



HOUSE BILL 1004: Wrightsville Beach Local Act Changes.

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: June 20, 2018
Introduced by: Rep. Davis	Prepared by: Jessica Sammons
Analysis of: Third Edition	Staff Attorney

OVERVIEW: *House Bill 1004 would do the following:*

- *Allow the Town of Wrightsville Beach to use the Town's property located in between private land owners' property and the Atlantic Ocean for the construction of public restrooms, gazebos, park facilities, and public beach access facilities without the property reverting back to the State.*
- *Allow the County of Chowan to lease property on the Old DF Walker Elementary School campus to the Boys and Girls Club of the Albemarle for terms exceeding 10 years without the lease being treated as a sale of property.*

The act would be effective when it becomes law.

Section 1 – Town of Wrightsville Beach

CURRENT LAW: Chapter 246 of the Public Laws of 1939 describes property that had been filled in, restored, or constructed by the Town of Wrightsville Beach following years of erosion. Section 1 of the 1939 act incorporates this filled in, restored, and newly constructed land into the corporate limits of the Town of Wrightsville Beach. Section 2 of the 1939 act establishes a set "property line" to distinguish private from public land. All of the newly constructed land to the west of the property line is conveyed to the adjacent land owner, and all newly constructed land to the east of the property line is conveyed to the Town of Wrightsville Beach.

No building or structure may be built on land lying to the east of the property line. All land to the east of the property line is to be kept open at all times by the Town for either (1) streets and highways for public use, or (2) development and use as a public square or park. If the land is not used for one of these purposes, the land reverts and becomes property of the State.

BILL ANALYSIS: House Bill 1004 would:

- Clarify that use of the land to the east of the property line for development and use as a public square or park includes any construction of public restrooms, gazebos, and typical park facilities on that land.
- Allow the land to the east of the property line to be used by the Town for the construction of public beach access facilities.

Section 1.5 – County of Chowan

Karen Cochrane-Brown
Director



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CURRENT LAW: Article 12 of Chapter 160A provides that cities and towns may dispose of property, including G.S. 160A-272, which authorizes cities to lease city-owned property for up to 10 years, provided that the governing body determines that the property will not be needed by the city for the term of the lease. Leases for terms of more than 10 years are treated as a sale of real property.

G.S. 153A-176 makes the provisions of Article 12 of Chapter 160A applicable to counties.

BILL ANALYSIS: House Bill 1004 would grant the County of Chowan the ability to lease all or part of its interest in land on the Old DF Walker Elementary School campus to The Boys and Girls Club of the Albemarle for terms exceeding 10 years without the lease being treated as a sale of property.

EFFECTIVE DATE: The act would be effective when it becomes law.