AND

WHEREAS, the Town Clerk has advised the Board of Commissioners that on the date directed she sent notice to each of said abutting property owners by certified mail return receipt requested advising them of the day, time and place of the meeting, enclosing a copy of the Board of Commissioner's resolution of intent, and advising said abutting property owners that the question as to the closing to said portion of Seagull Drive would be acted upon; AND

WHEREAS, the Town Clerk has advised the Board of Commissioners that none of the notices sent to abutting property owners on Seagull Drive has been returned undelivered; AND

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; AND

WHEREAS, the north-south portion of Seagull Dr. is constantly threatened and damaged by the relentless wave action of the Atlantic Ocean resulting in chronic, persistent and inevitable erosion of that portion of the road; AND

WHEREAS, the north-south portion of Seagull Dr. is located entirely within the Goose Wing subdivision, does not connect any other public streets, is not needed for the public access to any other streets, neighborhoods, developments or facilities, and receives little, if any, use by anyone other than the owners of approximately nine (9) properties located along the street and those who rent the cottages located on those properties; AND

WHEREAS, the cost to maintain and continually repair the north-south portion of Seagull Dr. due to frequent and inevitable erosion is not justified by the benefit provided to the public by keeping that portion of the street open as a public street; AND

WHEREAS, the Board of Commissioners hereby finds and determines that the closing of said street is not contrary to the public interest and that no individual owning property either abutting the street or in the vicinity of said street or in the subdivision in which said street is located will, as a result of the proposed closing of the north-south portion of Seagull Dr., be thereby deprived of a reasonable means of ingress or egress to his property; AND

WHEREAS, it appears to the satisfaction of the BOC that the closing of said street will be in the public interest.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head, meeting in regular session, that the north-south portion of Seagull Drive located in South Nags Head, as more particularly described hereafter, is hereby ordered closed and all right, title and interest in those persons owning lots adjacent to the street; such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street in accordance with the provision of GS 160A-299(c): All that north-south portion of Seagull Drive identified as extending from the property line between Lot 56 (10200 Seagull Drive-Fohs) and Lot 55 (10204 Seagull Drive-Dipaola) to the north - and running to the property line between Lot 21 (216 Seagull Drive) and Lot 22 (214 Seagull Drive) to the south - of the Goose Wing Subdivision.

Provided, however, that this resolution shall not terminate or have any effect on the existing access easements and rights to all of Seagull Drive held by all property owners in Goose Wing Subdivision as shown on and created by the recorded plat of Goose Wing Subdivision, which access easements and rights are hereby acknowledged and reserved to all property owners in the Subdivision.

The Town Clerk is hereby ordered and directed to file in the office of the Register of Deeds of Dare County a certified copy of this resolution. Upon motion duly made by Comr. Demers and duly seconded by Mayor Pro Tem Walters, the above resolution was duly adopted by the Board of Commissioners at a regular meeting held on the 7th day of September 2016. Upon call for a vote all Commissioners voted in the affirmative.

This the 7th day of September 2016.



Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:



Carolyn F. Morris, Town Clerk

