

Military Base Closure and Redevelopment

Military base closure and redevelopment, and federal property disposition generally, involve a multi-step process with complex legal issues, including environmental cleanup, risk management, property transfer, land use planning, zoning, public finance, environmental review, and the regulation of subsequent uses such as commercial airports and residential developments. We have successfully represented clients on each of these aspects of the redevelopment process.

Kaplan Kirsch & Rockwell's work on active, former, and transitioning military installations is a natural extension of the Firm's other practice areas. Our attorneys have many years of experience in land use, transportation, and environmental matters that readily is applied to military bases. We apply the same strategic, result-oriented approach to all of our project development efforts. Our project experience also makes us comfortable operating within a politically charged environment like base closure.

Some of the greatest legal challenges in base closure and redevelopment involve land use planning, entitlements, environmental remediation, and the negotiation of agreements with master developers, builders, and others responsible for redevelopment. Because of our experience, we have been able to help private entities, local governments, and communities convert development plans into legally and financially sound redevelopment projects.

We also have been actively involved in the transition of military airfields to commercial use for both passenger service and air cargo. We represented several clients in the environmental review that must precede airfield conversion and in the application of federal aviation law to the new commercial enterprise. This transition process is exceedingly complicated since, like many other aspects of redevelopment, it involves the application of an entirely new set of legal requirements and standards.

Representative Experience

- Represent the local redevelopment authority in negotiating the cleanup and terms of conveyance of the former Pueblo Army Chemical Depot near Pueblo, Colorado.
- Represent the local redevelopment authority in negotiating the close out of privatization agreements for environmental remediation of the former Lowry Airforce Base in Denver, Colorado.
- Represented a community in the Northeast attempting to consolidate its commercial airport with a former military airfield. The Firm previously represented the proprietor of a major hub airport incorporate the assets of a former air reserve center into the airport.
- Represented both the owners and prospective owners of former military airfields, as well as communities surrounding these installations, to help ensure that the impacts of a commercial airport are addressed adequately.
- Assisted a Northeastern community in promoting the adoption of limits on the operation of a former military airfield that now serves as a successful commercial airport.
- Represented the master developer of a proposed bioscience park at the former Fitzsimons Army Medical Center in Aurora, Colorado.
- Represented the redeveloper of a site owned by the Colorado State Land Board encompassing a portion of the former Lowry Range and the former Lowry Training Annex.
- Advised a recycling company in negotiation of a contract to recycle runway material as part of the redevelopment of the former El Toro United States Marine Corps Air Station located near Irvine, California.
- Advised the Tustin Unified School District with regard to property disposition options for funding school construction at the former Marine Corps Air Station Tustin.



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- Represented a municipality negotiating a federal land exchange.

One of the Firm's partners also has been intimately involved in the base redevelopment process as a member of the board of the Lowry Redevelopment Authority. Lowry is one of the most successful redevelopment projects in the country, and the redevelopment authority achieved this success by skillfully navigating the many challenges facing former military installations.