

WEATHER

Considerable cloudiness and humid through Tuesday with a chance of showers. High today and Tuesday, 77 to 83. Low, 60 to 65. Details, page 2.

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## Delay Follows Delay

# Cape Lookout Playground Remains Far From Reality

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If you're just dying to visit the Cape Lookout National Seashore, you'd better stay in touch with your funeral director.

After nearly a decade, a public playground on Carteret County's inaccessible and undeveloped Outer Banks is still only a figment of the imagination, and the Cape Lookout National Seashore is only a name in a piece of legislation enacted by Congress in 1966.

The project is stuck in a swampy marshland of confusion, complexity and delay. There are enough barriers to its progress to make an offshore reef, and new ones are still appearing.

Example: Within the past few weeks a state official suggested to a federal official that an amendment to the N. C. Constitution may eventually be needed to clear way for the transfer of water and marshes.

The plan was simple enough. In 1961, the state decided to acquire the Banks for a state seashore park. But it later found that it could not afford it and asked the federal government to make the project a national seashore — such as Hatteras.

The state would acquire all of Portsmouth Island and the Core Banks and give it to the United States if the United States would then buy Shackleford Banks and establish a seashore. Congress agreed. President Johnson signed the bill in March 1966.

Now, more than four years later, the state is still struggling to acquire the land and an optimistic estimate is that the seashore could be established within two or three more years. But it is not

unreasonable to believe it could also be another decade.

Why is this so? There are several excellent reasons.

Titles to property on the Outer Banks "are as fouled up as any you've ever seen anywhere," Asst. Atty. Gen. Parks Icenhour said. He is in charge of the legal phase of the state's tortoise-like land acquisition. "Beyond 15 to 20 years back there is no way to connect present owners with previous titles," he said.

The chief result is time-consuming title searches before the state can buy or condemn. A secondary result is that the state has acquired some titles that are not clear enough to be acceptable to the U. S. attorney general's office. The two legal agencies are

not coordinating efforts, one official complained.

An early condemnation proceeding filed in 1968 by the state against 1,000 acres owned by the Core Banks Gun Club resulted in a State Supreme Court decision that a new law was needed to make it possible for the state to condemn land for the purpose of giving it to the United States for a seashore area.

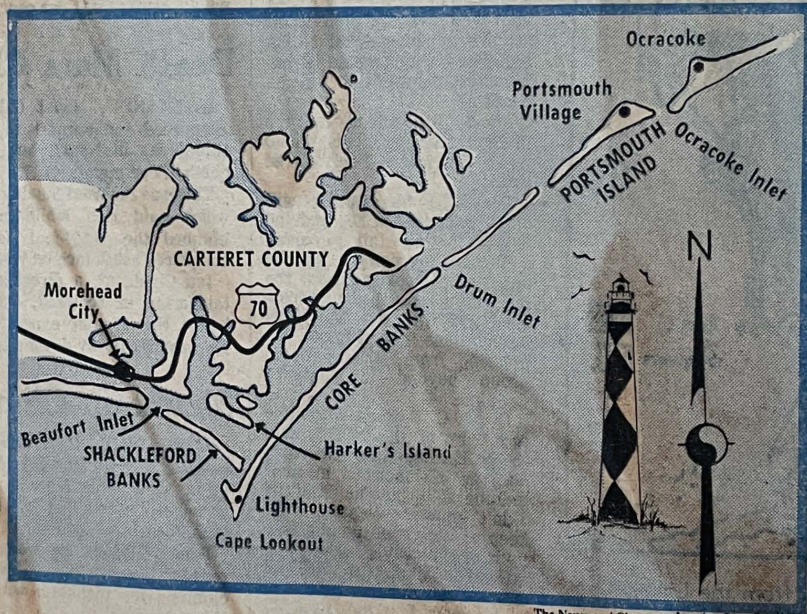
"That one thing delayed us longer than anything else," Icenhour said. The state is again negotiating with the club, hoping to buy the land and avoid the courts. "We have made them an offer and we hope to have a decision from their stockholders shortly," State Property Officer Carroll Mann said.

(The two-story, 16-room, 2½-bath clubhouse, owned prim-

arily by Greensboro people, burned to the ground during a heavy lightning storm on the Banks at 4 a.m. last Tuesday. Three club members and their wives were present, but told Coast Guard they did not know how the fire started. Officials are not certain whether the fire will help or hurt their negotiations.)

The 1969 General Assembly, after nearly sinking the whole seashore idea by refusing to enact the law the court said was needed, did — at last — pass it. But it attached amendments prohibiting condemnation by "declaration of taking," the procedure used to acquire highway right of way.

Under a declaration of tak-



The News and Observer Art by Dot Stoll

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