



Thursday, May 07, 2009

Community focused. Community driven. Making a difference every day.

Search Archives: Enter Keywords Sort by ---- Go

HOME NEWS SPORTS OPINION ACCENT OBITS ENTERTAINMENT MULTIMEDIA CLASSIFIEDS YELLOW PAGES CALENDAR MDN SITES SERVICES

Local News

Print | E-mail | Comment (No comments posted.) | Rate | Text Size

MBS pays \$1.23 million in land settlement

By Cheryl Wade of the Daily News cwade@mdn.net

Published: Thursday, May 7, 2009 11:57 AM EDT

MBS International Airport will pay \$1.23 million to settle a land dispute with a Freeland man whose land the airport wants for its new passenger terminal project.

The case between Ronald Krauss and the airport went to trial for two days last week, but the trial was cut short when the two sides reached agreement. The settlement was recorded in Saginaw County Circuit Court Tuesday morning after the MBS International Airport Commission agreed to it in a closed session Monday. The \$1.23 million includes money for the land as well as attorney and witness fees.

MBS had 114 of Ronald Krauss's approximately 155 acres condemned in a procedure that a public entity may use to take property when it's needed for a public improvement. MBS is owned by the cities of Midland and Saginaw and by Bay County, and all three governments approved the condemnation. The case centered around whether Krauss's land eventually could be used for some future development or whether the land would be likely to remain farmland and woods.

Under the settlement, Krauss will have temporary access to part of his former land -- now MBS property -- so he may build a driveway to a cabin he plans to build on about 41 acres that remain to him. As part of the condemnation, MBS took the land on which Krauss's house sat, and Krauss has moved into a condo near the Tittabawassee River, said his attorney, Alan Ackerman.

"It's good to get this part of the process behind us," said Airport Manager Jeffrey Nagel. "I'm excited to keep it moving forward."

The suit has not affected plans to build the new \$48.3 million terminal, he added.

For Ackerman, a key factor in the case came when he discovered a nearby land parcel that was zoned for commercial use and that sold for about \$7,000 an acre. Although MBS attorney Boris Yakima said the settlement reflects a lump sum of the land's value and the fees, that would put the value of the 114 acres at \$798,000. But unlike Krauss's property, the land -- near the intersection of Garfield and Freeland roads -- had water and sewer service available. Ackerman said Krauss's land, too, would have had water and sewer if MBS officials had not been eyeing it.

"If the airport hadn't had its eyes on it, we would have been the best industrial piece in the community, right next to the airport," he said.

But a county planner who was a witness at the trial said she did not think demand existed for Krauss's land to be developed for industrial use, Yakima countered.

Yakima said the settlement ended with MBS paying "more than we feel the property was worth and more than we wanted to pay. But we certainly understand that the jury could have come up with a number of as much as \$3 million. ... Are we satisfied with the settlement? Sure."

Yakima said he believes either side, if it had been hammered in the case, would have appealed, and that probably would have prolonged the case by two to three years.

Midland, MI



MIDLAND RESORT AND CONVENTION CENTER

Top Jobs

Construction Financial Manager

A1 Customer Service Representative

Training for new employment

More Top Jobs

2009 Summer Events: April 18 - Great Lakes Loons' Pennant Race, May 16 - Parade Your Pet Pageant, June 13 - Midland Highland Festival, June 20-21 - Summer Solstice Stroll, July 9-11 - Main Street Marketplace Sidewalk Sales, August 6 - Rock the Tridge/Battle of the Bands. Also includes The Artists Market and Tunes by the Tridge.

"In the end, I think Mr. Krauss was treated fairly," Ackerman said. "But for the judicial process and the fairness of judges and juries, this would never have happened."

Nagel said much of the \$1.23 million already has been paid and will be reimbursed through the Airport Improvement Program. That's a federal program that pays 95 percent of certain airport costs, with the state and local shares each set at 2.5 percent. MBS will pay the balance and will submit an application for that amount to the Federal Aviation Administration.

[« Previous Article](#)

[Local impact of state trooper cutback awaited](#)

[Next Article »](#)

[Seniors get a healthy start at the Salvation Army](#)

### Article Rating

Current Rating: 0 of 0 votes!

Rate File:

### Reader Comments

The following are comments from the readers. In no way do they represent the view of ourmidland.com.

### Submit a Comment

We encourage your feedback and dialog, but please keep all comments respectful as comments are not reviewed by our staff before appearing on the Web site. If you find any comments that do not meet our "Terms of Use" please click on the "Report Abuse" link below the comment. All comments are limited to 300 words.

Name:

Email:

Comments:

Current Word Count:

Image Verification: (Case sensitive)




Post Comment

Return to: [Local News](#) < | [Home](#) < | [Top of Page](#) ^



#### Sections

- Homepage
- News
- Obituaries
- Sports
- Opinion
- Accent
- Entertainment
- Classifieds

#### AP Wire Headlines

- AP US Headlines
- AP Weather
- AP Strange
- AP Politics
- AP Finance & Business
- AP Entertainment
- AP Health & Science
- AP Sports

#### Online Features

- Calendar
- e-Edition
- Guestbook
- Health
- Online Photo Gallery
- Community Photos
- Features

- Blogs
- Verge
- Pets of the Week
- Visuals

#### Services

- About Us
- Advertise with Us
- Contact Us
- Make us your Home Page
- Online Forms
- E-mail Updates
- Subscriber Services
- Print Archives
- NIE
- NIE e-edition



RSS Feeds - RSS is a format set up for sharing content on the Web. The following sections are available as RSS feeds:

- News
- Police & Courts
- Accent
- Obituaries
- Comments
- Editorials
- Letters
- Sports
- Engagements
- Weddings

Copyright © 2009 Midland Daily News Send feedback to [info@mdn.net](mailto:info@mdn.net). All rights reserved. View the Midland Daily News' [Privacy Policy](#) and [Terms of Use](#). | This material may not be broadcast, published, rewritten or redistributed without written permission.