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Mt. Airy Citizens Form Group To Protect Their Property Rights From Eminent Domain

Mt. Airy, N.C. — Property owners threatened by the highly contentious Westside Redevelopment Plan have formed the Mt. Airy Property Rights Alliance (MAPRA). The plan, created by the Mt. Airy Redevelopment Commission (RDC), focuses on the redevelopment of the government-owned Spencer properties but would allow for the unnecessary destruction of several small, privately owned businesses in the process. MAPRA's stated goal is to remove the privately owned properties from the plan.

As it stands, the plan calls to create a roundabout that has no bearing on the redevelopment of the Spencer properties. Although the RDC would only need to demolish one building to create the roundabout, 21 parcels have been placed in a redevelopment area, causing uncertainty for these property owners and hurting their property values. The needless creation of this roundabout could end up costing taxpayers hundreds of thousands of dollars.

The plan is currently in draft form and would need to pass Mt. Airy's City Commission before any action could be taken. However, the majority of Mt. Airy's city commissioners have publicly stated that they will vote against a plan that includes private property, putting any chance of developing the Spencer properties in the near future in jeopardy.

One member of MAPRA, Charles Paul, owner of Paul Painting and Decorating Co., a family business since 1974, said, "It seems to me that the plan, as it stands, will not move forward. As MAPRA we are not against developing the Spencer property, to the contrary. We want the members of the RDC, and the City Commission, to work out a plan that benefits everyone and will end up passing the City Commission. That would mean removing our properties from the plan."

Though the plan does not explicitly authorize the use of eminent domain, the RDC does have the power to use eminent domain. It has been called a "very last resort" by the head of the RDC, Commissioner Steve Yokeley. In a July 6 *Mt. Airy News* article, Commissioner Yokeley was [quoted](#) saying, "If the owners are not interested in developing (property) themselves, which is the ideal situation, it could be taken."

Gene Clark, owner of the property at 452 Franklin Street and founding member of MAPRA, explained, "No one in Mt. Airy wants to see eminent domain used on small, family-run businesses that, in summation, account for over 50 jobs. As property owners, we have the right to

do what we want with our properties and we should not have to be concerned with even the mere possibility of eminent domain being used against us for economic development.”

The property owners are working with the Institute for Justice—a nonprofit, civil liberties law firm that advocates for property owners fighting eminent domain abuse across the country.

“We have worked with property owners across the country who are threatened by eminent domain abuse,” said Phil Applebaum, activism coordinator at the Institute for Justice.

“Fortunately, this city commission, by and large, seems to understand that taking private property for economic development is unconstitutional. The Redevelopment Commission must amend this doomed plan by removing the privately owned property and work with these small businesses, not against them.”

“We are sure there is a possibility for a win-win situation here for all Mt. Airy residents and business owners,” Mr. Applebaum continued. “But that all starts with more transparency and an understanding that these property owners have a right to keep what they’ve worked so hard to own, which is guaranteed by the Constitution.”

The City Commission’s next meeting is on Thursday, December 17, at 7 p.m. in the Municipal Building at 300 S. Main St.

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