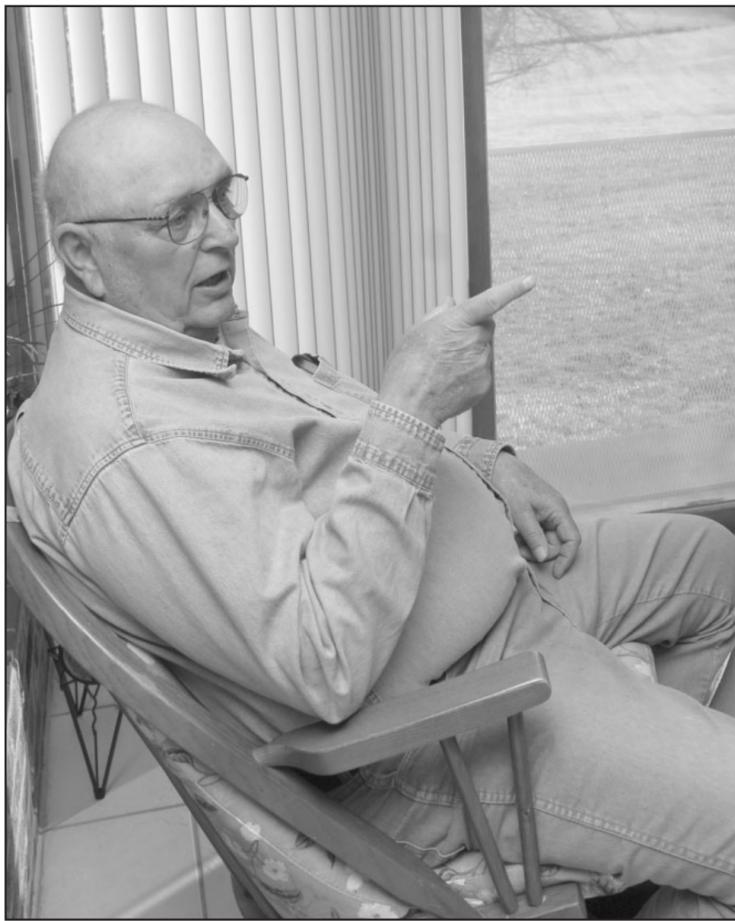


# Property owner protests city trail plans



Mayank Dhungana/Index

Wesley and his wife Wanda Sparks adamantly refused to allow the city to lay a trail through their backyard. The city will pursue an alternative route.

## The city will save \$7,000 with the alternative route, which runs along Baltimore street

BY ANDREA HEWITT  
Staff Reporter

Plans to build a trail through flood land have been trampled by a local property owner.

John Buckwalter, director of Public Works, has been promoting a trail that would run along Steer Creek to connect Rotary Park and the Steer Creek trail.

"We coordinated with MODOT and got permission to do this, but I guess I would call it reluctant permission," Buckwalter said. "We sent a letter and contacted the property owners and asked them initially if they would be willing to donate the easement in exchange for what we perceived to be an improvement to their property. Whether they agree with us or not is entirely up to them."

This project affected five property owners, Buckwalter said. The city had an easement from one of the owners, an oral agreement with another and two that were still in the negotiation process. But one property owner was adamant about not letting the city into his backyard.

Wesley and Wanda Sparks own 500 feet of the property where the trail would have gone — approximately one-third of the land needed for the project, Buckwalter said.

"Mr. Sparks made it known that he didn't want a trail there," Buckwalter said. "He certainly didn't want to donate the property for the easement. So we didn't proceed to the next step which would be to negotiate a price and offer."

The city then had three options: pursue condemnation, look for an alternate route or abandon this part of the project, Buckwalter said. After the meeting with City Council, arrangements were made to pursue an alternative plan.

"Instead of running along the creek, we'll probably put a sidewalk on both sides of

Baltimore from Overbrook to New Street," Buckwalter said. "So, if you're on the Steer Creek trail and you want to get over to Baltimore, you can come through Bellwood subdivision and come over to the sidewalk at Overbrook and walk up the sidewalk to New Street where there is a crossing."

