

that this land shall be used forever for a particular purpose, a purpose which may not be there forever, which may or may not be there forever, has any research been done, any legal research been done to determine whether that is a proper restraint on the alienation of property and is it possible that if we put this into law, ten years down the line somebody may say this is not a legal restraint and sell it without the covenant in which case our public purpose will have been lost altogether?

SENATOR LANDIS: If I can respond to Senator Beutler, the language was drafted by former Governor Crosby whose knowledge of property law I would trust in this area. I would also say that in the event there was to be any change in the language that we could do it on Select File in this way and that is if the land loses its quality as a virgin prairie certainly our public purpose in keeping that covenant would come to an end and perhaps the covenant then could be, we could write language to allow the defeating of the covenant at that point, but no, it is not my understanding that there is any problem with the covenant running with the land in this kind of a situation based on my conversation with Governor Crosby.

SENATOR BEUTLER: Another problem, let me ask you another question, Senator Landis.

SENATOR LANDIS: Quickly I hope, Senator Beutler.

SENATOR BEUTLER: The...why did you not go the route of appropriating the money to the University of Nebraska or whoever you might want to hold this land and allow them to do it in that manner so that the cost of it is borne by the people in the state as a whole if the public purpose is to preserve the virgin prairie as opposed to allowing the Lincoln Airport Authority to handle it in this manner and in a sense, sell the property for a reduced price the expense of which then is borne by those who pay the taxes for the Airport Authority?

SENATOR LANDIS: In the first place the land was purchased... or from the federal government at a very reduced price. It has a tremendous development cost and if we went to the University we would buy it at its development rate and we would be paying an exorbitant amount of money to then use it as a virgin prairie and the Lincoln Airport Authority I might finally add, is not unamenable to the idea of selling the land. However, they do not want to violate the principle of selling a public asset at a fair market value. So, number one, the land was received at a minimal rate and, number two,