

AN ORDINANCE TO AMEND THE EXTRATERRITORIAL
JURISDICTION OF THE TOWN OF SOUTHERN SHORES
TO DELETE CERTAIN AREAS
(By Amending and Restating Ordinance Number 79-0006
as amended by Ordinances of May 4, 1993 and September 22, 1999)

THAT WHEREAS the Town Council of Southern Shores by ordinance number 79-0006 on August 7, 1979 brought the properties known as the OBRA (Outer Banks Recreational Association) property and Martin's Point within its extraterritorial jurisdiction pursuant to Section 6-1 of the Town Charter and N.C.G.S. 160A-360;

AND WHEREAS the OBRA property was thereafter annexed into the Town of Southern Shores by ordinance adopted on the 5th day of May, 1981 effective June 1, 1981, and thereby became incorporated into the Town corporate limits and no longer a part of the town's extraterritorial jurisdiction;

AND WHEREAS the property known as the residential portion of Martin's Point formerly owned by P. K. Gravely or the China American Tobacco Co. (CATCO), their successors and assigns, has been requested to be excluded from the extraterritorial jurisdiction of Southern Shores and the Town Council has determined that the residential portion of Martin's Point, but excluding the commercial portion bordering U.S. Highway 158, is no longer an area of critical concern to Southern Shores;

AND WHEREAS in order to exercise police power jurisdiction authorized by other statutes, to regulate the planning and development within, and to promote the orderly use of, waters and waterways adjacent to and adjoining the Town and its extraterritorial jurisdictional areas, and to promote the health, safety and welfare of the citizens, residents and visitors to the Town, the Town Council has determined that it is necessary and prudent to amend the existing extraterritorial jurisdiction of the Town as authorized by Section 6-1 of the Town Charter and N.C.G.S. 160A-360 in order to eliminate the OBRA and residential portions of Martin's Point;

NOW THEREFORE the Town Council of the Town of Southern Shores, North Carolina does hereby amend and restate the Extraterritorial Jurisdiction Ordinance of September 22, 1999 which amended and restated Ordinance Number 79-0006 as amended on May 4, 1993 as follows:

PART I.



BE IT ORDAINED by the Town Council of Southern Shores, North Carolina, that the following two tracts are hereby removed and deleted from the extraterritorial jurisdiction of the Town of Southern Shores: (1) the Duck Woods Golf Course Property of "OBRA" also known as the Outer Banks Recreation Association, and (2) the Martin's Point residential lots heretofore designated as the ET-1 Zoning District of Southern Shores, said tracts being described as follows:



TRACT NO. 1: OBRA. That certain parcel of land owned by the Outer Banks Recreation Association, bounded on the south by U. S. Highway #158; on the west by Dogwood Trail and Blocks 200, 201 and 202, Southern Shores; on the north by Block 118, Southern Shores and the property formerly owned by David Stick; and on the east by the property formerly owned by David Stick, the property of Kitty Hawk Land Co. Inc., and Blocks 228 and 229, Southern Shores.

TRACT NO. 2: MARTIN'S POINT. A portion of that certain tract of land formerly owned by P. K. Gravely or the China American Tobacco Co. (CATCO), their successors and assigns, bounded on the south by the Martin's Point commercial lots; on the west by Currituck Sound; on the north by Currituck Sound; and on the east by Ginguite (a/k/a Jean Guite) Creek also known as Martin's Point Creek.

PART II.

WHEREAS, there exist certain tracts of land and areas of waters bordering or adjacent to the Town of Southern Shores corporate limits;

AND, WHEREAS, for the purposes of regulating orderly growth and protection of the Town's health and welfare, it is desirable to exercise extraterritorial jurisdiction as to these three tracts pursuant to the General Statutes of North Carolina and Section 6-1 of the Charter incorporating the Town of Southern Shores.

THEREFORE, BE IT ORDAINED by the Town Council of Southern Shores, North Carolina, that the following three areas of the extraterritorial concern be included in the extraterritorial jurisdiction of the Town of Southern Shores for the planning and regulation of development pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes, and other statutes providing for police power enforcement within areas of extraterritorial jurisdiction, said areas being commonly referred to as (1) The Martin's Point Commercial lands extending westward from the western corporate limits of Southern Shores along the northern right of way of highway U.S. 158 to Currituck Sound on the west and along the southern edge of the Martin's Point residential development, (2) the waters of Currituck Sound within one mile of the western corporate limits of the Town but excluding those sound waters located westward of Martin's Point, and (3) the waters of the Atlantic Ocean within one mile of the eastern corporate limits of the Town, each of which tracts is more particularly described as follows:

