TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM August 8, 2022

TO: Mayor and Board of Commissioners

FROM: Debora P. Diáz, Town Manager

REF: New Business

1. Change of use – Kill Devil Hills Baum Tract Property: Staff report (Attached NB1)

At its June 13, 2022, meeting, the Board directed Staff to investigate the possibility of the Town's 44-acre Baum Tract parcel for the development of essential housing, including Staff contacting stakeholders and discussing the potential options, while keeping the best interest of the people of the Town in the forefront.

As detailed in Planning Director Meredith Guns' attached memorandum, Staff contacted and interviewed various stakeholders regarding the property's potential change to a high density multi-family residential category. Community stakeholders included the National Park Service, State Park Service, the Nature Conservancy, Dare County Schools, Dare County Sheriff, and Casey R. Logan Disc Golf Course volunteer representatives. Internal stakeholders, including all department heads and other Town Staff, received a presentation by Coastal Affordable, LLC, on specific development concepts for the parcel. Those stakeholders then submitted comments on the proposed change of use and the Coastal Affordable presentation

Major areas of response focus included traffic concerns, environmental impacts, loss of an established recreational facility on a uniquely situated property, compatibility with surrounding properties, loss of the Town's current operation and future operational opportunities, inconsistency with the Town's current Land Use Plan, increased cost to the Town, and the parcel's limited accessibility.

As Ms. Guns' memorandum indicates, any change to the property's status would require an amendment to the Town's Land Use Plan and a rezoning of the property from its current Government & Institution Public zoning designation.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

August 8, 2022

Memorandum

TO: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director MBG

Subject: Change of Use – Kill Devil Hills Baum Tract – Staff Report

At the June 13, 2022 meeting, the Board of Commissioners directed staff to investigate the possibility of development of the Town owned Baum Tract for essential housing and to reach out to stakeholders. This change would include changing the use of the western 44 acres of the Baum Tract from government/recreation use to high density multifamily.

This is a unique inquiry since a specific group has presented a development plan for the Town owned parcel prior to requesting a change of use for the land or having ownership. It is important that when considering a change of use or rezoning, a specific development plan cannot be considered. This could lead to legal issues in the future. The Board should first consider whether changing zoning is appropriate and in the best interest of the Town. If determined that a change of use is appropriate, staff would begin to work with a developer on specified rezoning that meets the Town's desired needs.

We have reached out to our community stakeholders including, but not limited to, the National Park Service, State Park Service, The Nature Conservancy, Dare County Board of Education, Dare County Sheriff and Disc Golf representatives to seek input. In addition to our community stakeholders, Internal Stakeholders (Department Heads and Assistant Department Heads) were also asked to comment on changing the use of the 44 acres remaining on the Baum Tract. Department Heads were also part of a presentation by Coastal Affordable LLC on specific plans that they would like to construct on the Baum Tract.

Interviews were conducted with community stakeholders individually by staff (Planning Director, Assistant Planning Director and Town Manager) with each community stakeholder asked a specific list of questions to keep the interviews consistent among the groups. Internal Stakeholders were emailed a list of questions in order to provide the Board with a linear line of comments. Attached you will find a summary of community and internal stakeholders

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interviews with attachments regarding the change of use of the western 44 acres of the Baum Tract.

The comments present several concerns about a change of use for multi-family development on this specific parcel of land. A few of the major concerns are: traffic, environmental impacts, loss of current uses, loss of open space, compatibility with surrounding areas, inconsistency with current Land Use Plan, increase cost to the Town and the parcels isolated location.

Community Stakeholders
Summary

- The Nature Conservancy
- North Carolina State Parks Service
- National Park Service
- Dare County Schools
- Casey R. Logan Disc Golf Volunteer Representatives
- Dare County Sheriff

Baum Tract Proposed Change of Use - Stakeholder Interviews
June/July 2022

At the June 13, 2022 meeting, the Board of Commissioners directed staff to investigate the possibility of development of the Baum Tract for essential housing. This change would include changing the use of the western 44 acres of the Baum Tract from government/ recreation use to high density multifamily. We have reached out to our community stakeholders including but not limited to National Park Service, State Park Service, The Nature Conservancy, Dare County Board of Education and Casey R Logan Disc Golf volunteer representatives to seek input. The Board is also seeking input from Town Staff regarding this change. Staff used standards questions with each group to ensure that the answers were to the same questions and not worded differently. The standard questions are attached to this memorandum (attachment 1). Staff interviews reflect questions that **ONLY** address the change of use of the Baum tract to allow multifamily and **not** the specific development plans previously presented to Board members by Coastal Affordable LLC. Staff members present for each stakeholder interview were Debbie Diaz, Town Manager, Meredith Guns Planning Director and Cameron Ray, Assistant Planning Director.

The following are comments and/or concerns from Stakeholders:

The Nature Conservancy: Aaron McCall, Northeast Regional Steward:

Mr. McCall indicated his stake in the possible use change was as a steward of Nags Head Woods and the discussion he has been a part of is to move the current Disc Golf course to the Town's land currently being managed by The Nature Conservancy (TNC) under a Memorandum of Understanding with the Town. Mr. McCall indicated that the maritime forest ('the woods") including the Town land adjacent to the TNC and along the 44 acre Baum tract is a globally rare ecosystem and should be preserved. The moving of disc golf to the parcel near fresh pond would not be the best use of the woods and would damage the integrity of the woods. Additionally, recreational uses such as disc golf will change how the woods are managed and will affect the ecosystem of the woods. Additionally, existing trails would have to be abandoned and some others relocated and hunting areas would be limited. Development of the Baum tract to high density multifamily will affect the northern portions of the woods with additional foot traffic along the Run Hill Corridor. Additionally, as a steward of the maritime forest there are several vernal ponds and several acres of 404 wetlands in the 44 acre Baum Tract that are important to both habit and water quality. The adjacent estuarine water are high quality waters and secondary and primary nursery areas. Developmental run off and elimination of ponds and wetlands could be damaging to the estuarine system. Development of the parcel will disrupt the ecosystem. The best use of the land is the current use of passive recreation and preservation. As a citizen of Dare County Mr. McCall is in favor of affordable housing however does not think the Baum tract location is appropriate for the environmental reasons listed above.

North Carolina State Park, Joy Greenwood, Jockey's Ridge Park Superintendent

Ms. Greenwood indicated her stake in the change of use was the State owned property of Run Hill adjacent to the Baum Tract. She is tasked with managing Run Hill along with Jockeys Ridge. Ms. Greenwood explained the difference in the management of the two facilities. Jockeys Ridge is considered a State Park and Run Hill is categorized as State Natural Area. She provided a handout to

explain the difference (see attachment 2). The principles of management of a natural areas focus is on preserving and protecting the scientific, aesthetic and ecological value. Run Hill is a natural area not a recreational area. It also serves as a gateway to protection of the Nature Conservancy land. Run Hill is 110 acres and is ecologically valuable to both plants and animals in the area. Run Hill along with the Baum Tract, National Park Service land, Nags Head Woods and Jockeys Ridge provides an important ecological corridor for animals. A change of use to high density multifamily along the Baum Tract will increase foot traffic to Run Hill and that will have a major impact on the natural resources. Currently, State Park Service staff patrol Run Hill a couple time a week to ensure no camping, driving or fires are evident. A change of use to high density multifamily along the Baum Tract would need to have additional dedicated staff for the management of Run Hill including Natural Resource Management and additional law enforcement. Additionally, Ms. Greenwood had concern regarding water quality issues that are likely with development of the Baum Tract. The concerns include additional stormwater runoff and also shoreline preservation/erosion due to development and reduction of natural buffers. Ms. Greenwood also indicated that she has had previous discussions with the Town about a partnership to create some nature trails though the Baum Tract and Run Hill for education and passive recreation and potentially access to the estuarine shoreline for passive recreation. She still thinks this would be the best use of the property for environmental preservation and preservation of water quality.

Natural Park Service – Dave Hallac Superintendent and Sabrina Henry, Environmental Protection Specialist, Outer Banks Group

National Park Service, Wright Brothers National Monument, is a stakeholder because proximity to the land and Wright Brothers view shed and wildlife concerns. Concerns about the wildlife corridor and increase in development has squeezed wildlife into a smaller environment leading to nuisance wildlife interactions. Currently the wildlife corridor extends from NPS land, through Baum tract, Run Hill, The Nature Conservancy and Jockeys Ridge. Disruptions of the corridor will segregate animals and further push them into populated areas. The consequence is increased negative interaction between people and wildlife. Additionally, the NPS prefers to keep development to a minimum in the area of the Wright Brothers National Monument. The NPS representatives would support continued management of the area a preserve/recreation this use meets the mission of the National Park Service and importance of the wildlife corridor.

Dare County Schools: Ian Adams, Director of Facilities

The Dare County Schools are stakeholder because they are adjacent property owners and also share the right of way (Veterans Drive) to access the 44 acres of the Baum Tract that passes through three Dare County schools: First Flight Elementary, First Flight Middle and First Flight High School. Traffic is a major concern for Dare County Schools. The concern is not only vehicle traffic, but also pedestrian. The kids move about the entire schools grounds all day and all athletic fields are located west of the school which students walk to daily. The schools/Town would have to create and alternate path for students to move about. Increasing density with multifamily development will also cost the schools money with additional fencing and security in the more remote parts of campus that abut the development. Another concern is the capacity of the schools today. Currently, FFES is at 65% capacity, FFMS is at 89% capacity and FFHS is at 109% capacity. The Dare County School goals is capacity below 85%. If high density development was built in the district, then redistricting would be a real possibility to move the school lines to lessen the burden on the First Flight Schools. Currently, the FFMS and FFHS district line is

Eighth Street North. The location is not ideal because of the limited accessibility and use capability with adjacent uses.

Casey R. Logan Disc Golf Volunteer Representatives: Bob Saunders, Clayton Scarborough and Darryl Davies

Disc golf representatives are stakeholders because they have taken pride and care in the development of disc golf course. They have a current use on the property that is highly used. The representatives presented staff with data of usage and how the facility has grown in popularity (attachments 3). One data point of interest is the Udisc.com data that show a progressive increase in use from 2019 to 2021. Representatives indicated that is a phone app used mostly by visitors, not locals that know the course location. Additionally, representatives provided several tournament registrations to demonstrate that the course brings a lot of out of town people to Dare County. The spring tournament had 146 registered players which 88 were not Dare County residents (attachment 4). Additionally, they explained how disc golf has helped local business. Kellogg Supply store began carrying disc golf equipment because the course and the sales for these items have tripled in the past few years. The representatives expressed concerns about the land itself being suitable. Having been all over the property during every season they have witnessed that the land is very low lying and susceptible to flooding regularly. Development would have to modify the land to make it suitable, which brings several environmental concerns. Additionally, the change in use brings traffic concerns. They have experienced the traffic on Veteran's Drive and have recommendations to players not to try to access the site during school drop off or pick up. The representatives are concerned that if this change occurs the Town will lose a very unique sport that people travel for and part of the draw of the course is the location and scenery. They informed staff that several schools have created disc golf clubs as a school activity and play regularly on the course. Dare County Parks and Recreation has also added disc golf classes and camps for residents to learn the sport. Two of the disc golf representatives would like to see disc golf stay at this location with added recreation uses as previously discussed by the Town.

Doug Doughtie, Dare County Sheriff

Sheriff Doughtie has an adjacent use, Camp Salt, to the Baum Tract. Camp Salt has about 100 campers in the summer months. Sheriff Doughtie main concern with changing the use of the 44-acre parcel to high density multifamily is public safety. Additional public safety will need to be provided for increase in population that is proposed. Concerns also include the limited access to the site and safety of school children at the First Flight Schools with heavy traffic along Veteran Drive. Realizing that housing is necessary and wanted, this site possess public safety concerns that need to be carefully considered including need for additional personnel and traffic concerns with limited access.

Attachment 1

Stakeholder Interviews

Explain why brought them to the table as a stakeholder:
Possible development of the 44 acres on the Baum Tract as high density multifamily residential (essential/affordable housing)

Explain your stake or interest in this property:

Concerns about development of the property as high density multifamily development:

Possible effects that will affect you as a stakeholder if developed?

Any pros about the development of the property as high density multifamily development:

Do you think high density multifamily is appropriate on this site? Do you think it is in the best interest of the Town and/or you as a stakeholder?

What if any development do you as a stakeholder deem acceptable?

How would you like to see the town proceed with the use of this property?

Would you support amending the Town Land Use Plan and Zoning ordinance to allow for high density development on this property including but not limited to increase density, heights, units per acre than is currently allowed in Kill Devil Hills.

Would you be willing to express your opinions/concerns to the Board of Commissioners in a public setting?

Attachment 2

State Lakes

Chapter 165 of the Laws of 1929 specified that "all lakes now belonging to the State having an area of 50 acres or more" should be "administered as provided for other recreational areas now owned by the State." This allowed the then-Department of Conservation and Development to assume management authority for seven Coastal Plain lakes that became units of the State Parks System known as State Lakes. These are North Carolina's natural bay lakes; the law did not apply to man-made reservoirs. Most of the state lakes are administratively included as part of an adjoining State Park, but one of the lakes (White Lake) has no public ownership on its shoreline.

State Natural Areas

State Natural Areas were established as a separate type of system unit in 1963 with the adoption of separate principles for management. The first State Natural Area was created that same year. The purpose of State Natural Areas is focused on preserving and protecting areas of scientific, aesthetic, or ecological value. Facilities are limited to those needed for interpretation, protection, and minimum maintenance. Generally, recreational and public use facilities such as camping, swimming, picnicking, and the like are not provided in State Natural Areas. However, they are available for photography, nature study, and research.

State Parks

North Carolina's first State Park was established at Mount Mitchell in 1916 to protect the summit of the highest mountain in the eastern U.S. Generally, State Parks are expected to possess both significant natural resource values and significant recreational values. State Parks are expected to accommodate the development of facilities, but may vary in the extent of development depending upon what can be provided without damage to the scenic or natural features. Facilities are planned and constructed to keep disturbance of natural resources to a minimum and to leave a "liberal portion" of each park undisturbed and free from improvements and structures, except for trails.

State Recreation Areas

State Recreation Areas are sites where the primary purpose is outdoor recreation, rather than preservation. More intensive development of facilities is provided than in State Parks. Protection and enjoyment of the natural resources are still important, and the sites are expected to contain scenic and attractive natural features. Development is planned and constructed to keep a 'reasonable amount' of each area undisturbed and free from improvements and structures.

The first State Recreation Area was added to the system in 1971, and principles to guide the development and operation of State Recreation Areas were adopted in 1974.

State Rivers

The Natural and Scenic Rivers System was created by the 1971 General Assembly to preserve and protect certain free flowing rivers, their water quality and their adjacent lands for the benefit of present and future generations. The Natural and Scenic Rivers Act established criteria and methods for inclusion of components to the system. Components of the Natural and Scenic Rivers System are State Rivers, and are also units of the State Parks System. Currently there are four State Rivers.

State Trails

The North Carolina Trails System Act was passed in 1973 to help provide for the state's outdoor recreation needs and to promote public access to natural and scenic areas. The act prescribed methods for establishing a statewide system of scenic trails, recreation trails and connecting or side trails. The Trails System includes State Trails, which are units of the State Parks System, and designated connecting trails, which are managed by other governmental agencies or corporations.

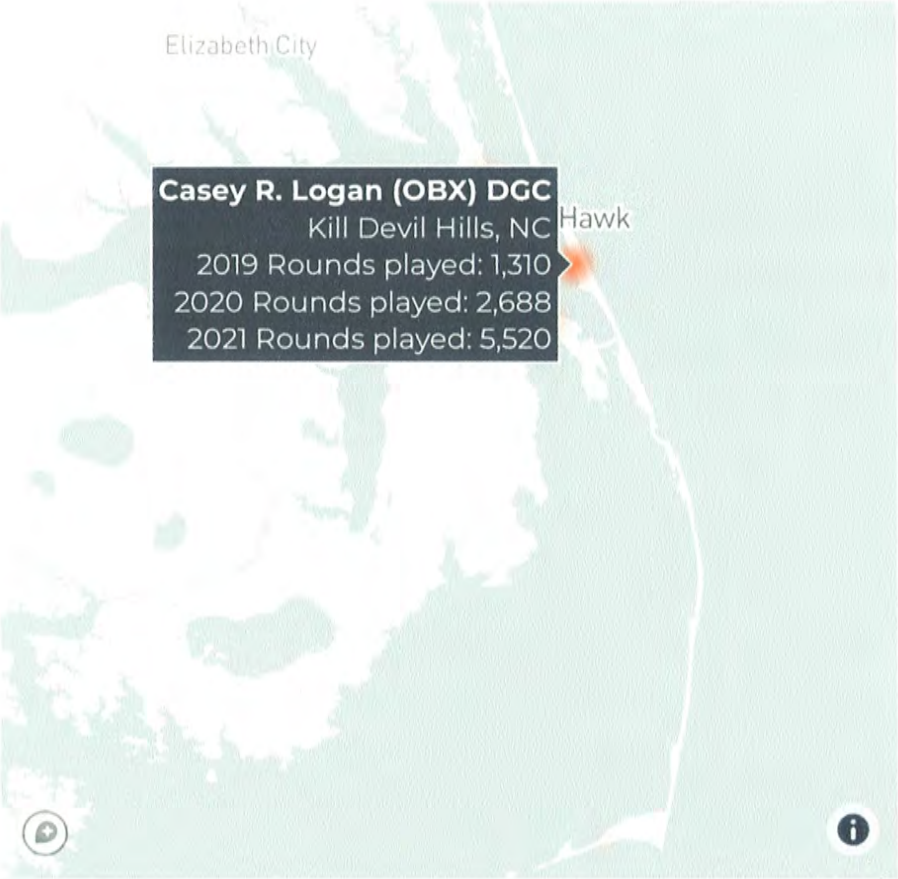
1:03

Attachment 3

Disc Golf Growth Repo...
udisc.com

Visitor use this not our locals b/c they know area

Curious where all 17.2 million rounds were played in 2021? Zoom in to find your home course:



7%
Of Players Introduced at Least One Person to the Sport

Share This Stat

Talk about network effects. Disc golf

Attachment 4

PDGA™ | PROFESSIONAL DISC GOLF ASSOCIATION

2022 OBX Open - MA2, MA3, Am Women, Juniors

Event Info

PRO/AM C-TIER

- **Date**: 26-Mar-2022
- **Location**: Kill Devil Hills, North Carolina, United States
- **Tournament Director**: Clayton Scarborough
- **Asst. Tournament Director**: Beckett Crossman

Status	Total Players
Event complete; official ratings processed.	76

Official Results

▾ Advanced Women (1)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	3.00	Lyndsey King	143603	**813**	+21	84	68	152

