



WALMARTWATCH

From: Mike Mullis [jmmullis@jmmullis.com]
Sent: Sunday, May 07, 2006 2:11 PM
To: [REDACTED]
Subject: Wal-Mart Distribution Center Project; Putnam County

Putnam County and the Putnam County Chamber have been advised by our firm that the widening of the r.o.w. (or) easement for Clifton Road is necessary, for a certain distance from Rt. 27 east on Clifton Road in order to accommodate a new Clay Electric line, and a widened pavement of Clifton Road, for this planned project's utility and road access needs. The following property parcels, and related approximate acreages (with said acreages to be re-verified) are as follows:

212A-1.81ac.
212B-0.45ac.
208-1.08ac.
210-1.00ac.
214-0.95ac.
216-2.27ac.
220-2.29ac.

Our firm, which is the representative for Wal-Mart on this project, has talked with several local agencies relative to the projected market values for these aforementioned property parcels; and we have authorized Ben Bates' agency to make the following one time offers for these property parcels which we feel are at least twice the market values:

212A.
212B.
208.
210.
214.
216.
218.

we cannot and will not increase any of the aforementioned offers; and these offers will remain in effect until this Thursday, May 11, at 5:00pm(edt).

In the event any of these owners would prefer to provide the needed additional r.o.w. (or) easement (about 40 ft.) on their respective property parcels vs: the sell of their parcels, our firm would ask the County to work with those owners to obtain the necessary r.o.w. (or) easement documents.

For those property parcel owners who make the decision to sell their parcels to our firm, we would propose a 6-month option, with a \$1,000 deposit to be held in escrow, with said deposits to apply to each purchase price. Property parcel closings would occur 30 days after our firm's notification of intent to exercise the options. All property owners who live on their property parcels would be allowed to remain there fo up to 12 months after our firm closed on the properties. All transactions would be subject to clear title reviews, with no liens of any types.

In the event any of these property parcel owners are not willing to either sell, or to provide the needed r.o.w. (or) easement, our firm will ask the County to proceed with the necessary legal actions to secure those properties from the property owners to accommodate the public purpose needs to serve the planned project's utility and road requirements.

Thank you; and our firm awaits the responses from the property owners.
Mike Mullis

Sent via Cingular Xpress Mail with Blackberry



WALMARTWATCH

11 May 2006

Mr. Mike Mullis
J. M. Mullis, Inc.
3753 Tyndale Drive; Suite 101
Memphis, TN 38125
(901) 753-0373 (P)
(901) 753-7487 (F)
jmmullis@jmmullis.com

Dear Mr. Mullis:

I am in receipt of your offer for purchase on behalf of Wal-Mart Corporation the following property parcel:

PROPERTY PARCEL NUMBER:

While your offer is generous and appreciated, I believe Wal-Mart's property acquisition attempt is premature. A variety of legislative and legal actions are pending which could affect any Wal-Mart Distribution Center Project in Putnum County.

Until completion of all legislative and legal actions surrounding this controversial project are complete, any further contacts from your firm or from Coldwell Banker would be inappropriate and would be considered a threatening action and will be treated as such with the appropriate authorities and public.

I appreciate your respect in this matter. Thank you.

Owner

Name and Address

cc:

Coldwell Banker Ben Bates, Inc.

3400 Crill Avenue

Suite 1

Palatka, FL 32177

Phone (386)328-6716

Fax (386)328-0551

VOLUSIA & CENTRAL FLORIDA THE AREA IN BRIEF

Wal-Mart apologizes for threat

May 17, 2006

PUTNAM COUNTY -- Wal-Mart officials said Tuesday that they are apologizing to homeowners in Putnam County who received a letter from a company representative that threatened the use of eminent domain if they did not sell their property to the company.

For several months, Wal-Mart has faced opposition to a planned 800,000-square-foot distribution center just over the Volusia County line. Last week, after several residents complained about the letters, a Wal-Mart spokesman said that the company had no plans to ask Putnam County to use eminent domain to obtain properties. He also said he did not know why the consultant had mentioned the possibility in the letter.

On Tuesday, Keith Morris, the Wal-Mart spokesman, said that after reviewing the letter, company officials decided it was "overly aggressive and did not reflect the company's position." Morris said it was Wal-Mart's fault for not reviewing the letter prior to it being distributed to a half-dozen property owners on Clifton Road.

Morris said the company is deciding whether it wants to cut off its relationship with the consultants who sent the letter. The company wants the land to widen a road that will serve the center and put in a utility line.

Elaine Aradillas, Henry Pierson Curtis, Etan Horowitz and Bob Shaw of the Sentinel staff contributed to this report.

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Giant Wal-Mart to rural landowners: Sell or else

Retailer cites eminent domain in its bid to build a massive distribution center

By Etan Horowitz
Orlando Sentinel

May 12, 2006, 9:28 AM EDT

The world's largest retailer, battling to build a huge new distribution center in Putnam County, is threatening a handful of rural residents that they may have their land taken if they don't agree to sell it to the company.