TRACT NO. 1: MARTIN'S POINT COMMERCIAL. All that certain tract of land located and bordered on the East by Ginguite (a/k/a Jean Guite) Creek, on the South by U.S. Highway 158, on the West by Currituck Sound, and on the North by the Martin's Point residential lots and bounded as follows: Beginning at the intersection of the North margin of the Right of Way of U.S. Highway 158, the same being the North boundary of the Town of Kitty Hawk, with the west shoreline of Ginguite Bay or Creek; thence along the northern margin of the right of way of U.S. Highway 158 South 70 deg. 03 min. 05 sec. West 1624.11 feet to the eastern shoreline of Currituck Sound; thence cornering and along the eastern shoreline of



Currituck Sound North 27 deg. 13 min. 01 sec. West 260.69 feet to a point; thence cornering and along the southern boundary of the Martin's Point residential lots North 63 deg. 24 min. 14 sec. East 187.33 feet; thence North 27 deg. 13 min. 01 sec. West 50.00 feet; thence North 64 deg. 08 min. 47 sec. East 1496.90 feet to the western shoreline of Ginguite Creek; thence cornering along the western shoreline of Ginguite Creek South 20 deg. 31 min. 20 sec. East 333.43 feet to the point of beginning.

TRACT NO. 2: GINGUITE CREEK AND CURRITUCK SOUND WATERS. All those waters lying within one mile of the western corporate limits of Southern Shores in Ginguite (a/k/a Jean Guite) Creek also known as Martin's Point Creek and Currituck Sound but excluding those sound waters located westward of Martin's Point and more particularly described as follows: Beginning at the intersection of the North margin of the right of way of U.S. Highway 158, the same being the North boundary of the Town of Kitty Hawk, with the east shoreline of Ginguite Bay or Creek the same being the western corporate limits of Southern Shores; thence along the northern margin of the right of way of U.S. Highway 158 westward to its intersection with the east shoreline of Martin's Point; thence northward along the east shoreline of Martin's Point following the meanderings of the mean high water mark to the northernmost point of Martin's Point; thence westward in Currituck Sound on a course of South 67 deg. 31 min. 23 sec. West 2358.78 feet to a point; thence cornering North 10 deg. 21 min. 11 sec. West 7670.27 feet to a point; thence cornering North 64 deg. 29 min. 04 sec. East 4994.96 feet to the northwestern corner of the Southern Shores corporate limits located at the intersection of the eastern shoreline of Currituck Sound with the southern boundary of the lands known as the H.C. Hargrave Tract; thence cornering and in a southerly direction along the western corporate limits of Southern Shores, following the meanderings thereof to a point at the intersection of the eastern shoreline of Ginguite Bay or Creek with the North margin of the right of way of U.S. Highway 158, the point of beginning.

TRACT NO 3: ATLANTIC OCEAN WATERS. All those waters lying within one mile of the eastern corporate limits of Southern Shores in the Atlantic Ocean and bounded as follows: Beginning at the southeast corner of the corporate limits of Southern Shores at the intersection of the North boundary of the Town of Kitty Hawk with the shoreline of the Atlantic Ocean; thence from the beginning point North 64 deg. 29 min. 04 sec. East, 5020.12 feet to a point; thence cornering North 25 deg. 04 min. 52 sec. West 19,617.00 feet to a point; thence cornering South 64 deg. 29 min. 04 sec. West 5020.13 feet to the northeast corner of the Southern Shores corporate limits at the intersection of the southern boundary of the lands known as the H.C. Hargrave Tract with the shoreline of the Atlantic Ocean; thence cornering and along the shoreline of the Atlantic Ocean in a southerly direction following the meanderings thereof to the point of beginning.

The above described three tracts are more particularly shown on that certain map entitled "Town of Southern Shores, Dare County, North Carolina Extraterritorial Jurisdiction Map", by Quible & Associates, P.C., dated February 2, 2000, revised July 6, 2000 and attached to this ordinance and made a part thereof.



AND BE IT FURTHER ORDAINED that the Southern Shores Planning Board proceed in conformity with the provisions of the ordinance creating said Board and the General Statutes of North Carolina to develop and recommend to the Town Council proposals relative to the application of zoning and land subdivision regulations in each of the extraterritorial areas.

PART III.

Chapter 7, of the Southern Shores Code of Ordinances Section 7-2. **Area in extraterritorial jurisdiction**, is hereby amended to read as follows:

Sec. 7-2. Area in extraterritorial jurisdiction.

