

The Daily Telegram

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Jury: ? County must buy house near airport

A jury decided Wednesday the Lenawee County Airport made a house at Lake Madison too dangerous to live in.

BY DENNIS PELHAM
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ADRIAN -- A jury decided Wednesday the Lenawee County Airport made a house at Lake Madison too dangerous to live in.

Attorneys argued that question Wednesday in Lenawee County Circuit Court after aviation experts testified at a trial that began Monday. An attorney for the county argued the expert opinions support a \$50,530 payment for an air easement over the house. The homeowner's lawyer said the experts agreed the house should not be in the path of the airport runway and should be bought and removed.

“Who made the decision to put these houses in the RPZ?” Bagne asked. “The county never answered that question.”

The jury returned a verdict that the county should pay \$470,000 to buy the house owned by David and Barbara Wagley.

The trial was the first of five scheduled this year for claims involving houses located in what is called a runway protection zone at the east end of the airport's runway. After a runway expansion project

in 2005, federal regulations required the obstacle-free zone to be enlarged and the county to purchase additional easements over the houses.

Owners instead demanded the county buy their houses.

The key issue is whether the runway expansion and air easements put the houses in greater danger than before.

While the runway was made longer, it was also shifted 530 feet further away from the Lake Madison houses, said county attorney Gary Strauss of Royal Oak.

“That's the whole case, safety from being in a runway protection zone,” Strauss said. The runway was moved away from the houses “to make the airport safer,” he said. “How do they deny this reality?”

All of the risks and dangers mentioned by experts for the homeowners existed before the runway project, he said. The wider easements had little effect on property value, he said.

“The value of the house has really not

changed considerably at all,” Strauss argued.

Attorney Stephon Bagne of Southfield argued that experts agreed houses should not be in a runway protection zone.

“Houses in the RPZ are dangerous to the occupants. This is a fact you have to believe,” he told jurors. Bagne argued the county was at



Stephon B. Bagne

fault for the houses being built near the end of the runway.

“Who made the decision to put these houses in the RPZ?” Bagne asked. “The county never answered that question.”

Bagne said it was “circular logic” for Strauss to argue the houses were already in the RPZ when additional air easements were taken in a 2005 eminent domain action.

“Mr. Bagne said it's a theory we concocted,” Strauss responded. “It's a cold fact. There's no question about it. It's called reality.”

Stephon B. Bagne's expertise in representing property owners in condemnation cases is widely recognized. Stephon has represented all types of property owners in a variety of situations including vacant and improved property, partial and total takings, easement and fee acquisitions, involving commercial and residential properties. Stephon has successfully challenged the necessity of takings and negotiated less onerous acquisitions in partial taking matters. He regularly speaks and writes about eminent domain and other real estate law issues for a variety of professional organizations. Contact him at: sbagne@clarkhill.com or 313-965-8897

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