

Town of Matthews v Lester E. Wright, et al.
Harley Hazen Blodgett, III

10/17/2013

5 (Pages 14 to 17)

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1 you --
2 A. Yes, sir.
3 Q. All right. If you look at Exhibit C to Exhibit 3,
4 which is an attachment to the complaint, is that the
5 resolution by which the Town made the determination
6 to authorize the condemnation of Lester and Virginia
7 Wrights' property?
8 A. Yes, sir.
9 Q. And it states that the public purpose is for the
10 opening, widening, extending or improving roads,
11 streets, alleys, and sidewalks, and being more
12 particularly described as Home Place. Is it the
13 Town's position that that's the purpose of this
14 taking?
15 A. Yes, sir.
16 Q. You do have to answer out loud --
17 A. Yeah.
18 Q. -- because she can't take a nod down. All right.
19 Let's talk about that. Does the Town have any plans
20 to open a new road or access way?
21 A. Along Home Place?
22 Q. Yes.
23 A. No, sir.
24 Q. Does it have any plans to actually widen the roadway
25 itself?

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1 A. No, none that we have talked about.
2 Q. Does the Town have any plans to extend Home Place?
3 A. We have never talked about extending it.
4 Q. All right. Does it plan on improving Home Place as a
5 road, street, alley, or sidewalk?
6 A. We could. An improvement to me would be like
7 repaving it or fixing potholes. That kind of thing
8 or doing -- if little cracks show up, doing some
9 maintenance work.
10 Q. That would be a maintenance-type thing --
11 A. Or an improvement.
12 Q. Right. Are there current plans to do that for Home
13 Place?
14 A. As far as I know, Home Place is in good shape, so we
15 don't need to do anything like that.
16 Q. So as far as you know, there's no plans to send a
17 city crew out to repave or fix potholes or extend the
18 roadway --
19 A. Yeah. As long as there's no -- as long as it's in
20 good condition, that's true.
21 Q. So would you agree with me that this isn't quite an
22 accurate description, that really the purpose is to
23 take into the city public street system a section of
24 road, which the Town thought had been part of that
25 system until the lawsuit resolved it in favor of the

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1 Wrights?
2 A. I guess, the way I would answer that is, the Town,
3 through it's resolution 1985, took the street in.
4 And I would define improving roads as maintenance and
5 that kind of thing too.
6 Q. But this, as far as the Town is concerned, the
7 purpose of the condemnation was to get back to where
8 the Town thought it was before the judge ruled
9 otherwise?
10 A. That's correct.
11 Q. And when you say 1985, are you referring to the town
12 commissioner meeting on March 25, 1985?
13 A. Yes, sir.
14 Q. Is it the Town's position that that meeting and the
15 resolutions adopted at that meeting made Home Place a
16 public road, except for the Wrights'?
17 A. I guess, my position would be that this is what made
18 the road a public road in 1985; this resolution.
19 Q. And that's speaking as the manager of the Town?
20 A. Yes, sir.
21 Q. Have you reviewed the Court of Appeals' ruling on
22 that issue?
23 A. I haven't reviewed it. But I understand, you know,
24 there's a carve-out of that, of Home Place.
25 Q. So it's your understanding that the 1985 resolution

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1 was still successful as to every portion of Home
2 Place, except the Wrights' property?
3 A. After the court ruling, I guess, in 2012, yes, sir.
4 Q. And just so I understand your position, is it your
5 understanding that in 2010, before the court ruling,
6 the Wrights -- the portion of the road on the
7 Wrights' property was a public road, and then the
8 judgment reversed that, or that the judgment found it
9 had never been public?
10 A. You know, I found -- of course, I came in 2003, the
11 case was ongoing at that time. I have not tried to
12 keep track of the to and fro of the whole history of
13 the cases.
14 Q. All right. So you don't have a position on whether
15 it was private then public then private or always was
16 private?
17 A. That's correct.
18 Q. All right. Let's look at the next line. I'm still
19 on your complaint, which is Exhibit 3, and I'm on the
20 attachment Exhibit C to that.
21 A. Okay.
22 Q. The Resolution Authorizing the Condemnation. The
23 next line says, "Whereas the proper officials or
24 representatives of the Town of Matthews have been
25 unable to acquire the needed interest in this