The following areas adjacent to the Town shall be included in the extraterritorial jurisdiction of the Town for the planning and regulation of development pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes, said areas being described as follows:

TRACT NO. 1: MARTIN'S POINT COMMERCIAL. All that certain tract of land located and bordered on the East by Ginguite (a/k/a Jean Guite) Creek, on the South by U.S. Highway 158, on the West by Currituck Sound, and on the North by the Martin's Point residential lots and bounded as follows: Beginning at the intersection of the North margin of the Right of Way of U.S. Highway 158, the same being the North boundary of the Town of Kitty Hawk, with the west shoreline of Ginguite Bay or Creek; thence along the northern margin of the right of way of U.S. Highway 158 South 70 deg. 03 min. 05 sec. West 1624.11 feet to the eastern shoreline of Currituck Sound; thence cornering and along the eastern shoreline of Currituck Sound North 27 deg. 13 min. 01 sec. West 260.69 feet to a point; thence cornering and along the southern boundary of the Martin's Point residential lots North 63 deg. 24 min. 14 sec. East 187.33 feet; thence North 27 deg. 13 min. 01 sec. West 50.00 feet; thence North 64 deg. 08 min. 47 sec. East 1496.90 feet to the western shoreline of Ginguite Creek; thence cornering along the western shoreline of Guinguite Creek South 20 deg. 31 min. 20 sec. East 333.43 feet to the point of beginning.

TRACT NO. 2: CURRITUCK SOUND WATERS. All those waters lying within one mile of the western corporate limits of Southern Shores in Ginguite (a/k/a Jean Guite) Creek also known as Martin's Point Creek and Currituck Sound but excluding those sound waters located westward of Martin's Point and more particularly described as follows: Beginning at the intersection of the North margin of the right of way of U.S. Highway 158, the same being the North boundary of the Town of Kitty Hawk, with the east shoreline of Ginguite Bay or Creek the same being the western corporate limits of Southern Shores; thence along the northern margin of the right of way of U.S. Highway 158 westward to its intersection with the east shoreline of Martin's Point; thence northward along the east shoreline of Martin's Point following the meanderings of the mean high



water mark to the northernmost point of Martin's Point; thence westward in Currituck Sound on a course of South 67 deg. 31 min. 23 sec. West 2358.78 feet to a point; thence cornering North 10 deg. 21 min. 11 sec. West 7670.27 feet to a point; thence cornering North 64 deg. 29 min. 04 sec. East 4994.96 feet to the northwestern corner of the Southern Shores corporate limits located at the intersection of the eastern shoreline of Currituck Sound with the southern boundary of the lands known as the H.C. Hargrave Tract; thence cornering and in a southerly direction along the western corporate limits of Southern Shores, following the meanderings thereof to a point at the intersection of the eastern shoreline of Ginguite Bay or Creek with the North margin of the right of way of U.S. Highway 158, the point of beginning.

TRACT NO 3: ATLANTIC OCEAN WATERS. All those waters lying within one mile of the eastern corporate limits of Southern Shores in the Atlantic Ocean and bounded as follows: Beginning at the southeast corner of the corporate limits of Southern Shores at the intersection of the North boundary of the Town of Kitty Hawk with the shoreline of the Atlantic Ocean; thence from the beginning point North 64 deg. 29 min. 04 sec. East, 5020.12 feet to a point; thence cornering North 25 deg. 04 min. 52 sec. West 19,617.00 feet to a point; thence cornering South 64 deg. 29 min. 04 sec. West 5020.13 feet to the northeast corner of the Southern Shores corporate limits at the intersection of the southern boundary of the lands known as the H.C. Hargrave Tract with the shoreline of the Atlantic Ocean; thence cornering and along the shoreline of the Atlantic Ocean in a southerly direction following the meanderings thereof to the point of beginning.

PART IV.

All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to conform to this ordinance.

Adopted this the 29TH day of AUGUST, 2000

Paul Sutherland

Paul Sutherland, Mayor

ATTEST:

Carrie Gordin
Carrie Gordin, Town Clerk

Approved as to form:

Thomas L. White, Jr.
Thomas L. White, Jr., Town Attorney



I, Carrie Gordin , Clerk of the Town of Southern Shores, North Carolina, do hereby certify that the foregoing is a true and correct copy of an ordinance entitled " An Ordinance To Extend The Extraterritorial Jurisdiction Of The Town Of Southern Shores " unanimously adopted by the Town Council of the Town of Southern Shores, North Carolina in a ^{Special} regular duly constituted meeting of said Board held on 29 August, 2000, at which a quorum was present, and as appears of record in the minutes of the said Board duly recorded in Minute Book No. 11.