▾ Intermediate (24)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	96.00	Miles McCall	129666	**926**	-2	71	58	129
2	92.00	Travis Trumps	198120	908	-2	67	62	129
3	88.00	Joshua Nicholson	86019	**931**	-1	74	56	130
3	88.00	Mark Kilburn	147666	**914**	-1	66	64	130
5	80.00	Andrew Cooley	135655	**898**	+1	71	61	132
5	80.00	Clayton Scarborough	121791	**923**	+1	67	65	132
7	72.00	Justin Paxton	93312	**907**	+2	72	61	133

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
8	68.00	Frederick Pickard	128286	**923**	+3	70	64	134
9	64.00	Vance Plevyak	172319	**904**	+4	72	63	135
9	64.00	Matthew Cooper	145325	**910**	+4	63	72	135
11	56.00	Cody Luper	130336	**920**	+5	70	66	136
12	52.00	Skyler Bradley	143016	**845**	+6	73	64	137
12	52.00	Leslie Peed	124169	**875**	+6	73	64	137
14	44.00	Nick Brewster	156264	854	+7	73	65	138
15	40.00	James McDaniel	104578	**902**	+11	76	66	142
15	40.00	Tyler Eby	112568	**891**	+11	75	67	142
17	32.00	Jake Raynor			+12	72	71	143
18	28.00	Jordan Trude	209792		+13	78	66	144
19	24.00	Adam Miller	88517	**878**	+15	77	69	146
19	24.00	Joe Johnson	138921	**872**	+15	80	66	146
21	16.00	Terrence Riggins	152403	**862**	+16	80	67	147
22	12.00	Jacob Cooper	145351	**889**	+19	80	70	150
23	8.00	Spencer Gregory	153089	**882**	+23	81	73	154
24	4.00	Henry Gardner	190500	834	+28	88	71	159

▾ Intermediate Women (1)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	2.00	Mary Smith	161869	**761**	+23	81	73	154

▾ Recreational (45)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	135.00	Burt Grimsley	107450	**894**	+4	71	64	135
2	132.00	Andrew Zuern	195469	**829**	+7	73	65	138
3	129.00	Ian Courtney	165364	872	+8	76	63	139
4	126.00	Michael Davis	181734	800	+11	75	67	142
5	123.00	Keith Fanning			+12	74	69	143
6	120.00	James Froze	203508		+13	76	68	144
6	120.00	Steven Lane	197572	848	+13	77	67	144

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
8	114.00	Todd Loritsch	32109	**875**	+14	75	70	145
9	111.00	Joshua Garber	171193	**855**	+16	77	70	147
10	108.00	Bradley Cooper	192061	787	+17	79	69	148
10	108.00	Mitchell Quimby	209772		+17	78	70	148
10	108.00	Mikey Weeks	197345	868	+17	79	69	148
13	99.00	Tom Sides	170520	**838**	+18	80	69	149
14	96.00	Brandon Burkholder	128119	803	+19	77	73	150
15	93.00	Russell Kepler			+20	79	72	151
15	93.00	Lee Beacham			+20	78	73	151
17	87.00	Johnathan Yates	197599	791	+21	72	80	152
17	87.00	Daniel Cera			+21	78	74	152
17	87.00	Michael Miller	162080	**873**	+21	81	71	152
20	78.00	Tommy Carson	165224	**818**	+23	81	73	154
21	75.00	Jason McPherson	188349	800	+24	81	74	155
21	75.00	Tucker Miller			+24	79	76	155
23	69.00	Chad Stewart			+25	85	71	156
24	66.00	Seth Nicholson	105444	**817**	+26	84	73	157
25	63.00	Garrett Basnight	197784	701	+27	81	77	158
25	63.00	Tim Morton	196751		+27	86	72	158
27	57.00	Dale Baynes	155985	**788**	+28	87	72	159
27	57.00	Chris Yates	151251	**781**	+28	86	73	159
29	51.00	Bruce Pardue	167542	794	+29	80	80	160
30	48.00	Sean Brasch			+31	85	77	162
31	45.00	Eric Appleton			+32	86	77	163
31	45.00	Kevin Halfin			+32	83	80	163
31	45.00	Jeff Carroll	206021	772	+32	89	74	163
34	36.00	William Collier	202799	763	+33	84	80	164
34	36.00	Derek Brewster	190636	727	+33	84	80	164
34	36.00	Jeremy Baynes	193913	770	+33	91	73	164
37	27.00	Michael Draper			+34	84	81	165
37	27.00	Christopher Smith	208614		+34	83	82	165
37	27.00	Jack Gregory			+34	88	77	165
40	18.00	Tyler Lang	196036	**790**	+35	93	73	166
40	18.00	Anthony Hosselkus	67756	725	+35	85	81	166
40	18.00	John Ward			+35	93	73	166

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
43	9.00	Brian Hunsicker	149452	766	+36	94	73	167
44	6.00	Victor Navarro			+43	91	83	174
45	3.00	J.D. Liston	187438	**722**	+48	93	86	179

▾ Recreational Women (2)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	3.00	Lindsey Grimsley	145342	**712**	+45	92	84	176
2	1.50	Tracy Liston	187439	577	+80	108	103	211

▾ Junior ≤12 (3)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	3.00	Zedekiah Farrow	196126	692	+38	91	78	169
2	2.00	Haedyn Hastings Shoemaker	201464	738	+43	96	78	174
3	1.00	Jerimiah Farrow			+75	113	93	206

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PROFESSIONAL DISC GOLF ASSOCIATION

2022 OBX Open - MPO, MP40, FPO, MA1, MA40, MA50

Event Info

PRO/AM C-TIER

- **Date**: 27-Mar-2022
- **Location**: Kill Devil Hills, North Carolina, United States
- **Tournament Director**: Clayton Scarborough
- **Asst. Tournament Director**: Beckett Crossman

Status	Total Players	Pro Purse
Event complete; official ratings processed.	70	$2,266

Official Results

▾ Open (11)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total	Prize
1	55.00	Steven Futrell	127351	**998**	-5	52	64	116	$408
2	50.00	Gage Stiles	103230	**980**	E	55	66	121	$278
3	45.00	Samuel St. John	104171	**966**	+1	54	68	122	$193
4	40.00	Jacob Cutshall	58026	**1000**	+3	58	66	124	$142
5	35.00	Beckett Crossman	114895	**971**	+5	57	69	126	$112
6	30.00	Owen McCall	120343	**967**	+6	61	66	127	
7	25.00	Trent Hobbs	138999	**971**	+7	56	72	128	
8	20.00	Shane Boyer	100687	**963**	+10	60	71	131	
9	15.00	Frederick Pickard	128286	**923**	+12	63	70	133	
10	10.00	Sheldon McGhee	96953	**940**	+16	63	74	137	
11	5.00	John Payne	213773		+44	71	94	165	

▾ Open Women (4)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total	Prize
1	12.00	Erin Snapp	49378	**858**	+14	69	57	126	$258
2	9.00	Diana Parisi	56608	**816**	+22	76	58	134	$77
2	9.00	Michelle Green	9545	**877**	+22	70	64	134	$77
4	3.00	Meghan Shoop	185278	**840**	+24	75	61	136	

▾ Pro Masters 40+ (7)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total	Prize
1	28.00	Brian Schweberger	12989	**1009**	+3	59	65	124	$343
2	24.00	Ricky Snapp	25999	**978**	+4	60	65	125	$216
3	20.00	Jason Antonacci	11941	**929**	+8	56	73	129	$162
4	16.00	Clayton Scarborough	121791	**923**	+9	60	70	130	
5	12.00	Goody Goodison	69935	**921**	+14	64	71	135	
6	8.00	Paul Kardash	28886	858	+31	68	84	152	
6	8.00	Edward Merry	89836	**874**	+31	72	80	152	

▾ Advanced (15)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	75.00	Brian Miller	123400	**944**	+4	58	67	125
2	70.00	Brandon Fearns	54876	928	+12	61	72	133
3	65.00	Miles McCall	129666	**926**	+15	61	75	136
4	60.00	Justin Farrow	129483	**881**	+18	66	73	139
4	60.00	Brian Whaley	137032	**889**	+18	65	74	139
6	50.00	Cory Cross	142041	**931**	+19	64	76	140
7	45.00	Skyler Bradley	143016	**845**	+21	61	81	142
8	40.00	Ben Jacoby	102198	**931**	+22	63	80	143
9	35.00	Jarrette Shoemaker	118797	**917**	+23	64	80	144
10	30.00	Taylor Midgett	203898		+29	67	83	150
11	25.00	Travis Trumps	198120	908	+30	65	86	151
11	25.00	Christian Wiscovitch	101423	**896**	+30	73	78	151

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
13	15.00	Jarrod Hammond	108126	894	+33	65	89	154
14	10.00	Tim Whaley	137029	**876**	+34	71	84	155
15	0.00	Jake Raynor				67	999	DNF

▾ Amateur Masters 40+ (19)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	76.00	Mark Kilburn	147666	**914**	+17	58	80	138
2	72.00	Matt Plevyak			+19	64	76	140
2	72.00	Jared Hartleben			+19	67	73	140
4	64.00	James McDaniel	104578	**902**	+24	63	82	145
5	60.00	Spencer Gregory	153089	**882**	+27	70	78	148
6	56.00	Andrew Radford	60754	**918**	+28	68	81	149
7	52.00	Cory Schick	22702	**914**	+29	74	76	150
7	52.00	Stephen Knox	69650	**891**	+29	64	86	150
9	44.00	Jacob Driskill	189284	863	+31	74	78	152
9	44.00	Ian Courtney	165364	872	+31	69	83	152
9	44.00	Jason Crossman			+31	69	83	152
12	32.00	Mikey Weeks	197345	868	+33	71	83	154
12	32.00	Leslie Peed	124169	**875**	+33	68	86	154
14	24.00	Paul Summers	182090	852	+38	64	95	159
14	24.00	Mitchell Griffin	11729	**864**	+38	76	83	159
16	16.00	Alicia Knox	69651	**809**	+47	76	92	168
17	12.00	Kenneth Laughlin	191832	784	+48	76	93	169
18	8.00	Kyle Garns	192483	775	+53	79	95	174
19	4.00	Bryan Cole			+63	85	99	184

▾ Amateur Masters 50+ (11)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	33.00	Travis Harrell	122982	882	+13	66	59	125
1	33.00	Mike Hicks	109482	**870**	+13	64	61	125
3	27.00	Bill Ernst	16997	**874**	+14	69	57	126

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
4	24.00	Paul Gilbertson	129255	845	+15	67	60	127
4	24.00	Sean Horn	31906	**860**	+15	69	58	127
6	18.00	John Bilzor			+17	67	62	129
7	15.00	Michael Miller	162080	**873**	+22	68	66	134
8	12.00	Russell Kepler			+25	76	61	137
9	9.00	Bruce Pardue	167542	794	+28	77	63	140
10	6.00	John Duffield			+30	75	67	142
11	3.00	Carol Stern	191833	773	+44	84	72	156

▾ Amateur Masters 60+ (3)

| View hole scores

Place	Points	Name	PDGA#	Rating	Par	Rd1	Rd2	Total
1	6.00	Bill Chalmers			+17	68	61	129
2	4.00	Robert Sanders	127661	**854**	+21	69	64	133
3	2.00	Robert Fudala	182115	**841**	+27	71	68	139

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3828 Dogwood Lane, Appling, GA, USA 30802-3012 — Phone: +1-706-261-6342

Casey R. Logan (OBX) DGC

Info | My Stats | My Rounds

Casey R. Logan (OBX) DGC

4.3 1766 ratings

WISHLIST PLAYED RATE EDIT

Kill Devil Hills, NC 2.6 Miles

GET DIRECTIONS

CREATE SCORECARD

GOOD CONDITIONS

UPDATE

Updated Jun 25 (2 days ago)

12:20

Casey R. Logan (OBX) DGC

Info | My Stats | My Rounds

5 Reviews (Tap to view all)

samuelmaffit — Jun 23

4.5

Everything was amazing, minus just a touch of confusion with a few hole locations

mattdisc21 — Jun 16

5.0

This is now one of my favorite courses to play in NC!

aeronauman — Jun 15

4.5

Well maintained course. Good mix of terrain (pine straw and sand). Roughs were well kept. Some of the routes could be more maintained. Could use more open shots. Is very technical. More signage indicatin...

williamoliver — Jun 13

5.0

Hole 16 was amazing! It was in the sand dunes, very unique!

gooddoctor13 — Jun 9

4.5

Bring bug spray and know that that some of the red baskets fairways are not completely developed 6/9/2022

UPDATE REVIEW

ESTABLISHED 2017
UPDATED MARCH 24, 2022

Rounds | **Courses** | Events | Profile | More

Internal Stakeholders
Summary

- Administration
- Planning
- Public Services
- Finance
- Police
- Fire

Inter Office Memorandum

To: Debbie Diáz, Town Manager
Meredith Guns, Planning Director

From: Charlene Allen, Assistant Town Manager

Date: June 7, 2022

RE: Baum Tract Development Request- Staff Input Request

The following questions were asked:

1. Current uses that your department may have on the tract and how possible removal of the uses would affect the Town both operationally and monetarily.
   - **Buildings & Grounds department maintains the disc golf course and works with various groups that support the course and have helped with the start-up of the course.**
   - **This would be removing one of the Town's parks. This offers citizens and visitors a unique recreation, unlike no other on the Outer Banks.**
   - **This would also impact the economy in sales of disc golf related items**

2. Advantages of the change of use from government/recreation to high density multi-family.
   None

3. Concerns your department might have regarding the change of use from government/recreation to high density multi-family.
   Very concerned about Diane Baum's desires and intent for the use of the Baum Tract. It is noted in several resources how the Town needed the land, purpose was for the recreational use of its citizens.

4. How the location of the land may or may not bring specific concerns?
   Safety of our citizens jumps out – very concerned about the density and location.

5. Anticipated effects on infrastructures and utilities?
   This would result in increased costs to the Town. Anywhere from 3 – 5 cents increase on taxes because the result of the increase in population and maintenance of the grounds, public safety and fire protection, will impact the Town in increased expenditures.

Finally, most department heads were part of the recent meeting by Coastal Affordable Housing and Dare County about a specific project that they would like to develop. The project includes four apartment buildings with approximately 400 apartments units.

Additionally, they propose a public park and possible retail/restaurant uses. Please provide your specific feedback with the development that was presented to Town Staff. **Very concerned about the intent and purpose of Diane Baum gifting the land and what it means to the citizens of Kill Devil Hills. This goes against everything that she said. It also goes against what the Community Development Group, Baum Tract Study Committee was tasked to do and their results; numerous studies that have been done by Surface and NC State University study results and the West Side Recreational Group, which is the most recent group and not to mention the Town's Land Use Plan and Recreation Plan. Before any kind of rash decisions are made, there are so many things that would need to be accomplished.**

Below are concerns as well as the State Budget allocation and Dare County's allocation

NC State Budget Allocation:

DARE COUNTY AFFORDABLE HOUSING FUNDS
SECTION 11.3.(a) Section 24.3 of S.L. 2021-180 is repealed.
SECTION 11.3.(b) Notwithstanding any provision of S.L. 2021-180 or the Committee Report described in Section 43.2 of that act to the contrary, the sum of thirty-five million dollars ($35,000,000) in nonrecurring funds appropriated in that act for the 2021-2022 fiscal year to the Office of State Budget and Management for Dare County to use to make forgivable loans for the construction of affordable housing shall instead be used to provide a directed grant to Dare County for the purpose of providing affordable housing.

Per Dare County – "There is no match required of the County. The project or projects will be determined by the developer/private partner and the Development Agreement between the developer/private partner and the County."

Based on the language above in the State's allocation and Dare County's project parameters, decisions can be made for smaller projects within the big project.

Below are excerpts from articles, minutes and historical documents I have researched that back up what we know was the intent of the gift that Diane Baum made to the Town.

Diane Baum St. Clair – gifted the land – **excerpt from her obituary:**

In the early 1950's she purchased tracts of land owned by her relatives. She saw the future..... Ms. St. Clair served the Town of Kill Devil Hills in various voluntary positions. She served on the Board of Commissioners from May 1963 until October 1968 when she was elected Mayor and served until April 1969. Her love for the community was evident from her benevolent gifts. She sold and partially gifted the 322-acre Baum tract to the Town of Kill Devil Hills where the Town Hall, the Outer Banks Chamber of Commerce, and the Dare County First Flight Schools are now located. She was quoted as saying, "the town needs the land." The amount of the purchase price was a fraction of the amount she had been offered by a developer. She contributed large sums to the College of the Albemarle Dare County Campus. She also contributed to the College of the Albemarle in Elizabeth City and to Old Dominion University, as well as various churches and other organizations.

Deed of Gift – Baum Tract

"This Deed of Gift, July 1, 1983, Dian Baum St. Clair… That Whereas, the Grantor, **has long been interested in the affairs of the Town of Kill Devil Hills and their citizens for numerous purposes.**" "And Whereas, the Grantor desires to give, a one-quarter undivided interest in and to the lands hereinafter described for the **benefit of the citizens** of the Town of Kill Devil Hills."

Baum Tract

A 44-acre tract of Kill Devil Hills property located just south of Bermuda Bay and north of the Run Hill State Natural Area is one of a number of sites being eyed for essential housing as part of Dare County's efforts to address the housing crisis here.

The parcel, owned by the Town of Kill Devil Hills, is the last remaining undeveloped portion of the 322-acre Baum Tract partially donated and sold to the town in 1983 by one-time Mayor Diane Baum St. Clair. It includes at least a portion of the Casey Logan Disc Golf Course that is located just off of Veterans Drive.

Community Development Group (CDG) of NC State University Report on Baum Tract

The town of Kill Devil Hills purchased 322 acres of land for $1.5 million. When she sold the land to the town she requested that the land be used to benefit the entire community. Some of the uses for the land Mrs. St. Clair suggested were community recreation, educational, and municipal offices.

Excerpt from Memorandum from a former Town Planner, Ray Sturza to a former Town Manager, Lloyd Ballance – Potential Uses

Uses include: (1) Identification of environmentally sensitive .... Areas and the designation of such areas as ecological preserves, culminating a management plan that includes public interaction with the preserve in a manner compatable with the unique features of the ecosystem; (2) Public Works Complex; (3) Relocation of legislative and administrative offices; (4)Municipal wastewater treatment plant; and (5) Portions of the tract suitable for passively oriented recreational activities, including the potential for campgrounds, nature trails, bideways and jobbing paths, boat ramps, golf courses and observation decks.

"Ms. Baum-St. Clair has indicated a desire to see that her land is used in a manner that preserves its natural beauty and recreational value and has offered it to the Town under what must be considered extremely generous terms."

