



## **City narrowly votes to condemn land for Rankin Lake Park greenway**

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By Michael Barrett

For people who are skeptical of government exerting its power, words like "condemnation" and "eminent domain" often equate to four-letter vulgarities.

Gastonia City Council members were well aware of that Tuesday night as they discussed how to best extend a greenway to Rankin Lake Park. But they still voted 4-3 to condemn private land to make it happen, despite reservations about whether it was the best way to proceed.

"It's an indelible part of the fabric of government," City Attorney Ash Smith said of condemnation, a right exercised regularly in the name of the public good. "And unfortunately, sometimes it has to be used for that last (landowner) holdout."

Council members Keith Tidwell, Dave Kirlin and Walker Reid joined Mayor Jennie Stultz in voting for the measure, while Dale Burkett, John Howren and Brenda Craig were opposed.

### **New easement needed**

Tuesday's action won't displace any homeowners. No one lives on the two tracts where the greenway will go, just northeast of the I-85/U.S. 321 intersection. The city already has a sewer line easement along the route and wants to build the walking trail along that same, 20-foot-wide corridor that mostly runs beside Long Creek.

It would largely mimic the existing Avon/Catawba Creek Greenway that meanders through lush woods near Lineberger Park, and is very popular with Gastonia residents.

"The word 'condemnation' in this case is just a little different application than what we're used to," said Councilman Dave Kirlin.

But the landowners — one of whom has a business with wooded privacy — simply don't want a greenway built there and declined city offers to buy the new easement. So the decision to move ahead with condemnation proceedings Tuesday left a bad taste in the mouths of those who voted against the measure.

"We're still going to get to Rankin Lake," said Councilman Dale Burkett. "But it's just going to be dirtier than it (could have been)."

### **Land use dispute**

Gastonia has planned to connect its existing greenway system to Rankin Lake Park for several years, and has budgeted \$750,000 to do so.

The easiest, cheapest and most aesthetic way to do it is to run the trail beside the sewer easement and the creek, city officials say.

To keep from building an expensive pedestrian bridge across U.S. 321, the trail needs to cross under the U.S. 321 bridge that passes over Long Creek, city leaders say.

Gastonia attorney Doug Arthurs represents David Glenn and Jeri Davis, the heirs to the land in question. He said Tuesday that his clients rejected the city's offers to buy the new easement last year not because of the price, but because they don't want a greenway there.

Arthurs said they have concerns about enabling criminal activity, and exposing the landowners to liability issues.

"My clients will still pay taxes on this property and will be liable if someone gets hurt," he said. "There's no way to protect them from that with just a simple condemnation."

### **Pros vs. cons**

Plans are to hook the greenway into the Catawba Lands Conservancy's conceptual Carolina Thread Trail, a 15-county network of walking and biking paths in the Charlotte region. Arthurs pointed out that past discussions of building that network have referenced respecting landowners by building around them if they don't wish to participate.

But Smith, the city attorney, pointed to the conservancy's mission statement, which states "any decision to exercise eminent domain is at the discretion of the governing body" where the land lies.

City Manager Jim Palenick said the greenway will be built in a floodplain where any other type of development would not likely be allowed. Stultz said condemnation has been used by numerous other cities to complete their greenway systems, and she feels the benefits of the greenway far outweigh its negatives.

Tidwell joined with other supporters in arguing that the end justifies the means.

"I'm against eminent domain, but in this case, it's already there," he said. "We're just paying for another use."

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