



NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 511  
HOUSE BILL 612

AN ACT RELATING TO THE TITLE TO THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN.

WHEREAS, during the course of many years in the Town of Carolina Beach, in the County of New Hanover, North Carolina, much of the land abutting and fronting on the Atlantic Ocean in said town formerly belonging to various property owners has been and is now being washed away by successive storms, tides and winds; and

WHEREAS, the said Town of Carolina Beach, with aid from the State of North Carolina, the United States Government, and with its own funds, has from time to time made available funds with which to control the erosion caused by said tides and winds and other causes, and to that end the said town has pumped sand from Myrtle Grove Sound and also pushed up sand and hauled sand, and as a result thereof there has been, is now, and will be made and constructed new land on the ocean front of said town which will change the ordinary and usual low water mark of the waters of the Atlantic Ocean along the front of said town, and when the work has been completed the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the Town of Carolina Beach, as well as the State of North Carolina, to fix and define the title to such new land and to fix and determine its use, and to further define the littoral rights of the property owners abutting on the ocean front which will be destroyed or taken by and through the making of such new made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present eastern property line of the lot owners at present bordering on said ocean and the low water mark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the Town of Carolina Beach and so much of said lands so filled in, restored and made which will lie West of "the building line" to be defined and determined by Section 2 of this

Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said "building line" to be fixed and determined by Section 2 of this Act is hereby granted and conveyed in fee simple to the Town of Carolina Beach, provided, however, that no building or structure shall be built and erected on said made and built-up land lying East of "the building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Carolina Beach shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.

Sec. 2. Within thirty (30) days from the date of the completion of said work to be carried on by the Town of Carolina Beach and referred to in the preamble hereof, the said Town of Carolina Beach shall, at its own cost, survey or have surveyed by a competent engineer a line to be known as "the building line", and which shall constitute and define "the building line" referred to in Section 1 of this Act, and which shall run the full length of the beach within the town limits, and after "the building line" shall have been surveyed and fixed and determined, the said authorities of the Town of Carolina Beach shall immediately cause to be prepared a map showing, fixing, and determining "the building line", which map so prepared shall be immediately recorded in the office of the Register of Deeds of New Hanover County in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine "the building line" referred to in Section 1 of this Act.

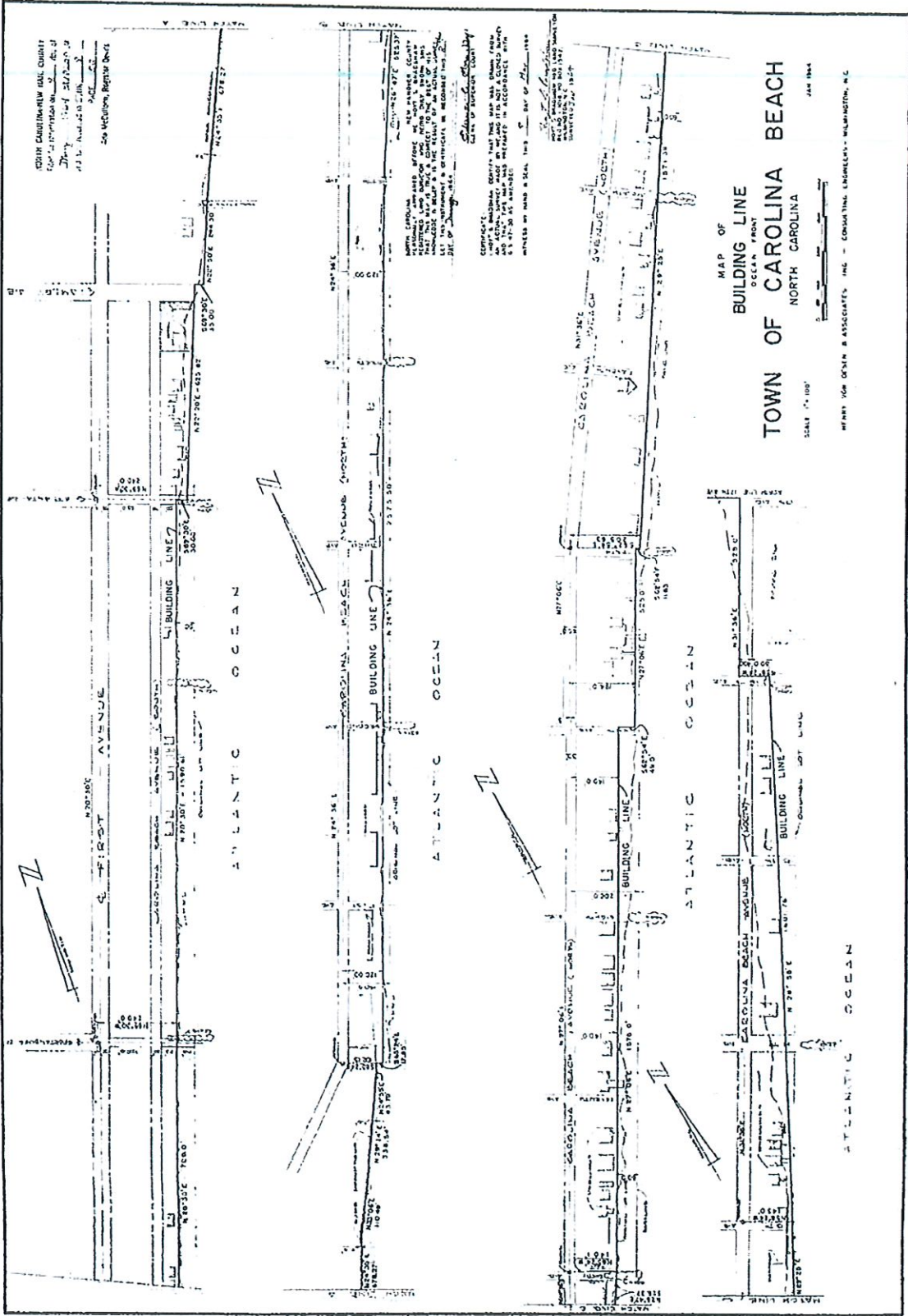
Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the Town of Carolina Beach, or assert such claims by filing notice thereof with the governing body of the town, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six (6) months after "the building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title or interest in and to the territory immediately affected by and through or as

