



## Community Representation

Kaplan Kirsch & Rockwell has a national reputation for assisting local governments and community organizations that are affected by airport operations. Because of our unique experience in representing both airport proprietors and local governments who play host to airports, we possess an essential balance and objectivity in providing counsel on controversial airport-related issues. As a result of our representation of local governments affected by airport operations and development, our attorneys have gained insight into the perspectives of all sides in contentious airport development debates, which is of great value to airport and non-airport clients alike.

We represent clients in many of the most important and complex airport development projects in the country, litigating numerous airport expansion cases, negotiating precedent-setting noise regulations and land use mitigation arrangements, and drafting economic development agreements between airports and their host communities. We successfully negotiate settlement agreements, intergovernmental agreements, and other arrangements that bring certainty and permanence to the relationship between airports and their neighbors. These deals have led to some of the most important airport capacity projects in the nation.

### Representative Cases

*Minnesota ex rel. City of Minneapolis v. Minneapolis Airports Commission* (Minn. Dist. Ct. 2007) (represented City of Minneapolis in challenge under Minnesota Environmental Rights Act to sound insulation program at Minneapolis-St. Paul International Airport; secured settlement providing for sound insulation for 10,000 homes)

*City of Burbank v. Burbank-Glendale-Pasadena Airport Auth.*, 113 Cal.App.4th 465 (Cal. Ct. App. 2003) (represented City of Burbank in prosecuting a challenge to citizen-sponsored initiative on airport development); *City of Burbank v. Burbank-Glendale-Pasadena Airport Auth.*, 72 Cal.App.4th 366 (Cal. Ct. App. 1999) (represented City of Burbank in defense of authority under state law to review acquisition of property for airport expansion); *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 64 Cal.App.4th 1217 (Cal. Ct. App. 1998) (represented City of Burbank in defense of transient parking tax)

*City of Bridgeton v. F.A.A.*, 212 F.3d 448 (8th Cir. 2000) (represented local government in challenge to EIS for new runways through city parks)

*City of Des Moines v. Puget Sound Regional Council*, 988 P.2d 27 (Wash. Ct. App. 1999) (represented coalition of local governments in challenge to land use approval for new runway project)

*Conservation Law Foundation, Inc. v. Busey*, 79 F.3d 1250 (1st Cir. 1996) (represented local government in Clean Air Act challenge to military base conversion)

*City of Cleveland v. City of Brook Park*, 659 N.E.2d 342 (Ohio Ct. App. 1995) (represented City of Brook Park in defense of property acquisition adjacent to airport)

*City of Cleveland, Ohio v. City of Brook Park, Ohio*, 893 F.Supp. 742 (N.D. Ohio 1995) (represented City of Brook Park in defense of zoning regulations controlling airport expansion)

*City of Irving v. Dallas/Fort Worth Int'l Airport Bd.*, 894 S.W.2d 456 (Tex. App. 1995) (represented municipalities in challenge to zoning applicable to airports)

*City of Grapevine, Tex. v. Dep't of Transp.*, 17 F.3d 1502 (D.C. Cir. 1994) (represented municipality in challenge to EIS for airport expansion)



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*Dallas/Fort Worth Int'l Airport Bd. v. City of Irving, Texas*, 854 S.W.2d 161 (Tex. App. 1993) (represented municipalities in challenge to zoning for airport project)

### Representative Matters

- Assisted a small Ohio suburb in negotiation of a comprehensive set of agreements that allowed expansion of a major hub airport, development of an adjacent convention and trade center, and economic development to benefit both the suburb and the adjacent large city.
- Coordinated legal strategy for the negotiation of intergovernmental agreements that paved the way for development of the first major new commercial service airport in the United States in almost a generation.
- Provided comprehensive strategy for the host local government and coordinated multiple administrative, state court, federal court, and appellate lawsuits over the development, expansion, and operation of a large commercial service airport in California. This representation included not only litigation but also the negotiation, over a period of more than 20 years, of a series of intergovernmental development agreements that provided certainty to both the airport proprietor and the neighboring residential communities.
- Coordinated strategy to ensure that environmental impacts of a proposed new runway complex at a Midwestern hub airport adequately considered community impacts and then represented the host local government in litigation over the adequacy of the environmental review.
- Assisted a coalition of local governments in the Pacific Northwest in developing and implementing a comprehensive strategy to ensure that a proposed major airport expansion adequately considered community impacts and compensated affected neighborhoods.
- Provided representation through a land use compatibility planning process to ensure that burgeoning residential communities adjacent to a major Midwestern hub airport would receive appropriate mitigation in connection with planned expansion of the hub airline's traffic.