Diane Baum St. Clair – "other land gifted to the Town"

December 26, 1977, Deed of Gift to the Town – oceanfront properties for the "use and benefit of the public" – tract of land lying and being in the Town of Kill Devil Hills, Atlantic Township, Dare County, NC, (Kitty Hawk Shores subdivision)

Baum Tract Site Study Committee

404 Wetlands Restrictions, Baum Tract Site Study Committee, January 28, 2013 by Town Engineer, Pete Burkhimer's report.

Attached to this document are additional items found that reflect the intend of the Baum Tract.

Attachments

"Order of the Long Leaf Pine" award from Gov. Pat McCrory. (Outer Banks Voice - Sunday, September 18, 2016)

Diane Baum St. [Saint] Clair

Ms. Diane Baum St. Clair died Tuesday morning, March 18 at the Outer Banks Hospital. Dare County has lost another great legend, a visionary and an independent lady. She was born on February 1, 1909, the only child of Thomas and Annie Baum. She visited her relatives in Nags Head during the summers, starting at 5 years of age, catching the train from Norfolk to Elizabeth City, then the mail boat from Elizabeth City to Nags Head. Ms. St. Clair was highly educated. She graduated from Johns Hopkins University with a degree in abnormal; psychology and one in chemistry. She received a doctorate from Yale University. She had a myriad of careers--she was a New York model, danced in shows, raced horses, and did television commercials for Marlboro Lights. Ms. St. Clair's other careers included starting a school of abnormal psychology in Southern California, a ferry operator, a motel owner and a real estate developer. In the early 1950's she purchased tracts of land owned by her relatives. She saw the future. Her father, Thomas A. Baum, had a heart attack in the early 1940's and she helped him with the operation of his ferries and the running of the Wilbur Wright Inn. Ms. St. Clair's father had actually obtained Orville Wright's permission to name the motel the Wilbur Wright Inn. Orville was staying there right after his brother had died and "Capt. Tom", as they called him, asked Orville if he could name the motel after Orville. Orville said if he would prefer it be named after his brother who had just died, but that if he ever built another, "Capt. Tom: could name it after Orville. Ms. St. Clair later built the Orville Wright Inn immediately adjacent to the Wilbur Wright Inn. Ms. St. Clair served the Town of Kill Devil Hills in various voluntary positions. She served on the Board of Commissioners from May 1963 until October 1968 when she was elected Mayor and served until April 1969. Her love for the community was evident from her benevolent gifts. She sold and partially gifted the 322-acre Baum tract to the Town of Kill Devil Hills where the Town Hall, the Outer Banks Chamber of Commerce, and the Dare County First Flight Schools are now located. She was quoted as saying, "the town needs the land." The amount of the purchase price was a fraction of the amount she had been offered by a developer. She contributed large sums to the College of the Albemarle Dare County Campus. She also contributed to the College of the Albemarle in Elizabeth City and to Old Dominion University, as well as various churches and other organizations. She has several surviving cousins: Milton T. Leary, Ralph Leary, Mary A. Merritt, Herbert E. Etheridge, William Waterfield, Thressa E. Garrison, Lola Pavolvsky, Gene Royall, Gene Garrison, Nancy G. Montgomery, Geneva Ann Clark, Bruse Garrison, Roger Garrison, James Merritt and Mary Ann Celec to name a few. The funeral will be held on Friday, March 21 at 2 p.m. at Twiford's Chapel in Manteo. (*The Coastland Times* [Manteo, NC] - Thursday, March 20, 2003; pg. 6A)

Curtis [sic] Johnson Snow

FINAL RITES FOR MRS. C.L. SNOW - Funeral services for Mrs. Curtis *[should be Curtie]* L. Snow, 67, who died at her home in Elizabeth City Monday, were held Tuesday morning at the home. Mrs. Snow is survived by her mother, Mrs. Mary R. Perry of Wanchese; one daughter, Miss Sarah Snow of Elizabeth City; one son, Dennis Snow of Grandy; four sisters: Mrs. Matilda Payne of Stumpy Point, Mrs. Aditha Swain of Harbinger, Mrs. Mamie Etheridge of Wanchese and Mrs. Minnie Alcox of Norfolk; and six grandchildren. (*Dare County Time* [Manteo, NC] - Friday, July 30, 1943; pg. 1)

BOOK 255 PAGE 586

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ESTELLE B. TILLETT
REGISTER OF DEEDS
DARE CO., N.C.

NORTH CAROLINA

DARE COUNTY

THIS DEED OF GIFT, made and entered into this 26th day of December, 1977, by DIANE BAUM ST. CLAIR, unmarried, as Grantor, to the TOWN OF KILL DEVIL HILLS, a municipal corporation, organized and existing under the laws of the State of North Carolina, as Grantee;

W I T N E S S E T H :

THAT WHEREAS, the Grantee is a governmental unit chartered by the State of North Carolina;

AND WHEREAS, the Grantee desires to acquire oceanfront properties for the use of the general public;

AND WHEREAS, the Grantor desires to assist the Grantee by this gift of oceanfront property;

NOW, THEREFORE, in consideration of the premises, the Grantor does give, grant and convey and by these presents does give, grant and convey unto the Grantee, its successors and assigns, all that certain tract of land lying and being in the Town of Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at a stake or other marker in the Northeast corner of Lot No. 4 of Block 1 of the subdivision known as Kitty Hawk Shores, Section 1, as shown on a map or plat thereof entitled, "Revised map of Kitty Hawk Shores, dated April and May, 1948," made by J. L. Foy, Surveyor, recorded in Map Book 1, at page 126, office of the Register of Deeds of Dare County, North Carolina, and running thence from said beginning point South 19 deg. 00 min. East, a distance of 210 feet to a stake or other marker situated in the Southeast corner of Lot No. 1, Block 1 of the aforesaid subdivision; thence North 71 deg. 00 min. East, a distance of 150 feet to the highwater mark of the Atlantic Ocean; thence in a Northerly direction along the highwater mark of the Atlantic Ocean to a stake or other marker, which said stake is North 19 deg. 00 min. West, a distance of 210 feet from the terminus point of the last preceding call; thence South 71 deg. 00 min. West, a distance of 150 feet to the point or place of beginning.

The same being a portion of the lands conveyed to Diane Baum Frank by deed of Kitty Hawk Shores Corporation recorded in Deed Book 42, at page 328, Public Registry of Dare County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, unto the Grantee, its successors and assigns, in fee simple on the conditions as follows: "For the use and benefit of the public."

And the Grantor for herself, her heirs, executors and administrators, does hereby covenant with the Grantee, its successors and assigns, that she is seized of said premises in fee and has good right to convey the same in fee

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MANTEO, N.C. 27954

simple, that the same is free and clear of all encumbrances, and that she does hereby warrant and will forever defend the title to the same against claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set her hand and seal this day and year first above written.

Diane Baum St. Clair (SEAL)
DIANE BAUM ST. CLAIR

NORTH CAROLINA
DARE COUNTY

I, the undersigned, a Notary Public of the aforesaid County and State, do hereby certify that DIANE BAUM ST. CLAIR personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal this 30 day of December, 1977.

Ann B. Perry
NOTARY PUBLIC

(NOTARIAL SEAL)
My Commission Expires:
My Commission Expires July 29, 1981

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Ann B. Perry, a Notary Public of Dare County, North Carolina, is certified to be correct.

PRESENTED for registration this 30 day of December, 1977, at 2:55 o'clock P.M., and recorded in this office in Book 255, page 596.

Estelle B. Tillett
REGISTER OF DEEDS

JAN 10 1978

BY: _____
ASSISTANT REGISTER OF DEEDS

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MANTEO, N.C. 27954

BOOK 329 PAGE 819

FILED

'82 AUG 11 PM 3 48

ALVA G. WISE
REGISTER OF DEEDS
DARE COUNTY, N.C.

NORTH CAROLINA

DARE COUNTY

THE TOWN OF KILL DEVIL HILLS

THIS RELEASE OF EASEMENT, made this 19th day of April, 1982, by and between THE TOWN OF KILL DEVIL HILLS, a municipal corporation, as Grantor, and DIANE BAUM ST. CLAIR, as GRANTEE;

W I T N E S S E T H :

THAT WHEREAS, the Grantee by instrument dated June 6, 1967, and duly recorded in Book 145, at Page 504, Public Registry of Dare County, North Carolina, gave to the Grantors herein an easement for the purpose of installing a water meter and box and waterlines on a ten (10) foot parcel of land situated adjacent to the road known as "Colington Road";

AND WHEREAS, the Grantor's need for such easement has terminated, and the Grantee has requested the release of the Easement Deed;

AND WHEREAS, Edward St. Clair, a Grantor in the original Easement Deed, has since separated and been divorced from Diane Baum St. Clair, and entered into a Property Agreement, and has no further interest in lands of Diane Baum St. Clair.

NOW, THEREFORE, the Grantor for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, does hereby release and re-convey to the Grantee herein, all that certain easement described as follows:

> BEGINNING at a stake or other marker situated in and on the Southern margin of the right of way of North Carolina State Highway known as the Colington Road, which said beginning point is located South 83 deg. 30 min. West a distance of 60 feet from the marked property line of the United States of America lands known as the Wright Brothers National Memorial, and running thence in a Westerly direction and along the Southern margin of said right of way a distance of 10 feet to a point, and running thence South 10 deg. 47 min. East a distance of 10 feet to a point; and running thence North 83 deg. 30 min. East a distance of 10 feet to a point; and running thence North 10 deg. 47 min. West a distance of 10 feet to a point, the point or place of beginning, on the Southern margin of the aforesaid highway right of way that 60 foot roadway known as the Colington Road.
>
> Said parcel of land being 10 feet square and immediately adjoining and to the South of the Southern margin of the right of way of said Colington Road

Prepared by:
W. H. McCown
and return to:

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ATTORNEYS AT LAW
MANTEO, N.C. 27954

TO HAVE AND TO HOLD the aforesaid easement, together with all the privileges and appurtenances thereunto belonging unto the Grantee, her heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, THE TOWN OF KILL DEVIL HILLS, has caused this instrument to be executed in its corporate name, signed by its Mayor, and attested by its Town Clerk, as authorized by its Board of Commissioners at its meeting on the 13th day of April, 1982.

TOWN SEAL

TOWN OF KILL DEVIL HILLS

By Ben F. Hill III
Mayor

ATTEST:

BY Claire M. Waterfield
Town Clerk

NORTH CAROLINA

DARE COUNTY.

I, Ann B. Perry, a Notary Public of the aforesaid County, do hereby certify that Ben F. Hill, III, Mayor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in his capacity as Mayor of the Town of Kill Devil Hills, and that Claire M. Waterfield attested said instrument as Town Clerk, all by authority of a resolution of the Board of Commissioners duly and legally given.

Witness my hand and notarial seal this 19 day of April, 1982.

NOTARIAL SEAL:

Ann B. Perry
Notary Public

My commission expires:

My Commission Expires July 30, 1986

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

NORTH CAROLINA

DARE COUNTY

The foregoing certificate of Ann B. Perry a Notary Public of Dare County, North Carolina is certified to be correct. Presented for Registration, this 11 day of August, 1982, at 3:48 o'clock P.M., and recorded in this office in Book 329, at Page 819.

Allen G. Wood REGISTER OF DEEDS OF DARE COUNTY

By Norma Jean Ward Deputy ~~Assistant~~ Register of Deeds

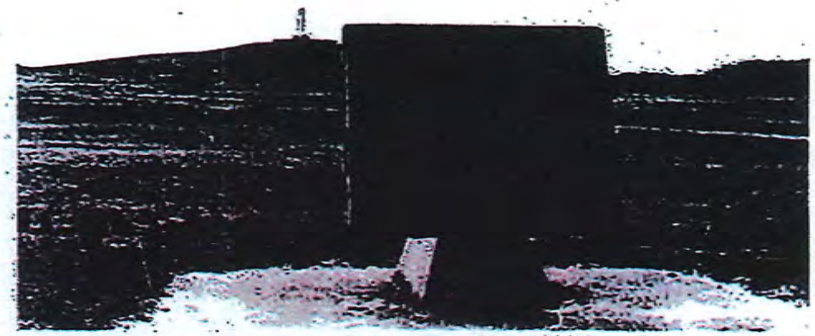
RECORDED: 8-12-82

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

year round population totals about 3,000 residents and during the peak summer season it swells to about 15,000 people. Two of the fastest growing industries in KDH, now, are the tourist and the building industries.

Land development in KDH in the past has been predominantly along the oceanside of the island, however, in the last five years this has begun to change. New development is now occurring more and more along the sound side of the island. Even though the waters in the sound are quite shallow, they can provide an excellent recreational playground for bathers and sport fishermen, alike.

In 1982, the town of Kill Devil Hills purchased 322 acres of land for 1.5 million dollars from Mrs. Diane Baum St. Clair. When she sold the land to the town she requested that the land be used to benefit the entire community. Some of the uses for the land Mrs. St. Clair suggested were community recreation, educational, and municipal offices. This property is referred to as the Baum Tract and is situated next to the Wright Brothers National Park. The site stretches from the Buzzards Bay to an area one block from Route 158 (Bypass).



The Baum Tract is one of the largest parcels of land that is still undeveloped in KDH. It is centrally located within the town of KDH and could provide an excellent place for the community to have direct access to the sound. It is also in an ideal location in that it is already highly visible to tourists due to its adjacency to the Wright Brothers National Park. The town of KDH was very fortunate to be able to purchase this tract of prime developable land but it left them with the challenging task of determining how best to utilize this property to meet the present and future needs of KDH. Rather than to hastily adapt a solution, the town chose to seek professional guidance in helping them sort through the plausible development alternatives that were available to them.

In late August of 1984, Lloyd Balance, the town manager, and Ray Sturza, the town planner, contacted the Community Development Group (CDG) of North Carolina State University in Raleigh, NC, and requested their assistance in determining the best way to develop the town's property. Lloyd and Ray were, both, interested in looking at all the possible ways the site could be utilized and developed. It was important to them that the site generate revenue for the town as well as serve the needs of the community.

region.

Once CDG had familarized itself with the physical site, it was time to turn to the community and find out their needs and ideas about the development of the Baum Tract. The community's ideas generated by the workshops and discussions were transformed by CDG into physical design alternatives for the development of the site. These design alternatives were then shown to the community to get their reactions and comments. Afterwards, these design alternatives were further refined by CDG, based on the community's suggestions, and presented to the town at their monthly town council meeting in March of 1985.

The following five chapters will describe in more detail the process CDG used in arriving at two design proposals for the development of the Baum Tract.

TOWN OF KILL DEVIL HILLS

P.O. BOX 719
KILL DEVIL HILLS, N.C. 27948
(919) 441-7236

BEN F. HILL, III
Mayor

COMMISSIONERS

LURANA J. COWAN
DAVID MENAKER
JAMES F. MURPHY
LAURA PAXHIA
RICHARD BAER

LLOYD BALLANCE
Manager

CLAIRE M. WATERFIELD
Finance Officer/Clerk

SHARON L. CONSOLVO
Tax Collector

N G. GAW, JR
Attorney

RAYMOND P. STURZA, II
Planner

DARRELL MERRELL
Superintendent of Water Services

MIKE LUHOUSE
Superintendent of Public Works

W. C. (BILLY) GRAY
Building Inspector

W. E. GARD
Fire Chief

C. E. BRAY, III
Chief of Police

February 8, 1983

MEMORANDUM:

TO: Lloyd Ballance, Town Manager

FROM: Ray Sturza, Town Planner RS

RE: Diane Baum St. Clair Tract - Potential Uses

1. The identification of that area internal to the tract proposed for purchase that is most suitable for the location of a municipal wastewater treatment facility and the reservation of that area for the purpose of establishing a wastewater treatment facility at a future date. It shall be the intent of the Town to work closely with the Division of Environmental Management of the NC Department of Natural Resources and Community Development, the NC Department of Human Resources, and the Office of Coastal Management in establishing the most suitable location for this reservation.

2. The identification of environmentally sensitive and/or unique areas and the designation of such areas and the designation of such areas as ecological preserves, culminating in a management plan that includes public interaction with the preserve in a manner compatable with the unique features of the ecosystem.

3. The identification of that area internal to the tract proposed for purchase that is most suitable for purchase that is most sutiable for the relocation of facilities to accomodate the future storage and periodic maintainence of heavy equipment associated with the operation of public works by the Town of Kill Devil Hills.

4. The identification of that area internal to the tract proposed for purchase that is most suitable for the relocation of the legislative and administrative physical plant of the Town at a future date.

5. The identification of those portions of the tract proposed for purchase that will be suitable for passively oriented recreational activities, including the potential for campgrounds, nature trails, bideways and jogging paths, boat ramps, golf courses and observation decks. All of the above represent activities that have revenue generation potential with low capital improvement costs and are compatable with the coastal setting and tourist/ transient nature of the Town of Kill Devil Hills.

6. The reservation of any remaining portions of the tract proposed for purchase for future contingencies.

The Baum-St. Clair tract represents the opportunity for the Town to control the destiny of a large portion of the remaining undeveloped land in single ownership within our jurisdictional limits. Mrs. Baum-St. Clair has indicated a desire to see that her land is used in a manner that preserves its natural beauty and recreational value and has offered it to the Town under what must be considered extremely generous terms. I hope the Board of Commissioners will give this proposal serious consideration as it represents the potential to answer several of the logistical and infrastructure improvement issues that this Town will face in the not to distant future.

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ALVI [illegible]
REG[illegible] DEEDS
[illegible] N.C.

NORTH CAROLINA
DARE COUNTY

THIS DEED OF GIFT, made this 1st day of July, 1983, by DIANE BAUM ST. CLAIR, Unmarried, as Grantor, to the TOWN OF KILL DEVIL HILLS, a Municipal Corporation of the State of North Carolina as Grantee;

W I T N E S S E T H :

THAT WHEREAS, the Grantor, has long been interested in the affairs of the Town of Kill Devil Hills and the providing of sufficient land area for utilization by their citizens for numerous purposes.

AND WHEREAS, the Grantor desires to give, a ONE-QUARTER undivided interest in and to the lands hereinafter described for the benefit of the citizens of the Town of Kill Devil Hills.

NOW THEREFORE, the Grantor does hereby grant and convey unto the Grantee and has by these presents granted and conveyed to the Grantee, its successors and assigns, a ONE-QUARTER undivided interest in and to the lands hereinafter described.

All those lands situated in the Town of Kill Devil Hills, Atlantic Township, Dare County, North Carolina and more particularly described in the "ATTACHED DESCRIPTION".

The same being a portion of the lands conveyed to Diane Baum Frank by deed of Kitty Hawk Shores Corporation, duly recorded in Book 42, Page 328, Public Registry of Dare County, North Carolina.

