



REQUEST FOR BOARD ACTION

ITEM NO. 14.

DATE OF MEETING: August 15, 2011

REQUESTED BY: Erik Harvey, Director, and Jerry Simmons, GIS Administrator, ITS Department

SHORT TITLE: Resolution Approving Preliminary Survey Boundary between Pender and Onslow Counties as Recommended by North Carolina Geodetic Survey

BACKGROUND: Pender County was formed in 1875 from New Hanover County, however, the county line between Onslow and Pender Counties has never been surveyed. The North Carolina Geodetic Survey was contacted back in 2007 to identify the location of the county line between Onslow and Pender County. Since then, the North Carolina Geodetic Survey has researched and worked with both counties in acquiring data and documents to assist in the identification of the county line. The North Carolina Geodetic Survey has finalized their research and determined the location of the county line based on historical maps and field surveys. Before the North Carolina Geodetic Survey continues any further in this process they are requesting approval of the preliminary boundary by each county. This ensures that each county is in agreement so that the North Carolina Geodetic Survey can then contract with surveyor to physically place monuments and record plats in each county, thus, establishing the exact location of the county line.

With the proposed preliminary county line, Pender County stands to gain over 8,000+ acres. The majority of this area is woodland and is located north of US Hwy 17 towards NC Hwy 50. The proposed line will affect one structure that is currently being taxed in Pender County. At this time the zoning and taxation for this area is not governed by Pender County. Once the preliminary county line is recorded, all records need to include this newly acquired area.

A copy of the NC Geodetic Survey January, 2010 report, along with a map of the proposed boundary, is attached.

SPECIFIC ACTION REQUESTED: To consider a resolution approving the preliminary survey boundary line between Pender and Onslow as recommended by the NC Geodetic Survey, and requesting a preliminary survey plat be presented to the Board to allow for final review and public input prior to recording.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

the preliminary survey boundary line between Pender and Onslow counties as proposed by the NC Geodetic Survey between Onslow and Pender counties is approved, and the North Carolina Geodetic Survey is requested to proceed with surveying and setting monuments for the boundary survey;

Further, a preliminary survey plat of the proposed boundary will be presented to the Board of Commissioners for final review and public input prior to recording. The County Manager/Chairman is authorized to execute any and all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman 08-15-11
Date

ATTEST 08-15-11
Date



Preliminary County Line
between
Pender and Onslow County

-  Preliminary County Line
-  Onslow Parcels
-  Pender Parcels

Pender County

Onslow County

This portion of the
County Line
from A to B follows
Beasley's Creek

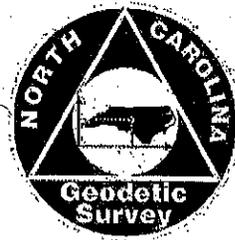
B

ONslow COUNTY - PENDER COUNTY

COUNTY BOUNDARY LINE

REPORT OF RESEARCH FINDINGS

January 11, 2010



NORTH CAROLINA GEODETIC SURVEY

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ONSLOW -- PENDER COUNTY BOUNDARY LINE
REPORT OF RESEARCH FINDINGS

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ONSLow - PENDER COUNTY BOUNDARY LINE
REPORT OF RESEARCH FINDINGS JAN 2010

HISTORY

Onslow was formed in 1734 from New Hanover.

Original Description of Onslow County -- 1734 -- From page 165 of David Leroy Corbitt's book "*The Formation of the North Carolina Counties 1663-1943*" reads *.....be Bounded to the Northward by Whiteoak River, from the Mouth to the Head thereof; and to the Southward, by a creek that comes out of the Sound, and comes across New River Road, called the Bay Swamp, or Beasley's Creek.*

The new western line of Onslow, also being the eastern line of New Hanover, isn't described of record with metes and bounds. Therefore, from the 1734 description above, it is known the western line of Onslow on the northern end would have been at the head of Whiteoak River, while the western line on the southern end would be at the western terminus of Beasley's Creek, now referred to as Mill Creek. This western line apparently wasn't surveyed and delineated on the ground at the time of formation of Onslow County in 1734. As a result, we find the following paragraphs on page 165 from David Leroy Corbitt's book "*The Formation of the North Carolina Counties 1663-1943*": *The dividing line between the counties of Duplin and Onslow was authorized to be run and established in 1819. "Whereas considerable difficulty hath arisenin consequence of the dividing line between the said counties never having been ascertained, to remedy which,commissioners to run and establish the dividing line between the counties of Duplin and Onslow, as soon as may be practicable after the passage of this actthe line so established Shall be the permanent line between the counties of Duplin and Onslow, and shall govern all controversies that shall or may have arisen in either county concerning said line. (Laws, 1819, Ch. 124)*

If the act of 1819, establishing the boundary line between Duplin and Onslow, was complied with, no record was made in the respective courts of the counties. Therefore an act was passed in 1921 authorizing the dividing line between the said counties to be resurveyed, marked, and a copy filed with the clerks of the superior courts. No description is given in the law. (Public Laws, 1921, Ch. 28)

A resurvey of the Duplin-Onslow county boundary line was completed in 2002 by NC Geodetic Survey, adopted and ratified by both counties in May 2003, and placed on record at each county Register of Deeds office and at the Land Records Section, NC Secretary of States office. The Duplin-Onslow-Pender common corner was resurveyed as a part of the survey.

Pender was formed in 1875 from New Hanover

The eastern county boundary line of Pender County continued to be the line formed between New Hanover and Onslow in 1734, and no record is given of this line having been surveyed during the period between 1734 and 1875. Several land grants by the state

for tracts of property in the area of the New Hanover (Pender) and Onslow county line are recorded during this period of time.

The location of the line continued to be in question as is shown in the following paragraphs from page 166 of David Leroy Corbitt's book "The Formation of the North Carolina Counties 1663-1943".

An act to authorize the commissioners of Onslow and Pender counties to have the line between said counties surveyed and established was passed in 1905. No description is given in the law. (Public Laws, 1905, Ch. 743)

An act to appoint commissioners to survey and establish the dividing line between the counties of Onslow and Pender was passed in 1915, because of a dispute as to the location of the lines. No description is given in the law. (Public Laws, 1915, Ch. 129)

An act to appoint commissioners to survey and establish the dividing line between the counties of Onslow and Pender was passed in 1921, because of a dispute as to the location of the lines dividing the two counties. No description is given in the law. (Public Laws, 1921, Ch. 27)

In 1923 an act was passed amending "Public Laws of North Carolina, 1921, chapter 27" relative to the boundary line between Onslow and Pender counties. No description is given in the law. (Public Laws, 1923, Ch. 39)

The question of the location of the Onslow-Pender county boundary is cited in each instance and also the point is made that no resolutions of the question is given in the law. Although no resolution to the question of the location of the Onslow-Pender county boundary is given, evidence of surveying and research into the question is witnessed through maps to be discussed.

COUNTY BOUNDARY LINE MAPS

ERIC NORDEN COLLECTION, N. C. Dept. of Archives & History

As time progressed from 1734 onward land grants were made by Onslow County and New Hanover County in the area of the county boundary line. The N.C. Dept of Archives & History has preserved an extensive collection of archive maps prepared by Eric Norden, a consulting engineer in the Wilmington area. This collection reflects mapping throughout many areas of southeastern North Carolina. Each map has been stamped in the lower right corner with *N. C. Dept. of Archives & History, ERIC NORDEN COLLECTION, This is item _____* and labeled with identifying letters reflecting the area depicted upon the map and a number above the line. In 1908 and subsequent to the 1905 act to authorize the commissioners of Onslow and Pender counties to have the line between said counties surveyed and established, Eric Norden prepared two maps depicting these land grants in the area south of Holly Shelter Creek. These maps to be discussed relevant to the 1905 act are entitled "*Map Showing Topography Along The Boundary BETWEEN ONSLOW CO. & PENDER CO. And The Location of Several Tracts Granted By The State As Part of Onslow Co. Covering The Territory in Dispute*" dated Sept. 1908, labeled *PDR 13* and "*MAP SHOWING GRANTS IN PENDER COUNTY*" dated Nov. 1908, labeled *PDR 2*. A third map to be discussed was produced sometime after Nov. 1923 and is labeled *PDR 12*. A copy of each map is attached for reference.

