

Edited article published Thursday, January 11, 2007

Bedford's question: a store or not a store Court to decide fate of zoning for Wal-Mart

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If Whitman Ford wins the trial still progressing in Monroe County Circuit Court, a Wal-Mart Supercenter, along with various other restaurants and retail stores, will quickly sprout up alongside a livid residential community. But members of the group fighting Wal-Mart, Bedfordwatch.com, say they think the trial has gone well.

The contested 51 acres on the northwest corner of Sterns Road and Lewis Avenue in Bedford Township was farmland when Paul Whitman bought it in 1973. At that time, the Indian Trails residential subdivision was already a township fixture, having abutted the western side of this parcel since the 1950s. Paul Whitman's son, Jon Whitman, now is the majority shareholder of the Whitman Ford Co., which consists of the 8.49-acre Ford dealership alongside Lewis Avenue, in addition to the 42 acres of undeveloped, largely residential land to the dealership's north, south, and west.

Immediately after Jon Whitman publicly announced his plans to sell his land to Wal-Mart in 2001, several residents of the Indian Trails subdivision formed Bedfordwatch.com to oppose it. Its members have avidly watched the goings-on of the current trial, with many taking detailed notes. "I feel like it's going really well. But it's like your confidence goes through an emotional roller coaster," said Judy Frankowski, a founder of Bedfordwatch.com. She is most anxious, she added, when Whitman Ford attorney Tom Hanson is questioning witnesses. "I get nervous ... and angry," Ms. Frankowski said.

Whitman Ford's first contract with Wal-Mart was ultimately not finalized until June 2002, and Wal-Mart later withdrew in early 2003. Mr. Whitman testified that Wal-Mart never explained why it withdrew. A few months later, Mr. Whitman sent Dennis Rabb, one of Bedfordwatch.com's organizers, a letter offering to sell him, and his group, the 19-acre strip of his land that directly abuts the subdivision. "I was simply trying to let them buy it and let them protect themselves," Mr. Whitman testified last week. "I was simply trying to be neighborly, if that's the word, or kind." Mr. Rabb recently disagreed. "No, obviously I never took the offer seriously. He was offering the land at \$80,000 an acre and there was no way any of us could pay for that," he said. The 2002 contract with Wal-Mart was \$2.65 million for 33 acres, or \$80,000 per acre. The current contract with Wal-Mart is for about 32 acres at \$4.5 million, or about \$140,000 per acre.

This contract is pending Circuit Court Judge Joseph A. Costello's decision in the still-ongoing case between Whitman Ford and Bedford Township. Whitman Ford filed suit against Bedford in 2004 after the township board denied its two requests to rezone its land from residential to commercial. Judge Costello will have to decide whether the township's denials were lawful. Before the trial started last week, Bedfordwatch.com members worried about township attorney David Landry's leanings and wondered if he had the township's best interests in mind. Mr. Landry had recommended that the township settle the Whitman Ford suit out of court. Mr. Landry was hired by Midwest Claims, the adjusting arm for the township's insurance company, Township Participating Plan. Residents questioned whether Mr. Landry was simply pushing a settlement because it would have saved his employer from paying additional court fees and possible damages. But now these residents are rooting for Mr. Landry. At this point, if Mr. Landry does not win this trial, Midwest Claims could lose up to \$1 million, and the township itself would have to foot the bill for any additional damages.

Bedfordwatch.com member Kevin Tracey summed it up. "I think there are always two sides of the story being told in the courtroom." The trial, which was originally scheduled to conclude last Friday, has been extended. Both parties are hoping to wrap things up by the end of this month. "It's taken so long already to come to court that I'm just glad it's going to be decided soon," Mr. Tracey said. Mr. Whitman seconded this statement. "I'm just happy that my side of the story is finally being heard," Mr. Whitman said.

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