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## "Defense For Park Expressway"

Item Type	Editorial
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Publisher	Commercial Appeal
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Download date	2026-03-14 00:07:52
Link to Item	<a href="http://hdl.handle.net/10267/29361">http://hdl.handle.net/10267/29361</a>

# Defense For Park Expressway

By J. ALAN HANOVER

**T**HE PROPOSED Overton Park expressway is now in litigation, and a number of citizens have asked for information on the factual situation as I see it.

As you know, the expressway is not actually severing Overton Park as such. The park as we know it is really composed of two parts. The park proper contains the golf course, playing fields, open air theater, art gallery, pavilion and picnic grounds, and the large wooded area containing about 170 acres. The other portion of the park is the Zoo, which is separated from the other facilities mentioned above by a chain link fence and a nonaccess bus route which goes completely through the area from east to west.

The total acreage which will be needed by the State of Tennessee for the road will be 26 acres. The total area of the park and Zoo is in excess of 342 acres. The 26-acre taking will be immediately south of the Zoo fence line and will cover the area now occupied by the bus route, although it will be considerably wider. Of this area, only about 15 acres contain trees of any kind, so that less than 10 per cent of the present wooded area in the park, as mentioned above, will be affected.

The only facilities within the 26 acres are a portion of two parking lots which are used in conjunction with the Zoo. The Zoo actually has adequate parking without these lots, but the Park Commission has already increased the size of other lots to accommodate this small loss in parking.

In order to lessen the impact of the road on the park, the road will be depressed along the entire 4,000-foot length, with the exception of the area around Lick Creek, a natural spring flowing through the park which drains, in addition to the park, a large residential area to the north. The natural flow of this stream would be affected if the road were depressed any farther at this point. The opponents of the road have suggested various schemes to do so, however, all of which involve complicated mechanical equipment requiring, in some instances, the taking of additional land to accommodate it. The use of this equipment, if it failed, would raise serious safety problems, both to the users of the park and the users of the road, not to mention serious flood damage that could occur in the residential areas to the north.

IT IS EXTREMELY doubtful that the highway traffic would be either seen or heard by most users of the park unless they were within 100 yards or so of the right-of-way. Also, I doubt very seriously that anyone would be able to distinguish noise or "fumes" from users of the highway from those of the thousands of users of the three major thoroughfares now surrounding the park.

In addition to being primarily responsible for the handling of the present litigation for the State of Tennessee, I handled the negotiations with the City of Memphis for the purchase of this right-of-way. These negotiations took place over a period of many months and were carried on primarily between me and Thomas Prewitt, who represented the Memphis Park Commission. Both he and I were extremely careful in this rather delicate situation to see that every possible fact was gathered insofar as the effect of the road upon the park and Zoo was concerned. I know that Mr. Prewitt studied the matter in great depth and had advice, as did I, from all fields, such as real estate appraisers, zoo planners and experts, and the regular staff of the Memphis Park Commission. In addition, I made available to him all the engineering data that had been gathered by the Tennessee Highway Department, as well as all of the data and information from the state's private engineering consultants.

I might add that many changes resulted from the suggestions made by Mr. Prewitt and the Park Commission. One is that the pedestrian overpass at the Zoo entrance on the south side of the park will be designed exclusively by the Memphis Park Commission so as to be certain that it blends in with the present decor and design

of the Zoo; another change has to do with the placement of bridges crossing the expressway in such manner as to permit passenger vehicles through the park on normal park roads in the same way they have always traveled.

As a result of all the above, the state agreed to pay, and did pay, to the city the sum of two million dollars for the 26 acres involved. In addition, the state paid more than \$200,000 to the Memphis Park Commission to be used to cover the cost of increasing the size of the parking lots in other areas mentioned above, for the relocation of utilities such as sewer lines and electrical lines, and to move the above-mentioned pavilion. As you know, this pavilion is a wooden, open air structure and is used in conjunction with the picnic grounds. Although it is not within the 26 acres being taken, the Park Commission felt it was probably too close to the expressway and, therefore, it wishes to demolish it and rebuild another some few hundred feet south. The \$200,000 figure was arrived at by simply accepting the figures compiled by the Park Commission as being an amount it felt would be needed to correct these items.

PRIOR TO THE completion of the negotiations, the City of Memphis passed Ordinance 408. This ordinance states:

"In the event any lands under the control and jurisdiction of the Memphis Park Commission are sold, taken through proceedings in eminent domain, transferred to another department of the city, or otherwise converted from use as parklands, the Memphis Park Commission shall be paid the fair market value of the lands involved, together with such incidental damages as are allowed by law, and such funds shall be used by the Memphis Park Commission for the purchase of additional parklands and for no other purpose."

As a result of this ordinance, the aforementioned two-million-dollar payment must be used for the purchase of additional parklands in the City of Memphis. The city, at the present time, has about 4,700 acres of parks. One million dollars of this fund has been expended for the purchase of a 160-acre park in the southeast portion of the city. In addition to this, the Park Commission has already approved plans for 26 additional park sites. A few will be additions to the existing parks, which the Park Commission apparently feels are too small, but the majority will be new sites. The Park Commission intends to use the one million dollars already received, plus an additional one million dollars it expects to receive from HUD. The total acreage of these parks will be 279.35 acres. If my calculations are correct, this will mean an additional 439.35 acres of parks for the loss of 26 acres. I might also say that if my knowledge of the city's finances is correct, I rather doubt that, without this money, it would have been possible to purchase any of these parklands. I should also point out that, in my opinion, Memphis was blessed with an abundance of parks in the first place.

Although the exact sites of some of these parks are undetermined (and the Park Commission hesitates to reveal those sites which it has decided upon because negotiations with property owners would be substantially affected if this were done), I have been able to learn general locations which I have plotted on a large map of the city. It is my opinion that the general locations chosen by the Park Commission are, on the whole, excellent choices, and are in every type of neighborhood — rich, poor, black, white. I can see no basis for any claim of discrimination or unfairness in any respect. A number of sites are in outlying districts which are as yet undeveloped. The obvious purpose of this is the long-range planning, so that as the city increases in size, the Park Commission will already have parks available for the citizens moving into these areas.

I FEEL I have great familiarity with the park. I lived across the street from it a good part of my childhood, and have spent considerable time enjoying its facilities throughout the years. I have examined the site most closely and can find no real basis to believe that the park will be substantially affected. The Zoo is already expanding in another direction, as it was designed to do, and will actually be able to serve many more persons from greater distances because of the road. There is no facility in the park, or activity now carried on in the park, which will be hampered in any way.

Legislation such as the Parklands Statute is good for the country as a whole; but I do not think it was intended to disrupt the existing project which had been planned for more than 15 years before the passage of the act, especially where a major part of the road is already completed and millions of dollars would be wasted if it were not completed. This does not take into account the fact that more than 2,000 persons have been uprooted from their homes already. Any other route would disrupt even more people than this and would destroy aesthetic features of the city, which are certainly as important as the 26 acres involved here.



J. Alan Hanover, a Memphis attorney who has represented the proposition that Overton Park provides the best alternative route for an East-West expressway, has been queried by interested Memphians about the history of the case. This is his response.

*Is he really this glib? Childish! "Fumes" that are next day... has no odor or color*

*Resisted the opinion on the creek!*