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Twitty Park case back in court

By TAYLOR COOPER tcooper@thebrunswicknews.com May 23, 2018

The Glynn Environmental Coalition, Glynn County and SIA Propco II, a Sea Island company, faced off in the courtroom again Monday in a lawsuit over ownership of Twitty Park on St. Simons Island.

The park is located on the east side of Frederica Road at its intersection with Sea Island Road. Members of the coalition raised concerns that a possible land swap in which Sea Island would return the park to Glynn County might lead to the construction of a roundabout at the intersection.

Bradley Watkins, attorney for Glynn County, noted there had been some discussion of a land swap, but said Twitty Park was in no danger.

County commissioners also entertained some discussion of a roundabout at the Sea Island and Frederica roads intersection in recent years, but all seven have since stated they don't think it's a good idea.

Glynn County Superior Court Judge Stephen Kelley heard from the two parties in what he called one of the best-briefed cases he's heard.

Local businessman T.L. Cain left the park to Glynn County in 1924, according to legal filings in the case. He placed restrictions on the deed, however, stipulating that it must be used for a park and access to Sea Island, or ownership would revert back to his heirs.

Because Cain left the land to Glynn County, it had to stay with Glynn County or ownership would revert, said Todd Baiad, attorney for Bouhan Falligant in Savannah. Removing the two roads and paving a new one likewise should have caused ownership to revert to the county, he argued.

Attorneys for the coalition and Jane Fraser, Glynn County Commission candidate and president of the Stuttering Foundation, argue that the county had no right to make the initial transfer to Sea Island in 1982, nor did Sea Island have the right to run a road through the park. Fraser has some stake in the case after acquiring stakes in the land from the heirs.

The plaintiffs asked the court to recognize that Glynn County had violated the deed restriction so ownership of the land would revert back to the county for use as a park.

Watkins said it was the use of the land that mattered, not the owner. Because the land is still a park and part of it is still used to access Sea Island, the deed restrictions haven't been violated.

Watkins also argued that the deed restrictions no longer applied for a number of reasons.

Both sides used several cases as precedents, as well as common law. Kelley said he had a lot of work to do, and that he would hand down his decision at a later date.

"I think the court still has a lot of work to do," Kelley said.

He also thanked attorneys from both sides of the courtroom, adding that their work was "phenomenal."

Taylor Cooper