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Land condemnation ahead

Officials plan to take a Lauxmont parcel where a developer has started work.

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York County commissioners intend to condemn a former parcel of Lauxmont Farms, known as "Highpoint," as officials move forward with plans for a Lower Windsor Township park.

Peter Alecxih Jr., president of Greystone Construction in Manor Township, Lancaster County, bought the 74-acre property for \$1.75 million from the Kohr family two years ago. He plans to build slightly more than 50 homes there.

The Kohrs, who own Lauxmont Farms, declared bankruptcy in the late 1980s. They have been selling off parcels and proposing housing developments on part of their property to help settle their debts.

President Commissioner Lori Mitrick said Monday morning that the commissioners will advertise their intention to take Highpoint by eminent domain. They are expected to vote on the issue April 7.

"The reason that we feel that we have to move on it so quickly is because they have started moving ground, and each day that we wait would be a waste of time for the developer and more costly to the county," Mitrick said after the meeting.

The move came only three days after commissioners listened to a presentation on the Susquehanna Riverlands Preservation Project.

It calls for turning most of Lauxmont Farms and some adjoining lands into a park that would include a visitors center, a Native American heritage site and preserved farmland, which would be returned to active production.

The estimated cost: \$15 to \$20 million for land acquisition and initial facility development.

Possible funding sources include \$8 million from the governor, federal sources, grants and private fund raising. The county has about \$3.5 million in a landfill trust account, which is to be used for preservation. Those sources would be used for the eminent domain.

Some federal and state legislators as well as local officials have given their support to the project. They cited saving the farm for future generations.

County officials said they tried to negotiate with Alecxih, but he was not interested.

Mark Platts, president of the Lancaster-York Heritage Region and brother of U.S. Rep. Todd Platts, R-York County, said backers of the park did have some positive discussions with Alecxih, but "he ultimately decided he wanted to go ahead with the development." Alecxih's decision came before an offer could be made.

Alecxih declined to comment Monday. He said he plans to make a statement at the commissioners' meeting Wednesday.

When asked whether the county would go through negotiations or exercise eminent domain on Lauxmont Farms, Mitrick said: "We move one step at a time. Do we have a long-range plan? Yes. But also the Kohrs at the meeting on Friday indicated numerous times that they are more than willing to be cooperative with the county, and I would hope that that's how we could move forward with them."

Ron Kohr, the owner of Lauxmont Farms, declined to comment Monday. The family told commissioners Friday

that they had been selling off some of the land so that they could keep the rest of it. They are looking for a cooperative agreement that would allow them to keep their homestead.

Eminent domain is the power a government can invoke to take private property for public use. The owners must be given fair market value for their property.

Marc Needles, a partner at Fox Rothschild LLP in Philadelphia, has been involved in government land acquisition for airports and other projects.

Needles questions the intent of the officials. Is their aim to create a park or stop development?

If it is the latter, that isn't kosher, Needles said. That has become a battleground for other communities who have sought to do similar things.

Mark Platts, though, said that talk about preserving and opening this farm to the public started before the Kohrs submitted land development plans for township approval. Township officials turned down most of those plans.

In addition, officials wouldn't have attracted the attention of state officials just to stop a development project, he said.

Commissioner Steve Chronister said it would have been nicer if Alecxih wouldn't have touched the ground yet, but it can be put back in place now. It's tough when sewer lines, roads and retention ponds, let alone houses, go in.

Mitrick said the county can't get an injunction to stop the development.

"It'd be quite a place to live, but it needs to be saved," Chronister said. "This is one, even as a developer, I think needs to be saved."