

Haymarket proceeds to raze grocery

By MARIA HEGSTAD

mhegstad@potomacnews.com

The Haymarket Town Council decided Monday to raze two condemned buildings on town property. The only problem is the displaced business owner who was leasing one of the buildings, the Haymarket Grocery.

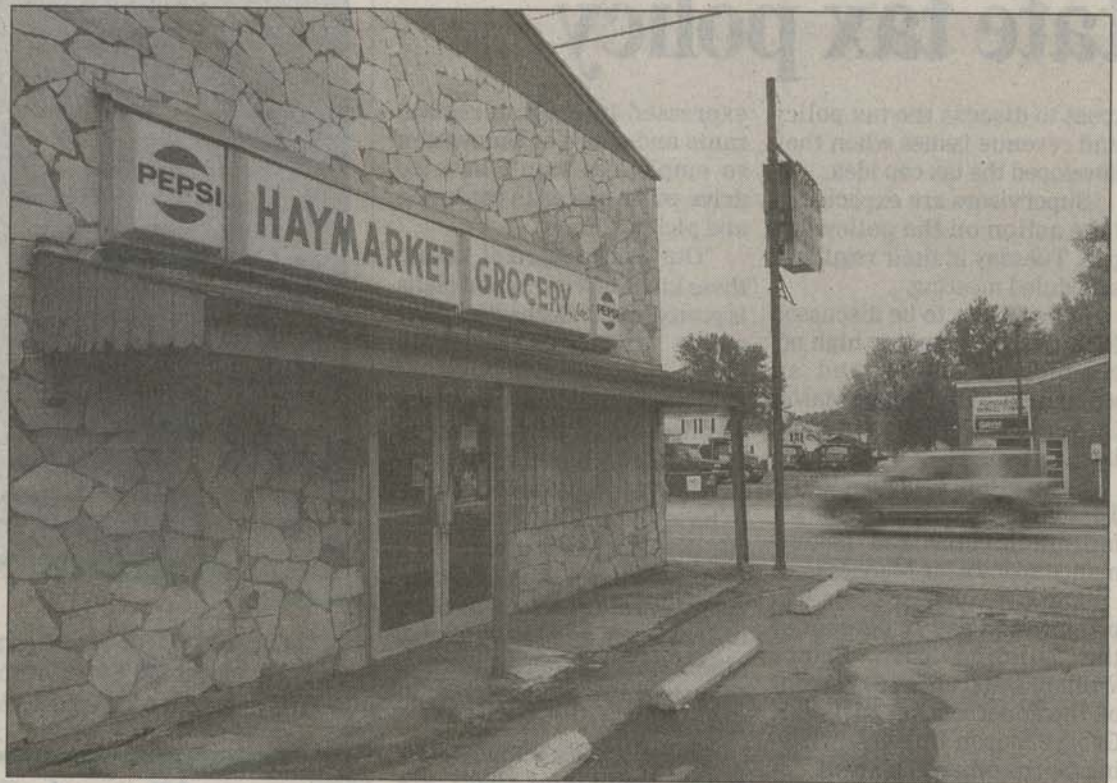
Wednesday, the Virginia Supreme Court heard John K. Jinn's petition to appeal a Prince William Circuit Court judge's decision that Jinn's lease had been properly terminated. Jinn claims the condemnation was a pretext to end his 10-year lease because the town wanted to sell the property.

"It seems to me they do it [tear down the building] at their own risk," Jinn's attorney Daniel O'Connell said in a phone interview Thursday. "If the Supreme Court takes the appeal and reverses it, they're gonna owe Mr. Jinn a lot of money."

The town claims it had the building evaluated by three different building inspectors, all of whom condemned the building. At last week's council meeting, Haymarket Mayor David P. Taylor and Councilman Bob Weir said the buildings are dangerous and should be torn down as soon as possible.

"The town asked if they could raze it, and I said, 'yes, definitely,'" said Timothy Purnell, who represented the town in the grocery dispute. "I feel bad about what happened to Mr. Jinn, but I don't think [his appeal has merit.]"

In his \$5 million lawsuit, Jinn claimed that the town leased the Haymarket Grocery building to him with the intent of collecting rent from him until a buyer could be found for the property without informing Jinn of this intent. As part of



Peter Cihelka/News & Messenger

The former Haymarket Grocery building may be the target of a demolition ball in the near future.

the lawsuit, O'Connell filed a lis pendens that froze sale negotiations between the town and Manassas businessman Creston Owen, who was considering developing the property.

In turn, the town sued Jinn for selling the business and subleasing the property to Rye Sung Lee. The town claimed the sublease was a breach of the May 2000 lease between Jinn and the town. In February, Prince William Circuit Court Judge Richard B. Potter ruled that the town didn't violate Jinn's lease when it terminated the lease and condemned the property.

Purnell said Jinn's appeal to the Supreme Court was based entirely on facts that weren't the facts proven in the Prince William trial. The Virginia Supreme Court does not have to consider Jinn's appeal. O'Connell said the court will decide within the next few weeks if they will hear the case.

Taylor said he has already received one \$24,000 bid to raze the grocery building and the other condemned building on town center property, the gray house on Jefferson Street. Taylor suggested tearing down the buildings and seeding grass, so it would at least look better while the town decided what to do with the property.

Councilwoman Natasha Sikorsky expressed concerns with that plan, saying that town residents have asked for green space, and they shouldn't get it and then have it taken away from them. In a phone interview Friday, Sikorsky said if money were no object, she would like to save and restore the grey house on Jefferson Street. It is one of Haymarket's oldest structures, Sikorsky said.

But Sikorsky said she's excited about tearing down the grocery store. She said town residents have asked for green

space, and she hopes the council opts to create a permanent park of some kind.

Destroying the buildings will take time. Beyond choosing a bidder, the town has also decided to follow its own demolition procedures and acquire a permit to do so.

Though Town Attorney John Bennett told the council that as the government they didn't have to follow their own procedures, Sikorsky decried such action.

"We don't follow our own procedures? As a citizen I find that horrible," Sikorsky protested at the council meeting. "I think we should put us through the torture we put everyone else through."

Taylor directed the town clerk to prepare the demolition permits.

Staff writer Maria Hegstad can be reached at (703) 369-6594.