

DEAL OVER LAND NEAR LUKE FAILING

Owners fear properties may be condemned

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In March 2004, \$27.3 million was appropriated to the U.S. Air Force so it could buy permanent easement rights to property near Luke Air Force Base's runways.

Now, landowners say they fear the government is preparing to condemn their land instead, because they have been unable to agree on the price and allowable uses of the land within the proposed easement area.

The federal money was set aside to buy easement rights to 2,100 acres flanking the base's southern and northern ends.

Michael Briggs, a spokesman with Air Education and Training Command at Randolph Air Force Base in Texas, acknowledged that negotiations with the landowners have not gone well, and that there could be some condemnations "as a last resort."

"We're hoping to avoid those," he said.

Briggs said that the Army Corps of Engineers, which is handling purchases for the Air Force, sent out offers for the land, and landowners sent back counteroffers.

"Based on our timeline and schedule, the Corps of Engineers has gotten to the point (where) we need to have the funds committed and go from there," Briggs said. "The funds that are allocated have to be committed and used within a certain time period."

The federal allocation was supposed to help preserve Luke from residential encroachment, which poses a threat to the base, by building a buffer with the easements. The state was working to stave off any attempts by the 2005 Base Realignment and Closure Commission to close Luke, which generates about \$1.6 billion a year for the state.

Most of the federal allotment, \$21.3 million, was designated to buy permanent easement rights for 1,800 acres owned by about 50 landowners closest to Luke's runways. The easements would allow landowners to farm the land, while protecting it from development.

About \$3 million bought 273 acres around a munitions storage area south of Luke. An additional \$3 million was used by the Air Force to expand the base to encompass the munitions area.

Now, 2 1/2 years after the appropriation, some of the land- owners say the easement agreements the government has offered would render their land useless because of onerous restrictions.

"They notified me and said they had assessed my property, and they made an offer," said Stan Ashby, who owns about 130 acres in the easement zone. "The offer was ridiculously low."

Leyton Woolf, who owns about 50 acres in the zone, said he has been in negotiations for a couple of years.

"We are at an impasse," Woolf said. "There are multiple issues here."

Both Woolf and Ashby say they are asking more for their land than the Corps is offering because of restrictions, such as those that prohibit irrigation, dust, grain crops, and allow the base commander to clear-cut their land.

"They literally take all our property rights away," Ashby said of the restrictions. "We had our attorney write up a new easement that would allow us to farm, and we made a counteroffer using realistic prices. They said they weren't authorized to negotiate that, and they made a second offer just as ridiculous as the first."

Ashby said he understands the needs of the federal government, but with those types of restrictions on the land, he said the government is "taking all of our ownership rights away."

Woolf thinks the government ought to just buy the land outright, since the restrictions will render it useless.

"We proposed that they purchase the property," Woolf said. "They turned us down."