TO HAVE AND TO HOLD the aforesaid parcel of land, together with all privileges and appurtenances thereunto belonging unto the Grantee, its successors and assigns, in fee simple forever. Subject, however, to all easements of record.

And the Grantor, for herself, her heirs, executors and administrators, does hereby covenant with the Grantee, its successors and assigns, that she is seized of said premises in fee and has good right to convey the same in fee simple; that the same is free and clear of all encumbrances, and that she does hereby warrant and will forever defend the title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set her hand and seal the day and year first above written.

Diane Baum ST. Clair (SEAL)
Diane Baum St. Clair

NORTH CAROLINA
DARE COUNTY

I, the undersigned, a Notary Public of the aforesaid County and State, do hereby certify that Diane Baum St. Clair, unmarried, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 6th day of July, 1983.

Karen C. Riley
Notary Public
My commission expires: 10-26-86

NOTARIAL SEAL

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Karen C. Riley, a Notary Public of Dare County, North Carolina, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and

DIANE BAUM ST. CLAIR - TOWN OF KILL DEVIL HILLS

"ATTACHED DESCRIPTION"

Beginning at a concrete monument at the intersection of the southern margin or right of way of Ocean Bay Boulevard and the western margin or right of way of Norfolk Street, said concrete monument being in and marking the northeast corner of the property herein described; thence running South 27 deg. 57 min. 00 sec. East along and with the western right of way or margin of Norfolk Street 1,637.68 feet to a concrete monument and a corner; thence running South 42 deg. 10 min. 43 sec. West 1,904.00 feet to a concrete monument; thence continuing South 42 deg. 10 min. 43 sec. West 1,481.58 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 887.28 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 2,729.83 feet more or less to Colington Creek and an iron pipe; thence turning and running in a general Northerly direction along the mean high water mark of Colington Creek and the various courses and meanderings thereof North 17 deg. 06 min. 14 sec. East 853.53 feet to an iron pipe; thence North 57 deg. 37 min. 08 sec. West 30.35 feet to an iron pipe; thence South 78 deg. 08 min 27 sec. West 206.34 feet to an iron pipe; thence South 52 deg. 21 min. 17 sec. West 172.67 feet to an iron pipe; thence South 71 deg. 04 min. 17 sec. West 222.70 feet to an iron pipe; thence North 28 deg. 59 min. 07 sec. East 585.96 feet to an iron pipe; thence North 19 deg. 30 min. 19 sec. East 627.75 feet to an iron pipe; thence South 75 deg. 46 min. 07 sec. West 69.81 feet to an iron pipe; thence South 42 deg. 40 min. 04 sec. West 608.46 feet to an iron pipe; thence South 86 deg. 10 min. 22 sec. West 82.81 feet to an iron pipe; thence North 12 deg. 30 min. 37 sec. West 550.10 feet to an iron pipe; thence South 53 deg. 22 min. 40 sec. West 493.13 feet to an iron pipe; thence North 06 deg. 42 min. 39 sec. East 331.38 feet to an iron pipe; thence North 19 deg. 30 min. 48 sec. East 566.31 feet to an iron pipe; thence North 39 deg. 29 min. 39 sec. East 165.72 feet to an iron pipe; thence North 35 deg. 18 min. 53 sec. West 282.75 feet to an iron pipe; thence South 37 deg. 20 min. 40 sec. West 462.20 feet to an iron pipe; thence North 41 deg. 36 min. 01 sec. West 589.37 feet to an iron pipe and a corner; thence turning and running North 61 deg. 29 min. 42 sec. East 848.78 feet to a concrete monument; thence running North 61 deg. 29 min. 42 sec. East 1,680.48 feet to a concrete monument; thence running North 61 deg. 29 min. 05 sec. East 1,458.46 feet to a concrete monument and a corner; thence turning and running North 28 deg. 31 min. 08 sec. West 835.89 feet to a concrete monument located in and on the southern right of way or margin of Ocean Bay Boulevard and a corner; thence turing and running North 61 deg. 31 min. 27 sec. East 2,547.18 feet to a concrete monument located at the intersection of the southern right of way or margin of Ocean Bay Boulevard and the western right of way or margin of Norfolk Street and the point of begining.

The aforementioned property being bounded on the North

BOOK 346 PAGE 885

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ALICE P. PUGE
REGISTER OF DEEDS
DARE CO., N.C.

NORTH CAROLINA
DARE COUNTY

THIS DEED, made this the 1st day of July, 1983, by and between DIANE BAUM ST. CLAIR, Unmarried, as GRANTOR, to the TOWN OF KILL DEVIL HILLS, a Municipal Corporation of the State of North Carolina as GRANTEE;

W I T N E S S E T H :

That the Grantor, for and in consideration of the sum of One Hundred Dollars ($100.00) and other good and valuable considerations to her in hand paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does grant, bargain, sell and convey unto the Grantee, its successors and assigns, a THREE-QUARTER undivided interest in and to the lands hereinafter described:

All those lands situated in the Town of Kill Devil Hills, Atlantic Township, Dare County, North Carolina and more particularly described in the "ATTACHED DESCRIPTION".

The same being a portion of the lands conveyed to Diane Baum Frank by deed of Kitty Hawk Shores Corporation, duly recorded in Book 42, Page 328, Public Registry of Dare County, North Carolina.

TO HAVE AND TO HOLD the aforesaid parcel of land, together with all privileges and appurtenances thereunto belonging unto the Grantee, its successors and assigns, in fee simple forever. Subject, however, to all easements of record.

And the Grantor, for herself, her heirs, executor and administrators, does hereby covenant with the Grantee, its successors and assigns, that she is seized of said premises in fee and has good right to convey the same in fee simple; that the same is free and clear of all encumbrances, and that she does hereby warrant and will forever defend the title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set her hand and seal the day and year first above written.

Diane Baum St. Clair (SEAL)
Diane Baum St. Clair

Real Estate Excise Tax 900.00 FEB.10717 JUL-8'83 STATE OF NORTH CAROLINA DARE COUNTY 040739

Real Estate Excise Tax 500.00 FEB.10717 JUL-8'83 STATE OF NORTH CAROLINA DARE COUNTY 040140

NORTH CAROLINA
DARE COUNTY

I, the undersigned, a Notary Public of the aforesaid County and State, do hereby certify that Diane Baum St. Clair, unmarried, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 7th day of July, 1983.

THOMAS L. WHITE, SR. NOTARY PUBLIC DARE COUNTY, N.C.

NOTARIAL SEAL

Thomas L. White, Sr.
Notary Public
My commission expires: Dec. 2, 1984

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Thomas L. White, Sr., a Notary Public of Dare County, North Carolina, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

DIANE BAUM ST. CLAIR - TOWN OF KILL DEVIL HILLS
"ATTACHED DESCRIPTION"

Beginning at a concrete monument at the intersection of the southern margin or right of way of Ocean Bay Boulevard and the western margin or right of way of Norfolk Street, said concrete monument being in and marking the northeast corner of the property herein described; thence running South 27 deg. 57 min. 00 sec. East along and with the western right of way or margin of Norfolk Street 1,637.68 feet to a concrete monument and a corner; thence running South 42 deg. 10 min. 43 sec. West 1,904.00 feet to a concrete monument; thence continuing South 42 deg. 10 min. 43 sec. West 1,481.58 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 887.28 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 2,729.83 feet more or less to Colington Creek and an iron pipe; thence turning and running in a general Northerly direction along the mean high water mark of Colington Creek and the various courses and meanderings thereof North 17 deg. 06 min. 14 sec. East 853.53 feet to an iron pipe; thence North 57 deg. 37 min. 08 sec. West 30.35 feet to an iron pipe; thence South 78 deg. 08 min 27 sec. West 206.34 feet to an iron pipe; thence South 52 deg. 21 min. 17 sec. West 172.67 feet to an iron pipe; thence South 71 deg. 04 min. 17 sec. West 222.70 feet to an iron pipe; thence North 28 deg. 59 min. 07 sec. East 585.96 feet to an iron pipe; thence North 19 deg. 30 min. 19 sec. East 627.75 feet to an iron pipe; thence South 75 deg. 46 min. 07 sec. West 69.81 feet to an iron pipe; thence South 42 deg. 40 min. 04 sec. West 608.46 feet to an iron pipe; thence South 86 deg. 10 min. 22 sec. West 82.81 feet to an iron pipe; thence North 12 deg. 30 min. 37 sec. West 550.10 feet to an iron pipe; thence South 53 deg. 22 min. 40 sec. West 493.13 feet to an iron pipe; thence North 06 deg. 42 min. 39 sec. East 331.38 feet to an iron pipe; thence North 19 deg. 30 min. 48 sec. East 566.31 feet to an iron pipe; thence North 39 deg. 29 min. 39 sec. East 165.72 feet to an iron pipe; thence North 35 deg. 18 min. 53 sec. West 282.75 feet to an iron pipe; thence South 37 deg. 20 min. 40 sec. West 462.20 feet to an iron pipe; thence North 41 deg. 36 min. 01 sec. West 589.37 feet to an iron pipe and a corner; thence turning and running North 61 deg. 29 min. 42 sec. East 848.78 feet to a concrete monument; thence running North 61 deg. 29 min. 42 sec. East 1,680.48 feet to a concrete monument; thence running North 61 deg. 29 min. 05 sec. East 1,458.46 feet to a concrete monument and a corner; thence turning and running North 28 deg. 31 min. 08 sec. West 835.89 feet to a concrete monument located in and on the southern right of way or margin of Ocean Bay Boulevard and a corner; thence turing and running North 61 deg. 31 min. 27 sec. East 2,547.18 feet to a concrete monument located at the intersection of the southern right of way or margin of Ocean Bay Boulevard and the western right of way or margin of Norfolk Street and the point of begining.

NORTH CAROLINA
DARE COUNTY

TOWN OF KILL DEVIL HILLS
RESOLUTION OF DEDICATION

WITNESSETH, that whereas the Town of Kill Devil Hills, a municipal Corporation, organized and existing under and by virtue of the laws of North Carolina, is the owner of a certain parcel of land acquired by deed dated March 5, 1957 from Diane Baum Frank, unmarried and Annie M. Baum, widow, duly of record in the office of the Register of Deeds, Dare County, North Carolina.

And WHEREAS, the Town of Kill Devil Hills acquired said property in connection with an abandonment proceeding of a certain street or way situated in the Town of Kill Devil Hills, said abandonment being set for a detailed resolution entitled "Diane Baum Frank and Annie M. Baum, Petitioners to the Town of Kill Devil Hills, P. A. Thompson and wife, Margaret Thompson, and J. W. Martin, duly of record in the Office of the Register of Deeds, Dare County, North Carolina." A portion of the aforesaid proceeding being the conveyance of a parcel of land in an area South of the Area in which a street or way was abandoned, said property being located in a portion of the Town where a street or way or access was needed for the purpose of access to the Atlantic Ocean from U. S. Highway No. 158, and property situated to the West of the aforesaid highway.

And WHEREAS, it is a proper use of the aforesaid parcel of land to allow access, ingress and egress across said property by individual residents in the Town of Kill Devil Hills, individuals owning property on the West side of U. S. Highway No. 158, adjoining property owners and members of the public. And such use is consistant with the public hearing held on the abandonment of another street or way in a different area of the Town.

NOW THEREFORE, the Town Board of the Town of Kill Devil Hills, upon motion duly made by Robert A. Young, seconded by T. H. Briggs, Jr., passed unanimously does hereby dedicate the following parcel of land situated in the Town of Kill Devil Hills, Atlantic Township, Dare County, North Carolina:

> Beginning at a stake or other marker situated on the East margin of U. S. Highway No. 158, sometimes known as Virginia Dare Trail, leading along the Dare Beaches, near the Kill Devil Hills Coast Guard Station, at Kill Devil Hills, North Carolina, said beginning point being 154.26 feet South 19 deg. 10 min. East along said highway from the Southwest corner of Roy W. Wescott et als property, known as the Cavalier Motor Court property; and running thence from the

beginning point in a Northeasterly direction 429.7 feet, more or less, to a stake on the shore of the Atlantic Ocean; which is 151.5 feet from the Southeast corner on said ocean of the said Cavalier Motor Court property; thence running along the shore of the Atlantic Ocean in a Southeasterly direction 50.5 feet to the Northeast corner of the Kill Devil Hills Coast Guard Station property; and running thence South 71 deg. 34 min. West along the Kill Devil Hills Coast Guard property North line a distance of 430.16 feet, more or less, to the East margin of the aforesaid highway; running thence along the East margin of the said highway North 19 deg. 10 min. West 51.44 feet to the point of beginning.

Being designated as FIRST TRACT in a deed from Lenora Liverman et als to Diane Baum Frank and Annie Baum dated March 14, 1951 and recorded Book 59, Page 188, Public Registry of Dare County, North Carolina.

To the use and benefit, and for the purpose of ingress, access, and egress of citizens of the Town of Kill Devil Hills, persons owning property on the West side of U. S. Highway No. 158, and members of the General Public, their respective heirs and assigns in fee simple forever.

This dedication is made for the purpose of providing an access to and from U. S. Highway #158, and the Atlantic Ocean, and egress and ingress across and upon the parcel of land described herein; but there is reserved unto the Town of Kill Devil Hills the privilege of erecting and constructing upon said property such municipal buildings and improvements for municipal uses, as the said Town may deem proper, provided however that such improvements shall not obstruct foot passage over and across said access area.

Be it further resolved that this resolution be recorded in the Office of the Register of Deeds, Dare County, North Carolina to the extent that the public and all other persons acquiring an interest by this dedication may have record notice of said dedication.

This 16th day of May, 1957.

TOWN OF KILL DEVIL HILLS

BY Emily Long Mustian
Mayor

ATTESTED:

Jeanette Gray
Town Clerk

NORTH CAROLINA
DARE COUNTY

I, C. S. Meekins, Clerk Superior Court, hereby certify that Emily Long Mustian personally appeared before me this day and acknowledged the due execution of the foregoing resolution as Mayor, for and on behalf of the Town of Kill Devil Hills. Let the instrument with the certificate be registered. Witness my hand this 4th day of June 1957.

C. S. Meekins
CLERK SUPERIOR COURT, DARE COUNTY N.C.

[illegible] registration on the 4 day of June, 1957 at 3-25 [illegible] P. M. Melvin R. [illegible]

BOOK 255 PAGE 586

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ESTELLE P. TILLETT
REGISTER OF DEEDS

NORTH CAROLINA

DARE COUNTY

THIS DEED OF GIFT, made and entered into this 26th day of December, 1977, by DIANE BAUM ST. CLAIR, unmarried, as Grantor, to the TOWN OF KILL DEVIL HILLS a municipal corporation, organized and existing under the laws of the State of North Carolina, as Grantee;

W I T N E S S E T H :

THAT WHEREAS, the Grantee is a governmental unit chartered by the State of North Carolina;

AND WHEREAS, the Grantee desires to acquire oceanfront properties for the use of the general public;

AND WHEREAS, the Grantor desires to assist the Grantee by this gift of oceanfront property;

NOW, THEREFORE, in consideration of the premises, the Grantor does give, grant and convey and by these presents does give, grant and convey unto the Grantee, its successors and assigns, all that certain tract of land lying and being in the Town of Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and more particularly described as follows:

Beginning at a stake or other marker in the Northeast corner of Lot No. 4 of Block 1 of the subdivision known as Kitty Hawk Shores, Section 1, as shown on a map or plat thereof entitled, "Revised map of Kitty Hawk Shores, dated April and May, 1948," made by J. L. Foy, Surveyor, recorded in Map Book 1, at page 126, office of the Register of Deeds of Dare County, North Carolina, and running thence from said beginning point South 19 deg. 00 min. East, a distance of 210 feet to a stake or other marker situated in the Southeast corner of Lot No. 1, Block 1 of the aforesaid subdivision; thence North 71 deg. 00 min. East, a distance of 150 feet to the highwater mark of the Atlantic Ocean; thence in a Northerly direction along the highwater mark of the Atlantic Ocean to a stake or other marker, which said stake is North 19 deg. 00 min. West, a distance of 210 feet from the terminus point of the last preceding call; thence South 71 deg. 00 min. West, a distance of 150 feet to the point or place of beginning.

The same being a portion of the lands conveyed to Diane Baum Frank by deed of Kitty Hawk Shores Corporation recorded in Deed Book 42, at page 328, Public Registry of Dare County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land, together with all privileges and appurtenances thereunto belonging, unto the Grantee, its successors and assigns, in fee simple on the conditions as follows: "For the use and benefit of the public."

And the Grantor for herself, her heirs, executors and administrators, does hereby covenant with the Grantee, its successors and assigns, that she is seized of said premises in fee and has good right to convey the same in fee

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

simple, that the same is free and clear of all encumbrances, and that she does hereby warrant and will forever defend the title to the same against claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set her hand and seal this day and year first above written.

Diane Baum St. Clair (SEAL)
DIANE BAUM ST. CLAIR

NORTH CAROLINA
DARE COUNTY

I, the undersigned, a Notary Public of the aforesaid County and State, do hereby certify that DIANE BAUM ST. CLAIR personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal this 30 day of December, 1977.

Ann B. Perry
NOTARY PUBLIC

(NOTARIAL SEAL)

My Commission Expires:
My Commission Expires July 20, 1981

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Ann B. Perry, a Notary Public of Dare County, North Carolina, is certified to be correct.

PRESENTED for registration this 30 day of December, 1977, at 2-55 o'clock P.M., and recorded in this office in Book 255, page 596.

Estelle B. Tillett
REGISTER OF DEEDS

JAN 10 1978

BY: _____
ASSISTANT REGISTER OF DEEDS

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

BOOK 329 PAGE 819

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ALVA C. WISE
REGISTER OF DEEDS
DARE COUNTY, N.C.

NORTH CAROLINA

DARE COUNTY

THE TOWN OF KILL DEVIL HILLS

THIS RELEASE OF EASEMENT, made this 19th day of April, 1982, by and between THE TOWN OF KILL DEVIL HILLS, a municipal corporation, as Grantor, and DIANE BAUM ST. CLAIR, as GRANTEE;

W I T N E S S E T H :

THAT WHEREAS, the Grantee by instrument dated June 6, 1967, and duly recorded in Book 145, at Page 504, Public Registry of Dare County, North Carolina, gave to the Grantors herein an easement for the purpose of installing a water meter and box and waterlines on a ten (10) foot parcel of land situated adjacent to the road known as "Colington Road";

AND WHEREAS, the Grantor's need for such easement has terminated, and the Grantee has requested the release of the Easement Deed;

AND WHEREAS, Edward St. Clair, a Grantor in the original Easement Deed, has since separated and been divorced from Diane Baum St. Clair, and entered into a Property Agreement, and has no further interest in lands of Diane Baum St. Clair.

