

**RESOLUTION ESTABLISHING AND CREATING THE NAGS HEAD BEACH EROSION CONTROL AND FLOOD AND HURRICANE WORKS MUNICIPAL SERVICE DISTRICT**

WHEREAS, Chapter 160A, Article 23 of the North Carolina General Statutes authorizes towns within North Carolina to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city; and

WHEREAS, said statutes further provide that the town may define a service district for the purpose of beach erosion control and flood and hurricane protection works; and

WHEREAS, acting in response to a need for action in order to protect structures of historic significance, maintain tax and economic base, protect town infrastructure including facilities for public recreational access the Board of Commissioners for the Town of Nags Head has determined that the creation of a municipal service district for erosion control and hurricane protection works will be for the benefit of those properties located within the service district boundaries; and

WHEREAS, the Board of Commissioners for the Town of Nags Head further finds that the proposed district is in need of projects and programs to the standards of G.S. 160A-537(a) to a demonstrably greater extent than the remainder of the town to meet the needs and goals set forth above; and

WHEREAS, pursuant to such determinations and in accordance with applicable provision of the General Statutes, the Board of Commissioners for the Town of Nags Head has defined such a district, and does determine, as a fact, that the proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536(a) to a demonstrably greater extent than the remainder of the town; and,

WHEREAS, a map of the proposed district showing its proposed boundaries, a copy of which is attached hereto and incorporated by reference, a statement showing that the proposed district meets the standards set out in G.S.160A-357(a), and a plan for providing in the district one or more of the services listed in G.S. 160A-536 has been created; all of which has been incorporated into a report which has been available for public inspection in the office of the Town Clerk for four (4) weeks prior to the public hearing on the matter of the establishment of the service district; and

WHEREAS, the Board of Commissioners for the Town of Nags Head has caused a notice of such hearing to be duly published in the Coastland Times, a newspaper having general circulation in the Town of Nags Head and Dare County, said hearing having been conducted on January 17, 2007, and the Town Clerk has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to G.S.160A-537(c).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF NAGS HEAD, NORTH CAROLINA that:

1. The Town of Nags Head has fully complied with each and every requirement of Chapter 160A, Article 23 of the North Carolina General Statutes and determines and finds same as a fact.

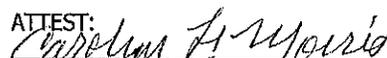
2. The Nags Head Beach Erosion Control and Flood and Hurricane Works Municipal Service District for erosion control and flood and hurricane works is hereby established and created in accordance with the following description:

Contained within the Atlantic Ocean to the east, North Carolina Highway 12 and Secondary Road 1243 to the west, Blackman Street to the north and the Town of Nags Head corporate town line to the south and being the same property as shown within the boundaries set forth on that certain map attached hereto as Exhibit "A" and incorporated herein by reference, to which reference is made for amore complete and accurate description of the boundaries of the Nags Head Beach Erosion Control and Flood and Hurricane Works Municipal Service District.

3. The Town of Nags Head may levy property taxes within the service district in addition to those throughout the town in order to finance, provide or maintain for the district, services provided therein, in addition to or to a greater extent than those financed, provided or maintained for the entire town.

4. This resolution shall take effect at the beginning of fiscal year for 2007-2008.

ADOPTED the 17th day of January, 2007.

ATTEST:  
  
Carolyn F. Morris, Town Clerk

