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FOR IMMEDIATE RELEASE-

Terry Goddard Wins Lawsuit to Protect Luke AFB from Encroachment

(Phoenix, Ariz. — Feb. 10, 2009) Maricopa County must comply with state law and stop issuing residential building permits within the high noise and accident potential zones surrounding Luke Air Force Base (Luke AFB), according to a ruling today by Maricopa County Superior Court Judge Edward Burke.

The ruling, which found in favor of the State on all claims, also:

- Upheld the constitutionality of a 2004 state law (A.R.S. 28-8481) that requires local governments to adopt general land use plans that assure development is compatible with the high noise and accident potential zones surrounding Arizona military facilities.
- Concurred with the State's position that this requirement is a valid exercise of the Legislature's power to protect public health and safety, does not violate landowners' due process rights and does not constitute a "taking" of private property.
- Ordered the county to adopt a general plan in accordance with the law (A.R.S. 28-8481).

"This is a victory for the state, but more importantly for the West Valley communities that depend on Luke and for the dedicated airmen training there," Goddard said of the ruling. "I appreciate the excellent legal analysis done by many in my Office as well as the overwhelming support of West Valley cities and towns in this case."

Goddard also reinforced the importance of protecting the base: "Luke is a \$2 billion recession-proof economic engine. As we speak, top Air Force officials are deciding whether to make Luke the home of the next great fighter jet and extend the base's mission for another 40 to 50 years. I will continue to fight, in court and beyond, to protect Luke and the State's economic interests for as long as it takes."

In August 2008, Goddard filed the lawsuit on behalf the State of Arizona and the Adjutant General of Arizona, asking the Court to require Maricopa County to take steps required by State law to protect Luke Air Force Base, Luke Aux 1 and the Gila Bend Air Force Auxiliary Field from further development. The suit alleged that Maricopa County, by refusing to follow State law, threatened the public health and safety and endangered the economic well-being of the State.

The cities of Glendale, Peoria and Surprise joined as parties in the lawsuit and provided legal briefs in support of the State's position.

Luke AFB is currently a finalist in the Air Force's review to determine which military bases will become primary training facilities for pilots of the F-35, the Air Force fighter scheduled to replace the F-16 in approximately 10 years.

Two months ago, Goddard and Peoria Mayor Bob Barrett met with Michael Donley, Secretary of the U.S. Air Force, General Norton Schwartz, Chief of Staff of the U.S. Air Force, and numerous other top Air Force officials to explain state and local efforts to protect Luke AFB from encroachment and voice support of the base as the future home of the F-35 Joint Strike Fighter.

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