

# *Town of North Topsail Beach*



FOR IMMEDIATE RELEASE

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## **TOWN OF NORTH TOPSAIL BEACH HAS RESOLVED NORTH END LAWSUIT**

**NORTH TOPSAIL BEACH** – The Town of North Topsail Beach has reached a tentative resolution to the suit which was filed in May 2015. The suit involved 26 plaintiffs who filed a complaint against the Town, an engineering firm, a contractor and subcontractor over the Town’s shoreline restoration projects at the town’s north end.

The plaintiffs will collectively pay \$450,000 toward a sand bag revetment enhancement project. The Town will be adding another \$200,000 of its pre-existing funds (already budgeted last fiscal year and this fiscal year) to this project. This will entail hiring a third party engineer to develop a scope of work to enhance the current sand bag revetment until such time as a hardened structure can be constructed at the north end. The \$450,000 will also satisfy the plaintiff’s portion of the assessment for the revetment and revetment extension projects which constitutes a 45.3% reduction from the original assessment.

One of the terms of the settlement is to obtain releases from the non-litigants who were assessed. Upon signing they also receive a 45.3% reduction in their assessment. The Town has obtained releases from all but one property owner. It is anticipated that the final property owner will sign a release next week. All property owners who signed a release will receive the 45.3% reduction to their respective assessments which now, by Board action, come due on December 1, 2017.

Other terms of the agreement include constructing an additional crossover in the revetment area (if the NC Division of Coastal Management allows it), that the Town will continue its efforts to pursue a hardened structure at the north end (which it was doing anyway), and that a committee will be created for the plaintiffs to work with the Town to oversee the third party engineer’s work as far as the revetment enhancement project is concerned (the committee will not superimpose its judgment over the engineer’s judgement but will serve in an advisory capacity).

The Town’s Attorney, Brian Edes reported the news of the tentative resolution to the North Topsail Beach Board of Aldermen and the public at the Board’s regular meeting on November 1, 2017. He also reported that the Town negotiated the disputed outstanding balances owed to the contractors saving the Town approximately \$300,000 in principal and interest. “The Town’s actions, both with the Phase One project and the sand bag revetment, protected those homes and had these projects not taken place when they did, the homes would not be here today,” said Edes.

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