

spotlight

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WRONG WAY FOR A GREENWAY

Asheboro would place nearly 30 miles of a greenway through citizens' backyards

S U M M A R Y : Asheboro is considering building a six-mile-long, 10-foot-wide greenway from the town to the N.C. Zoo. The proposed route, much of it following Richland Creek, traverses private property, including backyards of homes. Greenway advocates argue that the greenway is an attractive amenity that not only would benefit local residents, but would also increase tourism in Asheboro. On the other hand, the benefits do not justify the violation of property owners' rights or the funding from gas taxes that are dedicated to building roads. Greenway advocates should find a more appropriate means to accomplish their goals.

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g reenways are like mom and apple pie — everyone seems to like them. Kids, families, bicyclists, walkers, and runners all enjoy the peace and quiet of a greenway. But not the homeowners who have to cede their privacy in order for everyone else to have a greenway. A government that's considering building a nice greenway through existing properties should consider that the end doesn't justify any means necessary to accomplish it.

Let's start with funding. Much of the state and federal funding for greenways comes from gasoline taxes. Gas taxes are a user fee paid by motorists in order to build roads and highways. Motorists pay these taxes and expect the funds to be used for roads that they use. If the funds are diverted to other purposes, such as greenways, motorists are being cheated.

When a homebuilder incorporates greenways into a master plan for his development, he is providing an attractive amenity for some homebuyers. The homebuyers who want a greenway in his backyard make a voluntary decision to buy those homes. They make a tradeoff between the convenience of being near the greenway and the loss of privacy that the greenway represents.

The problem with the proposed Asheboro/Zoo greenway is that it is being created after the fact. Homebuyers and property owners along the proposed greenway routes had purchased their homes and land with an expectation of privacy. Greenway advocates want to build the greenway right through their backyards, which would deprive them of that privacy, which they paid a premium to secure.

200 W. Morgan, #200
Raleigh, NC 27601
phone: 919-828-3876
fax: 919-821-5117
www.johnlocke.org

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Asheboro City Manager John Ogburn assured the attendees at the September 21st public meeting that officials were “not out to use the power of eminent domain” to create the greenway.¹ He also assured me in a phone conversation that the city would negotiate with landowners for the sale of their property for the greenway or to purchase a greenway easement.² I believe him. But any time a government enters into a negotiation with a landowner, it is an unfair negotiation because the government always has the power of eminent domain in its back pocket and the landowner knows that.

Some greenway advocates cite studies that they say prove that greenways increase property values. The studies that I have reviewed do no such thing. Several of the cited studies look at property values surrounding parks.³ Typically, parks are not built in a homeowner’s backyard. Another study contains a section on greenways that fails to distinguish between greenways and greenbelts.⁴ Other studies ask neighbors if they believe that their property values have increased.⁵ Many say yes.

This methodology fails on two counts. First, whether a homeowner believes that his property value has increased is irrelevant. The issue is whether the property value has in fact increased, and if so, whether the greenway is the sole factor causing the increase. Second, it fails to distinguish between the value of the properties that have the greenway in their backyards and the properties across the street. It may be true that the value of the property across the street from the greenway may increase, but that is not the issue. Does the value of the property with the greenway in its backyard go up, or go up as much? That is highly unlikely. Thus, we are confronted with an injustice. The homeowner who buys a home with a private backyard pays more because of that privacy. The city builds a greenway that decreases the privacy and that, in turn, decreases the homeowner’s property value.

Some have charged that those resisting the greenway near their property are just selfish. The opposite is true. Those who support the greenway obviously believe that they will personally benefit from the greenway, but they want others to pay for their benefit. They want state and federal taxpayers to pay for their use of the greenway and they want property owners to pay with loss of property values.

Many greenway supporters might view the issue differently if the proposed greenway was in their backyard. Everyone in Asheboro should look at the Comprehensive Master Plan map published by the Asheboro Parks and Recreation Department. It shows a proposal for an extensive network of nearly 30 miles of greenways running through the backyards of many city and county residents.

If the supporters of greenways want to benefit from a greenway, they should raise private money for the project. They should negotiate a price agreeable to them and property owners, without even the theoretical potential of using eminent domain. Then and only then could it be said that legitimate means has been used to create the greenway

Michael Sanera is Research Director and Local Government Analyst for the John Locke Foundation.

Notes

1. Chip Womick, “Crowd turns out for input on greenway,” *The Courier-Tribune*, September 22, 2006.
2. Phone conversation, November 9, 2006.
3. John Crumpton, “The Impact of Parks on Property Values: A Review of the Empirical Evidence,” *Journal of Leisure Research*, 2001.
4. Sarah Nicholls, “Measuring the Impact of Parks on Property Values” National Recreation and Parks Association, March 2004.
5. “Consumers Survey on Smart Choices for Home Buyers,” National Association of Realtors and the National Association of Homebuilders, 2002.