"Map Showing Topography Along The Boundary BETWEEN ONSLOW CO. & PENDER CO. And The Location of Several Tracts Granted By The State As Part of Onslow Co. Covering The Territory in Dispute" dated Sept. 1908. The northern half of this map graphically depicts the Duplin Co.-Onslow Co. boundary line, a portion of the Duplin Co.-Pender Co. boundary line, and a portion of the Jones Co.-Onslow Co. boundary line. The southern half of this map graphically depicts primary roads, streams, pocosons (sic), A.C.L.R.R., Beasley's Creek, and Stump Sound in the area of the county boundary line. An unlabeled line is drawn southeasterly from the Duplin/Onslow/Pender County corner in the area of the county line and projecting towards the intersection of Beasley's Creek with an unlabeled northeast-southwest road south of the A.C.L.R.R. This unlabeled southeastern line stops approximately 2.4 mile (by scale on map) northwest of Beasley's Creek, and then deflects more southeasterly to a point near the intersection of another unlabeled north-south road (present day NC 50) with the above said unlabeled northeast-southwest road (near present day intersection of NC 50 and US 17). Graphically depicted west of this southeasterly unlabeled line and south of Holly Shelter Creek are 24 mapped grant tracts numerated 1-24 matching a tabular listing of each grant. The tabular listing of grants is labeled "*TRACTS GRANTED BY THE STATE AS PART OF ONSLOW COUNTY*". Information shown in the table consists of the tract no., state (grantor) to, individual (grantee) name, and date of grant. The dates of grants range in time from the earliest at May 4, 1767 to the latest at Feb. 3, 1891. North of Holly Shelter Creek, there are no grant tracts depicted west of the southeasterly unlabeled line drawn in the vicinity of the county line.

"MAP SHOWING GRANTS IN PENDER COUNTY" dated Nov. 1908.

This map graphically depicts grant tracts lying east of the Northeast Cape Fear River and west of a north-south line depicted as Onslow Co.-Pender Co. boundary line. The Duplin Co.-Pender Co. line east of the Northeast Cape Fear River and the Onslow Co.-Pender Co. boundary line from the Duplin Co.-Onslow Co.-Pender Co. corner south to Beasley's Creek is depicted by a series of long and short dashes differing from tract property lines which are depicted with a continuous line. Primary streams, the Great Holly Shelter Pocosin, Beasley's Creek, and Stump Sound are also shown on the map. A large grant tract labeled *STATE TO DANIEL WHEATON, 44100 ACRES, NEW HANOVER, JAN. 23, 1795* is drawn west of and along the Onslow Co.-Pender Co. boundary line and on both sides of Sandy Run, a stream tributary to Holly Shelter Creek, with the majority of the tract lying south of Holly Shelter Creek. Also portrayed are four other tracts, two labeled *STATE TO STERLING WHEATON, 14080 ACRES, NEW HANOVER, JAN. 22, 1795* lying west of the large grant tract (44100 acres), and *STATE TO JAMES CARROWAY, 29184 ACRES, NEW HANOVER, JAN. 22, 1795* located northwest of the large grant tract and bordering the Duplin - Pender County boundary line. The other two tracts are labeled *SURVEY FOR DANIEL WHEATON, 2560 ACRES, NEW HANOVER, APRIL 4, 1796* bordering the large tract on the southeast, and *SURVEY FOR DANIEL WHEATON, 5768 ACRES, NEW HANOVER, FEB. 5, 1795* bordering the large tract on the northwest and south of Holly Shelter Creek. ~~The tracts appear to have been drawn from property boundary descriptions and not from surveying at the time of mapping Nov. 1908.~~

Map Labeled PDR 12 Produced After Nov. 1923

The third map in the Eric Norden Collection, N. C. Dept. of Archives & History, to be discussed is labeled item PDR 12. This map has no definite title and date. The primary subject on the map appears to be Holly Shelter Swamp. ~~This area is defined with perimeter boundary lines drawn from a survey.~~ The perimeter boundary lines aren't labeled with bearings and distances, however, a line drawn northeast through Holly Shelter Swamp is labeled with bearings, distances, and the words *FOREST SURVEY NOV. 1923*. Geographic features such as swamp and tree cover are depicted along this line extending about 1000 feet each side thereof. Significant streams with labeled names are shown graphically. Property parcels adjoining Holly Shelter Swamp are drawn with owners names placed on the larger properties. The area encompassed upon this map extends in an east-west direction from a point at Holly Ridge and east of the southern terminus of the Onslow Co.-Pender Co. boundary line on Beasley's Creek to the Northeast Cape Fear River on the western side, and in a north-south direction from a point north of Holly Shelter Creek south to include Barlow Creek on Stump Sound. The Onslow Co.-Pender Co. boundary line is graphically depicted with a series of long-short-long dashed line. Latitude and longitude grid lines are drawn at one minute intervals. ~~The location of the county line on this map corresponds with that shown on map labeled PDR 10 entitled "Map Showing Topography Along The Boundary BETWEEN ONSLOW CO. & PENDER CO. And The Location of Several Tracts Granted By The State As Part of Onslow Co. Covering The Territory in Dispute" dated Sept. 1908.~~

G. B. COOPER, C.E. MAP of JAN-FEB 1928 (RELEVANT TO NATHAN O'BERRY, TRUSTEE, PETITIONER vs. ALLISON CORPORATION, ET ALS)

This map entitled "MAP OF HOLLY SHELTER AREA BEING TORRENIZED BY NATHAN O'BERRY, TRUSTEE" is identified as *Surveyed and Platted by G. B. Cooper, C.E. in Jan-Feb 1928* at a scale of *1 in. = 20 chains*. ~~Copies of two almost identical versions of this map are in hand and will be discussed.~~

The first version to be discussed is recorded in Map Book 1, pg. 93, Onslow Co. Register of Deeds and a certified copy of which has been placed on record March 29, 2006 in Pender County Register of Deeds at Book No. 41, Pg. 076, Sl. 554. This map depicts tracts labeled *TRACT NO 1 3336 Acres*, *TRACT NO 2 1491 Acres*, *TRACT NO 3 1013 Acres*, and a parcel labeled *STATE BOARD LAND*. Tract No 1 envelopes the parcel labeled *STATE BOARD LAND* on the north, west, and south. The eastern boundary line of Tract No 1 on the south of State Board Land is labeled *N 17 W 69.77 ch* while the eastern boundary line of Tract No 1 on the north of State Board Land is labeled *N 17 W 20 ch*. This eastern line is extended through the State Board Land parcel and is labeled *Pender County Line/Onslow County Line*. This eastern line is drawn to continue in the same direction northward passing through the eastern portion of Tract No 3. Tract No 1 is bounded on the north by *Shelter Creek* and on the south by *Holly Shelter Pocosin* and *Grassy Branch*.

Tract No. 2 is located west of Shelter Creek and not near the line labeled *Pender County Line/ Onslow County Line*. Tract No. 3 is located north of a stream labeled *Sandy Run*. The following information appears within the border of the map on this version, but not on the second version to be discussed in the next paragraph. This information consists of an executed certificate by G.B. Cooper, C.E. certifying *that the above Map is a true and correct Representation of the said Lands to the best of My Belief and Was Made from the Notes of an actual survey Made By Me* and the north arrow designation on this map is labeled with an "E" on the right side and a "W" on the west side.

