

**By MICHAEL HAGERTY**  
**Staff Writer**

LAKE ATHENS — Lake Athens landowners Steve and Diana Dann are suing the Athens Municipal Water Authority seeking between \$125,000 to \$140,000 in damages, the value they say their real estate lost after the AMWA refused them access to a lakefront dock the Danns built.

The AMWA owns some 30 acres around the rim of the lake — land directly between the Danns' home and the waterfront. In 2005 the Danns got a permit to build and access a permanent boat dock at the site. The AMWA revoked that permit and wants to sell a section of the land for development, cutting off the Danns from their dock.

For Steve Dann a lawsuit was the next logical step in more than a year of disputes.

"This is not just an emotional issue for us," he said. "We've poured our lives and savings into this."

Dann said he and his wife spent more than \$25,000 to build the dock complete with a boathouse and a boatlift. However, he claims the value his land lost was even greater. When the couple purchased the land in 2001 as an eventual place to retire, they specifically looked for lakefront property.

"All we're going to end up with is rural property," he said. "If you look at the law and the way the law is written I think we have a very good case."

AMWA Executive Director Damon Douglas called the lawsuit meritless, citing the legal principle of sovereign immunity, which prevents governments from being sued in their own courts except in situations specifically allowed by statutory law.

Dann said he would be willing to drop the lawsuit if the AMWA would grant him an easement allowing him to cross a 100-foot strip of the property and access his dock.

However, Douglas said the AMWA declined to offer such an easement because it would lessen the potential value of the land and discourage possible buyers. The land could be sold to a developer and used for new single-family dwellings, he said.

"Whatever the land's worth, if it has an easement — his easement would affect the marketability of our land," Douglas said. "That's because somebody else would have property rights to it."

In the past Dann had also offered to buy a half-acre of the land, but the AMWA declined such an offer, citing Texas law that prohibits governing bodies from selling land within a certain distance from the water level. The land the AMWA wants to sell sits between that off-limits zone and the Danns' property.

Douglas said even a simple easement would be tantamount to a sale and accused the Danns of not caring about the future water needs of the city of Athens, whose water supply comes from the lake.

"The lake is to provide water for the citizens of Athens, Texas," he said. "It's not to provide Mr. Dann or anyone else with a boathouse."

A potential sale would also cut off Jimmy Green from his boat dock. Green, who resides in Sherman, owns 6.25 acres two doors down from the Danns but is not planning to sue.

"I might have plans, but I don't have the money," he said. "That's going to cost thousands and thousands of dollars and with no guarantee that we'd win."

Green's late mother owned the property before him, and she worked to save her money to build the dock. Green said he still hopes to receive some form of restitution for its value in order to honor his mother's memory. With legal action out of the question financially, he said he hopes media coverage of his situation will help his cause.

"Having what's right on our side, that's our defense," he said.