



Gastonia may condemn land to build greenway to Rankin Lake Park

January 03, 2011

By Michael Barrett

A bid to build a greenway to Rankin Lake Park that crosses a major highway as cheaply as possible may lead Gastonia to condemn private land tonight.

The condemnation would involve a 20-foot-wide corridor that mostly runs beside Long Creek and a sewer line easement in northern Gastonia. Creating a new easement for the greenway would allow the city to build the trail beside the creek, passing under a bridge on U.S. 321/North Chester Street, and then connecting it west to Rankin Lake Park.

City leaders say they hope a settlement with the property owners can still be reached. But beginning condemnation proceedings now will allow acquisition of the property if that doesn't happen.

City Council members will vote on the measure during their 6 p.m. meeting.

"We're not taking the whole property," said Gastonia City Attorney Ash Smith. "It's going to be in the creek where (the current landowners) can't build anyway."

But Gastonia attorney Doug Arthurs, who represents two landowners that would be affected, said it's not that simple.

"My clients will still be paying taxes on that land," he said. "And for the thousands of people who walk across it, if they're injured somehow, there would be nothing to keep them from suing the property owners."

Part of the plan

Gastonia's Highland Rail Trail now runs north from downtown, skirting Sims Park and passing under I-85 on an abandoned railroad line. The greenway is paved almost up to Rankin Lake Road.

The city's 2005 parks and recreation master plan called for connecting the greenway to Rankin Lake Park, and the city has budgeted \$750,000 for its construction. But getting across U.S. 321 has always been the problem, said city engineer Rusty Bost.

A single pedestrian bridge could cost \$100,000, which would push the limits of the budget, according to the city.

Building the asphalt greenway along the creek and sewer easement would involve land owned by the John Glenn and Thomas Davis heirs. The city was involved in negotiations with Doug Arthurs, an attorney representing the families, for much of last year.

The city offered the Glenn family \$3,120 and the Davises \$12,000. Those prices were based on a rough estimate of the land's value by an appraiser, Smith said.

But the families were concerned about how the greenway construction might affect their use of their land, and Arthurs declined the offers on their behalf in December. The city attempted to accommodate the requests and concerns, but was unsuccessful, Smith said.

"Obviously eminent domain is not undertaken lightly by the City Council and is something of a last resort," he said.

Arthurs said he didn't even realize the condemnation measure was on the agenda until he was contacted by a Gazette reporter late Monday afternoon. He said his clients' resistance is based not only on liability issues, but concerns about giving easy access to would-be criminals.

"They just don't want a greenway running across their property, and in one case adjacent to their open and operating business," he said. "There's a concern for liability exposure here, too."

Gaining popularity

Greenways have become more popular of late as cities and towns explore ways of expanding them. The Carolina Thread Trail is a conceptual network of greenways that would link 15 counties in the Charlotte region.

Gastonia's popular existing greenway starts at Lineberger Park and runs along Avon and Catawba creeks. Building the trail to Rankin Lake Park along Long Creek as planned will follow that mold, which is ideal, Smith said.

"Going along the creeks is much more picturesque," he said.

The city frequently condemns land to build roads, sidewalks, storm drains, sewer and utility lines, Smith said. As in other cases, Tuesday's proposed action would be taken to benefit the public as a whole, he said.

"It should be standard," Smith said of the decision.

<http://www.gastongazette.com/news/build-53964-lake-gastonia.html>