The second version is a copy which was provided to NCGS by Brent Lanier, PLS of Lanier Surveying Company, 134 Cedar Point Blvd., Cedar Point, NC. This second version is identical within the borders of the map and near the proximity of the county boundary line with the exception of the information noted in the previous paragraph and the following notations. The second version has a dashed line drawn in a north/south direction beginning near the southern boundary of Tract No 1 above the words *Alligator Skull Lake* and proceeding to the north through the western portion of the State Board Land and continuing to the northern boundary of Tract No 1 at Shelter Creek. This north/south dashed line is labeled *Approximate New Line*. The second version has a line drawn in a northeast direction beginning on the southwestern boundary of the State Board Land and continuing through the State Board Land to a point which intersects with a westward extension of the northern boundary of the State Board Land. This northeast line is labeled *S 31- 50' W Pulpwood Line Newly Marked 43 ch*. This second version appears to be a preliminary working map of the first version discussed above. A copy is attached for reference.

G. B. COOPER and L. E. WOOTEN, ENGINEERS MAP of JUNE 1928 (RELEVANT TO NATHAN O'BERRY, TRUSTEE, PETITIONER vs. ALLISON CORPORATION, ET ALS)

This map entitled "MAP OF HOLLY SHELTER AREA SHOWING LANDS OF N. C. STATE BOARD OF EDUCATION, NATHAN O'BERRY, ALLISON CORPORATION, AND OTHERS" is identified as *Surveyed and Platted by G. B. Cooper and L. E. Wooten, Engineers at a scale of 1 in. = 40 chs. Dated June 1928.* This map reflects an actual survey of the Wheaton Grant Lines in the area of the county boundary line. The tracts granted by the state as part of Onslow County which are depicted on the Eric Norden 1908 map are also shown as dashed lines plotted from description lines upon this map. A line labeled *Riddick County Line (Abt. S 21 deg E)* is drawn with a series of two short dashes and one long dash beginning at the Duplin-Onslow-Pender corner and proceeding in a southeast direction and ending at a point, by scaling from map if line were extended, 160 chains (10,560 ft.) northwest of a road labeled on map as *Wilmington & Sneed's Ferry Road*. Two parallel lines symbolic of a railroad and labeled *A. C. L. R.R.* are drawn northwest of said road and about parallel to road at the point of intersection of the county line with the road, if extended. An unlabeled stream (Beasley's Creek) is drawn in a northwest direction from the *Wilmington & Sneed's Ferry Road* crossing the railroad and continuing northwesterly a short distance before ending. Northwest of the end of the stream are the words *THROUGHFARE. - No flow either way.* To the west of this wording, two approximately parallel lines are drawn in an east-west direction indicative of a ditch or narrow stream beginning and extending in a westward direction to *Holly Shelter Pocosin*. Along this ditch or stream are state grant parcels to *Labon Justice 1836 Ons Co., Eliza Justice 1835 Ons Co., and T.H. Edens 1888 Ons Co.* On the map approximately midway between the Duplin-Onslow-Pender corner in the north and *Wilmington & Sneed's Ferry Road* in the south, a parcel of property labeled as *State Board Land* is drawn west of and adjoining the county line, south of Shelter Creek and north of Shaken Creek. A short segment of line labeled *claimed for co. Line* is drawn in a north-south direction from Shaken Creek northward into the southern portion of the *State Board Land*.

Note- This map copy was also provided to NCGS by Brent Lanier, PLS of Lanier Surveying Company, 134 Cedar Point Blyd., Cedar Point, NC. See DISCUSSION OF DOCUMENTS SOUTH OF SHAKEN CREEK later in this report for a discussion of this map and court litigation relative to disputed property lines in the vicinity of the Onslow-Pender county boundary line.

A partial copy of this map is recorded in Map Book 1, pg. 94, Onslow Co. Register of Deeds and a certified copy of the record map has been placed on record March 29, 2006 in Pender County Register of Deeds at Book No. 41, Pg. 077, Sl. 554. This partial copy includes an area along the county line beginning at a point north of Sandy Run and extending south to a point south of Shaken Creek. A copy of this map was obtained from Pender County Register of Deeds and is included for reference.

SOIL MAP, STATE HIGHWAY COMMISSION MAPS, US GEOLOGICAL SURVEY MAPS

The following maps prepared in the first half of the 20th century by state and federal agencies graphically depict the county line relative to geographic features such as roads, streams, and topography. Each map commonly portrays the Onslow-Pender county boundary line in the same location as a continuous line beginning on the north end at the

Duplin-Onslow-Pender county corner and extending in a southeasterly direction to Beasley's Creek terminating at a point near the intersection of the creek with US 17.

- 1912 Soil Map By USDA Bureau of Soils, Pender County located on file in the NC Dept. of Archives and History. This map depicts Beasley's Creek ending north of the Atlantic Coast Line R.R. The soil type classification along creeks and streams is labeled as "S" (Swamp) and in pocosins as "M" (Muck). Beasley's Creek is not shown to connect with Holly Shelter Bay (pocosin) via a ditch, thoroughfare, or soil type of a wet nature. Sandy soils classified as "Ls" (Leon fine sand), "Nf" (Norfolk fine sand), and "Pf" (Portsmouth fine sand) are shown between the end of Beasley's Creek and Bay Swamp leading into Holly Shelter Bay.

- 1921 Soil Map By USDA Bureau of Soils, Onslow County located on file in the NC Dept. of Archives and History. This map mirrors the descriptions presented above for the 1912 Pender County Soil Map.

- 1930 North Carolina County Road Survey map entitled "*ONSLOW COUNTY THIRD DISTRICT*" located on file in the NC Dept. of Archives and History. This map is noted thus "*NORTH CAROLINA COUNTY ROAD SURVEY 1930 PREPARED UNDER THE DIRECTION OF STATE HIGHWAY COMMISSION, STATE TAX COMMISSION, U.S. BUREAU OF PUBLIC ROADS.*" Primary information shown includes state and county roads, streams, pocosins, bodies of water, and schools.

- 1938 Onslow County, North Carolina State Highway and Public Works Commission initial county road map prepared in cooperation with the Federal Works Agency, Public Roads Administration located on file in the NC Dept. of Archives and History. Primary information shown includes state and county roads, streams, pocosins, and bodies of water.

- 1938 Pender County, North Carolina State Highway and Public Works Commission initial county road map prepared in cooperation with the Federal Works Agency, Public Roads Administration located on file in the NC Dept. of Archives and History. Primary information shown includes state and county roads, streams, pocosins, and bodies of water.

- 1943 U. S. Geological Survey Maps were prepared in 1942 and 1943 at a scale of 1:62,500 encompassing a 15 minute quadrangle on each map. The Onslow-Pender County line is depicted on two quadrangle maps named Topsail and Maple Hill. These maps, drawn from field surveys and aerial photography, include roads, railroads, houses, buildings, schools, churches, cemeteries, ditches, streams, rivers, swamps, and bodies of water. Also shown are topographic contours and horizontal and vertical control monuments. Very few buildings or houses are shown along the county line between the Duplin-Pender corner and Camp Davis with all but two being located north of present day NC Hwy 50. The two houses or buildings located south of NC Hwy 50 are one-fourth mile east of the county line depicted. The physical characteristics of the geography south of NC Hwy 50 and west of the county line is primarily swamp with Holly Shelter Swamp occupying the most area. On the Topsail quadrangle map, Beasley's Creek is shown to end approximately six hundred feet northwest of the Atlantic Coast Line R.R. The southern terminus of the north-south county boundary line referred to above as a continuous line is located at the northwest end of Beasley's Creek. Contrary to depictions on

other maps, a ridge of approximately 1,500 feet width is shown to exist between the northwest end of Beasley's Creek and the southeast end of Thoroughfare Thicket Swamp. The topographic contour elevations indicate this ridge to rise approximately twelve feet above Beasley's Creek and Thoroughfare Thicket Swamp. Also topographic contour elevations indicate this ridge to run continuous along and near US Hwy 17 on the Topsail quadrangle map, thereby surface water runoff on the ridge breaks with that forming on the northwest portion of the ridge flowing into the Northeast Cape Fear River and that forming on the southeast portion of the ridge flowing into the Inland Waterway. The soil types shown on the 1912 and 1921 soils survey maps previously discussed are associated with well drained soils as represented by the ridge shown on the USGS quadrangle map Topsail. Current flood plain maps define topographic contour elevations corresponding with the USGS quadrangle map. A copy is attached for reference.