NOW, THEREFORE, the Grantor for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, does hereby release and re-convey to the Grantee herein, all that certain easement described as follows:

BEGINNING at a stake or other marker situated in and on the Southern margin of the right of way of North Carolina State Highway known as the Colington Road, which said beginning point is located South 83 deg. 30 min. West a distance of 60 feet from the marked property line of the United States of America lands known as the Wright Brothers National Memorial, and running thence in a Westerly direction and along the Southern margin of said right of way a distance of 10 feet to a point, and running thence South 10 deg. 47 min. East a distance of 10 feet to a point; and running thence North 83 deg. 30 min. East a distance of 10 feet to a point; and running thence North 10 deg. 47 min. West a distance of 10 feet to a point, the point or place of beginning, on the Southern margin of the aforesaid highway right of way that 60 foot roadway known as the Colington Road.

Said parcel of land being 10 feet square and immediately adjoining and to the South of the Southern margin of the right of way of said Colington Road

Prepared by:
W. H. McCown
and return to:

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

TO HAVE AND TO HOLD the aforesaid easement, together with all the privileges and appurtenances thereunto belonging unto the Grantee, her heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, THE TOWN OF KILL DEVIL HILLS, has caused this instrument to be executed in its corporate name, signed by its Mayor, and attested by its Town Clerk, as authorized by its Board of Commissioners at its meeting on the 13th day of April, 1982.

TOWN SEAL

TOWN OF KILL DEVIL HILLS

By Ben F. Hill III
Mayor

ATTEST:

BY Claire M. Waterfield
Town Clerk

NORTH CAROLINA

DARE COUNTY.

I, Ann B Perry, a Notary Public of the aforesaid County, do hereby certify that Ben F. Hill, III, Mayor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in his capacity as Mayor of the Town of Kill Devil Hills, and that Claire M. Waterfield attested said instrument as Town Clerk, all by authority of a resolution of the Board of Commissioners duly and legally given.

Witness my hand and notarial seal this 19 day of April, 1982.

NOTARIAL SEAL:

Ann B Perry
Notary Public

My commission expires:

My Commission Expires July 30, 1986

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

NORTH CAROLINA

DARE COUNTY

The foregoing certificate of Ann B. Perry a Notary Public of Dare County, North Carolina is certified to be correct. Presented for Registration, this 11 day of August, 1982, at 3:48 o'clock P.M., and recorded in this office in Book 329, at Page 819.

Allen G. Wood REGISTER OF DEEDS OF DARE COUNTY

By Norma Jean Ward Deputy ~~Assistant~~ Register of Deeds

RECORDED: 8-12-82

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N.C. 27954

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NORTH CAROLINA
DARE COUNTY

THIS LOAN MODIFICATION AGREEMENT, made this 31st day of October, 1991, by and between the TOWN OF KILL DEVIL HILLS, a Body Politic of the State of North Carolina, hereinafter referred to as "Town"; and WALLACE H. McCOWN, Trustee, hereinafter referred to as "Trustee"; and DIANE BAUM ST. CLAIR, hereinafter referred to as "Holder";

W I T N E S S E T H :

THAT WHEREAS, the Town executed and delivered to the Trustee herein named a deed of trust dated July 8, 1983 and recorded in Book 346, Page 887 of the Public Registry of Dare County, North Carolina; and

WHEREAS, said deed of trust secured the payment of a certain promissory note of even date therewith; and

WHEREAS, the Holder has requested Town to modify the terms of payment set forth and described in said promissory note; and

WHEREAS, the Town has agreed to such modification; and

WHEREAS, the outstanding balance on said deed of trust is $600,000.00 as of the date of this instrument; and

WHEREAS, the Town and the Holder of the note mutually desire to modify and amend the provisions of said promissory note in the manner hereinafter set out and it is specifically understood that except as herein modified and amended, the terms and provisions of the note and deed of trust shall remain unchanged and continue in full force and effect as therein written.

NOW, THEREFORE, the Holder and the Town in consideration of the premises and the sum of ONE DOLLAR ($1.00) to each in hand paid by the other, the receipt of which is hereby acknowledged by each, do hereby agree that the note and deed of trust should be and the same are hereby modified and amended to provide as follows:

The outstanding balance and interest shall be due and payable as follows:

Payment Due Date	Principal Payment	Interest at 5%	Total Payment
July 1, 1992	$200,000.00	$30,000.00	$230,000.00
July 1, 1993	$200,000.00	$20,000.00	$220,000.00
July 1, 1994	$200,000.00	$10,000.00	$210,000.00

The interest rate upon said unpaid balance shall be and remain the same as set forth in the original promissory note at five percent (5%) per annum.

Except as hereby amended, the terms and conditions of the note and deed of trust remain unchanged and are in full force and effect and are enforceable according to the terms of the original instruments.

This Agreement is a modification and not a novation.

The Trustee joins in the execution of this instrument as evidence of his knowledge of the provisions hereinabove and his consent to the modifications herein made. This Agreement shall be binding upon any assignee or successor in interest of the parties hereto.

IN WITNESS WHEREOF, the Town, the Trustee and the Holder have caused this instrument to be duly executed under seal, this day and year first above written.

TOWN OF KILL DEVIL HILLS

By: Laurell M. Perry
Mayor

(SEAL)

ATTEST:

Town Clerk

pared by
return to:
McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N. C. 27954

Diane Baum St. Clair (SEAL)
Diane Baum St. Clair, Holder

(SEAL)
Wallace H. McCown, Trustee

NORTH CAROLINA
DARE COUNTY

I, a Notary Public of the County and State aforesaid, certify that MARY E. QUIDLEY, Town Clerk of the TOWN OF KILL DEVIL HILLS, a municipal corporation of North Carolina, personally appeared before me this day and acknowledged the execution of the foregoing instrument in her capacity as Town Clerk in accord with the minutes of the Town of Kill Devil Hills, dated October 14, 1991. Witness my hand and official stamp or seal, this 5th day of November, 1991.

(NOTARIAL SEAL)

Notary Public
My commission expires: Feb 11, 1995

NORTH CAROLINA
DARE COUNTY

I, a Notary Public of the County and State aforesaid, certify that DIANE BAUM ST. CLAIR personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14th day of November, 1991.

(NOTARIAL SEAL)

TAMMY J. FINCHAM
NOTARY PUBLIC
DARE COUNTY, N.C.

Notary Public
My commission expires: 7-26-96

NORTH CAROLINA
DARE COUNTY

I, a Notary Public of the County and State aforesaid, certify that WALLACE H. McCOWN, Trustee, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 31st day of October, 1991.

(NOTARIAL SEAL)

SHIRLEY A. O'NEAL
NOTARY PUBLIC
DARE COUNTY, N.C.

Notary Public
My commission expires: 10-8-94

NORTH CAROLINA
DARE COUNTY

The foregoing certificates of Debora Peele Diaz, Tammy J. Fincham and Shirley A. O'Neal, Notaries Public of Dare County, North Carolina are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR DARE COUNTY

By _____ ~~Deputy~~/Assistant Register of Deeds

McCOWN & McCOWN
ATTORNEYS AT LAW
MANTEO, N. C. 27954

Paid & Satisfied
July 1, 1994
Diane Baum St. Clair

BOOK 346 PAGE 887

FILED

'83 JUL 8 AM 9 56

ALVA G. WISE
REGISTER OF DEEDS
DARE COUNTY, N.C.

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the ..... day of ....., 19.....

Signed: .....

Recording: Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to Wallace H. McCown, McCown & McCown, Manteo, N.C. 27954

This instrument was prepared by John G. Gaw, Jr.

Brief description for the Index 322 Acres, Kill Devil Hills

NORTH CAROLINA DEED OF TRUST

THIS DEED of TRUST made this 8th day of July, 1983, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
TOWN OF KILL DEVIL HILLS, a Municipal Corporation and Body Politic	WALLACE H. McCOWN	DIANE BAUM ST. CLAIR Kill Devil Hills, N.C.

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas the Grantor is indebted to the Beneficiary in the principal sum of One Million Four Hundred Thousand and NO/100 Dollars $1,400,000.00, Dollars ($.....), as evidenced by a promissory note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said promissory note, if not sooner paid, is June 8, 1998

NOW, THEREFORE, as security for said debt and a valuable consideration, receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in the City of Kill Devil Hills Atlantic Township, Dare County, North Carolina, and more particularly described as follows:

A Three-Quarter undivided interest.

See Exhibit "A: attached hereto and incorporated by reference for property description.

No deficiency judgment may be rendered against the Town of Kill Devil Hills in any action for breach of a contractual obligation authorized by this section, and the taxing power of a city or county is not or may not be pledged directly or indirectly to secure any monies due to the seller under this deed of trust as set forth in G.S. Section 160A-20.

This is a purchase money deed of trust.

Canceled on the records
Dare County 7-1 1994
Doris A. Ely
Register of Deeds
By: Norma Jean Ward
Asst./Deputy Register of Deeds

W.C. Hat Assoc. Form No. 5 © 1974, Revised 1977. Printed by CornerStone Printers, Inc.
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TO HAVE AND TO HOLD said real property with all privileges and appurtenances thereunto belonging, to the said Trustee, his heirs, successors, and assigns forever, upon the trust, terms and conditions, and for the uses hereinafter set forth.

If the Grantor shall pay the note secured hereby in accordance with its terms, together with interest thereon, and any renewals or extensions thereof in whole or in part, and shall comply with all of the covenants, terms, and conditions of this deed of trust, then this conveyance shall be null and void and may be cancelled of record at the request of the Grantor. If, however, there shall be any default in any of the covenants, terms, or conditions of the note secured hereby, or any failure or neglect to comply with the covenants, terms, or conditions contained in this deed of trust, then and in any of such events, if the default is not made good within fifteen (15) days, the note shall, at the option of the Beneficiary, at once become due and payable without notice, and it shall be lawful for and the duty of the Trustee, upon request of the Beneficiary, to sell the land herein conveyed at public auction for cash, after having first given such notice of hearing as to commencement of foreclosure proceedings and obtained such findings or leave of court as may be then required by law and giving such notice and advertising the time and place of such sale in such manner as may be then provided by law, and upon such and any results and upon compliance with the then law relating to foreclosure proceedings to convey title to the purchaser in fee simple.

The proceeds of the Sale shall after the Trustee retains his commission be applied to the costs of sale, the amount due on the note hereby secured and otherwise as required by the then existing law relating to foreclosures. The Trustee's commission shall be five per cent of the gross proceeds of the sale or the minimum sum of $ 1,000.00 , whichever is greater, for a completed foreclosure. In the event foreclosure is commenced, but not completed, the Grantor shall pay all expenses incurred by Trustee and a partial commission computed on five per cent of the outstanding indebtedness or the above stated minimum sum, whichever is greater, in accordance with the following schedule, to wit: one-fourth thereof before the Trustee issues a notice of hearing on the right to foreclose; one-half thereof after issuance of said notice; three-fourths thereof after such hearing; and the greater of the full commission or minimum after the initial sale.

And the said Grantor does hereby covenant and agree with the Trustee as follows:

1. INSURANCE. Grantor shall keep all improvements on said land, now or hereafter erected, constantly insured for the benefit of the Beneficiary against loss by fire, windstorm and such other casualties and contingencies, in such manner and in such companies and for such amounts, not exceeding that amount necessary to pay the sum secured by this deed of trust, and as may be satisfactory to the Beneficiary. Grantor shall purchase such insurance, pay all premiums therefor, and shall deliver to Beneficiary such policies along with evidence of premium payment as long as the note secured hereby remains unpaid. If Grantor fails to purchase such insurance, pay the premiums therefor or deliver said policies along with evidence of payment of premiums thereon, then Beneficiary, at his option, may purchase such insurance. Such amounts paid by Beneficiary shall be added to the Note secured by this Deed of Trust, and shall be due and payable upon demand by Grantor to Beneficiary.

2. TAXES, ASSESSMENTS, CHARGES. Grantor shall pay all taxes, assessments and charges as may be lawfully levied against said premises within thirty (30) days after the same shall become due. In the event that Grantor fails to so pay all taxes, assessments and charges as herein required, then Beneficiary, at his option, may pay the same and the amounts so paid shall be added to the Note secured by this Deed of Trust, and shall be due and payable upon demand by Grantor to Beneficiary.

3. PARTIAL RELEASE. Grantor shall not be entitled to the partial release of any of the above described property unless a specific provision providing therefor is included in this Deed of Trust. In the event a partial release provision is included in this Deed of Trust, Grantor must strictly comply with the terms thereof. Notwithstanding anything herein contained, Grantor shall not be entitled to any release of property unless Grantor is not in default and is in full compliance with all of the terms and provisions of the Note, this Deed of Trust, and any other instrument that may be securing said Note. Partial releases to be granted as per attached.

4. WASTE. The Grantor covenants that he will keep the premises herein conveyed in as good order, repair and condition as they are now, reasonable wear and tear excepted, and that he will not commit or permit any waste.

5. WARRANTIES. Grantor covenants with Trustee and Beneficiary that he is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that he will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Subject to restrictions and easements of record if any.

6. SUBSTITUTION OF TRUSTEE. Grantor and Trustee covenant and agree to and with Beneficiary that in case the said Trustee, or any successor trustee, shall die, become incapable of acting, renounce his trust, or for other similar or dissimilar reason become unacceptable to the holder of the Note, then the holder of the Note may appoint, in writing, a trustee to take the place of the Trustee; and upon the probate and registration of the same, the trustee thus appointed shall succeed to all the rights, powers, and duties of the Trustee.

7. CIVIL ACTION. In the event that the Trustee is named as a party to any civil action as trustee in this Deed of Trust, the Trustee shall be entitled to employ an attorney at law, including himself if he is a licensed attorney, to represent him in said action and the reasonable attorney's fees of the Trustee in such action shall be paid by Beneficiary and charged to the Note and secured by this Deed of Trust.

8. PRIOR LIENS. Default under the terms of any instrument secured by a lien to which this deed of trust is subordinate shall constitute default hereunder.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duty authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)
TOWN OF KILL DEVIL HILLS, a municipal corporation and body politic

By: [signature]
Mayor

ATTEST:
Clare M. Waterfield
Town Clerk

USE BLACK INK ONLY

.....(SEAL)

.....(SEAL)

.....(SEAL)

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, Dare County.

I, a Notary Public of the County and State aforesaid, certify that Ben F. Hill III Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 8 day of July, 1983

My commission expires: Oct 7, 1987 Elizabeth Dahlberg Notary Public

SEAL-STAMP

NORTH CAROLINA, DARE County.

I, a Notary Public of the County and State aforesaid, certify that Clare Waterfield Clerk

personally came before me this day and acknowledged that She is Municipal Clerk of the Town of Kill Devil Hills a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and official stamp or seal, this 8 day of July, 1983

My commission expires: Oct 7, 1987 Elizabeth Dahlberg Notary Public

The foregoing Certificate(s) of Elizabeth Dahlberg a Notary Public of Dare Co., NC is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Clara M. Wise REGISTER OF DEEDS FOR Dare COUNTY

By Vanella M. Munson Deputy/Assistant Register of Deeds.

RECORDED July 11, 1983

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DIANE BAUM ST. CLAIR - TOWN OF KILL DEVIL HILLS.
"EXHIBIT A"

Beginning at a concrete monument at the intersection of the southern margin or right of way of Ocean Bay Boulevard and the western margin or right of way of Norfolk Street, said concrete monument being in and marking the northeast corner of the property herein described; thence running South 27 deg. 57 min. 00 sec. East along and with the western right of way or margin of Norfolk Street 1,637.68 feet to a concrete monument and a corner; thence running South 42 deg. 10 min. 43 sec. West 1,904.00 feet to a concrete monument; thence continuing South 42 deg. 10 min. 43 sec. West 1,481.58 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 887.28 feet to an iron pipe; thence continuing South 42 deg. 10 min. 43 sec. West 2,729.83 feet more or less to Colington Creek and an iron pipe; thence turning and running in a general Northerly direction along the mean high water mark of Colington Creek and the various courses and meanderings thereof North 17 deg. 06 min. 14 sec. East 853.53 feet to an iron pipe; thence North 57 deg. 37 min. 08 sec. West 30.35 feet to an iron pipe; thence South 78 deg. 08 min 27 sec. West 206.34 feet to an iron pipe; thence South 52 deg. 21 min. 17 sec. West 172.67 feet to an iron pipe; thence South 71 deg. 04 min. 17 sec. West 222.70 feet to an iron pipe; thence North 28 deg. 59 min. 07 sec. East 585.96 feet to an iron pipe; thence North 19 deg. 30 min. 19 sec. East 627.75 feet to an iron pipe; thence South 75 deg. 46 min. 07 sec. West 69.81 feet to an iron pipe; thence South 42 deg. 40 min. 04 sec. West 608.46 feet to an iron pipe; thence South 86 deg. 10 min. 22 sec. West 82.81 feet to an iron pipe; thence North 12 deg. 30 min. 37 sec. West 550.10 feet to an iron pipe; thence South 53 deg. 22 min. 40 sec. West 493.13 feet to an iron pipe; thence North 06 deg. 42 min. 39 sec. East 331.38 feet to an iron pipe; thence North 19 deg. 30 min. 48 sec. East 566.31 feet to an iron pipe; thence North 39 deg. 29 min. 39 sec. East 165.72 feet to an iron pipe; thence North 35 deg. 18 min. 53 sec. West 282.75 feet to an iron pipe; thence South 37 deg. 20 min. 40 sec. West 462.20 feet to an iron pipe; thence North 41 deg. 36 min. 01 sec. West 589.37 feet to an iron pipe and a corner; thence turning and running North 61 deg. 29 min. 42 sec. East 848.78 feet to a concrete monument; thence running North 61 deg. 29 min. 42 sec. East 1,680.48 feet to a concrete monument; thence running North 61 deg. 29 min. 05 sec. East 1,458.46 feet to a concrete monument and a corner; thence turning and running North 28 deg. 31 min. 08 sec. West 835.89 feet to a concrete monument located in and on the southern right of way or margin of Ocean Bay Boulevard and a corner; thence turing and running North 61 deg. 31 min. 27 sec. East 2,547.18 feet to a concrete monument located at the intersection of the southern right of way or margin of Ocean Bay Boulevard and the western right of way or margin of Norfolk Street and the point of begining.

The aforementioned property being bounded on the North by property now or formerly owned by Rogers and Maynor and Ocean Bay Boulevard, on the East by Norfolk Street, on the South by Kill Devil Hills Realty Subdivision and the Jesse Baum tract, and on the West by Colington Creek. The total tract acreage is approximately 322.685 acres.

ATTACHMENT TO DEED OF TRUST FROM THE TOWN OF KILL DEVIL HILLS, a Municipal Corporation and Body Politic to Wallace H. McCown, Trustee for Diane Baum St. Clair dated July 8, 1983 for the original principal sum of One Million Four Hundred Thousand Dollars ($1,400,000.00)

Paragraph 3. Partial Releases (continued from page 2).

