

# The Capital

## Work on athletic fields to continue at Smith Farm

By EARL KELLY, Staff Writer

Work will continue today on athletic fields on a Broadneck Peninsula farm after a judge rejected a claim the land be used solely as an equestrian center.

County Circuit Court Judge Joseph P. Manck concluded at the end of a two-hour emergency hearing yesterday that the 1998 contract of sale was clear in its terms and allowed the county to have both equestrian and general recreation facilities on the former Smith Farm.

Crews started work Wednesday on the \$2 million project to install a ballfield and a multipurpose field off College Parkway.

Attorney Cary J. Hansel, who filed the petition yesterday afternoon for Elizabeth Gleaves, widow of Andy Smith, for whom the equestrian facility is named, said yesterday's setback was only temporary.

"This is the first skirmish in the war," he said after the hearing. "We are prepared for a long war."

Mr. Hansel argued the 1998 contract Mrs. Gleaves signed limits use of the 12-acre parcel to equestrian uses.

"(A)s a material part of the consideration of this Agreement, (the county) intends to use the said property as and for recreation purposes and as an equestrian center and park ... (and to name it) The Andy Smith Equestrian Center and Park," Mr. Hansel quoted from the agreement.

"It is an equestrian park and equestrian recreation" facility, he argued.

Senior Assistant County Attorney Andrew J. Murray countered that "The contract

says what it says," an argument with which Judge Manck agreed.

Former county executive John Gary Jr. had promised Mrs. Gleaves in 1998 that if she sold the county the property for \$500,000, it would be used solely for an equestrian center.

The judge threw out his affidavit to that effect, saying the contract said all terms between the parties were expressed in the written agreement.

Mr. Gary did not appear at the hearing and efforts to reach him last night were unsuccessful.

Area residents have fought the proposed recreation fields for several years, prompting Mary L. Windsor, Mr. Smith's sister, to write a letter in late 2001 that supported using the land for broader citizen recreation.

"My brother, Andy Smith, was deceased before the property was sold," she wrote. "At no time did he ever express that he personally wanted an equestrian center on his farm."

Protesters gathered at the site Wednesday and again yesterday in an effort to block bulldozers from starting work.

Resident Vicki O'Hara, who was in court, said building the fields on the site leaves only about 6 acres for the equestrian center, an area too small to board more than about half-a-dozen horses.

She said she has a son who plays soccer, but suitable fields could be built more cheaply only 2 miles away at the abandoned Nike site in Arnold.

Diane Rey of We Hold Officials Accountable, formed to fight the ballfields' construction, called the conflict a needless "debacle." She noted that Gov. Robert L. Ehrlich Jr. has said the state would help pay for the fields if they were built at the Nike site.

Dennis Callahan, county recreation and parks director, said the athletic fields would not impinge on the equestrian center.

"Every place there is a fence, every place there is a barn, there will still be a fence, and there will still be a barn," he said.

While the court denied the emergency petition to stop work, a more detailed hearing, to be scheduled Monday, will be held next week.

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