1970 U. S. Geological Survey Maps were prepared in 1969 and 1970 at a scale of 1:24,000 encompassing a 7.5 minute quadrangle on each map, thus the northeastern one-fourth of the Topsail 15 minute quadrangle is shown on map labeled "Holly Ridge, N.C." The location of the southern portion of the county boundary line in the Camp Davis area corresponds with that shown on the 1943 U. S. Geological Survey Map discussed previously, with the terminus being on Beasley's Creek northwest of US Hwy 17. Shown on this 1970 USGS 7.5 minute Quadrangle map, but not on the older 1943 USGS 15 minute map, are ditches extending north and northwest past Camp Davis towards Holly Shelter Pocosin. Topographic contour elevations shown on this newer map also correspond with those drawn on the older map. The "Maple Hill" 15 minute quadrangle map was redrawn and updated in 1981 to encompass four 7.5 minute quadrangles at the scale of 1:24,000. Three of the four maps depicting a portion of the county boundary line on each map are named "*Folkstone, Maple Hill SW, and Maple Hill.*" The county boundary line location as drawn on these maps correspond with the 1943 USGS map location. The label "Indefinite Boundary" is placed along the county boundary line on these maps.

The county boundary lines shown on the USGS quadrangle maps, in many cases where a resurvey of the line hasn't been performed by modern surveying standards, are the best representation of the historical location of the line. In surveying and gathering information in the field for preparing the quadrangle maps in 1943, local residents and property owners along and near the county boundary line were interviewed for providing information locating the line. This information, combined with descriptions of the county boundary line, were used for depicting the line upon the completed USGS quadrangle maps. Thus, the USGS quadrangle maps are some of the earliest and most accurate maps depicting features such as roads, streams, ditches, fields, and woods in a manner best representing the actual location of those features. Because of the accuracy the USGS quadrangle maps have been proven to contain, the information is relied upon by numerous entities, with some counties recognizing the position of the county line as drawn on the maps as being the proper location of the county line.

Copies are included for reference.

**PROPERTY SURVEY MAPS AND DEEDS NOTING COUNTY LINE
CONSISTANT WITH ERIC NORDEN AND G.B. COOPER MAPS**

Several survey maps and deeds of private properties in the vicinity of the county line upon which a line is drawn or described and referred to as the Pender County - Onslow County line are identified. Several of these map/deed lines drawn or described are in close proximity to the county boundary lines shown on the Eric Norden and G. B. Cooper maps discussed previously. The majority are north of NC Hwy. 50 in the more populated areas near the town of Maple Hill. Survey maps and deed descriptions for properties located on, adjacent, or near the county boundary line as shown on the Eric Norden and G. B. Cooper maps are listed as follows beginning at the Pender-Duplin-Onslow corner and proceeding southward along the county line:

- Onslow Co. Registry, Deed Bk. 2589, pg. 492-495 (PIN 302-23)
- Onslow Co. Registry, Deed Bk. 282, pg. 326 (PIN 302-21B) Andermora Rd.
- Pender Co. Registry, Map Bk. 44, pg. 057, SL. 595 (PIN 3395-73-4118) Joshua James Rd. (Field Survey Identified)
- Onslow Co. Registry, Map Bk. 37, pg. 17, SL. K-4 (PIN 302-14.1)
- Onslow Co. Registry, Map Bk. 29, pg. 186, SL. G-134 (PIN 302-1, 4, 5, 11) NC Hwy. 53 (Field Survey Identified)
- Pender Co. Registry, Map Bk. 1, pg. 70, Isaac James Subdivision, Feb. 1936
- Pender Co. Registry, Map Bk. 30, pg. 57, SL. 414, NC Hwy. 53 (Field Survey Identified)
- Pender Co. Registry, Map Bk. 27, pg. 49 (South of NC Hwy. 53)
- Onslow Co. Registry, Deed Bk. 1545, pg. 381, (PIN 700-1.2) (South of NC Hwy 53)
- Onslow Co. Registry, Map Bk. 38, pg. 228, (PIN 700-1.2) (South of NC Hwy 53)
- Pender Co. Registry, Map Bk. 44, pg. 039, SL. 594 (PIN 4303-29-8703) John Pickett Rd. (SR 1531) (Field Survey Identified)
- Onslow Co. Registry, Deed Bk. 1044, pg. 51, (PIN 701-1) (North of Hardy Graham Rd.)
- Onslow Co. Registry, Deed Bk. 144, pg. 172, (PIN 702-20) (North of Hardy Graham Rd.)
- Onslow Co. Registry, Deed Bk. 1617, pg. 430, (PIN 702-18) (North of Hardy Graham Rd.) (Field Survey Identified)
- Onslow Co. Registry, Deed Bk. 2510, pg. 926, (PIN 702-14) (South of Hardy Graham Rd.) (Field Survey Identified)
- Onslow Co. Registry, Deed Bk. 815, pg. 824, (PIN 702-16) (South of Hardy Graham Rd.)
- Onslow Co. Registry, Deed Bk. 3093, pg. 395, (PIN 707-32) (North of NC Hwy 50) (Field Survey Identified)
- Pender Co. Registry, Map Bk. 42, pg. 141, SL. 573, 1 & 2, (PIN 4303-10-5417, 4302-27-0673) (North of NC Hwy 50) (Field Survey Identified)
- Onslow Co. Registry, Deed Bk. 1277, pg. 996, (PIN 708-1) (South of NC Hwy 50) (Deed states "located in Onslow and Pender County")
- Onslow Co. Registry, Map Bk. 2, pg. 183, (PIN 715-1.3) (South of NC Hwy 50) (Plat states "located in Onslow and Pender County" and along a specific

- property line is noted "*county line*"). Note discussion following listing below.
- Pender Co. Registry, Map Bk. 42, Pg. 140, SL. 573, 1 & 2, (PIN 4300-37-9542) (South of Shelter Creek and north of Holly Shelter Game Lands) Survey and Map dated August 23, 2006 entitled "THE NATURE CONSERVANCY WALLACE DEER CLUB 'O' BERRY TRACT" is based upon NC State Plane Grid with NAD 83 Coordinates (allows for accurate plotting/positioning of parcel on GIS tax maps and other surveys of NC State Plane Grid basis). Map contains reference to county line.
- Pender Co. Registry, Map Bk. 47, Pg. 095, SL. 639 & 640, Sht. 1-13, Sht. 5 & 6 contain specific reference to county line, (Pender PIN 4310-52-9560, Onslow PIN 715-1.12) Survey and Map dated June 4, 2008 entitled "BOUNDARY SURVEY & WETLANDS MAP FOR TOWN OF SURF CITY, A MUNICIPAL CORPORATION, NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND, GRANT AGREEMENT NUMBER 2006B-518" is based upon NC State Plane Grid with NAD 83 Coordinates
- Onslow Co. Registry, Deed Bk. 2690, pg. 578-582 & Deed Bk. 2690, pg. 587-595 (PIN 715-1.12)

The map recorded in Onslow Co. Registry, Map Bk. 2, pg. 183, entitled "*MAP Property of INTERNATIONAL PAPER COMPANY ONSLOW DEVELOPMENT CO. TRACT*" and labeled "*purchased from MEAD AND MAUNCY, PENDER & ONSLOW COUNTIES, NORTH CAROLINA, SURVEYED BY R.B. SMITH, T.C. FORD, & WILLIE WALTON*" consists of several parcels of property encompassing a huge geographical area extending in a north/south direction from north of NC Hwy 50 at/near the crossing of the Onslow-Pender county line and the Haws Run community southward to US Hwy 17 at Holly Ridge and in an east/west direction from east of US Hwy 17 at Camp Lejeune Military Reservation extending west to and crossing the county line. The western property boundary line of Onslow County tax parcel no. 715-1.3 immediately south of Shelter Creek is labeled on this map "*COUNTY LINE*". The date of survey and map preparation is not visible on the recorded map copy however legal descriptions of parcels shown on the map make reference to the map being dated April 16, 1943. (Reference Deed Book 2690, pg. 578-582, Onslow County Registry). This property boundary line labeled "*COUNTY LINE*" is also depicted and labeled as the county line on the G.B. Cooper maps previously discussed. A copy of this map is attached.

