

DURING "FUTURE OF DARE" WEEK, Dare County residents list land use concerns during a public workshop held in Manteo. Additional meetings were held in Buxton and Kitty Hawk. Small

groups of participants at each location provided the county's planning board, professional planners and planning consultant with a long list of planning concerns. (MHG-M photo)

Protection Comes To K. Hawk Woods In Form Of Town Buying Large Tract

By ED WILKERSON

Closing one big chapter of the long-running saga of a maritime forest that has been eyed for years by aspiring developers and hopeful preservationists, Kitty Hawk town officials have entered into a deal that will grant them ownership of the largest single tract of the Kitty Hawk Woods maritime forest that remains un-

disturbed.

Last Monday, the 461-acre tract was sold to the town by the bankrupt Kitty Hawk Woods Partnership for the nominal fee of \$1,000. Now protected from development of any kind, the newest town-owned tract of the unique woods located east of Woods Road and west of Kitty Hawk's Sea Scape area will be jointly managed by the town, the state and possibly an outside management organization.

"It's taken a lot of work for us to come to this agreement with the Resolution Trust Corporation and the Kitty Hawk Woods Partnership and it's an item of business that really needs to be concluded," Kitty Hawk town attorney John G. Gaw Jr. told council members last Monday night prior to their subsequent approval of the purchase agreement. "There's been development planned all around that tract, and now, with this acquisition, what is really the heart of the woods will be forever protected."

By granting four amendments that would ease development of the 26-lot Southern Woods Subdivision, a residential development platted along the eastern boundary of Woods Road by the Kitty Hawk Woods Partnership,

council members effectively relieved the partnership's interest in holding the 461-acre parcel that was given as a conservation easement to the state last October as part of the permitting process associated with the partnership's sale of the 27-acre Capital Center Development site that recently opened the Shoreside Center off U.S. 158.

The transaction made this past week effectively transfers the fee simple of the tract to the town while allowing the state to maintain its conservation easement to the same property. According to those involved with last week's purchase, the deal could have gone the other way.

Prior to the amendments made Monday night, attorney Starkey Sharp of Kitty Hawk, representing Kitty Hawk Woods Partnership, confirmed that the partnership could just have easily run lot lines through the conservation easement from the 26 lots that border its western boundary in order to increase lot size coverage. Sharp said that he's glad to see that such a mutually beneficial proposal was reached.

"It's definitely a feather in the town's cap," Sharp said last week. See *KITTY HAWK WOODS, Page 8A*

Inlet Dredging Scheduled

The Wilmington District of the Army Corps of Engineers has announced plans to perform maintenance dredging of the Oregon Inlet ocean bar channel and in an area beneath the Bonner Bridge.

The work is scheduled to begin about Aug. 1 and should be completed in approximately 90 days, according to the Corps. The estimate of sand to be removed is 300,000 cubic yards, with the dredged material to be placed on the ocean beach of Pea Island National Wildlife Refuge a short distance south of the inlet.

Dredging in the Bonner Bridge area last took place in August-September

1992, while the ocean bar channel (northeast of the bridge) most recently was dredged in September-October 1991.

The Corps also announced that, on the request of N.C. Department of Transportation, some of the dredged material may be placed on the ocean side from 4.5 to 7 miles south of Oregon Inlet in the sandbag area along N.C. 12 where severe overwash has occurred during storms of recent years. DOT recently completed a project that trucked sand from the inlet's groin area south to the threatened location to provide protection for the highway.



garbed Elizabethan-era colonist a musket at the Elizabeth II State on Ice Plant Island in Manteo. The center around the Elizabeth II M. Booher photo)

Several guest speakers are included in the weekly educational offerings at the North Carolina Aquarium on Roanoke Island during July 4-10.

On Monday, July 5, join Dave Orleans, the Earthsinger, for his special

KITTY HAWK WOODS (Continued from Page 1A)

"The story of Kitty Hawk Woods has taken so many bizarre twists that I'm not sure that anyone could have known it would have worked out this way." Despite a restrictive development ordinance passed by Kitty Hawk officials shortly after the town's 1981 incorporation to limit development in the town's Kitty Hawk Woods District, many have argued for years that as much of the forest's original 1,900 acres should be protected as possible. Sharp believes that the latest twist in the forest's tale should please a lot of people, noting that the bulk of the remaining 540 undisturbed acres within the woods will now be preserved.

In recent weeks, Gaw negotiated preliminary proceedings of the deal with Sharp, who has represented the partnership since its 1987 inception when the group initially purchased 1,627 acres of the forest over a one-year period. Financing received through the failed Great Atlantic Savings Bank for the partnership's acquisitions in that year was reportedly in excess of \$6 million.

Following the failure of the Great Atlantic Savings Bank in November of 1988, an event followed by the financial crimes conviction and incarceration of former bank manager Mark W. Parker, the federal Resolution Trust Corporation assumed control of Great Atlantic's failed assets by April of 1989, including the loans made to the partnership for the purchase of its Kitty Hawk Woods property. The Kitty Hawk Woods Partnership, initially comprised of Lannie Belangia, Terry Dixon, Jay Bender and Jerry Wright, was subsequently entered into Chapter 11 bankruptcy. Although members of the partnership were also convicted of financial offenses, those convictions were not directly associated with the Kitty Hawk Woods holdings, Sharp said.

In an effort to recoup impending

losses, the partnership, without Belangia and Dixon who dropped out, successfully expedited the sale of the 27-acre tract to Capital Center Development in October of 1992 after a 404 certification wetlands permit was issued. According to Sharp, that sale, and the latest sale of the conservation easement, will help alleviate more of the partnership's financial woes by increasing potential development on platted lots and eliminating the partnership's tax debt to the town owed on the 461-acre parcel. Taxes owed to Dare County from the partnership on the sold tract must still be paid, Sharp said.

"Everything is still tied up in Bankruptcy Court," Gaw said this past week, "so I'm sure it may be some time yet before the town gets the deed on the property from Resolution Trust Corporation. Hopefully, things won't take too much longer." Gaw said that work continues on handling related tax issues on the property and closing details. Prior to last week's acquisition, the town of Kitty Hawk only held three separate tracts of the forest that collectively totalled 62 acres.

Town officials say that the 461-acre tract is protected under state law as a conservation easement from logging, mining or any other form of development that would adversely affect the maritime forest environment. Gaw noted that the town will probably plan to work with the state, and possibly an outside-management organization such as The Nature Conservancy, on long-term management for the preserved area. Preliminary management efforts, Gaw said, will include public hearings, and low-impact recreational uses may be permitted provided that the uses proposed receive future approval from town, state and associated management officials.

Lawsuits filed against the Kitty Hawk Woods Partnership in 1992 by adjoining property owners John Lancaster, Paul Shaver and Billy Roughton whose acreages about the Capital Center Development site are still in contest, Sharp confirmed last week. Nags Head attorney Charlie Aycock, who represents the plaintiffs in those suits, could not be reached for comment late last week.

At present, the Kitty Hawk Woods Partnership plans to develop a new 20-lot subdivision on the west side of Woods Road, Southern Woods Cottages, within the building guidelines set forth by the town within the low-density residential Kitty Hawk Woods District. Plans by Shaver and Lancaster to possibly develop a 204-unit planned unit development within the 96-acre high-density residential BR-3 District of Kitty Hawk Woods to the east of the conservation easement still awaits final project approval from town officials.

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