



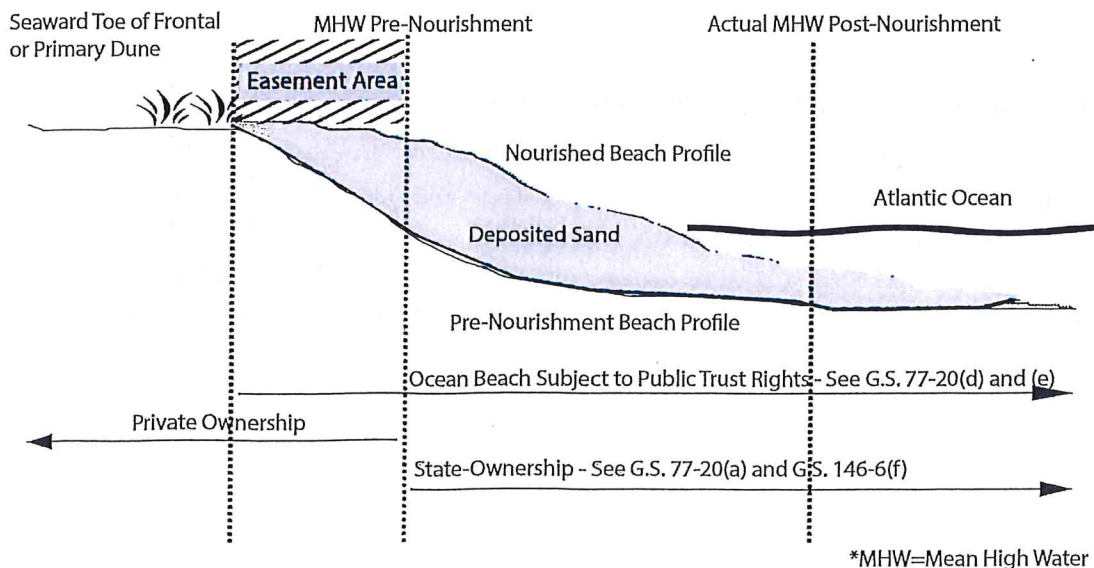
# Beach Nourishment Construction Easements Frequently Asked Questions

## Why are easements required for beach nourishment projects?

The ocean beach portion of your property, where the beach nourishment easement is located, is subject to public trust rights and available for the use of the public under North Carolina law. While that might ultimately cause the requested easements to be unnecessary, the Town is seeking the easements to ensure that it has the ability to perform the construction and maintenance necessary for beach nourishment on your property and to comply with the requests of regulatory agencies who prefer that the Town have such easements. The proposed easement ensures that the Town and its nourishment contractor have the ability to place sand on the beach seaward of your dune vegetation line, erosion escarpment, or toe of the frontal or primary dune on your property. The easement does not provide for any general public rights or uses of your property that do not already exist, and it is not meant to provide the public a right to access the ocean beach across the upland portion of your property. In other words, the public can use the beach area as it already has the right to do, but the easement does not give the public a right to park at the road by your property and walk across your property to the beach.

## What portion of my property is subject to an easement?

The requested beach nourishment easement will only apply to the ocean beach portion of your property that is typically located between your dune or vegetation line and the mean high water line which delineates your private property ownership from the adjacent state-owned portion of the ocean beach located seaward of the mean high water line. The entire ocean beach including both the easement area and the state-owned area are already subject to public trust rights under North Carolina law. The easement specifically describes the portion of your property where the easement will be located and it should be referred to for a precise location. The following diagram illustrates the location of the easement on a given property.



## **What happens if I don't approve an easement over my property?**

If you do not approve the easement on your property, it will affect the Town's ability to perform beach nourishment in the most effective and efficient manner. Modifications to the project plans might negatively affect the beach seaward of your property or that of your neighbors. Ultimately, the Town might move to condemn an easement for beach nourishment on your property via eminent domain. However, your voluntary action in providing the easement is preferred by the Town and the Town's tax payers, i.e. your friends and neighbors, so that nourishment can be performed for all in a way that works most effectively and for the least cost.

## **How does the easement affect my property rights?**

It does not affect your ownership of the land underlying the easement area. You are granting the Town a right of use for the purpose of implementing beach nourishment over limited and specific defined areas of your property and the area underlying the easement remains owned by you.

## **Does the easement grant the Town or State permission to build structures on my property?**

No, the perpetual beach nourishment easement is specific to maintaining the beach via beach nourishment.

## **Will the public have the right to use the beach on my property?**

The general public will not have any rights to use your property that they did not already have prior to beach nourishment. The ocean beach portion of your property where the easement is located is already subject to public trust rights and available for the use of the public under North Carolina law. The expansion of the ocean beach via nourishment will expand the area which the public can use out farther into the Atlantic Ocean, but of course the public could also already use the Ocean in that area. It will not expand the public's use landward of the dunes into your uplands.

## **Will I retain the right to enjoy my property?**

Yes. Except for the brief periods when beach nourishment construction or repairs are ongoing, typically no longer than a few days to a week, you will still be able to access the beach from your property and construct a dune walkover (the walkover must still comply with federal, state, and local regulations, as it must currently).

## **What rights do I maintain if I sign the easement?**

You continue to own the property subject to the terms of the easement. In essence, nothing changes except that the Town can perform nourishment and place sand upon the ocean beach on your property. The easement does not change the boundaries of your property, convey property to the Town, or change your ability to access or use the property as you currently do, except in limited instances during the construction phase of the project. You are still allowed to maintain private access to the beach.