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Road access, halted condemnation at center of county, landowners' dispute



Mark Whittamore, left, and Shari and Jim Nottke, who questioned condemnation proceedings by the county, stand on B H Graybeal Lane next to the Nottkes' property. (Lee Talbert / Johnson City Press)

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Research into a county resident's request to condemn a piece of land along B H Graybeal Lane has led the county attorney to change his recommendation to allow the request.

Washington County Attorney John Rambo said Wednesday he has reversed his position on the request by Joe Sheffield.

Mark Whittamore lives on B H Graybeal Lane, a narrow county road that some believe may not be up to standards. Sheffield purchased 10 acres next to Whittamore's property on the Watauga River in March. Although he has a right of way connecting his tract to B H Graybeal, he contacted both Whittamore and neighbors Jim and Sharon Nottke to ask them to sell or trade him portions of their land for a new road to his property.

Earlier this month, Rambo recommended to the county's Public Works and Planning Committee that proceedings be started to have the piece of land surveyed and begin the process of condemning the property. The right of way would be added to the county's existing right of way on file in order to connect Sheffield's driveway to the road.

This didn't sit too well with neighboring property owners, including Whittamore.

"If this goes through, it will benefit only one person — Joe Sheffield," Whittamore said.

Rambo said the county currently has no written policy on condemnations, but the opposition to the condemnation led him to ask, "Does it benefit a public purpose?"

"Because of this strip of land, everyone cannot access (B H Graybeal Lane)," Rambo said.

"I'm recommending that the County Commission send this matter back to the county's Public Works and Planning Committee so that everyone involved can come in and say their piece on the matter ... The county should have never built (B H Graybeal Lane), but it's there," Rambo said.

During the meeting in which Sheffield's request was granted, Zoning Administrator Mike Rutherford spoke on Sheffield's behalf.

According to Rutherford, Sheffield obtained a building permit and a driveway permit per zoning regulations and when he was deciding where to install his driveway entrance, Sheffield was informed that he could not access his land from this road because he would be crossing his neighbors' property.

It was determined that several landowners had obtained a small section of land that created control strips limiting and denying access to others to the county road.

"Myself and the highway superintendent are opposed to these control strips on county roads and it appears we built the road for private benefits," Rambo said.

Whittamore said after declining Sheffield's offer to purchase the land from him, he became concerned when he encountered a survey crew on his property who said they had been contracted by the county. Whittamore said he contacted Highway Superintendent Johnny Deakins who informed him the county was proceeding with condemnation of his and a neighbor's property.

"To me, this is a Fifth Amendment case," he said. "You can't take land to benefit one person."

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