



ASSESSMENT RESOLUTION

POND ISLAND MARINA SUBDIVISION WATER IMPROVEMENTS

WHEREAS, written requests have been received from some property owners with frontage abutting on W. Shore Road and within the Pond Island Marina Subdivision for the Town to extend the public water distribution network to serve their properties; and

WHEREAS, the Town finds that the project for an extension of the Town of Nags Head water distribution system would be in the public interest due to issues relating to quality of the water supply from the individual wells, and by ensuring the availability of treated water in the Pond Island Marina Subdivision; and

WHEREAS, on March 5, 2014 the Town of Nags Head Board of Commissioners by motion decided to proceed with a special assessment against benefited property owners for properties along W. Shore Road and within the Pond Island Marina Subdivision for extending the public water distribution network and described in the following manner:

A portion of the Pond Island Marina Subdivision will be brought up to standards set by the current rules and regulations governed by the Town's municipal codes covering utilities in a development by extending the main waterline to serve the properties abutting W. Shore Road, as generally described on the Pond Island Watermain Extension, Plan/Profile Sheet attached hereto as Exhibit 1, extending the main water line in the general course of W. Shore Road from its current terminus approximately 560' southward, to a point adjacent to the southwest property corner of Lot 26A (hereinafter "the Project"); and

WHEREAS, on April 2, 2014 the Town of Nags Head Board of Commissioners adopted a preliminary assessment resolution, with an option for assessments to be held in abeyance (the "Preliminary Resolution"); and

WHEREAS, after adopting the Preliminary Resolution notice was given that a public hearing would be held on May 7, 2014 pursuant to N.C.G.S. 160A-224; and

WHEREAS, a copy of the Preliminary Resolution was mailed to the owners as shown on the tax records of Dare County of all property subject to assessment if the Project were undertaken, and the Town Clerk has filed with the Board of Commissioners a certificate of such mailing; and

WHEREAS, the public hearing was conducted on May 7, 2014, at which time the Board of Commissioners heard from all interested persons who appeared at the hearing with respect to any matter covered by the preliminary resolution; and

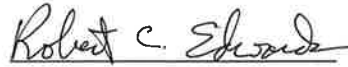
WHEREAS, pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes and Town Code Section 44-102, *et. seq.* the Town has duly considered the propriety of proceeding with the project and imposing special assessments on the benefited owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Nags Head, North Carolina:

1. That, in light of the requests from some owners and based on the Town's own motion, the above mentioned Project is found to be sufficient and desirable in all respects.
2. The Town will proceed to improve the Pond Island Marina Subdivision as described in the Project.

3. As provided in North Carolina General Statutes (NCGS) Article 10, Special Assessments, and particularly 160A-218 (1), and Town Code Sec. 44-105, special assessments will be imposed as follows:
 - a. An assessment shall be made on the basis of the frontage abutting on the lateral mains of such extension, at an equal rate per foot of such frontage.
 - b. The properties with frontage abutting on the Project that will be benefited by the Project have been identified as Lots 18, 19,20,21,22,23,24, and 26A located along W. Shore Rd. and within the Pond Island Marina Subdivision.
 - c. The estimated cost of the Project is \$16,402.50.
4. That 100% percent of the total cost of said Project will be hereafter assessed upon the properties receiving the improvements as follows:
 - a. The total cost shall be levied based upon the frontage abutting on the Project, at an equal rate per foot of frontage pursuant to North Carolina General Statutes (NCGS) Article 10, Special Assessments, 160A-218.
 - b. This assessment will be assessed to the property owners in ten (10) annual installments.
 - c. The "Assessment Roll" will be prepared identifying owners of those properties with frontage abutting the Project in compliance with N.C.G.S. 160A. 227, briefly describing their lot, parcel or tract of land assessed, the basis for the assessment, the amount of each assessment, the terms of payment, and any discounts.
 - d. Interest shall be set at five percent (5%) per annum.
 - e. The assessed property owner has the option to pay all of their total assessment in one (1) payment without incurring interest. This payment must be paid within 30 days after the publication of the notice that the Assessment Roll has been confirmed.
5. That all of the assessments for the properties with frontage abutting on the Project described herein may be held in abeyance, without interest, until improvements on the assessed property are actually connected to the water system for which the assessment is levied, or a date certain not more than 10 years from the date of confirmation of the assessment roll, whichever event occurs first.
6. That the assessments for the properties with frontage abutting on the Project provided herein shall be payable based upon one of the following methods;
 - a) In cash; or
 - b) if any property owner shall so elect and give notice of that fact to the Board of Commissioners in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in ten (10) equal annual installments, said installments to bear interest at the rate of five (5%) percent per annum, upon confirmation and publication of the assessment roll; or
 - c) the assessment will be held in abeyance without interest until improvements on the assessed property are actually connected to the water system for which the assessment was levied or until September 1, 2024, whichever first occurs.
7. When the project is complete, the total costs shall be ascertained and the preliminary assessment roll shall be prepared. In addition to construction costs, the costs of all necessary legal services, the amount of interest paid during construction, costs of rights of way, and the costs of publication of notices and resolutions may be included.
8. This Resolution shall be published in a newspaper of general distribution within the Town in compliance with Town Code Sec. 44-105.

This the 7th day of May 2014.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



The following Commissioners voted for the passage of the above resolution:

Mayor Edwards, Mayor Pro Tem Walters, Comr. Cahoon, Comr. Ratzenberger, and Comr. Demers

The following Commissioners voted against the passage of the above resolution:

None