

# Alabama Baptists headed to court over property dispute

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MONTGOMERY, Ala. (ABP) — Alabama Baptists are going to court to resolve a dispute with Montgomery, Ala., homeowners that Baptist leaders claim are unreasonably hindering development of land the state convention is trying to sell.

The *Alabama Baptist* newspaper [reported](#) recently that the Alabama Baptist State Board of Missions voted Feb. 23 to seek a declarative judgment against a homeowners' association. The homeowners are in a subdivision that neighbors property the state convention purchased more than 20 years ago as a building site for future relocation of the state's Baptist Building.

Two years ago the convention voted to instead sell the land in the eastern part of Alabama's capital city and use proceeds to purchase cheaper property more centrally located for anticipated future building needs.

According to the *Alabama Baptist*, state convention Associate Executive Director Bobby DuBois told board members that a year of negotiations with homeowners in the Halcyon Forest subdivision had reached a stalemate, forcing Alabama Baptists to decide whether to walk away from the deal or assert the convention's rights in court.

Rusty Sowell, chairman of the state board's properties committee, said he believed it is in Alabama Baptists' best interest to "sell this property when we have a signed contract."

Deed restrictions on developing the land reportedly require approval by the association's architectural review committee, but specify that such approval cannot be "unreasonably withheld."

Baptist leaders said they offered concessions worth \$1.7 million to seek ways to allow a developer to build properties including a four-story hotel, two upscale restaurants and two small retail centers, but the homeowners' association turned them down.

State convention leaders voted overwhelmingly, with only a smattering of opposition, to take the homeowners to court.

A resident of Halcyon Forest charged in a [letter](#) to the editor in the *Montgomery Advertiser*, however, that some information given at the State Board of Missions meeting was false.

Larry Cornwell said board members were misled into believing Baptists had satisfied the homeowners' concerns about hotel windows overlooking their backyards and that the association was unreasonable to oppose a four-story hotel on property zoned for two-story buildings.

According to the *Alabama Baptist* report, one board member who owns a home in the subdivision said he thought it would be better for Alabama Baptists to walk away from the deal.

Mickey Castleberry, retired pastor of Ridgecrest Baptist Church in Montgomery, said he had mixed feelings because he voted in 2007 to sell the property. But he said he understands why neighbors wouldn't want strangers in hotel rooms peering down at children playing in backyard swimming pools.

Castleberry said the arrangement would also comprise Alabama Baptists' witness against alcohol use by knowingly selling to a builder seeking to build restaurants that serve alcoholic beverages.

According to archived stories in the *Alabama Baptist*, the state convention in 1986 [purchased](#) just less than 14 acres of land near the intersection of Interstate 85 and Taylor Road for a little more than \$1 million. The

purchase was made with an eye to a future building for the convention's headquarters.

In 2007, Baptist leaders determined the plot was at peak value and costing more than \$17,000 a year in property taxes, so they [decided](#) to sell it. They authorized the purchase of a smaller parcel north of the city along the Interstate 65 corridor — more centrally located in terms of the entire state.

Baptist leaders [said](#) the state convention had no immediate plans to move its headquarters from the current Alabama Baptist Convention State Board of Missions Building at 2001 E. South Boulevard in the southern part of Montgomery, but they were planning ahead for future building needs.

Plans called for using any profit from the sale of the Taylor Road property to pay for a new site, with remaining funds being invested to help fund construction of any future headquarters building.

*-Bob Allen is senior writer for Associated Baptist Press.*