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## Lake Madison homeowners seek county airport's closure

A judge is being asked to order the closing of the Lenawee County Airport or the shortening of its runway in a lawsuit filed last month by four Lake Madison home owners.

The homeowners are seeking court injunctions limiting use of the airport while their claims are pending for Lenawee County to purchase their property, as happened with five other homes involved in an eminent domain case stemming from a 2005 runway extension.

County commissioners voted 7-2 Wednesday to appropriate \$50,000 into a special fund for the airport to defend against the lawsuit. Insurance companies have so far denied coverage for the complaint, said county administrator Martin Marshall.

The lawsuit was filed by the same attorneys who represented five homeowners who succeeded in demanding the purchase of their entire property after easements were acquired by eminent domain for airspace above their houses. The owners claimed the easements created a danger and destroyed the value of their property.

The easements were obtained to keep trees and other objects from protruding into a runway protection zone, or RPZ, that was enlarged when the airport runway was extended to 5,000 feet in 2005.

Attorneys Stephon Bogne of Detroit and Bruce Benz of Ann Arbor are making similar claims on behalf of the owners of four houses on Madison Lake Court. They are Bruce and Sue Goldsen, Ronald and Patrice Schuller, Richard and Cindy Roth, and James and Christine VanEtten.



PHOTO/ TELEGRAM PHOTO BY LAD STRAYER LENCONNECT\_COM

An airplane is seen Saturday flying over a house in the Madison Lake neighborhood that is part of the current lawsuit against the Lenawee County Airport.

The suit claims their homes are within an enlarged RPZ at the northeast end of the airport runway, although no airspace easements were purchased from them in 2005.

The longer runway “invites larger, faster, lower-flying aircraft” to use the airport, according to the suit. And airport development plans call for the acquisition of easements above their homes in the future. The suit claims those facts make the four houses “unmarketable” and destroy any practical value of the property.

They are asking visiting Judge William Collette of Ingham County to order that 1,000 feet of the runway closest to their homes not be used, or that the airport be closed until their lawsuit is decided.

There is no need to close or alter operation of the airport, and no need to acquire the homeowners’ property, said an answer filed June 5 on behalf of the county by attorney Boris Yakima of Bloomfield Hills.

He acknowledged there may be some acquisition of easements at some point in the future, but it would only be speculation to say when.

Yakima also denied the airport has made the Lake Madison homes unmarketable.

The Roths purchased their home in 2007, he stated, while it was within the current RPZ. And the VanEtten house is not within the RPZ, he stated. Also, the Lenawee County Airport zoning ordinance enacted in 1980 gave notice that the land where the houses were later built is in an airport hazard zone, he stated. The ordinance warned anyone establishing a residence there “shall do so at their own risk.”

He also claimed the homeowners failed to include the Federal Aviation Administration and Michigan Department of Transportation as parties in the suit.