Payments of principal or partial prepayments of principal shall entitle the purchaser to releases at the rate of Six Thousand Dollars ($6,000.00) per acre (exclusive of the marsh area of 64.34 acres which will be released upon request of the Town and provided the principal payments are current). The Town will obtain an appropriate survey of property to be released (if necessary) at its expense.

Additional Provision of Release deeds Guaranteeing Access To the Remaining Secured Lands

The release provisions contained in this agreement shall specifically provide that lands remaining and included in the Deed of Trust shall have an absolute right of access, ingress and egress of sufficient width to meet the standards of the Town of Kill Devil Hills at the time of such release to the end that the secured party, Diane Baum St. Clair, shall at all times have as to the remaining property secured all of the necessary rights of ingress and egress to such then-secured property.

Such rights of ingress and egress are to provide absolute access to Norfolk Avenue and/or Ocean Bay Boulevard at the option of the Noteholder.

D.ST.

Wetlands
Baum Tract Site Study Committee
January 28, 2013

The areas denoted hereon as "Wetlands," or "404 Wetlands" were delineated in 2007 by a licensed professional wetlands scientist. Such a delineation typically expires after five years; as such, this delineation has expired. A re-delineation would likely result in a similar set of limits of wetlands, which would need to be submitted to the US Army Corps of Engineers for review and confirmation.

Federal regulations and policies prohibit the filling or other destruction/impacting of 404 Wetlands without a permit. There is a series of Nationwide Permits which allow small impacts of specific types to occur without the expense and time-consuming process of an Individual Permit. Using such Nationwide Permit(s), it may be realistic to expect the impacting of up to half an acre of the wetlands on this site fairly easily. Anything more would require an Individual Permit, the likelihood of approval of which is uncertain.

All prospective impacts to 404 Wetlands are subject to the overriding principles of "Avoid, Minimize and Mitigate." In order for any impact to be approved, even under the Nationwide Permit program, one must first show that he took all reasonable steps to Avoid the wetlands altogether. Then, where impacts were unavoidable, he must show that he minimized the size or extent, disturbing only the least practical area. Finally, he must Mitigate that minimum disturbance, typically through purchasing of credits in a wetlands bank, creating compensating wetland areas, or (more often) paying a prescribed amount per acre into a fund.

Impacting 404 Wetlands is a serious matter. Anyone considering purchasing or otherwise getting involved with a parcel having 404 Wetlands is well advised to engage a wetlands professional to advise him on the current status of wetlands and other environmental regulations, and on the best approach for the use of the parcel.

Pete Burkhimer
W. P. Burkhimer, Jr., P. E.
Engineering Services of Virginia, Inc.
3351 Stoneshore Road
Virginia Beach, VA 23452
(757) 468-6800 -- fax 468-4966
wpb@esiofva.com; wpburkhimer1@cox.net

Materials List for the BTSSC January 28th Meeting

1. Membership table and scope of purpose
2. Background information
   - A. 1 map of the entire Baum Tract to stay in the Meeting Room that depicts all current uses on the original 322-acre site
   - B. Each member to get smaller map of the 44-acre site with wetlands delineation
   - C. Copy of the Deed of Trust for original 322-acre site
   - D. Early minutes on the purchase of the Baum Tract; later reports on potential usage of the 44-acre tract
3. Zoning information
   - A. Current zoning is G & I Zone, Public Property
4. Potential restrictions to consider in any future development of the property
   - A. 404 Wetlands Restrictions – this information will be provided at the meeting
   - B. Americans with Disabilities Act requirements for public facilities

NOTICE OF PUBLIC MEETING
Town of Kill Devil Hills
Baum Tract Site Study Committee

NOTICE is hereby given that on Monday, January 28, 2013 at 5:30 p.m. the newly created Baum Tract Site Study Committee BTSSC) will hold its first meeting in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road. The agenda for this meeting is:

Call to Order
Public Comment
Response to Public Comment
Introductions of All Members
New Business

1. Review of packet materials and historical information
2. Identification of additional materials BTSSC would like to receive
3. Brainstorming on initial ideas for property usage
4. Directions to Staff
5. Selection of Vice Chair

Public Comment
Response to Public Comment
Adjourn

Posted this 23rd day of January 2013.

Harriet Banner
Administrative Assistant

Copies to: BTSSC in their meeting materials; BOC; all department heads; all Town bulletin boards; KDH Sunshine List including all local news media; KDH Electronic Distribution List; website, Facebook; file

Development of the Baum Tract

In 1985, the Kill Devil Hills Board of Commissioners purchased for public owner-
ship the largest undivided parcel of land remaining within the Kill Devil Hills
municipal limits. This property, known informally as the "Baum Tract", was
acquired largely through the generous terms made available by the property's
owner and former Mayor of Kill Devil Hills, Mrs. Diane Baum St. Clair. Stretching
along Ocean Bay Blvd. on the north all the way to Buzzard Bay to the west, this
333 acre parcel includes the famous living sand dune known as "Run Hill" and
borders the Nags Head Woods Ecological Preserve-to the south.

In early 1985, the Town of Kill Devil Hills secured the services of the N.C. State
University School of Design to conduct an inventory of the natural conditions of
the land and to hold a number of public meetings to solicit citizen input into
how the property should be used. Public uses were' popularly received, and
proposed uses included a new municipal complex, a senior citizens/community center,
sites for schools and recreational facilities, and a site for a wa.stewater treat-
ment facility. In 1986, the Kill Devil Hills Board of Commissioners established
a new zoning district, the Government and Institutional Zone, that applies to
all the land in the Baum Tract. This zoning district limits the use of la nd
on the Baum Tract to only publicly owned facilities or such similar facilities
owned by non-profit organizations. In addition, in 1986 the Kill Devil Hills
Board of Commissioners established,the Baum Tract Commission, composed of Kill
Devil Hills Mayor Pro-Tem Bobby Rollason and citizen members Rhett White and
J.K. Norfleet. In its report to the Board of Commissioners, the Baum Tract
Commission re-affirmed the Town's commitment to the use of this land for

publically owned or non-profit purposes only.

Today, the initial phase of the development of this land is underway. The new

Outer Banks Chamber of Commerce Building has been completed, and construction of the Dare County Senior Citizens Center-Community Building is in progress.

One hundred, acres of the original purchase have been acquired by the Dare County Board of Education as the site for new school buildings, and the relocation of several of the Kill Devil Hills municipal services operations-to a Baum Tract location is in progress.

Policy Selected - The Town favors the recommendations of the Baum Tract Commission that land use on the Baum Tract be for publicly owned facilities or the use of non-profit organizations.

BAUM TRACT DEVELOPMENT PLAN

VICINITY MAP

A,

GUSINE@k

_,,,,PARKING LOT

_--POND

FUTURE DARE COUNTY SCHOOLS 0 .-.-SENIOR CITIZENS CENTER

FUTURE WATER PLANT----.-\-- -OUTER BANKS CHAMBER OF COMMERCE

FUTUREDARE COUNTY LIBRARY-

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C. Public Participation

Public Participation

The Kill Devil Hills Board of Commissioners has adopted a policy in favor of vigorous public participation in all land use decisions and the formation and periodic updating of the Kill Devil Hills Land Use Plan. Following that policy, the Board of Commissioners and its citizen's advisory agency, the Kill Devil Hills Planning Board, established a number of participation strategies when work began on the 1986 Kill Devil Hills Land Use Plan. These participation strategies fell into two main categories, as follows:

1) Direct Citizen Participation - Throughout the update process, advertisements of public meetings were run in the local newspaper, public service advertisements were run on the local radio stations, announcements of the meetings were mailed to participants on the

I, M. DOUGLAS STYONS, JR., P.L.S., certify that this plot was drawn from an actual field land surve that the error of closure as calculated by latitudes and departures is at least 1:10,000;

Witness my hand and seal this 1st day of May A.D. 2007

NORTH CAROLINA PROFESSIONAL SEAL L-3227 LAND SURVEYOR M. DOUGLAS STYONS, JR.

P.L.S. L-3227

Styons Surveyin Service

[illegible] Croatan Hwy. [illegible]
[illegible] 252) 441-1415 [illegible]

Any unauthorized [illegible] of this document is prohibited. A red se[illegible]

"404" WETLANDS DE[illegible]

44.39 ACRE PARCEL IN [illegible]

SCALE: [illegible]	[illegible]
[illegible] NO.: 07-[illegible]	TOWN OF KIL[illegible]
DWG NO.: [illegible]	DARE COUN[illegible]
OOD ZONE: (8.3')	[illegible] 13-07 [illegible]
	[illegible] 9883102693[illegible]

US Army Corps
of Engineers
Wilmington District

Date: **November 27, 2007**

ATTENTION PROPERTY OWNER
New Guidance on Jurisdictional Determinations

On June 5, 2007, the U.S. Army Corps of Engineers (COE) implemented a new method for performing jurisdictional determinations (JD) pursuant to the Clean Water Act (CWA). This new process is a result of the recent Supreme Court decisions (*United States v. Rapanos* and *United States v. Carabell*) and now requires the COE to conduct extensive reviews when determining if certain waterbodies, including wetlands have a significant nexus (connection) to Traditional Navigable Waters.

Since this Office has reviewed and verbally approved a juri Jictional determination for your property prior to June 5, 2007, we have finalized this JD using the previous process. However, if you, as the property owner, are interested in having your property evaluated under the new guidance or have any questions regarding this matter, please contact Tom Steffensat 252-975-1616 ext.25.

S. Kenneth Jolly
Chief, Regulatory Division

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

ORM ID: SAW-2007-03837 County: Dare U.S.G.S. Quad: Kitty Hawk

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: Town of Kill Devil Hills
Address: Attn: Greg Loy
Post Office Box 7119
Kill Devil Hills, North Carolina 27948
Telephone No.: 252-449-5318

Property description:

Size (acres)	44.39 acres	Nearest Town	Kill Devil Hills
Nearest Waterway	Colington Creek	River Basin	Pasquotank
USGS HUC	03010205	Coordinates	N 36. 002938 W -75.676219

Location description 44.39 acre tract located off First Flight Road, southwest of Wright Brothers National Memorial in Kill Devil Hills, Dare County, North Carolina.

Indicate Which of the Following Apply:

A. Preliminary Determination

_ Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

_ There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

X There are waters of the U.S. including wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

_ We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

_ The wetland on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

X The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 11/27/2007. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

_ Please be advised that a Prior Converted Cropland (PC) determination made by the Natural Resource Conservation Service (NRCS) remains valid as long as the area is devoted to an agricultural use. If the land changes to a non-agricultural use, the PC determination is no longer applicable and a new wetland determination is required for Clean Water Act purposes.

ORM ID: SAW-2007-03837

_ There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

X The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Tom Steffens at 252-975-1616 ext.25.

C. Basis For Determination

This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and has part of a broad continuum of wetlands abutting a unamed stream connected to Colington Creek.

D. Remarks

E. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division, Division Office at the Following address:

Mr. Michael F. Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 01/27/2008.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: _____ T Matthews

Date 11/27/2007 Expiration Date 11/27/2012

Copy furnished:
Kendall Turnage, Environmental Professionals Incorporated

JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESAW-RG-W
FILE NUMBER: SAW-2007-03837

PROJECT LOCATION INFORMATION:

State: NC
County: Dare
Center coordinates of site (latitude/longitude): N 36.002938 W -75.676219
Approximate size of area (parcel) reviewed, including uplands: 44.39 acres.
Name of nearest waterway: Colington Creek
Name of watershed: Pasquotank

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☐ Date:
Site visit(s) ☒ Date(s): 10/17/2007

Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 18.2 acres.

☐ *There are "isolated, non-navigable, intra-state* waters or wetlands" within the reviewed area.
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
☐ (2) The presence of interstate waters including interstate wetlands[1].
☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
☐ (4) Impoundments of waters otherwise defined as waters of the US.
☐ (5) The presence of a tributary to a water identified in (1) – (4) above.
☐ (6) The presence of territorial seas.
☒ (7) The presence of wetlands adjacent[2] to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and has part of a broad continuum of wetlands abutting a unamed stream connected to Colington Creek.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

☒ Ordinary High Water Mark indicated by:
- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

☒ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gages
- ☐ other:

☒ Mean High Water Mark indicated by:
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Kendall Turnage

Basis For Not Asserting Jurisdiction:

☒ The reviewed area consists entirely of uplands.
☒ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
☒ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☒ This office concurs with the delineation report, dated 06/04/2007, prepared by (company): EPI
- ☐ This office does not concur with the delineation report, dated , prepared by (company):

☒ Data sheets prepared by the Corps.
☒ Corps' navigable waters' studies:
☒ U.S. Geological Survey Hydrologic Atlas:
☒ U.S. Geological Survey 7.5 Minute Topographic maps: Kitty Hawk
☒ U.S. Geological Survey 7.5 Minute Historic quadrangles:
☒ U.S. Geological Survey 15 Minute Historic quadrangles:
☒ USDA Natural Resources Conservation Service Soil Survey: Dare County / 3, 6
☒ National wetlands inventory maps:
☒ State/Local wetland inventory maps:
☒ FEMA/FIRM maps (Map Name & Date):
☒ 100-year Floodplain Elevation is: (NGVD)
☒ Aerial Photographs (Name & Date):
☒ Other photographs (Date):
☒ Advanced Identification Wetland maps:
☒ Site visit/determination conducted on: 10/17/2007
☒ Applicable/supporting case law:
☒ Other information (please specify):

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[1]Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

[2]The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Town of Kill Devil Hills	File No.: SAW-2007-03837	Date: 11/27/2007
Attached is:		See Section below
☐ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
☐ PROFFERED PERMIT (Standard Permit or Letter of permission)		B
☐ PERMIT DENIAL		C
☒ APPROVED JURISDICTIONAL DETERMINATION		D
☐ PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: US Army Corps of Engineers Attn: Tom Steffens Post Office Box 1000 Washington, North Carolina 27889	If you only have questions regarding the appeal process you may also contact: Mr. Michael F. Bell, Administrative Appeal Review Officer CESAD-ET-CO-R U.S. Army Corps of Engineers, South Atlantic Division 60 Forsyth Street, Room 9M15 Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

DIVISION ENGINEER:
Commander
U.S. Army Engineer Division, South Atlantic
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-3490

Disc Golf Course opens on Outer Banks

By Kip Tabb April 20, 2019

The Town of Kill Devil Hills held its ribbon cutting for the Casey R. Logan Disc Golf Course on Saturday, March 30, 2019.

Located at the end of the gravel road that parallels the First Flight High School football field, it is the first disc golf course on the Outer Banks, and it is beautiful. Cut though 35 acres of maritime forest, the holes seem more like paths or trails though a maritime forest than a course. Yet at the end of each path there is a basket with chains waiting for disc to come home.

Actually there are two baskets for each hole, so the course can be considered either a 36 hole challenge, or can be played to the yellow baskets as an easier course. For championship level, there are the red baskets.

The course, for all its beauty and challenge, it seems to have a bit of a rough-hewn feel to it. Well-designed with clear markers describing where the basket is for each hole, there is, still a rustic feel to the course.

That may very well be because the course was not designed by a professional. And the logs hauled off to the side in some areas, as well as the name of the course itself, are all part of the story.

The course is named for Bob and Lin Logan's son, Casey who died in 2000 when he was 24. His parents wanted to find a way to memorialize their son, but as his mother pointed out at the ribbon cutting, creating a scholarship in his name didn't seem right.

In 2013, the town of Kill Devil Hills was debating what to do with about 45 acres of what is known as the Baum Tract.

The Baum Tract is a 322 acre area donated and sold at a fraction of its cost by one-time town mayor Diane Baum St. Clair in 1983. The Baum Center, Kill Devil Hills town offices and First Flight elementary, middle and high schools are all located on the Baum Tract.

At that 2013 meeting, Lin Logan broached the idea of a disc golf course that would be a "... memorial for our son." At the meeting, she and her husband pledged $15,000 to the project if it moved forward.

It took a while. There was considerable debate about what to do with the land—picnic or camping area; natural trails—quite a number of uses were proposed.

Finally in 2016, approval for a disc golf course was granted and the project began.

There wasn't a lot of money for it, though. Actually, none, to be exact. The town was willing to put up the land, but creating the course would have to be done entirely on a volunteer basis.

As it turned out, Mayor Sheila Davies' husband, Daryl is avid disc golfer, and he took the project on. Enlisting the aid of his friend and "workout partner"—his description, Bob Sanders—who is the owner of Tortuga's Lie Restaurant—he went to work.

Davies outlined the course and he and Sanders began clearing brush and cutting trees.—all by hand. They didn't really have the equipment they needed, but they went ahead anyway, cutting trees down then cutting them up into 6' sections so they could haul them away. Volunteers showed up—a lot of volunteers. Local tree services stopped by to help with brush and tree removal. Local companies bought disc baskets for the holes.

It took three years, but the end result was that the course did not cost the town anything to build.

For a novice disc golfer, the course is challenging. The paths to the baskets are somewhat narrow and everything curves slightly. Still, it's a very pleasant walk through a beautiful maritime forest and even if making par seems like a far off dream, it's worth the effort.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

To: Debbie Diaz, Town Manager

From: Meredith Guns, Planning Director
Cameron Ray, Assistant Planning Director

Subject: Change of Use: High Density Multi-Family Development - 44 Acre Baum Tract Parcel

Planning staff has carefully reviewed the 2020 Land Use Plan and the Town Zoning Ordinance as part of the review for a possible change in the use of the western 44 acres of the Baum tract from its current use as recreation/open space to high density multi-family. Staff has broken down the comments from location and current use of the property, physical attributes of the land, and Land Use Plan and Zoning category within Kill Devil Hills and alternatives to address the ongoing housing issues in Dare County.

Location and Current Use of the Property:

- 120 Veterans Drive, Kill Devil Hills, NC, 27948. PIN #: 988310360421, Owner: Town of Kill Devil Hills (Attachment A: Dare County GIS)
    - Immediately adjacent to Buzzards Bay/Roanoke Sound, Run Hills Natural Area, Bermuda Bay PUD, CAMP S.A.L.T., and Dare County Schools.
    - Site is located west and behind the current First Flight School Campuses at the end of the Town's right of way Veterans Drive.
    - Currently, the western portion of the right of way accessing the site is approximately .33 miles of unimproved gravel including no stormwater management.
    - Proposed change of use creates significant environmental concerns, traffic concerns, public safety concerns, and use compatibility with surrounding area being Pre-K through 12 schools and the state preservation area, Run Hill.
- Existing Town Use: Recreation, open space, Public Services mulching operation, and approved disaster debris storage.
    - Changing the use of this site would remove the disc golf course and open space which would result in a loss of recreation for visitors and citizens.
        - Only 2.8% of land in KDH is used for recreation. This would remove recreational land.
    - The removal of Town open space could affect the Town's CRS rating resulting in an increase in overall flood insurance policies for homeowners.
    - Mulching operation provides vegetative debris disposal service and free mulch to citizens. Removal of mulching operation to be addressed by Public Services memo.