The attached map prepared by NC Geodetic Survey entitled "*PRELIMINARY MAP OF ONSLOW AND PENDER COUNTY BOUNDARY LINE*" depicts and notes several of the property parcels along and in the vicinity of the county line.

PROPERTY SURVEY MAPS, DEEDS, AND COURT LITIGATION
DOCUMENTS NOTING COUNTY LINE DIFFERING FROM ERIC NORDEN
AND G.B. COOPER MAPS

South of Shaken Creek, property survey maps, deeds, and court litigation documents are identified which depict the county boundary line west of the location as shown on the Eric Norden and G. B. Cooper maps (of record in Onslow County Register of Deeds, Book 1, pg. 93, Book 1, pg. 94, and Pender County Register of Deeds Book No. 41, pg. 076, SL. 554, Book No. 41, pg. 077, SL. 554), USDA Bureau of Soils 1912 and 1921 Soil Map for Pender County and Onslow County, State Highway Commission Maps of 1930 and 1938, and the US Geological Survey Maps of 1943 and 1970, and also west of the northwestern end of Beasley's Creek. The property survey maps, deeds, and court litigation documents are listed beginning with the earliest and continue to the most recent.

- Pender County Clerk of Court Office, Minute Document K, Pgs. 211-216, "*REPORT OF EXAMINER*" filed May 30, 1929, and "*JUDGEMENT*" signed March 28, 1938 in the cause at the March term of the Superior Court of Sampson County.
- Pender Co. Registry, Map Bk. 5, Pg. 58, "*HOLLY SHELTER STATE GAME REFUGE, NORTH CAROLINA DEPARTMENT OF CONSERVATION AND DEVELOPMENT, DIVISION OF GAME AND INLAND FISHERIES*" surveyed and drawn by L. B. Hopkins April 4, 1941, recorded Feb. 1, 1956
- Pender Co. Registry, Map Bk. 8, Pg. 24, "*HOLLY SHELTER WILDLIFE MANAGEMENT AREA, PENDER COUNTY, NORTH CAROLINA*" drawn August 15, 1961 by B. B. White, RLS from previous map by L. B. Hopkins
- Onslow County Clerk of Court Office, File and Docket No. 68 SP 25, Film No. 80-19-1284, "*PETITION*" filed November 25, 1963, "*JUDGEMENT*" filed April 2, 1964, and "*ORDER*" filed October 5, 1964 transferring *action* to Superior Court of Jones County.
- Onslow Co. Registry, Deed Bk. 1349, pg. 634, recorded Feb. 6, 1997 (PIN 718-23.1)

DISCUSSION OF DOCUMENTS SOUTH OF SHAKEN CREEK

"REPORT OF EXAMINER" filed May 30, 1929, and "JUDGEMENT" signed March 28, 1938 in the cause at the March term of the Superior Court of Sampson County recorded in Pender County Clerk of Court Office, Minute Document K, Pgs. 211-216 is a court document in which Nathan O' Berry, trustee, Petitioner vs. Allison Corporation, State Board of Education, and numerous other names listed on the original document. A copy of the recorded document is attached for reference.

Information and key points relative to the Onslow-Pender county boundary line depicted in the "REPORT OF EXAMINER" made by Wyatt E. Blake, as examiner of Titles for Pender County, are displayed with quoted information shown in italics.

Paragraph (1) March 14, 1927, Nathan O' Berry, Trustee, filed a petition asking that his title to certain lands in Pender and Onslow County be registered and confirmed under the provisions of Chapter 90 of the Public Laws of 1913. Several hearings for the purpose of ascertaining the true status of the Petitioner's title to the lands were held. Before hearings were conducted, an order was made by the court on August 1, 1927, appointing G. B. Cooper, C. E. to survey and plat such lines of the lands described in the Petition and such lines of the lands described in the answer of the Defendants, Allison Corporation as were in the opinion of the surveyor relevant in determining the contentions between the Petitioner and Allison Corporation. Survey was made and a plat appended.

Paragraph (4) the defendant Allison Corporation contends that on April 25, 1795 the State of North Carolina issued a grant to David Allison for 78,115 acres of land in Onslow County, that it is successor in title to the said David Allison.

Paragraph (5) on December 25, 1794, the State of North Carolina issued a grant to Daniel Wheaton for 44,160 acres in what was then New Hanover County (now Pender) and that the Petitioner and the Defendant, State Board of Education, are successors in title to the said Daniel Wheaton.

Paragraph (7) "One of the latter calls in the grant to David Allison, is *thence West to New Hanover County (now Pender) line and with said line South to the beginning.* In as much as the description in the Allison grant calls for the county line as a fixed monument, it puts in controversy the location of the county line between Onslow and New Hanover (now Pender) Counties as of December 25th, 1794."

Paragraph (8) "At a hearing conducted at Holly Ridge, North Carolina, on the 17th day of September, 1928, numerous witnesses were introduced by the Defendant, Allison Corporation, who testified that they lived in the vicinity of the lands in controversy; that they knew by reputation and information handed down from their ancestors; that Beasley's Mill Creek and the Thoroughfare (both shown on Cooper map appended herewith) has always been considered and referred to as a portion of the County line between Pender (formerly New Hanover) and Onslow Counties. There was further testimony to the effect that Beasley's Mill Creek and the Thoroughfare is one and the same stream; the Thoroughfare being merely a continuation of said Creek to the Holly Shelter Pocosin. It is admitted by all parties that at some point in the Thoroughfare the water divides and flows in opposite directions. Some of the witnesses account for this by explaining that there has been a gradual accretion or filling in of sand due to fires and the cutting of timber, thereby raising the bed of the stream at that point. No evidence has been introduced by any of the other parties tending to disprove what these witnesses have said.

The Allison Corporation has also introduced evidence showing the location of the common corner of Duplin, Pender (formerly New Hanover) and Onslow Counties. This corner is indicated on the Cooper Map by red letter "A". No evidence has been introduced by any of the other parties tending to disprove the location of this point. No evidence worthy of consideration has been offered by any of the parties to show the location of the line between Onslow and Pender (formerly New Hanover) from the Thoroughfare to the corner of said Onslow, Pender (formerly New Hanover) and Duplin Counties. From the foregoing evidence, I conclude as a matter of law and fact, that the County line between Pender (formerly New Hanover) and Onslow Counties is a straight line from the corner of Onslow, Duplin and Pender Counties to the head of the Thoroughfare, or Beasley's Mill Creek, where the same joins the main Holly Shelter Pocosin; and that the same was the County line between New Hanover and Onslow Counties on the 25th day of December 1794. This line is indicated on the Cooper map appended herewith as red line "AC"

Paragraph (11) "The basic title of the Petitioner and the State Board of Education is the Daniel Wheaton grant and the basic title of the Allison Corporation is the Allison Grant. In my opinion, as before stated, the two grants lap."

