



Monteray Shores Homeowners Association

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General Manager: Kathy Scott

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January 29, 2021

Currituck County Commissioners
Currituck County Manager
Currituck County Attorney

Dear Currituck County Leaders:

I am writing to you on behalf of the Monterey Shores Board of Directors and the HOA'S members regarding the previously announced plans by the County to take over the HOA'S walk way/bike path as part of the County's multiuse OBX path system.

In September, 2010, County management representative Ben Woody approached the HOA with a plan to take over the HOA'S path to become part of the County's multiuse path then in the planning stage. The HOA'S Board of Directors meeting minutes of November 6, 2010 reflect an offer by Ben Woody to speak about the project at the HOA'S annual meeting to be held later that month. Mr. Woody did convey the County's plan to take over the Monterey Shores path to the HOA'S members at the annual meeting on November 20, 2010, including the building of islands with benches (pocket parks) along the path and to place the rebuilding and widening of the path into the County's 5-7 year construction budget plans.

That period of time having come and gone without further communication regarding the completion of the take-over plan from the County, the HOA'S general manager contacted the County regarding same in 2018 but never received a response from the County. In the meantime, over the last couple of years a portion of the path north of the Monterey Shores clubhouse has been damaged by tree root upheaval of same which has created a hazard to users of the path.

I contacted Commissioner Bob White on January 13, 2021 regarding the County's previous commitment and he responded that the path was essentially the HOA'S problem and would have to be rebuilt to DOT standards before the County might consider taking it over. He alleged that even if the County ultimately took over the path, maintenance thereof would remain the responsibility of the HOA.

The damaged section is so dangerous as to be perilous to traverse. Due to the age of the HOA's other amenities and the need to repair/rebuild/ replace same in the not-so-distant future, the costs of building a bridge over the damaged section is well beyond the budgetary constraints of the HOA. The County's act of reneging on completion of its original agreement with the HOA has left the HOA with the Hobson's choice of either disassembling the entire path or closing the damaged section and posting the balance as private property thereby removing the County's access thereto and/or to sue the County to seek an order for the County to live up to its original agreement. In view of recent comments by the County and its potential impact on all of the path's users, I implore you to revisit same and agree to live up to your original agreement with the HOA.

Respectfully,

Barry S. Richman
Vice President, Monterey Shores Home Owners Association
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