102 Town Hall Drive * PO Box 1719 * Kill Devil Hills, NC 27948 * (252) 449-5318 * Fax (252) 441-4102

The Physical Attributes of the Land:

- Land Area: 44 Acres (26 Upland, 18 Wetland) (Attachment B: 44 Acre 404 Wetland Delineation)
- Environmental Impact: Parcel is considered a "North Carolina Protected Land" and is identified by NCGIA/CAMA for site dedicated to conservation and open space.
    - Major wildlife corridor from Wright Brothers National Memorial to Jockey's Ridge State Park. (Attachment C: NC Natural Heritage Program)
    - Site contains Maritime Forest which are important natural resources for stability of a barrier island.
    - Site is a State Natural Heritage Program Natural Area with an "R1 Exceptional Protection Rating" due to containing ecologically natural and rare species.
    - CAMA: Estuarine shoreline area of environmental concern borders entire western boundary.
- Elevation/Flood Hazard:
    - Majority of parcel natural grade is below the Town Regulatory Flood Protection Elevation of 8' NAVD 1988. (Attachment D: Elevation Map)
    - Slosh modeling shows that the parcel would be inundated with flood waters in both a fast and slow moving category 1 or 2 hurricane.
    - 18 of 44 acres of the parcel are designated 404 wetlands. (Attachment E: NC Natural Heritage Program)(Attachment B: 44 Acre 404 Wetland Delineation)
        - Loss of wetlands creates high environmental concerns in regards to reduction in water quality, flooding, and loss of ecosystem.
- Water Quality:
    - Parcel is adjacent to Buzzards Bay/Roanoke sound by an estuarine shoreline.
        - These waters are considered High Quality Waters that could be impaired by development run off and erosion. (Attachment F: NC Natural Heritage Program)
    - Wetlands on site provide a natural filter by removing pollutants from surface runoff.

- On the Dare County website under Essential and Workforce Housing Frequently Asked Questions, #9 Parcels for development of workforce housing specifically states:
    - "In addition, some parcels of land may not be suitable for the construction of housing developments because of the natural characteristics of the property due to factors that range from topography, flood risk and wildlife habitation to the parcel's proximity to protected land and waterways."
    - As described above the Baum Tract Parcel is both a flood risk, a critical wildlife corridor, adjacent to high quality estuarine waters and adjacent to a State Maintained Preserve, Run Hill, that is designed State Natural Area and close proximity to the Nature Conservancy.

- The natural features, environmental benefits, and flood hazards of this site do not make this site a good location for high density development.

Staff contends that housing stock is not the issue in Kill Devil Hills, but the ratio of year round units to rental units. Land Use Plan and Zoning:

- 2020 Land Use Plan (LUP): Outlines existing conditions as a "snap shot" of the Town at the time of adoption.

- Existing Site Zoning Classification: Government and Institutional Public Zone – LUP Overview: "Established to provide proper location and setting for governmental use and institutional operation, structures, and equipment necessary for providing public services and maintenance of public health and well-being".
    - This was the intent for the site at the time that the Town purchased the property from Ms. Diane St. Clair Baum in 1983.
    - When the Town purchased the land the Board of Commissioners created and adopted a new zoning district "Government and Institutional Zone" in 1985.
    - The intent of the zone was as follows: "In order to establish a Zoning District to provide the proper location and setting for governmental and institutional operations, structures and equipment necessary for providing public services and the maintenance of public health and well-being, the Board of Commissioners has established a Zoning District described in the following sections and referenced as Government and Institutional" (minutes December 18, 1995).

- 2020 Land Use Plan (LUP): Adopted future land use section to establish the future land uses for the Town for the life of the document.
    - Future land use map identifies this land remaining "Government and Institutional Public Zone".
    - Several Goals and Strategies do not support the use of the land for development based on its environmental characteristics, land use compatibility, the Town carrying capacity, and water quality.

If the Board of Commissioners chooses to move forward with the change of use several sections of the Land Use Plan will be required to be amended. In discussion with the CAMA Regional Planner this amendment takes a minimum of 3-3.5 months, but up to 9 months depending on the complexity of the amendment and public input.

- The Land Use Plan provides a section to help guide the Town in future land use decisions (Section 7 Tools for Managing Development). The adopted Land Use Plan provides an outline of considerations when reviewing a Zoning change that may be helpful to review:
    - Considerations for Zoning Changes
        - Goals, implementing strategies, and future land use maps
        - All uses must be considered. Zoning change cannot be on the consideration of one use.
        - Spot zoning for private interest should not be approved which furthers the welfare of the entire community.
        - Access management
            - Planning Board and BOC should ask:
                - Is the request in accordance with LUP?
                - Will the request have serious impact on traffic and other infrastructure?
                - Will the request have impact on Town services? Police, Fire, Public Services, Etc?
                - Possible to lessen the use of adjacent properties?
                - Cause serious noise, light, activity, or unusual disturbance?

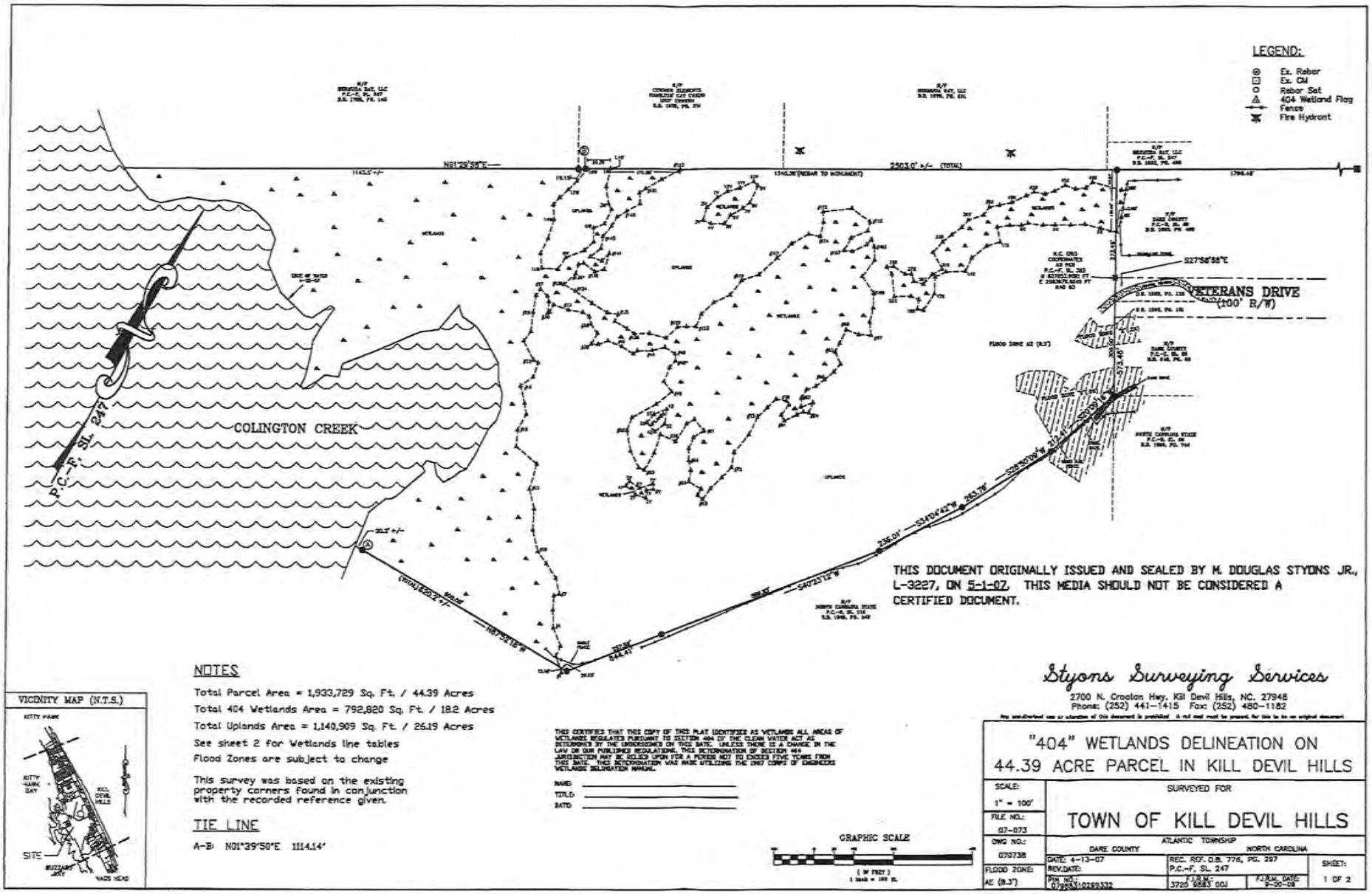
    - Raise legal questions such as spot zoning, hardship, violation of precedents?
    - Impact water quality/Natural Resources?
  - To ensure citizen participation the Town shall:
    - Encourage citizen input on land use decision
    - Publicize
    - Utilize advisory committees
    - Publish all activity online
- The current zoning and adopted land use plan of the property does not allow for or support a change of use for multi-family development. The current intent of the Government and Institutional Zone – Public Ownership is the same as was established in 1985. A Zoning Amendment or Zoning Map Amendment (or both) will be required prior to any development plans being review by the Planning Board or Board of Commissioners.

The 2020 Land Sue Plan Provides data on the Town's current development. This show that the Town of Kill Devil Hills continues to be the primary area for year round residents in Dare County.

- Using 2016 Data, there were 6,743 housing units in Kill Devil Hills of which 85% were single family dwellings and 12.4% were multifamily in units.
  - The occupancy of these units is as follows: 43.5% area occupied year round and 56.5% are rentals (this number has likely changed in the past 3 years but is a snapshot).
  - During the same time frame the Town of Nags Head only had 25.2% of the housing units as year round housing.
- Staff contends that housing stock is not the issue in Kill Devil Hills, but the ratio of year round units to rental units.

In summary, in regards to the change of use of the western 44 acres of the Baum Tract to high density multi-family development, Planning Staff has many concerns that need to be taken into consideration. Due to the location of the land, existing Town uses, incompatible adjacent uses, unique natural/ high risk environmental factors, natural flood hazards, inconsistency with original intent for the property, and inconsistency with the recently adopted 2020 Kill Devil Hills Land Use the change of use to high density residential at this site is not a good location for high density multi-family development. Understanding the Board of Commissioners desire to combat the essential housing crisis, staff has developed several innovative, progressive ideas to present the Board at their direction.

ATTACHMENT A



ATTACHMENT B

Biodiversity&Wildlife

July 7, 2022

Parcel Centroids

North Carolina Boundary

Biodiversity and Wildlife Habitat Assessment

9-10 (Maximum)

8

7

6

5

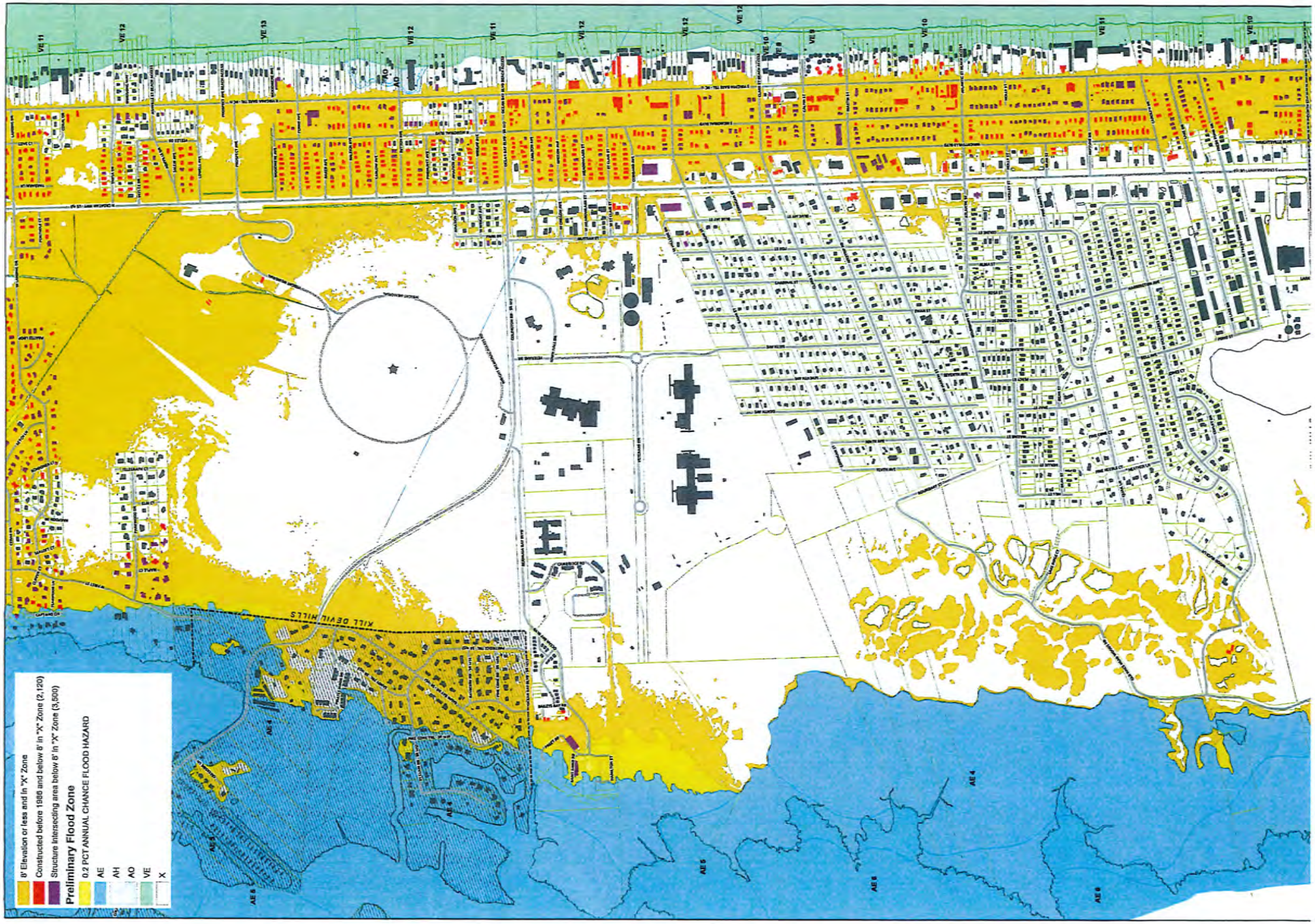
1:40,325

0 0.28 0.55 1.1 mi

0 0.42 0.85 1.7 km

Esri, NASA, NGA, USGS, FEMA, Participating NC Counties, NCCGIA, NC OneMap, US EPA, State of North Carolina DOT, Esri, HERE, Garmin,

ATTACHMENT C



ATTACHMENT D

Wetland

July 8, 2022

Parcels

North Carolina Boundary

Coastal Wetlands

Beneficial

Substantial

Exceptional

Unable to evaluate

1:40,325

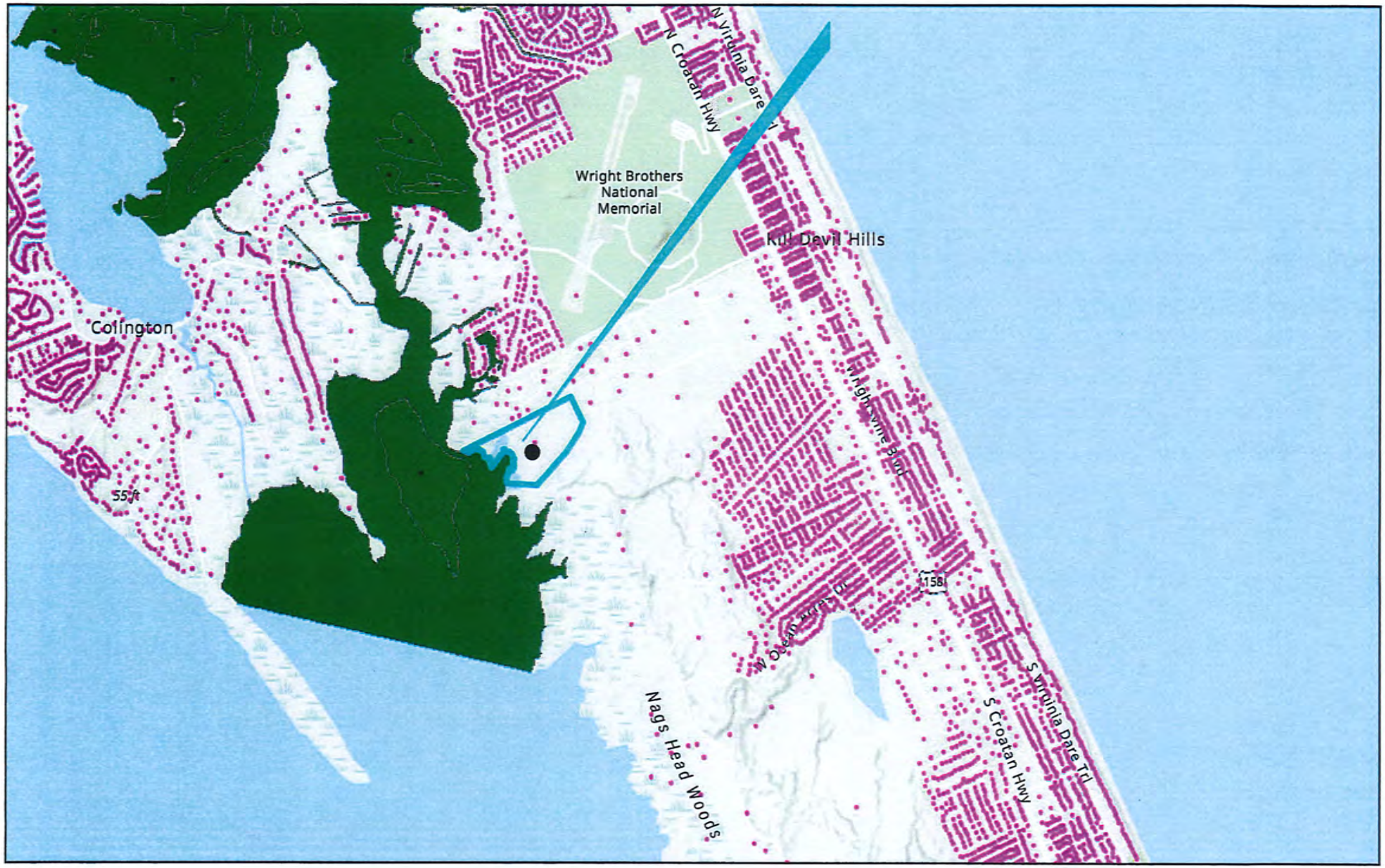
0 0.28 0.55 1.1 mi

0 0.42 0.85 1.7 km

Esri, NASA, NGA, USGS, FEMA, Participating NC Counties, NCCGIA, NC OneMap, US EPA, State of North Carolina DOT, Esri, HERE, Garmin,