Paragraph (17) "No actual survey has been made of the red line "AC" as shown on the Cooper map, and I recommend that same be made for the purposes of definitely locating that line of the Petitioner's lands."

Information and key points of the "JUDGEMENT" ruled upon by J. Paul Frizzell, Judge Holding Courts of the Sixth Judicial District of North Carolina at the March term of the Superior Court of Sampson County on March 28, 1938 are displayed as quotes following.

Paragraph 1. "That this action was originally instituted upon the petition of Nathan O' Berry, Trustee, for the registration of title to certain lands described in the petition under the Torrens Act, the said lands so described in the petition being the same shown by survey and map of G. B. Cooper, Court Surveyor appointed in this action, which map is dated January-February, 1928,....."

Paragraph 3. "The said Judgment or order of October 30, 1929, transferred this cause to Sampson County for trial, and this judgment is entered at term in Sampson County."

Paragraph 4. "The answer of the Allison Corporation filed herein controverted the claim of petitioner as to location of the dividing line between Onslow and Pender Counties and put the location of said dividing line at issue in this cause. The Court now finds upon all the evidence in the record, as well as upon certain recitations contained in the report of the Examiner of Titles in this action, that the dividing between the counties of Onslow and Pender is a straight line running from the corner of Duplin, Onslow, and Pender Counties, indicated as red letter A in "Map of Holly Shelter Area showing lands of N. C. State Board of Education, Nathan O' Berry, Allison Corporation and others, surveyed and platted by G. B. Cooper and L. E. Wooten, Engineers, June, 1928, which map is made a part of this judgment and the record in this cause, and the point where the Thoroughfare Thick Joins the Thick or Bay of Holly Shelter Pocosin indicated on said map as red letter C, and from thence with the Thick known as the Thoroughfare to the Atlantic Coast Line Railroad and North Carolina State Highway No. 30, near the old Sage Place, that is to say, that the said County line, when established, is determinative of this controversy between the State Board of Education and the Allison Corporation and of other defendants named, and that said County line is the red line A.C. set out on said map and said Thoroughfare Thick or stream."

Paragraph 5. "That the defendant, Allison Corporation, under David Allison Grant No. 732, is the owner of the following described and bounded land, situated in Onslow County, and on the Eastward side of said red line AC, as set out and indicated on said map, and described as follows:

Beginning at the point where the Thoroughfare Thick joins the Main Thick of Holly Shelter Pocosin, it being the Southwestward corner of the T. H. Edens Grant for 13 acres of land, dated July 11, 1888, and also being point "red letter C" on map attached to this judgment, and running thence with line herein found and decreed to be the Onslow and Pender County line in a Northwardly direction to the point where the line of David Allison Grant No. 732 (which grant line is "thence West to the New Hanover line") intersects the said county line as herein found and adjudged; thence with said Allison Grant Line Eastwardly to where it intersects the so called Rowe or Riddick line, (sometimes referred to as the county line); thence with said line about South 19 East to the run of Sandy Run Creek.....

A copy of the David Allison Grant No. 732 recorded as Reference No. 1663 in N.C. Dept. of Archives and History is attached for information. Paragraph (7) of the "REPORT OF EXAMINER" and Paragraph 5 of the "JUDGMENT" each make reference to this grant. The description in the David Allison grant makes reference to "Beginning at a Cypress, near Sages in the County line, a corner of James Caraway and Daniel Wheaton land in the County line" and the final call states "then West to New Hanover County line and with said line South to the Beginning".

Several references are made throughout the "REPORT OF EXAMINER" and "JUDGMENT" to the map "Map of Holly Shelter Area showing lands of N. C. State Board of Education, Nathan O' Berry, Allison Corporation and others, surveyed and platted by G. B. Cooper and L. E. Wooten, Engineers, June, 1928. The original of this map with red lines and red notations is on record at NC State Archives, Board of Education, Swamp Land Records, Box 21, Folder 29, Holly Shelter Swamp, June 1928. Attached is a copy printed from the scanned image of the map of record. The copy attached is printed with colors inverted for clarity in viewing. The blue lines and letters on this copy show up as red on the archive record copy. This map as described in the "REPORT OF EXAMINER" and "JUDGMENT," with the exception of red lines and notations along the red lines to be discussed, is the same as the one previously discussed in this report. There are three red lines shown on this map. One is a red line drawn in a north/south direction from the north end point labeled in red as Red Letter "A" (Duplin-Onslow-Pender corner) to the south end point labeled in red as "B" with the notation North Line Alison Claims As County Line in red along the line. Next is the red line AC discussed previously in Paragraph 4 and Paragraph 5 of the "Judgment." This red line is drawn in a slightly northwest/southeast direction from the north end point labeled in red as Red Letter "A" (Duplin-Onslow-Pender corner) to the south end point labeled in red as Red Letter "B" with the notation Suggested Compromise Line in red along the line. Third is a red line drawn in an east/west direction from the west end point labeled in red as "B" to the east end point labeled in red as Red Letter "C". A line labeled Riddick County Line (Abt. S 21 deg E) is drawn with a series of two short dashes and one long dash beginning at Red Letter "A" (Duplin-Onslow-Pender corner) and proceeding in a southeast direction and ending at a point, by scaling from map if line were extended, 160 chains (10,560 ft.) northwest of a road labeled on map as Wilmington & Sneed's Ferry Road. This line has the notation "D" and Present County Line in red along the line and is

drawn at or near to the location depicted on the NC Dept of Archives & History Eric Norden maps labeled PDR 12 and PDR 13. The location of the southern portion of red line AC (specifically, the part south of Shaken Creek) corresponds with the Onslow County GIS mapped county line south of Shaken Creek. Also referenced in Paragraph 1 of the "JUDGMENT" is the map entitled: "MAP OF HOLLY SHELTER AREA BEING TORRENIZED BY NATHAN O'BERRY, TRUSTEE", Surveyed and Platted by G. B. Cooper, C.E. in Jan-Feb 1928 which is the same as that discussed previously and recorded in Map Book 1, Pg. 93, Onslow Co. Register of Deeds and in Book 41, Pg. 76, Sl. 554, Pender County Register of Deeds.

"HOLLY SHELTER STATE GAME REFUGE, NORTH CAROLINA DEPARTMENT OF CONSERVATION AND DEVELOPMENT, DIVISION OF GAME AND INLAND FISHERIES" surveyed and drawn by L. B. Hopkins April 4, 1941, recorded Feb. 1, 1956 in Map Bk. 5, Pg. 58, Pender Co. Register of Deeds. This map illustrates a combination of property parcels or tracts into the Holly Shelter State Game Refuge totaling 48,470.41 acres bounded partially on the west by the Northeast Cape River and partially on the east by Allison Corporation. The eastern property line bounded by Allison Corporation is labeled with metes and bounds of N 6 - 32 - 04 W 464.17 (chs.), and noted as NEW COUNTY LINE. The text PENDER CO. is shown on the western side of this line and on the eastern side is text ONSLOW CO. Another short segment of line labeled OLD COUNTY L (sic-remaining portion of the word *line* is not shown on copy provided from Pender County Register of Deeds) is drawn near the top of the map and to the right of the line labeled NEW COUNTY LINE. This line depicted as OLD COUNTY L is drawn in a north/south direction and appears to be in the location shown on Eric Norden and G. B. Cooper maps. This depiction of NEW COUNTY LINE and OLD COUNTY L, along with the April 4, 1941 labeled date of drawing and survey versus the Feb. 1, 1956 date of recordation, are of special interest.