a result of the doing of act or acts or thing or things herein mentioned, and shall be forever bound from maintaining any action for redress upon such claim.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.



GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 276  
HOUSE BILL 111

AN ACT TO ESTABLISH THE TITLE TO CERTAIN LANDS RAISED FROM  
NAVIGABLE WATERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 146-6 is amended as follows:

(1) by adding a new sentence at the end of subsection (b) to read:

"Title to land so raised, however, does not vest in the State if the land was raised within the bounds of a conveyance made by the State Board of Education, which included regularly flooded estuarine marshlands or lands beneath navigable waters, or if the land was raised under permits issued to private individuals pursuant to G.S. 113-229, G.S. 113A-100 through -128, or both."; and

(2) by adding a new subsection to read:

"(f) Notwithstanding the other provisions of this section, the title to land in or immediately along the Atlantic Ocean raised above the mean high water mark by publicly financed projects which involve hydraulic dredging or other deposition of spoil materials or sand vests in the State. Title to such lands raised through projects that received no public funding vests in the adjacent littoral proprietor. All such raised lands shall remain open to the free use and enjoyment of the people of the State, consistent with the public trust rights in ocean beaches, which rights are part of the common heritage of the people of this State."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1985.

NEW HANOVER COUNTY

SHERIFF'S DEED

STATE OF NORTH CAROLINA :

COUNTY OF NEW HANOVER :

This deed, made and entered into this the 27th day of November, 1973,  
 by and between H. O. Grohman, Sheriff of New Hanover  
 County, North Carolina, party of the first part, and New Hanover County and  
Town of Carolina Beach, party [parties] of the second part,

## WITNESSETH:

That whereas the party of the first part, being duly licensed there to by and execution  
 issued upon a certain Judgment docketed in the office of the Clerk of the Superior Court for  
 New Hanover County, N. C. in Judgment Docket Book 7, at page 145, in a proceeding  
 entitled "New Hanover County and

Town of Carolina Beach Vs Mrs George O'Fishi (O'Fish)."  
 After due advertisement in accordance with law, did offer for sale and did sell, at public auction  
 for cash to the highest bidder, at the courthouse door in New Hanover County, N. C. on the  
5th day of November, 1973 certain real estate herein described,  
New Hanover County and  
 when and where Town of Carolina Beach became the last and highest bidder for the price  
\$1,285.79.

