

Community founded by freed slaves sues for restoration of blocked road

by admin

Published: June 19th, 2008

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The southern entrance to the contested Farm Road lies between the Sandy Spring Slave Museum and a private residence. Since 2006, the owner of the residence, since the road is not legally recognized, has prevented traffic from crossing her property by parking a truck and using other impediments like a single chain link.

property owners in the case filed in U.S. District Court. "These folks grew up in that area with that road. How can you have landlocked homes owned by people? They own this land and have to have access to a road."

Quaker's grant

The area around Farm Road dates back to the end of the Civil War when Mahlon Chandlee, the Quaker owner of the Dellabrooke Farm, transferred about 100 acres to emancipated slaves. The descendants of the original owners largely passed the properties down to family members throughout the years while the area surrounding the community became increasingly developed.

Historically, Farm Road ran north to Goldmine Road and south to Brooke Road, where it is flanked by the Sandy Spring Slave Museum and a private residence.

Access to Goldmine Road was lost in 1994, when the developers of a residential subdivision deeded much of the northern portion of Farm Road as a conservation easement for use as a hiking and biking trail.

Farm Road continued to run south to Brooke Road, though, until 2006. According to the lawsuits, Christine Hill, the owner of the private residence across from the museum, blocked access to the part of Farm Road that runs across her property.

According to the Merriam-Webster dictionary, a road is simply "an open way for vehicles, persons, and animals."

While the so-called Farm Road that runs through a Sandy Spring community founded by freed slaves meets that literal definition, and has been used as a road for decades, it does not physically exist according to Montgomery County.

The status of Farm Road as the community's only ingress and egress has been the focus of two racially charged lawsuits, one that was dismissed from state court on Tuesday and another that began a day earlier in federal court in Greenbelt.

Both suits allege discrimination, fraud and an orchestrated attempt to leave the properties landlocked, devalued and open to future development. Under state law, since the properties technically do not have access to a recognized road, they cannot get an address.

"This is a backdoor way to squeeze these people out for development purposes," said Donald Temple, lead attorney for the

The section of disputed roadway that sits on Hill's property is covered with "No Trespassing" and "Do Not Enter" signs. A pickup truck, a trailer and a chain link fence across the roadbed further deter any use by motorized vehicles.

What remains is an uneven gravel roadbed that winds through the forest. It is badly overgrown in areas and blocked in others by trees that have been blown over during storms.

Meanwhile, property values in Montgomery County have spiked. Houses in the subdivision are assessed at upward of \$1 million. The Farm Road properties, despite the lack of addresses, have increased as well. According to state tax records, William Rounds, one of the plaintiffs in the federal case, has an acre of land with a 68-year-old, 378-square-foot home that has an assessed value of \$314,570. Another plaintiff, Michelle Awkard, has an acre and a half of land in the area, which according to tax records has an assessed value of \$152,160.

Clifton Lee, 71, a plaintiff in the federal case, said he has lived in the area all his life and inherited the two-acre property and home from his aunt and uncle. Like the other homeowners, he accesses Brooke Road via a gravel and dirt roadway not much larger than a driveway.

Lee said while Farm Road is not used as often as it used to be, it is still a road.

"People have been using that road for about a hundred years," Lee said. "When I was a boy, that road used to go all the way to Goldmine Road."

Too late

Gregg and Michelle Bacon own two acres of land adjacent to Farm Road, which they bought in 2002.

When the southern portion became blocked, they filed a lawsuit in Montgomery County Circuit Court against the Maryland-National Capital Park & Planning Commission (MNCPPC), its chairman and others, including the developer of the adjacent Dellabrooke Forest neighborhood and the family that owned the land it was built on.

The Bacons claimed fraud, conspiracy, trespass, negligence and discrimination in the removal of the Farm Road from county records.

After two years of litigation, their case was dismissed on Tuesday by Montgomery County Circuit Court Judge Nelson W. Rupp Jr.

Raj Singh, the Bacons' lawyer, said the judge held that the couple's suit came too late: they should have known at the time of the 2002 purchase that the property did not have access to a road.

"It was a little disconcerting, but it's not the end of the world," Singh said. "The issues aren't going to go away. I see it as a series of skirmishes before the ultimate resolution."

Patrick C. McKeever, with Miller, Miller & Canby Chartered, represented Hill during the county litigation. He said Wednesday he had not seen the federal lawsuit, but was confident they would have as strong a case in U.S. District Court.

Neighbor vs. neighbor

In a statement announcing Tuesday's ruling, MNCPPC attorney Adrian R. Gardner objected to what he called the "ham-handed" tactics used by Singh during the litigation. He said the core question that needed to be addressed — neighbor's property rights — was obfuscated by unfounded allegations of racism and government conspiracies.

"As a lawyer and someone who proudly descends from Africans once enslaved on the Eastern Shore, I must also express my sadness at the outrageous race-baiting and tactical manipulations in this case by the plaintiffs' attorney, Raj Singh," Gardner wrote. "Mr. Singh should know better than to spin a basic property dispute into a fanciful and grand conspiracy without any principled basis in reality or the law."

Gardner added that he has given serious consideration to seeking sanctions against Singh for "acting in such utter bad faith."

On Thursday, Gardner said he had not seen the federal lawsuit, but was concerned it could

also end up mired in accusations of discrimination and government conspiracy.

Montgomery County Executive Isiah Leggett weighed in on the matter in a Feb. 28 letter to Montgomery County Planning Board Chairman Royce Hansen, who is a defendant in both cases. In the letter, Leggett said he spoke with property owners who told him they have been historically served by the road and their deed descriptions contain references to the road as a boundary.

"I hope that you are able to recognize the Farm Road as the private right-of-way that it seems to be and provide the property owners with their rightful recognition," Leggett wrote.

Leggett's letter is included in the federal lawsuit.

In addition to forcing the county to recognize Farm Road and grant addresses to the property owners, the lawsuit seeks a minimum of \$6 million in compensatory and punitive damages for each of the eight named plaintiffs.

"These people have historic rights to this road, and those rights were taken," said Temple, the plaintiffs' attorney. "All of a sudden, the maps have been altered and now they no longer have addresses and can't even get emergency services."

The MNCPPC has continually maintained that the resolution is as simple as the neighbors reaching a consensus on a right-of-way for Farm Road or for them to explore alternative routes.

"There are black people on both sides of the equation, including me," Gardner said. "At the essence of this the question is, if the road exists, which neighbor has the right to it? And the neighbors don't agree."

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