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# GT County seeks to condemn property

## *Plan would pave way for septage plant*

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TRAVERSE CITY - Grand Traverse County wants to condemn property it owns in an effort to overcome a lawsuit over a planned septage treatment plant.

The condemnation is intended to relieve the septage plant site in Garfield Township from condominium restrictions, said Chris Buday, director of the county public works department.

Last month six neighboring property owners in the Hammond Industrial Centre filed suit against the county Board of Public Works. The suit alleged the plant would violate deed restrictions and condominium bylaws of the Hammond Industrial Centre, as well as Garfield Township zoning.

The \$6.5 million septage plant is intended to process waste pumped out of county septic tanks into a class A biosolid to be sold as mulch.

A government usually condemns property as a way to build a road or for economic development, said attorney David Pierson, chairman of the State Bar of Michigan zoning and land use committee.

"But to condemn property in order to extinguish the rights of others, that's extraordinary," Pierson said.

Pierson said the condemnation in effect will compensate property owners for any loss of property values because they have lost their ability to restrict that property's use.

On Monday the board directed Buday to hire an appraiser to determine a good faith offer to purchase the other owners' interest in the deed restrictions.

The board will review the numbers and vote on making the offers when it meets again on June 1.

If an offer is rejected, the county will file a complaint in circuit court to condemn the owners' interest in the deed restrictions.

Pierson said the owners would have a difficult time defeating the project. The county can take the property now and settle the compensation issue later.

"It's very clever but it is also very straightforward," Pierson said. "I admire their approach in coming right at the effect it is going to have on the other properties."

Pierson said it would also seem to be an effective way to address the condominium issue in the lawsuit relatively quickly.

The County has already sold the revenue bonds to construct the plant and needs the revenue from the plant to make payments on the bonds.

**Lawrence LaSusa**, attorney for the plaintiffs, declined to comment on the county's maneuver.