

# CAROLINA BEACH

Town Council Special Meeting

Monday, September 19, 2022 – 4:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## AGENDA

### CALL TO ORDER

### ITEMS OF BUSINESS

1. Closed Session –Attorney/Client
2. Consider Adopting the Amended Resolution 22-2270

### ADJOURNMENT



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Council Meeting 9/19/2022

**SUBJECT:** Closed Session –Attorney/Client

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**RECOMMENDED MOTION:**

Motion to go into closed session to discuss an attorney/client matter pursuant to North Carolina General Statute 143-318.11(a)(3).



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council 9/19/2022

**SUBJECT:** Consider Adopting the Amended Resolution 22-2270

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**BACKGROUND:**

A typographical error was found in the original resolution (22-2270). Attached is the amended resolution to be considered.

**ACTION REQUESTED:**

Consider adopting the amended resolution.

**RECOMMENDED MOTION:**

Motion to adopt Resolution 22-2270 as amended by the Town Attorney.

**RESOLUTION NO. 22-2270**

A Resolution Authorizing the Town to Obtain a Public Right of Way over Property by Either Voluntary Acquisition or Condemnation

**WHEREAS**, Chapter 40A of the North Carolina General Statutes authorizes each municipality to acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the purpose of opening, widening, extending, or improving roads, streets, alleys and sidewalks; and

**WHEREAS**, the Town of Carolina Beach (“Town”) desires to explore acquisition and proceed to acquire, a public right of way over real property in the general vicinity of the paved area connecting Florida Avenue to Georgia Avenue (as Florida and Georgia Avenue are shown on Map recorded in Map Book 3, Page 67 of the New Hanover County Registry) and as generally shown here (“Right of Way”):



**WHEREAS**, the Right of Way is located on real property identified as New Hanover County Tax Parcel ID# RO8807-002-010-000, owned by CBYC, LLC, a North Carolina Limited Liability Company, and further described in New Hanover County Registry Deed Book 6235, Page 2175 (“Property”); and

**WHEREAS**, Town claims an existing right of access pursuant to a Deed of Easement recorded in Book 1330, Page 1349 of the New Hanover County Registry; and

**WHEREAS**, it is in the best interest of the Town and public for the Town to acquire the Right of Way over the Property, whether by voluntary acquisition or by condemnation, for the public purposes set forth above; and

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Carolina Beach is authorized to take all actions necessary to obtain a right of way over the Property, either (1) by voluntary acquisition or (ii) by eminent domain pursuant to Chapter 40A of the North Carolina General Statutes and other applicable law authorizing the Town to condemn and acquire the necessary Right of Way over the Property.

**WITNESSED** this the 13<sup>th</sup> day of September 2022.

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Albert L. Barbee, Mayor

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ATTEST: Kimberlee Ward, Town Clerk