

RELEASED AND SPREAD UPON THE MINUTES ON FEBRUARY 12, 2019

APPROVED AND SEALED AT THE TOWN COUNCIL MEETING ON TUESDAY,  
SEPTEMBER 14, 2004.

CLOSED SESSION MINUTES  
TOWN OF MOREHEAD CITY

TUESDAY, JUNE 8, 2004  
REGULAR MEETING

The Honorable Board of the Town of Morehead City entered into CLOSED SESSION on Tuesday, June 8, 2004, following the Regular Town Council Meeting in the Municipal Chambers at 202 South 8<sup>th</sup> Street, Morehead City, N.C. Those in attendance were: Mayor Gerald A. Jones, Jr., Councilmen Floyd M. Chadwick, Jr., Paul W. Cordova, David Horton, John F. Nelson, Demus L. Thompson, City Manager R. Randy Martin, City Clerk Jeanne M. Giblin and City Attorneys Nelson W. Taylor III and Derek Taylor. The purpose of the CLOSED SESSION was to consult with the City Attorney on possible litigation.

#### Boundary Dispute on 25<sup>th</sup> Street and Bay Street

City Attorney Nelson Taylor reported that in the matter of the William Britt boundary dispute, he is still satisfied that the City's survey is the correct one. However, he stated that Britt's deed called for the property being 200 feet in depth, whereas the maps show 176 feet to the correct line. If one were to follow the description in Britt's deed, the 200 feet would pass the City's property line, but not as far as Mr. Britt claims. Mr. Britt's fence is not parallel to the street. No survey supports the way the fence is placed, however, one cannot replicate what the initial surveyor did with the City map also. The map does not correspond with the property.

City Attorney Nelson Taylor was concerned that if the City allows Mr. Britt's fence to remain, other people along that same property line will follow suit, as has Mrs. Willis. He suggested that the City compromise with Mr. Britt. The fence has not been in place long enough for Mr. Britt to claim adverse possession. He requested that the Council authorize him to talk with Mr. Britt's attorney to reach an agreement. He will also approach Mrs. Willis, but does not recommend a compromise.

It was ascertained that sprinkler heads for the Wastewater Treatment Reuse Irrigation project have been placed on what Mrs. Willis feels is her property.

The Council discussed asking Mr. Britt for an encroachment agreement. It was ascertained that the City has enough property for the Wastewater Treatment Reuse Irrigation project and the sprinkler heads could be modified if necessary.

City Attorney Nelson Taylor outlined three [3] positions the City could assume:

1. Negotiate
2. Take fence down
3. Ignore

City Attorney Nelson Taylor suggested he try to negotiate with Mr. Britt's attorney for a boundary agreement. He suggested that the Willis' fence should be removed.

City Manager Martin suggested that he approach Mr. Britt for a mutual agreement before any formal action is taken.

The Council concurred with the Manager's suggestion.

TOWN OF MOREHEAD CITY



Gerald A. Jones, Jr., Mayor

Attest:



Cathy Campbell, City Clerk

