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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,
Plaintiff,

10 v.

11 130 Acres of Land, more or less,
12 Situate in Santa Cruz County, State of
Arizona; and WAMIR, LLC, et al,
13 Defendants.

CIVIL NO. 4:08-cv-00041

COMPLAINT IN CONDEMNATION

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15 1. This is an action of a civil nature brought by the United States of America at the
16 request of the Secretary of the Department of Homeland Security, through the Acting
17 Executive Director, Asset Management, of U.S. Customs and Border Protection, for the
18 taking of property, under the power of eminent domain through a Declaration of Taking, and
19 for the determination and award of just compensation to the owners and parties in interest.
20 The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
21 § 1358.

22 2. The authority for the taking of the land is under and in accordance with the
23 authorities set forth in Schedule "A" attached hereto and made a part hereof.

24 3. The public purpose for which said property is taken is set forth in Schedule "B"
25 attached hereto and made a part hereof.

26 4. A general description of the land being taken is set forth in Schedule "C" attached
27 hereto and made a part hereof. A plan showing the property being taken is shown on
28 Schedule "D" attached hereto and made a part hereof.

1 SCHEDULE "A"
2 AUTHORITY FOR THE TAKING

3 The property is taken under and in accordance with the Act of Congress
4 approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C.
5 Section 3114, and the Act of Congress approved August 1, 1888, as
6 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts
7 supplementary thereto and amendatory thereof; the Act of Congress approved
8 September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat.
9 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) &
10 note; and the Act of Congress approved October 4, 2006, as Public Law 109-
11 295, Title II, 120 Stat. 1355, which appropriated the funds which shall be
12 used for the taking.
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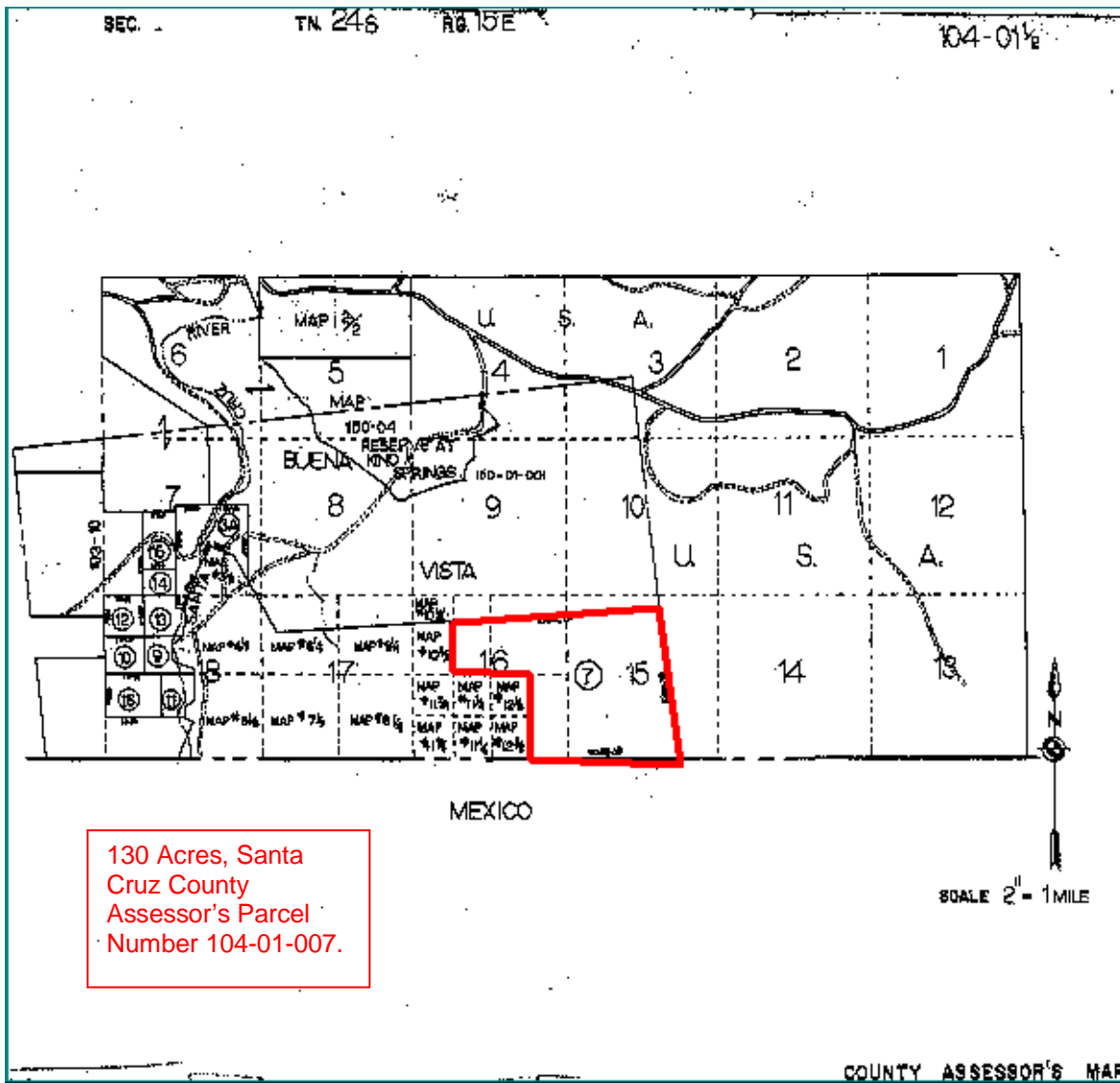
SCHEDULE "B"
PUBLIC PURPOSE

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3 The public purpose for which said property is taken is to conduct
4 surveying, testing, and other investigatory work needed to plan the proposed
5 construction of roads, fencing, vehicle barriers, security lighting, and
6 related structures designed to help secure the United States/Mexico border
7 within the State of Arizona.
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SCHEDULE "C"
LEGAL DESCRIPTION

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3 A tract of land situate in Sections 16 and 17, Township 24S, Range 15E, Gila
4 and Salt River Base and Meridian, County of Santa Cruz, State of Arizona,
5 more particularly described as follows: A portion of PT of S2 Buena Vista
6 Land Grant, DKTS 332/199, 521/20 (TD) 523/827 (B8), Santa Cruz County
7 Records; which is also known as Assessors Parcel Number 104-01-007.
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Containing 130 acres.

SCHEDULE "D"



SCHEDULE "E"
ESTATE TAKEN

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3 The estate taken is a temporary, assignable easement beginning on the
4 date possession is granted to the United States and ending 180 days later,
5 consisting of the right of the United States, its agents, contractors, and
6 assigns to enter in, on, over and across the land described in Schedule "C"
7 to survey, make borings, and conduct other investigatory work for the
8 purposes described in Schedule "B" and to access adjacent lands; including
9 the right to trim or remove any vegetative or structural obstacles that
10 interfere with said work; reserving to the landowners, their successors and
11 assigns all right, title, and privileges as may be used and enjoyed without
12 interfering with or abridging the rights hereby acquired; subject to
13 minerals and rights appurtenant thereto, and to existing easements for
14 public roads and highways, public utilities, railroads and pipelines.
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SCHEDULE "G"
NAMES AND ADDRESSES OF PURPORTED OWNERS:

WAMIR LLC
3 Schooner Court, Trailer A
Nogales, Arizona 85621-9601