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State sale to landfill irks some in area

By Dana Beyerle

Montgomery Bureau Chief

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MONTGOMERY | Northport property owner Frank Thompson said on Friday the public should have been notified before Gov. Robert Bentley approved the sale of state property to the Tuscaloosa County landfill earlier this year.

"The public should have had the opportunity for some kind of input," Thompson said.

Bentley approved the sale of 529 acres owned by the Department of Mental Health to the Black Warrior Solid Waste Disposal Authority for \$4.2 million in March, based on advice from his mental health commissioner at the time, Zelia Baugh. The department needed the money, a spokesman said.



Michelle Lepianka Carter / Tuscaloosa News

Frank Thompson stands at the property line beside his home along which runs land purchased by the Black Warrior Solid Waste Disposal Authority on Friday. The Black Warrior Solid Waste Disposal Authority purchased 529 acres from the Alabama Department of Mental Health earlier this year. The Thompson Family Limited Partnership, owned by Thompson and his sisters, is about 140 acres and neighbors the purchased land.

The property will enable the authority to expand the landfill, which serves Tuscaloosa County and is used primarily for the disposal of household garbage. But the acquired land adjoins private property suitable for commercial and residential development in Northport, Thompson said.

The secret land sale caught property owners and some government officials by surprise.

Thompson said the land's intended use has the potential to lower private property values and stifle commercial development at a busy intersection. The landfill is at the western edge of Northport, adjacent to U.S. Highway 82 at the intersection of Mount Olive Road.

The land purchase included three parcels, a 324-acre tract between Mount Olive Road and Rose Boulevard, on the east side of the existing landfill; a 153-acre tract on the east side of Rose Boulevard; and 35 acres adjacent to U.S. Highway 82 on the west side of the landfill.

State land sales to the public are subject to public notice. The Tuscaloosa County landfill deal didn't have to be made public because it involved a transfer between government agencies — the state of Alabama and the solid waste authority that was established by the governments in Northport, Tuscaloosa and Tuscaloosa County.

"Legally, they may be OK, but morally, I don't think they were OK with doing it that way," Thompson said.

Bentley spokesman Jeremy King said Friday that a public announcement was not required.

"The state was approached by the authority, which was interested in the property," King said. "It was land that had not been used for a long time. It made good financial sense to sell the land to the authority and bring in revenue for the mental health department's budget."

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Thompson has the ear of state Rep. Alan Harper, R-Northport, who said he talked with Bentley twice Thursday after learning of the transaction in The Tuscaloosa News. He said Bentley told him Baugh said the land would be used to buffer the landfill's existing 300 acres for the future.

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"Adjacent land owners should have been notified and a public hearing held for citizens' input," Harper said in an email. "This sale was done behind the backs of citizens."

Landfill officials said the newly purchased property eventually will be needed for solid waste disposal and would extend the life of the landfill to at least 2060.

Harper said he plans to introduce legislation requiring public notice and input prior to the Department of Mental Health selling property to another public entity.

"We have spoken with Rep. Harper and will work with him on any potential legislation that may be appropriate," King said.

Thompson said he owns about 150 acres east and adjacent to the new landfill property at Rose Boulevard and U.S. Highway 82 in Northport. He said his home backs up to one of the sold parcels.

He said he sold property intended for residential development for between \$30,000 and \$35,000 an acre four years ago. Thompson said commercial property at the intersection could be worth \$1 million an acre.

The mental health property sold for about \$7,994 an acre, which Thompson said can be used as a basis for determining the value of future nearby land sales.

Harper said in his opinion the value of adjacent property "has been negatively affected."

"This is just really a travesty for those affected property owners," Harper said. He said those property owners might take civil action.

Tuscaloosa County Commissioner Don Wallace, whose district includes the landfill, said he was not told of the sale that included an abandoned mental health recreational area, Camp Partlow.

"The disregard for public notice of such a large transaction involving a landfill, as evidenced by the Mental Health Department spokesman's comments, feeds the dissatisfaction, and indeed distrust of our elected leaders across our community, state and nation," Wallace said in a statement.

Wallace said the "purchase of property right up to existing neighborhoods on Northport's western doorstep is completely unacceptable."

He called on the solid waste authority to sell the 153-acre tract east of Rose Boulevard for potential development.

Bob Ennis, the former city attorney for Tuscaloosa and a member of the solid waste authority board of directors, said the land deal was proper and conducted according to the law.

The landfill deal is the second time that Bentley has been criticized for a unilateral action by Baugh without prior public input.

Baugh resigned in June citing family necessities. A call to the last known phone number for her produced a message that a phone mail system had not been set up.

Last year, Baugh announced that the new Bryce Hospital under construction in Tuscaloosa on the campus of the former Partlow Developmental Center on University

Boulevard would become a facility for the criminally insane and sex offenders.

The plan was part of an overall mental health plan to consolidate operations and close several mental health facilities in order to place patients in community-based facilities.

Bentley had to alter the plan and announce that the new Bryce Hospital would remain as an inpatient psychiatric treatment center and that some mental illness facilities would not close.