Representatives of Wal-Mart have told the landowners they will ask Putnam County to use its powers of eminent domain if the families won't sell. The retailer needs about a half-dozen parcels to widen a road that would provide access to a proposed 800,000-square-foot distribution center just over the Volusia County line -- a project Volusia officials have gone to court to block.

A letter to the landowners gave them until 5 p.m. Thursday to agree to a deal with the company.

The deadline came on the same day that Gov. Jeb Bush signed into law a bill curbing local governments' use of eminent domain to benefit private businesses. But the bill, which was in response to a U.S. Supreme Court decision that allowed a Connecticut city to condemn an entire coastal neighborhood for a developer, does not apply in this case because the road is public, said a legal expert who helped craft the legislation.

Wal-Mart's plan to build the massive distribution center -- nearly the size of the 952,000-square-foot Oviedo Marketplace -- has been opposed by several residents groups as well as Volusia County because of concerns about the traffic the center would create, its impact on the environment and whether it is compatible with the rural area. Although the center would not be open to shoppers, trucks would crowd U.S. Highway 17, opponents say.

The latest effort by Wal-Mart to keep the center on track drew immediate criticism from some residents and raised concerns even with officials who support the project.

Putnam County Administrator Rick Leary said the county hasn't agreed to use its powers of eminent domain for Wal-Mart.

"Some people might think these individuals [the Wal-Mart representatives] are agents of the county, and they aren't," Leary said. "We haven't talked about using eminent domain, and it hasn't been anything the county has practiced."

Wal-Mart said it needs to buy about seven lots to widen Clifton Road in Crescent City and install a utility line.

John Williams, 61, a retired corrections officer who owns a mobile home on the road, said he doesn't

want to sell the land he worked for years to buy. But he fears he might not have a choice.

"They are the big bear, and there's nothing we can do about it," Williams said. "The big bear comes in and takes whatever they want."

Keith Morris, a Wal-Mart spokesman, said that despite the letter from the consultant, the company does not plan to ask the county to use eminent domain to acquire the properties.

Morris said he did not know why the consultant had written that the properties might be acquired through eminent domain.

"It sounds like there is a miscommunication somewhere along the way," he said. "We have instructed a consultant to negotiate on our behalf [for the right of way], but beyond that, we have not given any instructions to say that if that doesn't work out, we should look at eminent domain. I can't tell you why they wrote that."

Mike Mullis, the consultant who wrote the letter, would not answer questions about the possible use of eminent domain.

Residents were given letters offering them \$1,000 for the right to buy their property at prices Mullis claimed were twice the market value. But the letters went on to warn what could happen if they don't agree to the deal:

"In the event any of these property parcel owners are not willing to either sell, or to provide the needed r.o.w. [right of way] . . . our firm will ask the County to proceed with the necessary legal actions to secure those properties from the property owners to accommodate the public purpose needs to serve the planned project's utility and road requirements."

"One or two people are scared to death," said Michael Woodward, an attorney representing some of the Putnam residents opposing the Wal-Mart. "They think if they don't give Wal-Mart what they want, they will get sued and will get kicked out on the street. It can be pretty scary when somebody comes to your door and starts telling you they represent the biggest corporation in America, and they have the county backing them, and you better get in line."

Although the new state law does not apply to this case, it's still unclear whether Putnam would be able to use its powers of condemnation, said Andrew Brigham, a Jacksonville attorney who helped write the new state legislation.

"I would say this is a jump ball," Brigham said.

Traditionally, eminent domain has been used to take private property needed for public improvements such as roads, schools and public buildings.

But although the road would be open to the public, lawyers could argue that the improvements mainly benefit Wal-Mart, Brigham said.

"There is an argument there for the owners if it could be shown that the widening of the road predominately favored Wal-Mart and that the public purpose is incidental," he said.

Volusia County Council member Dwight Lewis, who represents the part of Volusia closest to the planned Wal-Mart site, is disturbed by the possibility of using eminent domain to make way for the distribution center.

"They may say it is for public purpose to widen the road, but it is for the purpose of allowing the largest and richest corporation on the planet to come into the neighborhood and disrupt the neighborhood," Lewis said. "That's a misuse of eminent domain."

Putnam officials have hailed the center as a godsend, saying it would bring high-paying jobs to the area, which has a high unemployment rate and low income levels.

Even Williams, one of the homeowners, said the Wal-Mart center would be good for Putnam. He just doesn't want to give up his home for it.

"I don't have the money to fight them," said Williams, who lives in a five-bedroom, triple-wide trailer with his wife and sister-in-law.

He said Wal-Mart offered him \$150,000 to sell, but he told representatives he's not selling and threw one of their letters in the trash.

"If they will let me keep part of the land, I will do that. But I don't know if they can do that or not."

Etan Horowitz can be reached at ehorowitz@orlandosentinel.com or 386-851-7915.

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