ATTACHMENT E

FisheryNursery



July 8, 2022

- Parcel Centroids
- North Carolina Boundary

Fishing Nursery Areas

- Primary
- Permanent Secondary
- Special Secondary

1:40,325

0 0.28 0.55 1.1 mi

0 0.42 0.85 1.7 km

Esri, NASA, NGA, USGS, FEMA, Participating NC Counties, NCCGIA, NC OneMap, US EPA, State of North Carolina DOT, Esri, HERE, Garmin,

ATTACHMENT F

TOWN OF KILL DEVIL HILLS
PUBLIC SERVICES

Post Office Box 1719, 107 Town Hall Drive
Kill Devil Hills, NC 27948
Administration (252) 480-4080 Fax (252) 441-6136
Office Hours: 8:00 a.m. – 5:00 p.m. Mon. – Fri.
Water Plant (252) 480-4090
www.kdhnc.com

STEPHEN F. ALBRIGHT
Director

DEREK A. DAIL
Assistant Director

MARCIA K. OLLIS
Administrative Services

ALFRED BURTON
Water Plant

WILLIAM H. WATERFIELD
Water Systems

L. RANDOLPH TURNER
Streets

LYNN E. LINDSEY
Solid Waste

August 8, 2022

Memorandum

To: Debora P. Diaz, Town Manager

From: Stephen F. Albright, Public Services Director SA

Subject: **Baum Tract Affordable Housing Proposal**

Coastal Affordable Housing made a presentation for a 400 unit multifamily development including mixed use and public space improvements on the Baum Tract. The plan was conceptual in nature and did not offer details to answer many questions regarding impacts on Public Services. We would like to point out the following challenges for the project as we understand it:

- **Solid Waste Challenges**
  - **Mulching Operation**
    - The site currently houses the Town's limb pile and mulching operations.
    - No alternatives for these operations were proposed.
    - The current use includes approximately two acres of "laydown area" for staging of limbs. Additional area is required for storing and windrowing finished mulch as well as an area for the grinding contractor to reduce and process the vegetative debris.
    - Additional area should be reserved for the soil stockpiles currently located on the site.
    - The site has also been identified for a potential storm debris management site. It has not currently been permitted and pre-approved for such as it would generally require tree removal. However, depending on the severity of a storm event, the site could potentially be utilized for recovery efforts for a severe event.
    - It is unclear if the proposal intends to eliminate the mulching program resulting in the Town's elimination of semi-annual curbside limb collection as well as the acceptance of limbs at the dry trash drop off center. The

impacts to all existing Kill Devil Hills residents if forced to carry all vegetative debris to the county C&D landfill could be significant and negatively impact the current levels of service.

- The necessary land does not exist at the Public Works Complex (701 W. Bermuda Bay) to relocate the facility. The current central location and close proximity to the recycle center (where the free mulch flows out) is essential to our current operations.
- Staff is not currently aware of an alternate site for this facility. Significant setbacks exist including 500' and 200' setbacks to residential structures per 15A NCAC 13B .1404.

- **Proposed Development Impacts** - 400 unit multifamily residential with commercial mixed use
  - Based on historic refuse generation we estimate a minimum of 60 four cubic yard commercial containers to service the proposed development. At the current dumpster price of $1,556.75 (taxes and fees included) the total dumpster costs for the development would be $93,405.00 or higher.
  - This quantity would require one additional commercial collection vehicle and one additional sanitation equipment operator position to provide the five day per week service.
  - The park development was not fully outlined but could also add staffing requirements for servicing barrels at the proposed parks.

- **Streets and Stormwater Management Challenges**
  - **Streets Concerns**
    - The proposed development is currently accessed by Veterans Drive developed in 2003 as part of the First Flight Schools master plan development prior to the construction of the First Flight High School.
    - A 400-unit development will add a significant amount of traffic to Veterans Drive and will likely add more than 3,000 trips per day (based on 7 trips per day per unit and additional trips for commercial and park uses).
    - The portion starting at the First Flight High School Football field consists of a gravel surface. Additional traffic will require this portion to be paved to prevent dust and continuous grading and maintenance of the gravel surface. Costs for paving this surface should be considered as a project cost.
    - The schools utilize this roadway often limiting access for specific events such as football games, track meets, graduation, sporting events, or other charity events. The development and utilization of Veterans Drive to service the proposed 400 multifamily housing units will limit the ability of Dare County Schools to limit access for these special events.
    - Schools drop-off and pick-up utilize the roadway to stage vehicles. This will impact current school practices.
    - Overflow parking within the ROW will be impacted with the higher traffic volumes utilizing the roadway.
    - The multi-use path that terminates at Bermuda Bay should be extended to the site and will be an additional off-site cost.

- **Stormwater** – The area of the proposed development is not currently serviced by any Town stormwater system.
  - The proposed development plan does not appear to identify or avoid the substantial wetlands on the site. Impacting these wetlands may have permitting as well as environmental impacts.
  - Town drainage currently ends at the eastern end of the gravel road. Severe rains cause flooding of this portion of the road. Additional traffic will require additional drainage improvements to be considered. 2009 Veterans Day Storm flooding photos below:

- Town Staff applied for a Building Resilient Infrastructure and Communities (BRIC) grant in January to improve repetitive flooding issues between the highways. The plan included an additional soundside outfall to add redundancy to the existing three ocean outfalls. The planned discharge corridor occurs along the northern edge of the Baum Tract. Grant award results are expected in July. If fortunate enough to be awarded grant funds for this $6 million project, any development would need to be carefully coordinated.

- **Water System** – The area of the proposed development is not currently serviced by the Town's potable water system.
  - The existing 6" pvc water main currently dead ends at a fire hydrant just west of the First Flight High School football field.
  - A water main extension and permitting will be required to extend to the proposed development.
  - Demand calculations for both fire flows and domestic demands will need to be completed to determine if line sizing is adequate to meet demands. Additional offsite improvements may be needed to meet the demands of the proposed 400 multifamily residential units, commercial development, and public park use.
  - Water quality concerns based on the current dead end layout may need to be considered.
  - It is unclear from the sketch plan whether the development is planned to be subdivided with additional right-of-ways platted. This will determine where the public system stops and the private system begins. Water main extensions on private property have been permitted as private lines and will be the responsibility of the property owner. The town lines and maintenance requirements end at the ROW.

- Coordination with the Fire Marshal to determine necessary flows for the large 100 unit structures will be critical to determine maximum demand. The total square footage proposed for each of the four 100 unit buildings was not included within the sketch plan.
- Additional offsite "loops" and upgrades to the water main sizes are possible requirements when additional information becomes available.
- Current System Development fees for each unit are currently set at $6,000. The proposed residential portion of this project will require 400 units x $6,000 = $2,400,000.00. Any waiving of system development fees will require careful consideration by the Board regarding the role of the existing rate payers providing a subsidy for the proposed development.
- Commercial development will require additional system development fees based on the meter size.
- Daily demand created by this development is likely in the neighborhood of 90,000 gallons per day (gpd). Calculation: 400 units x 200 gpd = 80,000 gpd + 10,000 gpd for parks and commercial uses. This number is typically lower than the design flow of 120 gpd per bedroom for the residential use.
- The KDH water system capacity from Dare County purchase supply is 3.0 million gallons per day (MGD) and the peak day demand in July is ±2.1 MGD. The additional 0.09 MGD would absorb 10% of our available unused peak capacity allocated in our current contract with Dare County.

- **Wastewater System** – The proposed development intends to utilize KDHWWTP, LLC for wastewater disposal.
  - It is our understanding that KDHWWTP, LLC doesn't currently have the expected 400 units x 240 gpd (two bedroom) = **96,000 gpd** or 400 units x 360 gpd (three bedrooms) = **144,000 gpd** design capacity available within either the plant capacity or the disposal capacity.
  - Plant expansion, ground water modeling, and permit modifications to expand the plant capacity and disposal capacity typically take in excess of two years.
  - Disposal on the Baum Tract may face challenges based on the large wetland areas. The development plan does not appear to avoid significant wetland impacts; see sketch analysis below with wetland impact areas shown approximately in **green** highlighter.

- KDHWWTP, LLC has received odor complaints from adjoining property stakeholders. Additional expansion could increase the potential for odor complaints by not only expanding the production of the plant but by also adding 400 housing units in close proximity to the plant.

- **General Comments** – The proposed development intends to utilize the Baum Tract currently identified for public use and zoned for government and institutional uses.
  - Limb pile is critical to the semi-annual collection of yard debris as well as storm debris frequently created by tropical systems.
  - Plans previously included police impound lot that has yet to be developed.
  - Plans had previously identified a fire training facility for this site.
  - Plans had previously identified a major recreation facility for this site.
  - Balancing the Town's long range needs for the site for public purposes as it grows and evolves over the next century is a challenging decision when considering re-zoning and removing the remaining undeveloped portion of the Baum Tract from public ownership.

Town of Kill Devil Hills
Finance Department
P.O. Box 1719
Kill Devil Hills, NC 27948

MEMORANDUM

July 8, 2022

To: Debbie Diaz, Town Manager

From: Beverly Kissinger, Finance Director
Angell Doughtie, Assistant Finance Director

RE: Baum Tract Development Increased Costs

The Finance department has worked together to consider the impact of developing the Baum Tract from a government/recreation use to high density multifamily. A change like this would have both operational and financial impacts as the Town would have additional citizens to serve. These impacts include but are not limited to additional personnel, equipment, infrastructure, etc.

We have also considered the specific project presented by Coastal Affordable Housing to estimate what it would cost to provide services by considering the increase in population. Using an estimation of the Town's year-round population and the population in the summer months, we estimate a tax base of about 21,350. The proposed units would add about 1,000 residents to this tax base, accounting for about 4.68% of the residents. Based on a $20 million budget to serve 21,350 residents, we estimate that adding 1,000 residents would cost the Town an additional $936,800.00 for additional services. With an estimated tax value of $70 million, this property would generate about $224,000 of additional tax revenue, leaving about $712,000 excess over tax receipts. This excess would equate to about a 2.4 cent tax increase over the current tax rate.

Please note that this figure is a general estimate of the costs to cover the baseline services that are provided to other residents at this time. This does not account for initial costs that it would take to convert this property from it's current use to a high-density multifamily area including upgrades to streets, water systems, additional equipment, etc. A more thorough cost estimate will need to be done once departments determine what exactly they will require for this development.

BASED ON POPULATION to BUDGETED SERVICES

	# months				proposed 1,000 to yr round with 400 units		
Year round population	12	7,700			8,700		
visitors @27,300 @6 months	6	13,650			13,650		0.00%
Total		**21,350**			**22,350**	**4.684%**	**** Increased population for budget services**
Budget					$ 20,000,000.00		
					4.684%		
1 cent = 297,000					936,768.15	*	
Tax equivalent for additional services					3.15		
tax value		$	70,000,000	0.32	$ 224,000	*	
Excess services over tax receipts					$ 712,768.15	*	
tax equivalent - KDH additional needed					2.40		

Guns, Meredith

From: Harris, Dana
Sent: Tuesday, July 5, 2022 9:21 AM
To: Guns, Meredith
Subject: RE: Baum Tract Development Request- Staff Input Request

From: Guns, Meredith
Sent: Thursday, June 30, 2022 4:12 PM
To: Asst Department Heads <AsstDepartmentHeads@kdhnc.com>; Department Heads <DepartmentHeads@kdhnc.com>
Subject: Baum Tract Development Request- Staff Input Request

Good Afternoon,

At the June 13, 2022 meeting, the Board of Commissioners directed staff to investigate the possibility of development of the Baum Tract for essential housing. This change would include changing the use of the western 44 acres of the Baum Tract from government/ recreation use to high density multifamily. We have reached out to our community partners including but not limited to National Park Service, State Park Service, The Nature Conservancy, Dare County Board of Education and Disc Golf representatives to seek input. The Board is also seeking input from Town Staff regarding this change.

We request that all Departments answer the following questions (absent any specific development plans):

1. Current uses that your department may have on the tract and how possible removal of the uses would affect the Town both operationally and monetarily.
   Concerns:
   A. At onetime the area was to be the new location for the Police Department, Police impound, the necessary new evidence storage and possible indoor firing range.
2. Advantages of the change of use from government/recreation to high density multi-family.
   Concerns:
   A. None.
3. Concerns your department might have regarding the change of use from government/recreation to high density multi-family
   Concerns:.
   A. Loss of natural wildlife, vegetation and recreation for the citizens of Kill Devil Hills now and in the future.
   B. Not what I understand the land was donated/sold to the Town for.
4. How the location of the land may or may not bring specific concerns?
   Concerns:
   A. Existing recreational activities
   B. Nature, vegetative and wildlife
   C. Close to the schools, How will interaction with the type of housing occupants now and in the future, with school kids from pre-school to High School and After School.
   D. Safety of School Children
      a. Traffic traveling between schools (the more housing the more traffic, automotive, bicycles and pedestrians)

b. Increased complaints from the residents over sporting event noise and parking.

E. Would the streets be city maintained or Public Vehicular area
   a. P.V.A. would fall under the control of the community, like Bermuda Bay, thus limiting what traffic enforcement to protect the citizens could be enforced
      i. Unable to regulate golf carts on the P.V.A. roads
   b. Streets would be running mostly east to west which would cause motorist to be affected by blinding Sunrises in the morning and blinding sunsets in the evenings. (Such as Colington and Veterans Drive intersection)
      i. Lot more kids crossing Veterans Drive in the morning and afternoons when school opens and lets out, thus with increased traffic an increase of possible harm to a student or pedestrian crossing.

5. Anticipated effects on infrastructures and utilities?

Concerns:

A. Would need increase in Police, 3 plus, depending on size of Development
   a. Thus increase in equipment needed to police the area
B. Traffic would overwhelm veterans drive
C. Depending on type of development, roads, parks, multi-use paths installation and upkeep.
D. Maintaining water lines. Sewer lines
E. Increase in animal control calls due to wildlife being misplaced by development, thus living around, in and under the development
F. Increase in taxes for entire town for infrastructure and utilities upkeep

Finally, most department heads were part of the recent meeting by Coastal Affordable Housing and Dare County about a specific project that they would like to develop. The project includes four apartment buildings with approximately 400 apartments units. Additionally, they propose a public park and possible retail/restaurant uses. Please provide your specific feedback with the development that was presented to Town Staff.

Concerns:

A. Who is paying for Park, boardwalks and upkeep
B. Width of streets
C. Parking for public to use the parks
   a. How does it affect traffic and emergency response
D. Veterans drive overwhelmed with traffic of residents and visitors added to the already heavy school traffic.
E. Are the Streets P.V.A. or Town Streets
F. How will the move of Disc Golf affect the people who donated money and the families it was dedicated to.
   a. Will the new location disturb the Nature trails and local wildlife
   b. Complaints to increase when firearm qualifications are in use, may force same to close causing and added expense to the town for locations to do State mandated qualifications.
   c. Who pays for the move and the improvements, roadway and lakefront boardwalk.
G. Increase in Town staff from all departments.
   a. Coast to tax payers
H. Money lost selling land at current classification versus priced as High Residential use.
I. What was the land donated/sold to the Town of Kill Devil Hills requested to be used for?
J. Does this fit our Land Use Plan.
K. Does this prevent A New Kill Devil Hills Police Department, which was original planned to be built in that area, from being considered in that area?

Please share any information that you have received from stakeholders or other entities that you have received.

We would like to get our preliminary input to the Board of Commissioners before the next Board of Commissioners meeting. So please try to have preliminary comments to me or the Town Manager by Thursday, July 7 mid-day.

Please call me or the Town Manager if you have any questions or need additional time to fully investigate this request.

Have a great 4th of July weekend.

Meredith Guns
Town of Kill Devil Hills
Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5318

Guns, Meredith

From: Tilley, Troy
Sent: Thursday, July 7, 2022 4:12 PM
To: Guns, Meredith
Cc: Allen, Charlene; Diaz, Debbie
Subject: RE: Baum Tract Development Request- Staff Input Request

Good afternoon...I apologize for the delayed response to this request...

Baum Tract Development Request- Staff Input Request

We request that all Departments answer the following questions (absent any specific development plans):

1. Current uses that your department may have on the tract and how possible removal of the uses would affect the Town both operationally and monetarily. Currently Fire and Ocean Rescue do not utilize this parcel of land.
2. Advantages of the change of use from government/recreation to high density multi-family. I believe that that this will provide additional housing.
3. Concerns your department might have regarding the change of use from government/recreation to high density multi-family. This could add an increase number of emergency responses to this area.
4. How the location of the land may or may not bring specific concerns? As with all emergency responses, if we are responding to this area and then have to respond to another emergency response we could have a delayed response due to not being in a centralized location.
5. Anticipated effects on infrastructures and utilities? With this increase in population you would have to think there would be an increase in the need for public assistance as well as needing infrastructure to support this development.

Finally, most department heads were part of the recent meeting by Coastal Affordable Housing and Dare County about a specific project that they would like to develop. The project includes four apartment buildings with approximately 400 apartments units. Additionally, they propose a public park and possible retail/restaurant uses. Please provide your specific feedback with the development that was presented to Town Staff.

This development could possibly house approximately 500 to 800 additional residents here in KDH, this increases the possibility of additional emergency response needs to this development along with more recreational water activity in the sound.

Please give me a call if you have any questions,

Troy N. Tilley
Fire Chief
Town of Kill Devil Hills, NC
252-480 4060 ext. 5222

From: Guns, Meredith <MEREDITH@kdhnc.com>
Sent: Thursday, June 30, 2022 4:12 PM
To: Asst Department Heads <AsstDepartmentHeads@kdhnc.com>; Department Heads

<DepartmentHeads@kdhnc.com>
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3. Concerns your department might have regarding the change of use from government/recreation to high density multi-family.
4. How the location of the land may or may not bring specific concerns?
5. Anticipated effects on infrastructures and utilities?

Finally, most department heads were part of the recent meeting by Coastal Affordable Housing and Dare County about a specific project that they would like to develop. The project includes four apartment buildings with approximately 400 apartments units. Additionally, they propose a public park and possible retail/restaurant uses. Please provide your specific feedback with the development that was presented to Town Staff.

Please share any information that you have received from stakeholders or other entities that you have received.

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