



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners  
From: Michael Zehner, Director of Planning & Development  
Date: March 30, 2021  
Subject: Consideration of request to improve the existing paper street known as Fourth Street (W. Coastal Way) (*Attachment G-2*)

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### BACKGROUND AND OVERVIEW

Please find attached a letter from Mike Morway, P.E., with Albemarle & Associates Ltd., on behalf of Cabeach, LLC, the owner of six (6) undeveloped lots along the paper street right-of-way known as Fourth Street (see attached “Map of Old Hotel Lots” from 1932, identifying the 6 lots and right-of-way), located immediately south of the recently approved Coastal Villas Subdivision, and immediately north of the Nags Head Post Office; as noted in the letter, Cabeach LLC is seeking the Board’s authorization of the proposed improvements to the right-of-way consistent with applicable Town requirements and specifications, and will eventually seek the Town’s acceptance of these improvements and the street right-of-way. Improvement of this street will allow for the issuance of building permits for construction on the six (6) lots.



Also included as attachments are a letter dated March 3, 2021, to Michael Zehner ,providing responses to Town Staff review comments, and two (2) plan sheets providing plans for the roadway improvement and waterline extension. The plan sheets also address two (2) additional Staff comments not referenced in the March 3, 2021 letter, as follows:

1. The detectable warning surface for the multi-use path ramp transitions shall span the entire width of the ramp in accordance with Public Rights-of-Way Accessibility Guidelines R305.1.4.
2. It is the Town's understanding that it has been determined to be feasible to install a cross for the water line tie-ins, as opposed to two tees.

The proposed improved street would align and connect with the to-be-constructed W. Coastal Way in the Coastal Villas Subdivision to the north (eliminating the need for the temporary cul-de-sac to be established within that subdivision), and the request and plans propose to change the name of Fourth Street to W. Coastal Way as a continuation of this street. Additionally, the proposed waterline will be an extension of the service being improved as a part of the Coastal Villas Subdivision. Town Staff have reviewed the request and submitted plans, determining them to be compliant with Town requirements and specifications.

### **STAFF RECOMMENDATION**

Based upon the sufficiency of the submitted plans, Staff recommends the Board's authorization of the improvements to the right-of-way as proposed, to be memorialized in an agreement executed between the Town and Cabeach, LLC stipulating the following, and authorize the Town Manager to execute such an agreement on behalf of the Town:

1. Prior to the Town's acceptance of improvements, Cabeach, LLC shall properly convey an easement to the Town, with Nags Head Construction, to encompass the reconstructed waterline running east-west along the northern property line common between the two properties; and
2. To coincide with a future request to dedicate improvements within the right-of-way to the Town, Cabeach, LLC shall present a quitclaim deed to the Town for all portions of the right-of-way not determined to be currently owned by the Town.

### **Attachments:**

1. Map of Old Hotel Lots, 1932, Deed Book 15, Page 219 Dare County Registry
2. Letter from Mike Morway to Greg Sparks, dated March 3, 2021;
3. Letter from Mike Morway to Michael Zehner, dated March 3, 2021;
4. Plan sheet C701, titled Roadway and Waterline Plans - Cabeach, LLC - West Coastal Way (Fourth Street), prepared by Albemarle & Associates, Ltd., with a last revised date of March 1, 2021; and

5. Plan sheet C702, titled Roadway and Waterline Details - Cabeach, LLC - West Coastal Way (Fourth Street), prepared by Albemarle & Associates, Ltd., with a last revised date of March 1, 2021.