WITNESS my hand and official seal of the Town of Southern Shores, North Carolina this 29th day of August, 2000.

Carrie Gordin
Carrie Gordin, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF DARE

I, MEREDITH A. SMITH, a Notary Public of the County and State aforesaid, certify that Carrie Gordin, Town Clerk for the Town of Southern Shores, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29th day of August, 2000.

Meredith A. Smith
Notary Public

My Commission Expires: 3/1/03

SEAL-STAMP

NORTH CAROLINA, DARE COUNTY

The foregoing Certificate of Meredith A. Smith, a Notary Public of Dare County, North Carolina is certified to be correct.

This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Barbara M. Gray
REGISTER OF DEEDS

Vanessa McMullan
ASSISTANT REGISTER OF DEEDS

CLIPPING OF LEGAL
ADVERTISEMENT
ATTACHED HERE

STATE of NORTH CAROLINA
COUNTY of DARE

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said county and state, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared dates:

Kerim Schwartz

who, being first duly sworn, deposes and says:

that he (she) is publisher or General Manager of *The Outer Banks Sentinel*, a newspaper published, issued, and entered as periodical class mail in the City of Nags Head in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached here to, was published in *The Outer Banks Sentinel* on the following dates:

JUNE 15, 2000

and that the said newspaper in which such notice, paper, document, or legal advertisement was published, was at the time of each and every such publication, a newspaper meeting all of the requirements of Section 1-597 of the General Statues of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statues of North Carolina.

This 6th day of July, 2000
Karen P. Pierce
(Signature of person making affidavit)

Sworn to and subscribed before me
This 6th day of July, 2000
Karen P. Pierce
(Notary Public)

My commission expires: March 7, 2005.



PUBLIC NOTICE
Town Of Southern Shores

Notice is hereby given that the Southern Shores Town Council will conduct a Public Hearing on Thursday, July 6, 2000 at 7:30 PM in the Pitts Center.

The purpose of the Public Hearing is to consider a proposed amendment to the Zoning Ordinance to amend Article VII, Schedule of District Regulations for Sections 7.01RS-1 Single Family Residential-B, Section 7.02 RS-8 Multi-Family Residential District B, Section 7.03 RS-10 Multi-Family Residential District B, Section 7.04 R-1 Low Density Residential District B, Section 7.05 ET-1 Extra Territorial Residential District B, Section 7.10 C-General Commercial District B, *Permitted Uses* to add: *Estuarian bulkheads.*

Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.

A copy of the proposed document is on file at the Town Hall for public inspection during regular office hours.

The public is hereby urged to be present for the Public Hearing. Any person desiring to be heard on the proposal as stated should appear at the time and place above specified.

Submitted by: Carrie Gordin, *Town Clerk*



Notice is hereby given that Southern Shores Town Council will conduct a Public Hearing on Thursday July 6, 2000 at 7:30 p.m., Pitts Center:

The purpose of the Public Hearing is to consider a proposed amendment to the Zoning Ordinance to amend Article VII, Schedule of District Regulations for Sections 7.01RS-1 Single Family Residential-B, Section 7.02 RS-8 Multi Family Residential District B, Section 7.03 RS-10 Multi Family Residential District B, Section 7.04 R-1 Low Density Residential District B, Section 7.05 ET-1 Extra-Territorial Residential District B, Section 7.10 C-General Commercial District B, Permitted Uses to add: *Estuarian bulkheads. Estuarian bulkheads must be permitted by all applicable local, state, and federal agencies having jurisdiction.*

A copy of the proposed document is on file at Town Hall for public inspection during regular office hours.

The public is hereby urged to be present for the Public Hearing. Any person desiring to be heard on the proposal as stated should appear at the time and place above specified.

Submitted by:
Carrie Gordin
Town Clerk

6-15,22c

NORTH CAROLINA
DARE COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Susan M. Simpson, treasurer

....., who being first duly sworn, deposes and says: that he (she) is of The Times Printing Co., Inc., engaged in the publication of a newspaper known as THE COASTLAND TIMES, published, issued, and entered as second class mail in the Town of Manteo, in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE COASTLAND TIMES on the following dates:

June 15, 22, 2000

.....; and that the said newspaper in which said notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Sections 1-596 and 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 19th day of July, 2000

[Signature]

Sworn to and subscribed to before me, this 19th

day of July, 2000

[Signature: Patricia A. McCleary]

Notary Public

My Commission expires: Aug. 12, 2002