

Judge: Twitty Park lawsuit will go forward

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Glynn County Superior Court Judge Stephen Kelley denied a motion by Glynn County and SIA Propco II, to throw out a suit brought against them by the Glynn Environmental Coalition to keep the county from transferring Twitty Park to Sea Island, allowing the lawsuit to move forward.

“We are pleased the judge has ruled in favor of saving Twitty Park,” Glynn environmental Project Manager Daniel Parshley said.

According to the order handed down by Kelley, Glynn Environmental claims standing under the public trust doctrine. It argues citizens may bring legal action to protect property that has been dedicated to the public and is therefore held in public trust.

Kelley seemed to agree with the logic of the doctrine, writing “If courts were to permit government entities to accept property dedications subject to use restrictions only to later jettison or avoid those restrictions as they wished, then individuals would be discouraged from making any such dedications in the future.”

He goes on to write “It is well-recognized that a recipient of a conditional gift may not keep the gift unless he complies with the gift-giver’s conditions. That the recipient is a public entity and the gift-giver is one dedicating the property for the public’s benefit should not exempt that scenario from the rule.”

Kelley also denied the county’s motion to dismiss the county’s request to have Glynn Environmental’s complaint for a writ of mandamus denied and SIA’s motion for a judgement on the pleadings of the case.

“The court finds that it can best avoid inequitable results by relying on the public trust doctrine in adopting a reasonable interpretation of the Cain deed that precludes the county from unilaterally casting aside the use restrictions contained therein and to which it expressly agreed,” Kelly wrote.

A press release was sent out by Glynn Environmental Tuesday that the group later retracted.

The release said the court would allow the group and St. Simons Island resident Jane Fraser to proceed as citizen representatives of Twitty Park, which is located at the east side of Frederica Road at its intersection with Sea Island Road on St. Simons Island.

The environmental coalition alleges the county’s improvement plans at the intersection of Frederica and Sea Island Roads may encroach on the 93 year old park.

The county had transferred the park to Sea Island in the past and was attempting to make a land swap deal to get the park back. The coalition argued at the time the deal was approved by the commission and that the initial transfer from the county hadn't been legal.

As detailed in Kelley's order and documents presented by the environmental coalition, local businessman T. L. Cain dedicated Twitty Park as a gift to Glynn County in 1924. Cain required his gift to remain a public park or else it would revert to his family and successors.

Kelley has only denied the three motions brought by the county and SIA. The coalition and Fraser will still have to defend the park in court.