Whereas, more than ten days have elapsed since the report of the said sale was filed with  
 the Clerk of the Superior Court and no increased bid has been filed, and said sale having been  
 confirmed by an Order of the Superior Court, and the said New Hanover County and

Town of Carolina Beach  
 party [parties] of the second part has [have] fully paid the amount of the bid to the party of  
 the first party;

NOW, THEREFORE, in consideration of the premises and in further consideration of the  
 sum of Twelve Hundred eighty five and 79/100 \$ 1,285.79  
 in hand paid to the party of the first part by the party [parties] of the second part, the receipt  
 of which is hereby acknowledged, the said party of the first part has given, granted, bargained,  
 sold and conveyed, and does hereby give, grant, bargain, sell and convey unto the party [parties]  
 of the second part, and to its [their] successors and assigns, a 52.3 % undivided  
 interest to the Town of Carolina Beach North Carolina, and a 42.7 undivided  
 interest to New Hanover County, North Carolina, in and to the following  
 described real estate, same lying and being in Town of Carolina Beach ~~TOWNHIP~~, New  
 Hanover County, North Carolina, and being more particularly described and bounded as follows:

Beginning at a point in the south margin of a twenty (20) foot Street,  
 (said Street being a prolongation of Cape Fear Boulevard), being the northeast  
 corner of Lot Six (6); thence in a southwardly direction with the eastern line of  
 Lot Six (6) fifty (50) feet to a point, the northeast corner of Lot Nine (9)  
 thence with the northern line of Lot Ten (10) seventeen and fifty-five hundredths  
 (17.55) feet to a point the northeast corner of Lot Ten (10) and the high water mark  
 of the Atlantic Ocean; thence with the high water mark of the Atlantic Ocean north  
 Fifty and Two-tenths (50.2) feet to a point in the south margin of said twenty (20)  
 foot Street; thence west with the south line of said Street Twenty One and Five-tenths  
 (21.5) feet to the point of beginning; the same being known and designated as Lot  
 Number Seven (7) according to a map of property conveyed by P. O. Moore and wife to  
 J. W. Eford, by deed dated July 8, 1926, which said deed is recorded in book 173  
 at page 330; and which said map is entitled "Section of Carolina Beach", prepared by  
 J. L. Becton, C. E., July 1926, and which said map is duly recorded in the office of  
 the Register of Deeds of New Hanover County in Map Book 2 at page 104, to which said  
 map reference is hereby had for a more complete description of the Lot herein  
 conveyed.

EXHIBIT

3

BOOK 990 PAGE 47

For more particular description, see deed from \_\_\_\_\_

to \_\_\_\_\_, recorded  
in Deed Book 199, page 491, in the Office of the Register of  
Deeds of New Hanover County.

To have and to hold the above-described premises and all privileges  
and appurtenances thereunto appertaining, to the said party [parties] of the  
second part, his [her, their] heirs and assigns, to their only use and behoof  
forever free and clear of all encumbrances except all out-standing city and  
county taxes and all local improvement assessments against the above-described  
property not included in the execution in the above-entitled cause in as full  
and ample manner as said party of the first part is authorized and empowered  
to convey the same,

In witness whereof, the said party of the first part has hereunto set  
his hand and seal, the day and year first above written.

[Signature] (Seal)

\_\_\_\_\_ (Seal)

Personally appeared before me this day H.G. GROHMAN  
Sheriff of New Hanover County, who duly acknowledged the execution of the  
foregoing deed as his own act and deed.

Witness my hand and notarial seal, this 27 day of NOV

[Signature]  
Notary Public



My Commission Expires August 31, 1976  
By commission expires \_\_\_\_\_  
State of North Carolina-- New Hanover County  
The foregoing certificate of Thomas H. Evans, a

Notary Public of and for the County of New Hanover, State of North Carolina,  
is certified to be in due form and according to law. Filed Nov. 28  
1973, and recorded in Deed Book 990, page 46  
in the office of the Register of Deeds of New Hanover County.

This 28 day of November, 1973.

Lois C. Le Roy

Register of Deeds  
By [Signature] Assistant

Drawn by New Hanover Co  
Tax office

Received and Recorded  
November 20, 1973 at 11:18 AM  
[Signature]  
Registrar of Deeds