"HOLLY SHELTER WILDLIFE MANAGEMENT AREA, PENDER COUNTY, NORTH CAROLINA" drawn August 15, 1961 by B. B. White, RLS from previous map by L. B. Hopkins, is recorded in Map Bk. 8, Pg. 24, Pender County Register of Deeds. This map similar to the map by L. B. Hopkins discussed above, comprises 12 - 8 1/2 x 11 sheets with match lines on each sheet. Specific notes on this map states that this map was compiled from a map dated April 4, 1941, by L. B. Hopkins, deeds, aerial photographs, and recent field surveys. The eastern property line of this mapped property is labeled on the west side of the line with text "PENDER CO." and "JUDGEMENT COUNTY LINE," and on the east side of the line "ONSLOW CO." The adjoining property owner on the east side is labeled "ALLISON CORPORATION."

Onslow County Clerk of Court Office, File and Docket No. 68 SP 25, Film No. 80-19-1284, "PETITION" filed November 25, 1963, "JUDGEMENT" filed April 2, 1964, and "ORDER" filed October 5, 1964 transferring *action* to Superior Court of Jones County, Litigation wherein Nere E. Day, Petitioner, vs. E. P. Godwin, J.W. Blanchard, W.J. Johnson, J.H. Bryant, C.H. Wells, J.O. Carr, R.M. Carr, W.B. Knowles, J.L. Herring, Paul Wells, R.N. Barringer, D.T. Carr, H.W. Beatty and J.C. Carr, Jr., and International Paper Company, A Corporation, Defendants disputed boundary lines of property located near or adjacent the alleged Onslow - Pender county line north of Shaken Creek and south of Shelter Swamp. The property description of Petitioner in Item 3 of the

'PETITION' makes reference to *said line being sometimes called the "Judgment County Line"* and again in Item 6(e) *"and in so much as remains of a certain tract identified as State Board of Education land, situate between Shaken Creek and Shelter Creek and upon the County line between Pender and Onslow, as lies West of and adjacent to said County line as the same was established by a judgment of record in the office of Clerk of Superior Court of Pender County in Judgment Book K, page 214, wherein Nathan O' Berry, Trustee, was plaintiff and the State Board of Education and others were defendants; said county line so established being shown on a court survey made by G.B. Cooper and L.E. Wooten and bearing date of June, 1928."* The *"ORDER"* filed October 5, 1964 transferring action to Superior Court of Jones County makes reference to the Onslow - Pender county line citing *....* *"and it appearing to the Court that the Defendants contend that the location of the County line between Onslow and New Hanover (now Pender) Counties, is issue of fact in said action, that this action could transfer lands now considered to be in Pender County to Onslow County, and lands now considered to be in Onslow County to Pender County and with a possible result that the tax rate of each of said Counties might be affected"* as reasons for transfer of trial to another county. The results of the *action* in Jones County Clerk of Superior Court have not been acquired at the time of this writing.

The deed description for Onslow Co. tax parcel identification number 718-23.1, recorded Feb. 6, 1997 in Onslow Co. Registry at Deed Bk. 1349, pg. 634, is for property transferred from the North Carolina Coastal Land Trust to State of North Carolina. The western border of this property adjoins the Holly Shelter Game Lands owned by the North Carolina Wildlife Resources Commission. The western border of this property also is the same as the Onslow County GIS mapped county line of Onslow and Pender County. The deed description, in describing the property boundary lines of this property, makes this reference "beginning at the northeast corner of the tract or parcel owned by the North Carolina Wildlife Resources Commission....., said point being in the boundary line between Pender County and Onslow County....., and marked by an existing iron having N.C. Grid Coordinates (NAD 1983) of N=303,925.339' and E=2,407,013.085'. Thence from said point of beginningSouth 11(deg) 17' 56" East 28,424.05 feet....

Adjoining this property PIN 718-23.1 along the entire eastern border is parcel PIN 718-23.2, owned by Department of Transportation, an agency of the State of North Carolina, with deed recorded Dec. 20, 1996 in Deed Bk. 1348, pg. 553, Onslow Co. Registry. Attached and a part of the deed is a map of survey of parcel PIN 718-23.2 and parcel PIN 718-23.1 dated Nov. 13, 1996 by Hanover Design Services, P.A. The north reference on this map is noted as based upon NC Grid NAD 1983 with NC State Plane Coordinates displayed at property corners on the map. Adjoining these two parcels along the northern property line is property which is discussed previously shown on survey and map recorded in Pender Co. Registry, Map Bk. 42, Pg. 140, SL. 573, 1 & 2, and dated August 23, 2006 entitled "THE NATURE CONSERVANCY WALLACE DEER CLUB "O' BERRY TRACT." This map depicts the Onslow-Pender county line at the location shown on the Eric Norden and G.B. Cooper maps. This southern border of The Nature Conservancy property is the location of the primary shift in the Onslow GIS mapped county line.

REVIEW SUMMARY

The question of the location of the Onslow and Pender county boundary line continues to exist today as it did in the years following the formation of Onslow County in 1734, somewhat due to the ambiguity of the description given. As a result of the lack of adoption of the Eric Norden survey made subsequent to the 1905, 1915, 1921, and 1923 acts to authorize the commissioners to have the line surveyed and established, two primary interpretations of the southern terminus of the county line have evolved. The property boundary lines of several properties north of Shaken Creek are consistent with the Eric Norden mapped county boundary line and perpetuates the presently recognized location of the line by local property owners. The county boundary line depicted on the Eric Norden and G.B. Cooper maps as well as publicly prepared maps such as the 1912 and 1921 Soil Maps, the 1930 County Road Survey maps, 1938 NC State Highway Commission maps, and the U. S. Geological Survey Maps each depict the county boundary line extending from the Duplin-Onslow-Pender County corner southeast to the natural ending of Beasley's Creek near the present area of intersection of the creek with US Hwy 17. South of Shaken Creek, the eastern property boundary line of Holly Shelter Game Lands, being also the western property line of a tract formerly owned by North Carolina Coastal Land Trust and now by the State of North Carolina, the county line is depicted by Onslow County GIS parcel maps in an area 1.8 to 2.5 miles west of the Eric Norden survey. This line, referred to as "New County Line" on the L.B. Hopkins survey of 1941, and "Judgment Line" on the B.B. White map of 1961, came about as the result of the property boundary line dispute between Nathan O' Berry, Petitioner, and Allison Corporation, Et Al, documents recorded in Pender County Clerk of Court Office, Minute Document K, Pgs. 211-216, and discussed previously. The court in this proceeding established the disputed property lines, evidence as to whether procedures defined in NC General Statute 153A-18(b) were adhered to in changing the county boundary line haven't been produced. This statute defines the manner wherein the court follows in resolving county boundary line disputes. Information in the court document doesn't reveal the position of Onslow and Pender County relative to the county boundary line at the time of litigation.

The primary difference between the county boundary line shown on publicly prepared maps as well as maps by Eric Norden and G. B. Cooper, with those maps resulting from the court litigation of a boundary line dispute, centers on the interpretation of the western terminus of Beasley's Creek as is depicted in the original 1734 description "*and to the Southward, by a creek that comes out of the Sound, and comes across New River Road, called the Bay Swamp, or Beasley's Creek.*" Accurately detailed maps defining the location of New River Road and Beasley's Creek in 1734 haven't been recovered.

