

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 808  
HOUSE BILL 913

AN ACT TO INCORPORATE THE TOWN OF NAGS HEAD IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Nags Head in Dare County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Nags Head, and same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Nags Head shall be as follows:

"All that certain area of Dare County, North Carolina, lying wholly within the boundaries of Nags Head Township, and bounded generally on the North by the boundary line between Nags Head and Atlantic Townships, said line being also the South boundary of the corporate limits of the Town of Kill Devil Hills; on the East by the Atlantic Ocean; on the South by the lands of the United States of America known as the Cape Hatteras National Seashore Recreational Area; on the West by lands of the United States of America and the Roanoke and Albemarle Sounds, and including the lands and area lying on and adjacent to the North and South margin or right of way of that portion of U. S. Highway No. 64 and 264 leading from the East end of the Roanoke Sound Bridge to Whalebone intersection, including all of the area of those certain islands known as Pond Island, Horse Island and Cedar Island, and more particularly described as follows:

"Beginning at the point of intersection of the Nags Head-Atlantic Township line with the Atlantic Ocean, said point being also the southeast corner of the corporate limits of the Town of Kill Devil Hills, in Dare County, North Carolina, and running thence from the beginning point in a general southeasterly direction along the Atlantic Ocean, following the various courses and meanderings thereof, to the northeast corner of the lands of the United States of America on Bodie Island, which said lands form a portion of the Cape Hatteras National Seashore Recreational Area; thence along the North line of the lands of the United States of America in a southwesterly direction to a point which is 281 feet West of the West margin or right of way of the N. C. State Highway leading along Bodie Island and generally parallel with the said Ocean and being the easterly of the two highways on Bodie Island; thence in a northwesterly

direction and parallel with the aforesaid N. C. State Highway 281 feet West thereof at all points and along the East line of the lands of the United States of America to a point which is 281 feet in a southeasterly direction and parallel with said highway from the South margin or right of way of the N. C. State Highway designated U. S. Highway No. 64 and 264 or an extension thereof leading from the Roanoke Sound Bridge and Causeway to its intersection with the aforesaid Hatteras Highway leading along Bodie Island, said point being in and marking a corner of the property now or formerly owned by R. D. Sawyer, and also constituting the northeast corner of the lands of the United States of America in this area; thence continuing along the line of the United States of America, said line constituting the dividing line between the United States of America and R. D. Sawyer, Paul Dykstra et ux, Dare County Shrine Club, and others property, in a southwesterly direction to a corner of the lands of the United States of America which said point also constitutes the southwest corner of the Dare County Shrine Club property; thence continuing along the line of the United States of America, same also being the West line of the Dare County Shrine Club, in a northwesterly direction 281 feet to the South margin or right of way of U. S. Highway No. 64 and 264; thence in a southwesterly direction along the South margin or right of way of the said U. S. Highway No. 64 and 264 to a point thereon which would be intersected by the East line of the lands of W. A. Williams, Jr., et ux; thence along the Williams-United States of America line in a southeasterly direction to Roanoke Sound; thence along the shore of the Roanoke Sound following the various courses and meanderings thereof in a general southwesterly direction to and around the South ends of Cedar and Horse Islands to the southeast corner of the lands of Bernard A. Daniels and Basil Daniels, Jr.; thence continuing in a southwesterly direction on an extension of the course of the Daniels South line across that portion of Roanoke Sound bordering the East side of Pond Island to the East side thereof; thence following the courses of Roanoke Sound along the East side of Pond Island in a general southeasterly direction and southerly direction to the South end of Pond Island; thence continuing along Roanoke Sound around the South end of Pond Island in a general southwesterly and westerly direction to the West side thereof; thence continuing along the shore of the Roanoke Sound along the West side of Pond Island in a general northwesterly and westerly direction to the North end thereof; thence continuing along the shore of the Roanoke Sound around the North end of Pond Island in a general easterly direction to the East side thereof; thence continuing along the shore of the Roanoke Sound along the East side of Pond Island in a general southeasterly direction to the North margin or right of way of U. S. Highway No. 64 and 264; thence in an easterly direction on the course of U. S. Highway No. 64 and 264 across the portion of Roanoke Sound bordering the East side of Pond Island to the shore of Roanoke Sound at or near the East end of the short State Highway bridge known as the little bridge connecting Pond Island with the portion of U. S. Highway No. 64 and 264 known as the Causeway; thence in a general easterly direction along the shore of the Roanoke Sound and the shore of the lands of Ralph W. Duffell to the West side of Horse Island; thence continuing along the shore of Roanoke Sound along the West side of Horse Island in a northwesterly direction to the North end thereof; thence continuing along and around the North end of Horse Island in a general northeasterly and easterly

