

1 Whereas, before and after the beach nourishment projects, a question has arisen in
2 the Town of Topsail Beach as to the effect of the projects on the littoral rights of the owners of
3 property along the oceanfront where the new lands have been, are being, and will be raised, and
4 the question will continue to arise unless the matter is clarified; and

5 Whereas, a question has arisen in the Town of Nags Head as to the effect of the
6 projects on the littoral rights of the owners of property along the oceanfront where the new
7 lands are being and will be raised, and the question will continue to arise unless the matter is
8 clarified; and

9 Whereas, the willingness of the oceanfront property owners in the Towns of Topsail
10 Beach and Nags Head to support and fund the beach nourishment projects will be enhanced and
11 uncertainty will be avoided if oceanfront property owners' littoral rights, including the right of
12 direct access from oceanfront property to the waters of the Atlantic Ocean, are preserved and
13 clarified; and

14 Whereas, the Towns of Topsail Beach and Nags Head desire to resolve any
15 ambiguity on the littoral rights and to define and provide for the littoral rights of the property
16 owners abutting on the oceanfront as they existed prior to the beach nourishment projects;
17 Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** Where land in or immediately along the Atlantic Ocean in the
20 Town of Topsail Beach has been raised above the mean high-water mark by publicly financed
21 beach nourishment projects which involve hydraulic dredging or deposition of spoil materials
22 or sand by other means, the owners of the property abutting the newly raised lands before the
23 beach nourishment projects shall, in front of their property, possess and keep the littoral rights
24 they possessed prior to the raising of lands by the beach nourishment projects, including direct
25 access to and in, as if littoral owners, the waters of the Atlantic Ocean bordering on the newly
26 raised lands.

27 **SECTION 1.(b)** Where land in or immediately along the Atlantic Ocean in the
28 Town of Nags Head is raised above the mean high-water mark by publicly financed beach
29 nourishment projects which involve hydraulic dredging or deposition of spoil materials or sand
30 by other means, the owners of the property abutting the newly raised lands before the beach
31 nourishment projects shall, in front of their property, possess and keep the littoral rights they
32 possessed prior to the raising of lands by the beach nourishment projects, including direct
33 access to and in, as if littoral owners, the waters of the Atlantic Ocean bordering on the newly
34 raised lands.

35 **SECTION 2.** Nothing herein shall otherwise affect or restrict title to or public trust
36 rights in lands raised by the beach nourishment projects.

37 **SECTION 3.** This act is effective when it becomes law.