Witnesses introduced by the defendant, Allison Corporation, at the hearing conducted at Holly Ridge, North Carolina on September 17, 1928 provided testimony as "*to the effect that Beasley's Mill Creek and the Thoroughfare are one and the same stream*" and "*that at some point in the thoroughfare the water divides and flows in opposite directions*". On May 6, 2009 and on May 22, 2009, a field review of the geography and topography of Beasley's Creek in the vicinity northwest of US Hwy 17 reveals information not discussed in the "*REPORT OF EXAMINER*" testimony received at Holly Ridge (see Photograph 1 and Photograph 2 on the Preliminary Map of Onslow and Pender County Boundary Line attached). Field observations show an artificial ditch, approximately three feet wide and one and one-half to two feet deep with standing (non

flowing) water, extending northwardly from US Hwy 17 into dense woods near the center of a natural surface drainage area, low lying and flat with wetland type vegetation, 75 to 150 feet in width. Approximately 150 feet into the woods the natural drain area bears northeasterly away from the artificial ditch with standing water. The natural drain area continues 75 to 150 feet in width and parallels US Hwy 17 for a distance of about 1,000 feet. Within and near the center of this natural drain area paralleling US Hwy 17 is an existing old, abandoned, and grown over dry artificial ditch appearing to have been excavated many years ago. The artificial ditch with standing water continues in a northerly direction along the western perimeter of the natural drain and near the eastern edge of a rise in topography for another 250 feet upstream. The artificial ditch, while separating from the western perimeter of the natural drain area, proceeds northeastwardly into ground which rises such that at a point on the ditch about 600 feet upstream from US Hwy 17, the standing water in the ditch is only inches deep, yet the ditch is excavated to a depth of approximately 12 feet with spoil from excavation placed on the banks along each side. The excavated sides of the artificial ditch, sloped at about one to one slopes, and the spoil material along the top of the ditch are grown over with trees and understory, witnessing this ditch to have been in existence for many years. The artificial ditch continues typically of this structure northeast along Onslow County tax parcel no. 735-41 and then northwest along tax parcel no. 722-5.1. At the juncture of Onslow County tax parcels no. 722-5.1 with no. 722-5.2, the ditch branches with one branch containing standing water bearing northeast near the property line between the two parcels while the second branch without water bears northwest near the western property line of parcel no. 722-5.2 and 722-5. The eastern side of the ditch along tax parcel no. 722-5.2 has been cleared of trees and understory and is without evidence of spoil along the eastern side. The western side of the ditch continues with trees and understory grown over side slopes of one to one and spoil material along the top of the ditch. An old asphalt street, a remnant of Camp Davis, is located near the property line of tax parcels 722-5.2 and 722-5. This asphalt street, without a culvert now, has crossed the artificial ditch in the past, with remnants of asphalt paving visible on the western side. The artificial ditch, continuing without water northwest into dense tree growth and understory, wasn't reviewed further northwest than the old asphalt street. The artificial ditch is labeled on Eric Norden and G. B. Cooper maps as "THOUROUGHFARE" and on more recent maps as County Line Branch.

The ridge through which the artificial ditch is excavated, is depicted by the topographic contours of the NC Floodplain maps and correspondingly on the US Geologic Quadrangle Map "Holly Ridge". The natural drain area of the upper reaches of Beasley's Creek, previously described as 75 to 150 feet in width, parallels US Hwy 17 for a distance of about 1,000 feet, and approximately 150 feet northwest of US Hwy 17, also is depicted by the topographic contours of the NC Floodplain maps and accordingly on the US Geologic Quadrangle Map "Holly Ridge". The maps of surveys by Eric Norden and G. B. Cooper depict the county line terminating in the area of this natural drain area of the upper reaches of Beasley's Creek. Also, the following maps, 1912 and 1921 Soil Map By USDA Bureau of Soils for Pender County and Onslow County, 1930 North Carolina County Road Survey map, 1938 North Carolina State Highway and Public Works Commission initial county road, 1943 U. S. Geological Survey Maps, 1970 U. S. Geological Survey Maps, and NC Flood Plain map, each commonly portrays the Onslow-Pender county boundary line in the same location as a continuous line beginning on the north end at the Duplin-Onslow-Pender county corner and extending in a southeasterly direction to Beasley's Creek terminating at a point near the intersection of the creek with US 17.

CONCLUSION

The earliest record available of a survey of the Onslow-Pender County boundary line is that of Eric Norden and may have been the first survey. This Norden survey interpreted the defined line from Duplin-Onslow-Pender common corner southwardly to the geographic and topographic location of the upward reaches of Beasley's Creek.

Property land grants issued in 1794 and 1795, sixty years after the formation of Onslow County, appeared to lap in the area of the county line. This is an indication that an official surveyed county boundary line possibly wasn't in place on the ground at the time of issuance of the property land grants, which were intended to border the county boundary line. The description from the David Allison grant stating "*Beginning at a Cypress, near Sages in the County line, a corner of James Carraways and Daniel Wheatons land in said County line and runs...*" eliminates the presence of a lap at this point of the grant parcels. The map by G. B. Cooper and L. E. Wooten entitled "MAP OF HOLLY SHELTER AREA SHOWING LANDS OF N.C. STATE BOARD OF EDUCATION, NATHAN O'BERRY, ALLISON CORPORATION, AND OTHERS" dated June 1928 portrays this common corner and point described above. This map also portrays the *Present County Line* as interpreted by engineers G. B. Cooper and L. E. Wooten which corresponds with the position surveyed by engineer Eric Norden.

North of Shaken Creek and Grassy Branch, both counties essentially agree through parcel taxation with the position of the county boundary line as surveyed by Eric Norden, G. B. Cooper, and L. E. Wooten. Attached is a map prepared by NC Geodetic Survey entitled "PRELIMINARY MAP OF ONSLOW AND PENDER COUNTY BOUNDARY LINE" depicting with a green line the county boundary line derived from parcel plats and property deed descriptions north of Shaken Creek and Grassy Branch which best illustrates the county line as surveyed by Eric Norden, G. B. Cooper, and L. E. Wooten. Although the county boundary line as surveyed by Eric Norden in 1908 may not have been officially adopted and ratified by Onslow and Pender County, it has been preserved and historically perpetuated through subsequent property surveys illustrated on parcel plats and property deed descriptions of record examined in this research phase.

South of Shelter Creek, taxation is irregular following parcel property lines resulting from the March 1938 "Court Judgment" in litigating the disputed property boundary line discussed previously. The line of property parcel taxation south of Shaken Creek and Grassy Branch follows the "Suggested Compromise Line" (Line A to C) shown on the June 1928 G. B. Cooper and L. E. Wooten survey, and referenced in paragraph 4 of the Court's March 1938 Judgment in a southeast direction to the Thoroughfare and then along the Thoroughfare and the artificial ditch to Mill Creek (Beasley's Creek) northwest of US Hwy 17. This line of property parcel taxation is depicted on the attached NC Geodetic Survey preliminary map with a blue line noted as "COUNTY LINE DEPICTED ON ONSLOW COUNTY GIS PARCEL MAPPING."

NC Geodetic Survey requested an interpretation of the relativity of the county boundary line south of Shaken Creek and Grassy Branch to the "Suggested Compromise Line" (Line A to C) from J. Allen Jernigan, Special Deputy Attorney General, NC Dept of Justice. The interpretation of the Attorney General's office was reviewed by NC Geodetic Survey and Dan Oakley, Legal

Counsel to the NCDENR, who concurred with the conclusions. Attached is a copy of their full response and following is a portion of the response quoting, "We believe that the 'suggested compromise line' (from points A to C) shown on the June 1928 Cooper and Wooten survey, and referenced in paragraph 4 of the Court's March 1928 Judgment, should be construed as the boundary between the two grants, which was the county line as it was deemed to exist when the Allison grant was issued in 1794. The answer to question 2 in the attached advisory memorandum supports this conclusion. The 1938 Judgment should not be construed as establishing the current boundary between Pender and Onslow Counties."

The green line shown on the map prepared by NC Geodetic Survey entitled "PRELIMINARY MAP OF ONSLOW AND PENDER COUNTY BOUNDARY LINE" extending southeast from Grassy Branch to the natural upper reach of Beasley's Creek is the best illustration of the county boundary line as surveyed by Eric Norden, G. B. Cooper and L. E. Wooten, and the original 1734 description.

The Onslow and Pender County boundary line in keeping with the original 1734 description follows Beasley's Creek from the natural upper reach southeast to the Intercoastal Waterway and then southeast within Broadway Street to the extent of county jurisdiction at the Atlantic Ocean. This line is also depicted in the color green on the attached preliminary map prepared by NC Geodetic Survey.