

## Government to condemn land for Flight 93 memorial

By DAN NEPHIN, Associated Press Writer  
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One man inherited property that his grandfather bought during the Depression. A Lutheran pastor owns a cottage where he planned to retire with his wife. Two others own businesses.

But they and other property owners in rural southwestern Pennsylvania knew things would change in the aftermath of United Flight 93's crash on Sept. 11, 2001, which killed 40 passengers and crew and four terrorist hijackers. Plans were soon in the works for a memorial to honor the victims. Property owners say they realized that and were willing to cooperate and help make it happen.

But now that the government intends to take their land by eminent domain so the Flight 93 memorial can be built by the 10th anniversary of the terrorist attacks, property owners say they're disappointed and surprised by the plan.

They also disputed that negotiations have taken place and said they've either not been made offers, or were only provided offers within the past week.

The park service "apologized about the way it's come together, but what's sad is they had all these years to put this together and they haven't," said Randall Musser, who owns about 62 acres that the park service wants to acquire.

"They haven't ever really gotten officially started with negotiations," he said Thursday. Appraisers were just at his land on Tuesday.

Musser served on the committee that helped establish the park's boundaries and said landowners were promised in 2002 that eminent domain would not be used.

While landowner Tim Lambert knew that eminent domain, or condemnation, was a possibility, he thought it was unlikely and that the park service and a victim's family group working to acquire land wanted to buy larger parcels before dealing with owners of smaller properties.

"It's absolutely a surprise. I'm shocked by it. I'm disappointed by it," said Lambert, who owns nearly 164 acres that his grandfather bought in the 1930s. The park service plans to condemn two parcels totaling about five acres — land he said he had always intended to donate for the memorial.

"To the best of my knowledge and my lawyer, absolutely no negotiations have taken place with the park service where we've sat down and discussed this," Lambert said.



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Lambert said he had mainly dealt with the Families of Flight 93 and said he's provided the group all the information it's asked for, including an appraisal.

Larry Hoover, a Lutheran pastor who owns two parcels, including one that has a cottage where he and his wife planned to retire to, said a number of appraisals had been done, "but I've never sat down with the park service and done any negotiations.

"I can't say that we have ever got to the place where we've had a figure on the table," he said Thursday. It's been about three years since he's talked with the park service and about a year since he talked to the family group, he said.

The park service defended its plans.

"We had a group of people who took some very heroic actions. It's just fitting and right that we get this done in time for the 10th anniversary," said spokesman Phil Sheridan.

The park service had teamed up with the Families of Flight 93 to work with landowners since before 2005 to acquire the land. "But with few exceptions, these negotiations have been unsuccessful," the park service said in a statement.

Sheridan said he did not want to characterize any individual landowner as unwilling to negotiate, but, "Basically, at this point, we have not been able to acquire all the land we need," he said.

Even with willing sellers, Sheridan said title questions, liens and other claims can arise that would have to be worked out and could delay the project.

The seven property owners own about 500 acres still needed for what will ultimately be a \$58 million, 2,200-acre permanent memorial and national park at the crash site near Shanksville, about 60 miles southeast of Pittsburgh.

Patrick White, vice president of the families' group, said: "The families continue to support dedication of the permanent memorial by the 10th anniversary and that we are equally committed to working within the process with those landowners who are willing to sell."

"The thing to appreciate about the Fifth Amendment of the Constitution is that it provides for just compensation," he said.

The next step will be for the U.S. Justice Department to file a complaint in federal court. A court would have to decide the matter and would set a value on the land.

Condemnation is rarely used. The last time the park service used it, Sheridan said, was to acquire a tower at the Gettysburg battlefield. The tower was demolished to return the battlefield to the way it looked in 1863.

In February, government officials and representatives of the 33 passengers and seven crew members killed when the plane crashed on Sept. 11, 2001, pledged to dedicate a memorial on the site by the 10th anniversary.

United Flight 93 was traveling from Newark, N.J., to San Francisco when it was diverted by hijackers with the likely goal of crashing it into the White House or Capitol. The official 9/11 Commission report said the hijackers crashed the plane as passengers tried to wrest control of the cockpit.

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On the Net:

**Flight 93 National Memorial:** [www.nps.gov/flni](http://www.nps.gov/flni)

<http://sfgate.com/cgi-bin/article.cgi?f=/n/a/2009/05/07/national/a034820D18.DTL>

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