

How Do You 'House' This SC Park?

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Most of you don't go to bed one night and wake up the next morning in a park.

It didn't happen quite that quickly for a group of residents at Carmelita Cottages on Main Street in Santa Cruz, but the property on which their houses lie could be destined to become a park.

The story began 21 years ago when Lottie Sly, a resident of Santa Cruz for almost her entire life, died and left her estate to churches, schools, friends and the City of Santa Cruz.

According to her will, she awarded Abra Budworth, a friend of hers, a life interest in the Carmelita Cottages, a cluster of six homes and gardens just off Main Street between Second and Third streets. But when Mrs. Budworth died, the property was to go to the city "for the purpose of maintaining a public park to be cleared and landscaped, making it a restful place for the public to enjoy."

Mrs. Budworth died in early June, and now the question arises: will the city don a top hat and swallow-tailed coat and boot the residents out into the middle of the area's housing

shortage?

Or will it go against the wishes of Mrs. Sly who donated her land over 20 years ago for the enjoyment of the public.

The city parks and recreation department staff has recommended to the city council that it accept the deed to the land. The matter will be before the council at its next regular meeting. The staff will also recommend a study to be completed over possible options the city has with the land.

The whole affair has a set of interesting legal questions attached to it, and it has landed in the lap of Don Haile, associate city attorney.

He pointed out that the will states that if the city accepts the land, it must clear the structures.

He added, however, that the city might have some options over what to do with the property. "Any kind of a trust is subject to modification by court order," he pointed out.

For example, the city could petition for a "modification" of the gift. Or, and he stressed the word "possibly," the city could "possibly either keep the dwellings on the property or sell the property for the purchase of other park land."

He said even though a person



This venerable house, and several cottages behind it, once belonged to Lottie Sly of Santa Cruz and may someday soon belong to the City of Santa Cruz. Mrs. Sly, who died in 1955, donated the land to the city for a park,

but only after the death of her friend, Abra Budworth. Mrs. Budworth died in June, and the city now faces a decision over whether to clear the land for a park.

might give property to the city, the city could decide that the proposed use is wrong.

The city could also "walk in as landlord," he said, which the city has done on other pieces of property from time to time.

In the meantime, before the

city officially accepts the land, Mrs. Budworth's son is acting as temporary custodian of the land, Haile said.

The residents of the cottages currently provide quite a cross-section. There are a handful of young people who live in the

quiet, tree-covered area; there are also old people who have lived at the same location for years. One woman, Mathilda Bachelder, is more than 90 years old.

The main house was constructed about 100 years ago.