direction to the East side thereof; thence continuing along the shore of Roanoke Sound along the East side of Horse Island in a general southerly direction to a turn in the shore of said Sound; thence continuing in a general easterly direction along the shore of the Roanoke Sound to the West side of Cedar Island; thence continuing along the Roanoke Sound and the North, side of Cedar Island in a general northwesterly direction to the North end thereof; thence continuing along the Roanoke Sound following the courses and meanderings thereof in a general northeasterly and easterly direction around the North end of Cedar Island to the East side thereof; thence continuing along Roanoke Sound and the East side of Cedar Island in a general southerly direction to a turn of the shore of the Roanoke Sound in an easterly direction; thence continuing along the shore of the Roanoke Sound in an easterly direction following the various courses and meanderings thereof to the mouth of Sugar Creek; thence in an easterly direction across the mouth of Sugar Creek to a point on the West side of Sugar Creek on the Nags Head Sound shore; thence continuing along the shore of Roanoke Sound and Albemarle Sound in a general northwesterly direction, following the various courses and meanderings thereof to the point of intersection thereof by the Nags Head-Atlantic Township boundary line, said point being also the southwest corner of the corporate limits of the Town of Kill Devil Hills; thence along the Nags Head-Atlantic Township boundary line North 70 degrees and 30 minutes East to the Atlantic Ocean and the point of beginning, said line passing along the center line of Eighth Street and an extension thereof to the Albemarle and Roanoke Sounds and the Atlantic Ocean, as shown on map of the subdivision of Nags Head Shores recorded in Map Book 1, Page 179, office of the Register of Deeds of Dare County, North Carolina."

Sec. 3. The governing body of the Town of Nags Head shall consist of a mayor and four commissioners. The following members of the governing body are hereby appointed to serve from June 1, 1961, until their successors are duly elected and qualified as hereinafter provided: Lionel Edwards; Tom McKimney; Julian Oneto; James Scarborough; and Carlton Gilliam.

Said appointees shall elect from their number one person to be mayor.

Sec. 4. In the last week of May, 1963, and biennially thereafter, the Governor of the State of North Carolina shall appoint five commissioners for the Town of Nags Head, who shall be sworn in as such commissioners as soon after such appointment as is possible, by any person authorized to administer oaths and shall take office on June 1st, the date upon which their respective terms begin; provided, the Governor shall consider for appointment to fill said offices those persons who shall be recommended to him and shall be selected as follows:

(a) On or before the first day of April, 1963, and biennially thereafter, any qualified voter or nonresident freeholder desiring to become a candidate for Commissioner of the Town of Nags Head shall file with the clerk of said town their petition for said office, signed by at least three freeholders or legal residents of said town.

(b) All qualified voters and all nonresident freeholders, in order to be eligible to cast a ballot in the municipal election, must be registered in the Town of Nags Head.

Registration books shall be open for registration of voters on the last two Saturdays of March each year.

(c) On or before the 15th day of April, 1963, and biennially thereafter, there shall be forwarded by the Clerk of the Town of Nags Head, a ballot to every registered nonresident freeholder at their last known address and to registered legal residents of said town, said ballot containing the names of the persons so filing for the above-stated offices. The ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Dare County in a sealed envelope not later than six o'clock P. M. on the Tuesday following the first Monday in May, 1963, and biennially thereafter, said ballots to be then opened and tabulated at seven-thirty o'clock P. M., on said Tuesday, in the office of the Clerk of the Town of Nags Head by the Chairman of the Dare County Board of Elections, said opening being public. The five persons receiving the highest number of votes for the office of commissioner shall be recommended for said office and upon appointment shall serve for a term of four years, or until their successors are duly appointed and qualified; provided, however, that at the municipal election to be held in May, 1963, the three commissioners appointed who received the largest number of votes shall serve for a term of four years and the other two commissioners appointed shall serve for a term of two years. Thereafter, all commissioners duly appointed shall serve for a four-year term or until their successors are duly appointed and qualified.

Such commissioners shall elect from among their number one person to be mayor, who shall serve for a term of two years, or until his successor is duly appointed and qualified.

When the ballots have been opened and tabulated as hereinabove provided, the Clerk of the Town of Nags Head and the Chairman of the Dare County Board of Elections shall immediately forward to the Governor of the State of North Carolina the result of said balloting showing the names of all candidates for office and the number of votes each received. The persons so appointed by the Governor shall constitute the governing body of said town and shall possess and be vested with all the powers and duties of cities and towns in this State.

(d) All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 5. The Chairman of the County Board of Elections of Dare County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifteen dollars (\$15.00) for supervising the opening and tabulating of ballots. Said amount shall be paid by the Town of Nags Head and said town is hereby authorized, empowered and directed to pay such other necessary expense as may be incurred in carrying out the provisions of this Act.

Sec. 6. The governing body of said town may levy taxes for the fiscal year, July 1, 1961, to June 30, 1962, at any time after the effective date of this Act and do all other things preliminary to making such levy as is by law provided. The list of real and personal property and polls within the corporate limits of the Town of Nags Head as listed for taxation in Dare County as of January 1, 1961, and annually thereafter, shall be used by said town. Taxpayers may prepay said taxes at any time after the tax rate is

fixed for 1961 and before October 1, 1961. Taxes collected pursuant to said levy may be expended for and during the fiscal year ending June 30, 1962, as well as for the ensuing year.

In 1962 and thereafter, said town shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the first day of June, 1961.

In the General Assembly read three times and ratified, this the 14th day of June, 1961.