

Resolution 18-2178

Town of Carolina Beach
Town Council



RESOLUTION NO. 2018-2178

A Resolution Authorizing the Town to Obtain Title to Eight "Freeman Park Area" Tracts 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 public purposes that include, but are not limited to, (1) establishing, enlarging, or improving parks, playgrounds, and other recreational facilities; (2) engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment; (3) establishing access for the public to public trust beaches and appurtenant parking areas; and (4) for any other public purpose authorized by law; and

WHEREAS, the Town of Carolina Beach ("Town") desires to explore acquisition and proceed to acquire, title to eight separate real property tracts in the general vicinity of Freeman Park (the "Tracts"), the Tracts being within the extraterritorial jurisdiction of the Town, and which are generally located at (a) the north end of Carolina Beach, (b) south of the public trust beaches along Carolina Beach Inlet, (c) west of the public trust beaches on the Atlantic Ocean, and (d) east of the U.S. Army Corps of Engineers Intracoastal Waterway eastern right of way line and public trust beaches east of Myrtle Grove Sound, the Tracts being identified by New Hanover County Parcel ID #s, their respective owners (hereinafter "Owners"), and New Hanover Registry Deed Book and Page #s as follows:

Parcel ID#	Owner(s)	Deed Book & Page
R08500-006-990-000	Freeman Beach, LLC	5996-2735
R08500-006-008-000	B & F Enterprises of Calabash, LLC	5589-2181
R08500-006-007-001	Carolina Freeman, LLC	5947-2278
R08500-006-007-000	Carolina Freeman, LLC	5957-2314
R08500-006-006-000	Carolina Freeman, LLC	5957-2314
R08500-006-005-000	Carolina Freeman, LLC	6095-1836
R08500-006-003-000	DRDK, LLC	6101-457
R08500-006-002-000	Winnie Everett Futch Heirs	85-361

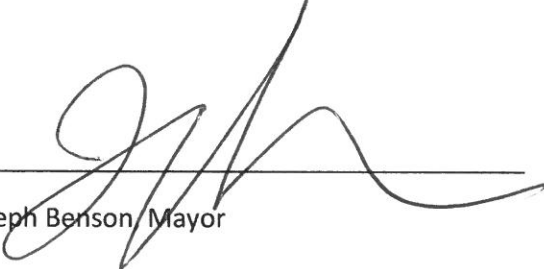
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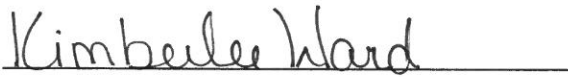
WHEREAS, it is in the best interest of the Town and public for the Town to acquire the Tracts, whether by voluntary acquisition or by condemnation, for the public purposes set forth above; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Carolina Beach is authorized to take actions to obtain the Tracts, either (i) 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 title to the Tracts.

WITNESSED this the 27th day of February 2018.



Joseph Benson, Mayor



Attest: Kimberlee Ward, Town Clerk

