

RESOLUTION 2024-R5
TO FORMALLY ACCEPT CERTAIN STREETS IN THE CHARLESTON PARK
SUBDIVISION AS PUBLIC STREETS OF THE TOWN OF SWANSBORO

WHEREAS, Charleston Park (the “Subdivision”) is a residential subdivision located in the corporate limits of Swansboro (the “Town”), containing a total of 101 lots, as shown and described on the plat entitled, “Final Subdivision and Recombination Plat for Charleston Park Subdivision” and recorded on September 30, 2009 in Plat Book 58, Pages 187, 187A, 187B, and Page 187C, and on October 29, 2009 in Plat Book 59, Pages 1, 1A, 1B, and 1C of the Onslow County Registry “the recorded plat”); and

WHEREAS, the developer of the Subdivision was H.M Wilson Development, LLC (the “Developer”)

WHEREAS, plans for the Subdivision were submitted by the Developer to the Town for review under applicable Town ordinances, and were reportedly approved by the Town on or about October, 2009; and

WHEREAS, construction of street and related infrastructure improvements in the Subdivision were reportedly not finally and satisfactorily completed; and

WHEREAS, because of the Town’s concerns that the Subdivision streets and other infrastructure improvements were not installed in accord with the Town’s standards, the Town has not yet accepted these streets; and

WHEREAS, surety bonds posted by the Developer and/or its contractors to insure satisfactory installation of infrastructure improvements, including the Subdivision streets, have expired; and

WHEREAS, streets in the Subdivision are currently in need of repair and maintenance; and

WHEREAS, the Town has adopted, effective June 21, 2011, a Town Policy (“Policy 15”) regarding developer-installed improvements, including streets, which do not meet the Town’s standards and requirements. The Policy provides that sub-standard streets shall not be accepted by the Town as public streets and shall remain private streets; and

WHEREAS, effective March 12, 2024, by official action of the Board of Commissioners, Policy 15 was amended and updated to allow an exception to the Policy when the Board finds an exception is justified by special circumstances.

NOW THEREFORE, in consideration of the Recitals, the Board of Commissioners of the Town of Swansboro Resolves as follows:

1. The Board finds that special circumstances exist with respect to the streets in the Subdivision, specifically, the following: (1) pending issues of tax equity for the owners and residents of the Subdivision and possible legal claims thereunder; (2) the history of the

Town's development review, evaluation, approval, and enforcement process with respect to the Subdivision; and (3) the substantial amount of time which has elapsed since the installation of the streets.

2. The Board further finds these special circumstances support an exception to the Town's generally applicable policy of not accepting sub-standard streets.

3. Accordingly, the Town agrees to accept, and HEREBY DOES OFFICIALLY ACCEPT the streets within the Charleston Park Subdivision, including the installed street improvements, and all easements and rights of way accommodating such streets which have been legally offered for dedication to the Town by virtue of the recorded subdivision plat, as follows:

Streets

- a- Charleston Park Lane
- b- Low Country Lane
- c- Battery Park Court
- d- Patriots Point Lane
- e- Spoleto Court
- f- Sommerville Court
- g- Meeting Park Lane
- h- Fort Sumter Way

Map Book and Page of Record

Book 59, page 1, 1A, 1B, and 1C

4. The Town Manager is directed to prepare a plan for the Town's physical take-over of the subject streets, including traffic and parking regulation, signage, exercise of general jurisdictional control, and specifically including the repair, maintenance, and improvement of streets in the Subdivision, all on the same basis as other streets of the Town.

Adopted this 26th day of March 2024.

Effective: June 30, 2024

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk