

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 1562

Short Title: Lease Radio Island.

(Public)

Sponsors: Senator Barker.

Referred to: Marine Resources and Wildlife.

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO LEASE A PORTION OF RADIO ISLAND TO CARTERET COUNTY FOR RECREATIONAL USE.

Whereas, the North Carolina State Ports Authority is the owner of a significant portion of Radio Island in Carteret County, including a portion of the island which has traditionally been used for beach access and recreational purposes; and

Whereas, Carteret County is concerned that, until the Ports Authority makes improvements on Radio Island and begins to make active use of the property, a portion of the island should continue to be used for beach access and recreational purposes; and

Whereas, there has been strong community support and encouragement to Carteret County to obtain control of a portion of the island in order to assure continued beach access and recreational use for the public; and

Whereas, the General Assembly has determined that the immediate future of Radio Island and Carteret County would be best served through a lease of a portion of the island to Carteret County; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The North Carolina State Ports Authority is hereby directed to lease the below described lands to Carteret County:

That certain tract located in Carteret County on Radio Island, more particularly described as follows:

BEGINNING at a point in the eastern margin of Marine Drive, said point being on the common boundary line between the tract now or formerly owned by Mississippi River Grain Elevator, Inc. and the North Carolina State Ports Authority; thence, from said beginning point, N 13-30 W 1,528.89 ft. along the eastern margin of Marine Drive to a

1 point; thence, with the curvature of Marine Drive, said curvature having a chord bearing
2 N 6-15 W and a distance of 350.71 ft. to a point; thence, continuing with the eastern
3 margin of Marine Drive N 1-00 E 10.69 ft. to an iron stake, the southwestern corner of a
4 parcel now or formerly owned by James Potter; thence, with Potter's southern boundary
5 S 64-00 E 208.0 ft. to an iron stake; thence, with Potter's eastern boundary N 1-00 E
6 208.0 ft. to an iron stake; thence, S 64-00 E 946.8 ft. to an iron stake; thence, due south
7 128.62 ft. to an iron stake at the mean high water mark of Bulkhead Channel; thence,
8 with the mean high water mark of Bulkhead Channel the following bearings and
9 distances, S 63-07-20 W 198.08 ft., S 30-46-29 W 273.88 ft., S 29-31-11 W 224.45 ft.,
10 S 21-54-48 W 235.38 ft., S 11-13-40 W 254.0 ft., S 3-8-25 W 211.03 ft., S 7-41-33 E
11 224.45 ft. to an iron stake; thence, leaving the mean high water mark of Bulkhead
12 Channel N 89-00 W 100.44 ft. to the point of beginning; being Tract No. 1 containing
13 20.39 acres as shown on a survey plat prepared by Hassell-Pittman Land Surveyors of
14 Beaufort, North Carolina, entitled "N.C. State Ports Authority, Radio Island, Carteret
15 County, NC," dated 10/9/87.

16 Sec. 2. The lease directed by Section 1 of this act shall be evidenced by a
17 lease instrument executed by the North Carolina State Ports Authority in accordance
18 with G.S. 143B-455.

19 Sec. 3. The lease instrument contemplated by Section 2 of this act shall
20 provide for lease of the property for a period of five years and for the payment by
21 Carteret County of consideration in the amount of one dollar (\$1.00) per year, to be
22 placed in the General Fund. The lease instrument shall also contain a provision giving
23 Carteret County five separate options to renew the lease for a period of five years each,
24 for a potential lease term of thirty years. The lease instrument shall further contain a
25 provision that Carteret County, as lessee, agrees to maintain the property in its present
26 condition and will not sell or damage any portion of the leased property.

27 Sec. 4. The lease instrument shall further provide that the North Carolina
28 State Ports Authority may terminate the lease on six months notice to Carteret County,
29 without penalty, if it certifies by letter to the Chairman of the Carteret County Board of
30 County Commissioners that the leased property is needed for immediate development
31 by the Ports Authority. The County shall then have six months from its receipt of the
32 letter to remove all structures and recreational facilities placed upon the leased property,
33 at no expense to the State, and to vacate the premises.

34 Sec. 5. This act is effective upon ratification.