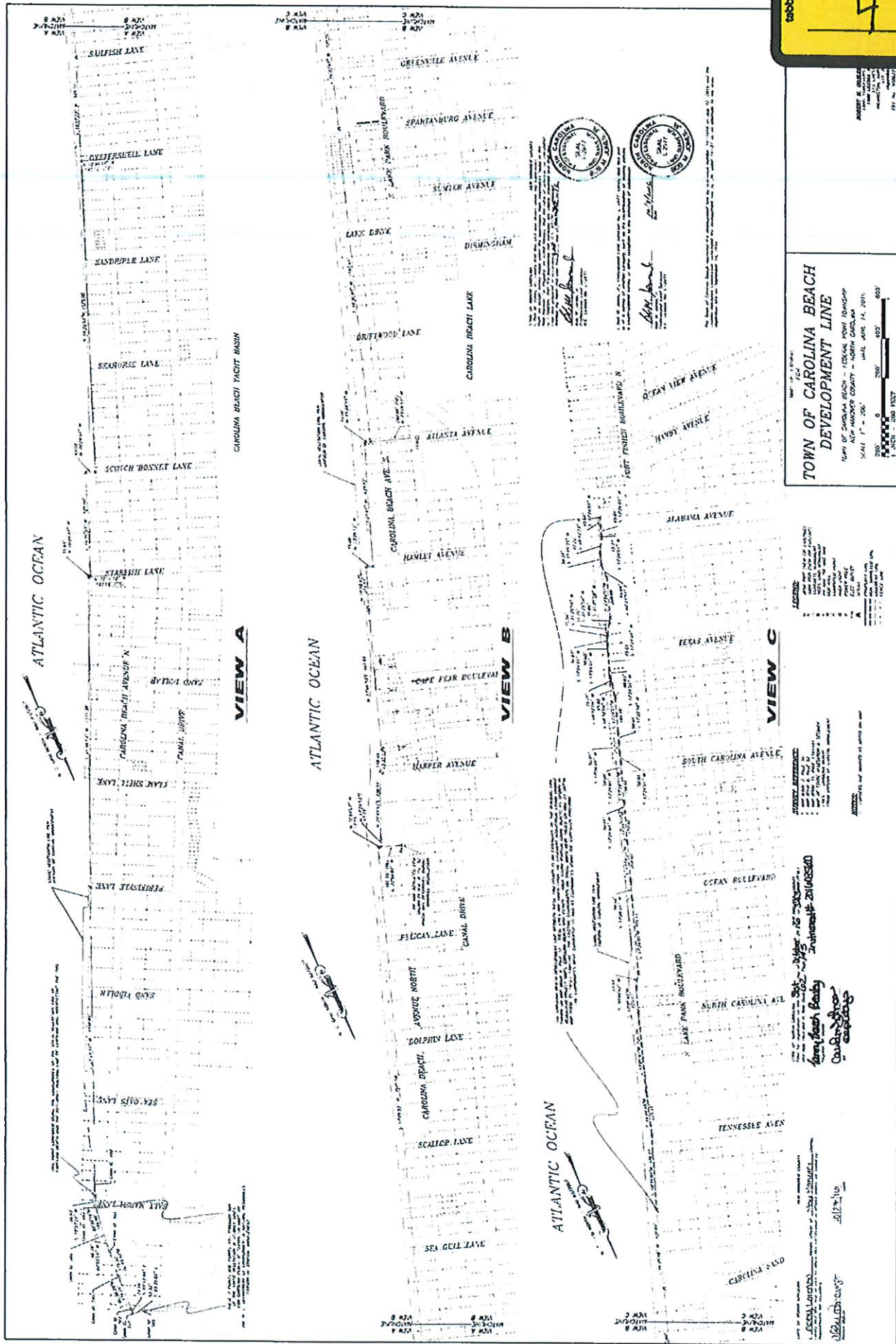


EXHIBIT  
4

**TOWN OF CAROLINA BEACH DEVELOPMENT LINE**  
 TOWN OF CAROLINA BEACH - FEDERAL POINT TOWNSHIP  
 NEW HANCOCK COUNTY - NORTH CAROLINA  
 SCALE 1" = 200'  
 DATE APRIL 14, 1971  
 200' 400' 600'  
 1 INCH = 200 FEET

**LEGEND**  
 --- DEVELOPMENT LINE  
 --- STREET CENTERLINE  
 --- LOT CENTERLINE  
 --- LOT CORNER  
 --- LOT AREA  
 --- LOT DIMENSIONS  
 --- LOT AREA AND DIMENSIONS AS SHOWN ON MAP

**NOTES**  
 1. THIS MAP IS A DEVELOPMENT LINE MAP AND DOES NOT SHOW THE EXACT LOCATION OF THE DEVELOPMENT LINE.  
 2. THE DEVELOPMENT LINE IS SHOWN AS A DASHED LINE.  
 3. THE LOT AREA AND DIMENSIONS ARE SHOWN AS SHOWN ON MAP.  
 4. THE LOT AREA AND DIMENSIONS ARE SHOWN AS SHOWN ON MAP.  
 5. THE LOT AREA AND DIMENSIONS ARE SHOWN AS SHOWN ON MAP.

Jeremy Hamilton  
 Town of Carolina Beach  
 Planning Director

Jeremy Hamilton 458 2991