

**LAW OFFICE OF
MATTHEW A. NICHOLS**

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**Proposal to Provide Legal Services
to the
Town of Holden Beach, North Carolina**

STATEMENT OF INTEREST AND QUALIFICATIONS

I am pleased to submit this application for the Holden Beach Town Attorney position.

For the past 18 years, I have focused my practice in the areas of zoning, land use and municipal law. On a regular basis, I have represented clients before numerous city, town and county boards in southeastern North Carolina on a wide variety of matters ranging from fences and signs to 200+ acre mixed-use projects. With each rezoning, conditional- or special-use permit, ordinance text amendment, appeal, variance, or other permit request, I have gained valuable knowledge, experience and insight regarding the relationship among Federal and/or State laws and local ordinances and their application to specific projects, as well as government review, approval and appeal processes. This is particularly important in land use and development issues affecting beach towns along our coast.

My practice includes advising clients in matters related to environmental and coastal/water dependent development regulations, including NCDEQ-DCM (CAMA) permitting, docks and piers, community boating facilities, marinas, dry-stack boat storage facilities, floodplain management regulations, county and city conservation overlay district and conservation resource regulations, and riparian and littoral issues.

In addition, I am a general real estate attorney, with experience in real estate transactions (commercial and residential) and real estate related litigation and appeals. Specifically, my experience includes real estate closings, advising clients on project site selection, interpretation of local ordinances and other regulations affecting land use and related permitting, contract negotiations and document drafting, leases, covenants, easements, condominium law, encroachment agreements, title searches, title and boundary issues, title insurance matters and claims, street closure and property access issues.

I have served as counsel to the Wilmington Urban Area Metropolitan Planning Organization since 2014, and I am a former member of the Wrightsville Beach Planning Board.

From 1998 to 2000, I served as Law Clerk to The Honorable William Norton Mason, United States Magistrate Judge for the U.S. District Court for the Eastern District of North Carolina (Wilmington).

In sum, my unique experience with local government law involving a number of different jurisdictions and projects, combined with my general real property law background, provides me with the background, knowledge and legal skills necessary to serve as an effective and efficient Town Attorney.

Thank you for your time and consideration of my application.

Matthew A. Nichols

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Bar Admissions

North Carolina, 1996
New York, 1998

Education

J.D. *with Honors*, University of North Carolina at Chapel Hill, 1996
North Carolina Law Review, Note Editor

B.A. *with High Distinction*, Departmental Honors in English, University of Kentucky, 1993
O.J. & Ruby Wilson Award
Phi Beta Kappa

Professional Experience

Law Office of Matthew A. Nichols, 2018 - present

Partner, Smith Moore Leatherwood LLP, 2016 - 2018

Partner, Shanklin & Nichols, LLP, 2005 – 2015

Associate, Law Office of Kenneth A. Shanklin, 2000 - 2004

Law Clerk to The Honorable William Norton Mason, United States Magistrate Judge,
U.S. District Court for the Eastern District of North Carolina, 1998 - 2000

Associate, Damon & Morey (Buffalo, NY), 1997 - 1998

Associate, Stevens, McGhee, Morgan, Lennon & O'Quinn, 1996 – 1997

Professional / Community

Former Member, Town of Wrightsville Beach Planning Board

Former Member, St. Mark Catholic Church Finance Council

Former Council Member, North Carolina State Bar Association, Zoning, Planning & Land Use Section

Citizen of the Year, 2009-2010, Wilmington Elks Lodge

Published Works / Other

Victor v. Nebraska: The Reasonable Doubt Dilemma, 79 N.C. L. Rev. 1709 (1995).

Co-presenter, “Developing and Presenting a Land Use Case”, UNC Chapel Hill School of Law, *Festival of Legal Learning*, 2009.

Suggested Contractual Terms for Town Attorney Position:

To be determined.

The following is a suggested range of discounted rates:

Attorney:	\$165 to \$225 per hour
Paralegal:	\$50 to \$85 per hour
Legal Assistant:	\$25 to \$40 per hour

Relevant cases:

- *Wilkie v. City of Boiling Spring Lakes*, 370 N.C. 540, 809 S.E.2d 853 (2018).
- *Jamestown Pender, L.P. v. North Carolina Department of Transportation and Wilmington Urban Area Metropolitan Planning Organization*, No. COA15-925 (N.C. App. 2016), *disc. reviewed denied*, --- N.C. ---, 797 S.E.2d 287 (2017).
- *Six at 109, LLC v. Town of Holden Beach*, --- N.C. App. ---, 767 S.E.2d 400 (2014).
- *Busik v. North Carolina Coastal Res. Comm'n*, 2013 N.C. App. LEXIS 1149, 753 S.E.2d 326 (2013), *disc. review denied*, 367 N.C. 502, 757 S.E.2d 900 (2014).

- *Carolina Marina & Yacht Club, LLC v. New Hanover County Bd. of Comm'rs*, 207 N.C. App. 250, 699 S.E.2d 646, (2010), *disc. review denied*, 365 N.C. 89, 706 S.E.2d 253 (2011).
- *Bailey & Associates, Inc. v. Wilmington Bd. of Adjustment*, 202 N.C. App. 177, 689 S.E.2d 576 (2010).
- *Four Seasons Mgmt. Servs. Inc. v. Town of Wrightsville Beach*, 205 N.C. App. 65, 695 S.E.2d 456 (2010).
- *Canady v. North Carolina Coastal Res. Comm'n*, 2010 N.C. App. LEXIS 1462 (2010).
- *Ward v. North Carolina Dep't of Env't & Nat. Res.*, 2007 N.C. ENV LEXIS 10 (2007).
- *Ward v. New Hanover County*, 175 N.C. App. 671, 625 S.E.2d 598, *disc. review denied*, 360 N.C. 582, 636 S.E.2d 200 (2006).
- *Beau Rivage Homeowners Assoc. v. New Hanover County*, 2004 N.C. App. LEXIS 2153 (2004).
- *Dobo v. City of Wilmington*, 149 N.C. App. 701, 562 S.E.2d 108 (2002), *reversed*, 356 N.C. 656, 576 S.E.2d 324 (2003).