

IN THE SUPREME COURT OF NORTH CAROLINA

No. 244A18

Filed 14 June 2019

TOWN OF NAGS HEAD

v.

WILLIAM W. RICHARDSON and wife, MARTHA W. RICHARDSON

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 817 S.E.2d 874 (2018), reversing a judgment notwithstanding the verdict entered on 17 October 2016 by Judge Gary E. Trawick in Superior Court, Dare County, and remanding for a new trial. Heard in the Supreme Court on 29 May 2019 in session in the State Capitol Building in the City of Raleigh.

*Hornthal, Riley, Ellis & Maland, L.L.P., by Benjamin M. Gallop and M.H. Hood Ellis, for plaintiff-appellant/appellee.*

*Nexsen Pruet, PLLC, by David P. Ferrell and Norman W. Shearin, for defendant-appellants/appellees.*

PER CURIAM.

For the reasons stated in the majority opinion, this Court affirms the decision of the Court of Appeals. Further, to clarify the remand order, the sole issue on remand is the fair market value of the easement or, as presented to the jury, “What was the fair market value of the 10-year beach nourishment easement on the Richardsons’ property taken by the Town of Nags Head at the time of taking?”. *See*

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*Opinion of the Court*

N.C.G.S. § 40A-64(b)(ii) (2017) (“If there is a taking of less than the entire tract, the measure of compensation is . . . the fair market value of the property taken.”).

AFFIRMED.

Justice DAVIS did not participate in the consideration or decision of this case.