This new route will cost approximately \$7,000 less than the original plan, and it won't be affected by harsh weather, he said.

"The old one was going to pass under the street through a culvert, a big round drainage section," City Councilmember Todd Kuhns said. "That means we would have to get lights to light the culvert at night which are waterproof so if there is a flood and water rises to the top, the lights don't go out. We'd have to post signage for people to stay out of there in case of a flood or if a flood is pending."

The new route also will save an undefined amount of money on maintenance issues the original trail would demand, he said.

Wesley Sparks wasn't at the City Council meeting but his opinions were taken into consideration, Kuhns said.

"I've gone through this with [the city] before — they wanted to deepen the ditch out, and I said alright," Wesley Sparks said. "I asked if they could caterpillar it and slope it. They wouldn't do it — they dug it straight up and down. Now the ditch curves back and forth — instead of 10 feet wide, it's 30 feet wide. I don't like that."

The Sparks had many concerns associated with constructing a 500-foot trail on their property.

Wanda Sparks was worried about the privacy issues associated with anyone walking through their backyard whenever they liked and the trash build-up associated with increased foot traffic.

The Sparks were also concerned with the liability issues of children being back there.

"Consider this: Some kid is walking down there and falls in the ditch — it's our property," Wesley Sparks said. "That didn't make us feel too good either. You rest assured we'd have to get liability insurance."

# Local men cleared of rape charges after months in prison

BY SARAH SCOTT  
Staff Reporter

Cell phone records cleared two area men of rape charges Monday, Feb. 24.

Tim Rogers and Glen Johnson, both from Kirksville, were jailed for eight months on charges of forcible rape and forcible sodomy. The charges against them were dropped after the cell phone records of the supposed victim showed that she was sending text messages during the time she said the crime occurred.

District Defender Kevin Locke, who represented Tim Rogers, said the case was set for trial on Feb. 24. He said the state dismissed all the charges

against Rogers the day before the trial because the alleged victim withdrew all her charges.

"I believe the reason she withdrew her charges was because we had obtained cell phone records, her own cell phone records, that showed that she was lying about what she claimed happened," Locke said.

The alleged victim claimed that on the night of the rape, she met up with Johnson by communicating through text messages, Locke said.

He said the accuser's story is that she met the two men at the Ayerco on the north side of Kirksville, where she said she got into Johnson's truck to discover Rogers and another man

hiding in the back. She said they took her to a secluded area to commit the crime, Locke said. The alleged victim claimed that after the rape, she was dropped back off at the Ayerco, Locke said.

Locke said that when they finally received her cell phone records, they showed no texts between her and Johnson that night.

"More importantly, it showed that during the time period that she was claiming all this was happening and had claimed that her hands were being held ... she was texting away," Locke said.

He said it was even more significant that one of the people she was texting at this time was Tim Rogers.

"There were an awful lot of holes in her story," Locke said. "Her story was very inconsistent."

Locke said there also was no lab report backing her up and no eye-witnesses.

"It was a classic he said, she said kind of thing," Locke said.

Locke said that despite all the inconsistencies, he thinks the case would have gone to trial.

"It's unfortunate that the trial docket here in Adair County has become so clogged that it took us almost eight months to get this case to trial," Locke said. "It happens a lot that people charged with these kind of serious crimes are not released ...

even though they're presumed to be innocent."

Locke said the woman making the charges met with the Attorney General's office, which handled the case after the cell phone records came to light, and soon after, the charges were dropped.

Ed Campbell, the attorney representing Glen Johnson, said the alleged rape victim claimed the events occurred June 29 and that Johnson was arrested July 1. Campbell said there was a third man who was originally arrested, but then released, and charges were never filed.

Johnson was kept in the Adair County Jail from July 1 until the charges were dropped on Monday, Campbell said.

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