

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 825
HOUSE BILL 1019

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF
DARE COUNTY TO ESTABLISH, MAINTAIN, DEVELOP AND IMPROVE
WATERWAYS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Dare County is hereby authorized, upon written petition of the citizens and residents of any community in Dare County requesting a project for the establishment, maintenance, improvement or development of any canal, ditch, creek, stream, waterway or wharf, to investigate the need within the county for such proposed project.

Sec. 2. The Board of County Commissioners of Dare County, pursuant to the petition set forth in Section 1, shall by resolution, duly adopted, find the following facts:

(A) That the establishment, maintenance, improvement or development of the waterway project designated in such petition is necessary and desirable to the economic growth of the community; that it will enhance the livelihood and earning power of the citizens of the community; and that the project will encourage investment of capital within the community and county with subsequent increase in value of taxable properties within the county;

(B) That no substantial damage shall accrue to lands and adjacent waterways by reason of such establishment, maintenance, improvement or development of the proposed project;

(C) That there has been acquired sufficient rights of way with a minimum width of sixty (60) feet for access to and from such project to the public roads and State highways; and that sufficient lands have been acquired and dedicated to public use for the establishment, maintenance, improvement or development of the proposed project;

(D) That the citizens or residents of the county or community affected by such project have provided one-half of the funds necessary for the proposed project. Provided, however, that there may be included in the community's share of such project the fair market value of lands acquired, based on the valuations appearing of record for tax purposes on the county tax books, and the value of such labor and materials or supplies which may have been donated and accepted by the contractor awarded the proposed project.

Sec. 3. After the Board of County Commissioners of Dare County has adopted a resolution finding the facts set forth in Section 2, then said board of county commissioners is authorized and empowered to order, provide for and accomplish the

establishment, maintenance, improvement or development of the proposed waterway improvement project set forth in the petition.

Sec. 4. The Board of County Commissioners of Dare County shall be authorized, in its discretion, to expend any non-ad valorem tax funds of the county which have been unappropriated and which may be available for any of the purposes set forth in this Act. The said board shall also be authorized to expend any funds which may be donated to the county from any other source.

Sec. 5. The Board of County Commissioners of Dare County may, in its discretion, apply for and participate in such matching fund programs, which may from time to time become available through agencies of the State or the United States. The said board of commissioners may expend any of the funds provided for under this Act for the purpose of providing Dare County's part for any waterway project which has been or may be hereafter approved by the State or Federal government or any agency thereof.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.