EMERALD ISLE
NORTH CAROLINA

Nice Matters!

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Board of Commissioners
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Town Manager
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ORDER CLOSING CREW DRIVE BETWEEN EMERALD LANDING DRIVE AND EMERALD PLANTATION SHOPPING CENTER

Whereas, Crew Drive is a public street running in west-east direction parallel to NC 58 between Bogue Sound and the Emerald Plantation Shopping Center, and

Whereas, the ~ 510 linear ft. segment of Crew Drive between its intersection with Emerald Landing Drive and its eastern terminus at Emerald Plantation Shopping Center provides access to 4 adjacent parcels, and also serves as a secondary entrance and exit for Emerald Plantation Shopping Center, and

Whereas, the 4 parcels adjacent to this segment of Crew Drive are currently under contract for the construction of a new grocery store, to be located on recombined parcels, and

Whereas, the developer of the new grocery store, C4 Emerald Isle LLC, is requesting the legal closure of this segment of Crew Drive concurrently with the development of the grocery store in order to achieve the desired site layout, and

Whereas, C4 Emerald Isle LLC has committed to replace this segment of Crew Drive with a new, perpetual public road easement in the same general location as this segment of Crew Drive, and has committed to improve the roadway by increasing the width, installing curb and gutter, resurfacing, and installing sidewalks, and

Whereas, the legal closure of this segment of Crew Drive would appear to impact only the 4 parcels to be recombined for the new commercial shopping center and the secondary entrance and exit for Emerald Plantation Shopping Center, and the replacement with a new, perpetual public road easement and improved roadway would appear to continue the historical use of this segment of Crew Drive and insure that no property owners are deprived of reasonable means of ingress and egress to their property, and

Whereas, the Emerald Isle Board of Commissioners adopted a formal Resolution of Intent to Close a Segment of Crew Drive at its meeting held on Tuesday, August 9, 2016, and

Whereas, a formal public hearing was originally scheduled for Tuesday, September 13, 2016 at 6 pm regarding the potential closing, but was continued to Tuesday, October 11, 2016 at 6 pm due to concerns expressed by Emerald Plantation Shopping Center, and

Whereas, signs have been posted at multiple locations along this segment of Crew Drive advising of the continued public hearing on Tuesday, October 11, 2016 at 6 pm regarding the potential closing, and

Whereas, a copy of the Resolution of Intent to Close a Segment of Crew Drive was published in the Carteret County News Times for 4 consecutive weeks on August 14, 21, 28, and September 4, 2016, and was published again in the Carteret County News Times with the October 11, 2016 date for the continued public hearing for 4 consecutive weeks on September 18, 25, October 2, and 9, 2016, and

Whereas, a copy of the Resolution of Intent to Close a Segment of Crew Drive was mailed to all owners of property adjoining the street as shown on Carteret County tax records, originally on September 7, 2016, and again on September 15, 2016 for the continued public hearing, and

Whereas, the Board of Commissioners conducted a continued public hearing on Tuesday, October 11, 2016 at 6 pm to receive public comment on the potential closing,

Now, therefore, the Board of Commissioners finds that:

1. The closing of the segment of Crew Drive between Emerald Landing Drive and Emerald Plantation Shopping Center is not contrary to the public interest.

2. No individual owning property in the vicinity of this segment of Crew Drive will be deprived of reasonable means of ingress and egress to his or her property.

Furthermore, the Board of Commissioners hereby orders the segment of Crew Drive between Emerald Landing Drive and Emerald Plantation Shopping Center, as described above and indicated on the attached map, to be permanently closed, and to no longer be designated as a public street. All right, title, and interest in the Crew Drive right-of-way for this segment shall be presumed to be vested in the ownership of the adjoining properties for the width of the abutting land owned by them, extending to the centerline of the street.

Furthermore, the Board of Commissioners hereby makes this Order expressly contingent upon the associated road improvement / maintenance agreement, and directs the Town Manager and Town Attorney to delay the recording of this Order until all conditions outlined in the associated road improvement / maintenance agreement have been satisfied. Said conditions include the closing on the purchase of the adjoining parcels by C4 Emerald Isle LLC, the execution of the perpetual public road easement to replace this segment of Crew Drive, the establishment of the Town's superior position over any other deed or lien holders, and the construction of proposed improvements.

Adopted this the 11th day of October, 2016.

Eddie Barber

Eddie Barber, Mayor

ATTEST:

Rhonda Ferebee, Town Clerk, CMC

SEAL