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Calif. youth center wins eminent domain battle

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SAN DIEGO -- A California judge has ruled in favor of a youth center in its fight against a San Diego suburb that wanted to seize the property.

The ruling has potentially far-reaching implications for how cities and redevelopment agencies can designate an area as blighted, allowing them to move businesses and residents by power of eminent domain.

San Diego Superior Court Judge Steven Denton on Thursday invalidated National City's 2007 renewal of its redevelopment plan, which had given the city eminent-domain authority over an area that encompassed 692 properties.

The ruling was the result of a suit by Community Youth Athletic Center, which runs a youth boxing gym. The gym's attorneys argued that with the 2007 plan the city abused its eminent domain powers, designating the area as blighted without providing proper documentation of blight, and didn't allow enough time for opponents to object.

National City wanted to make way for a 24-story, mixed-use condominium project that has since been derailed.

"Their blight designation was a total sham," said Dana Berliner, an attorney for the Institute for Justice, a nonprofit group based in Arlington, Va., that challenges eminent domain powers and is representing the gym and its owner.

Berliner asserts that National City violated a state law that limits a city's ability to declare blight based on minor conditions such as peeling paint or exposed wiring and requires real evidence and documentation from redevelopment agencies.

"Because most or all of the conditions cited as showing dilapidation or deterioration are minor maintenance issues, the court cannot determine with reasonable certainty the existence or extent of buildings rendered unsafe due to dilapidation or deterioration," Denton wrote in his 50-page ruling.

National City has argued that it provided clear evidence of blight and gave businesses enough time to respond. It says it has tried to find another location for the gym.

A call to the attorney representing the city in the case was not immediately returned.

Mayor Ron Morrison told the San Diego Union-Tribune that the judge refused the plaintiff's request for a declaration that National City violated state law by renewing the power of eminent domain for the illegitimate purpose of economic development.

"The main thing that they were trying to do was make it so cities cannot use eminent domain for economic development. They failed on that," Morrison said.

Clemente Casillas, president of the youth athletic center, said he hopes the city will end the legal battle and focus on helping youngsters in the community.

"The city can have redevelopment, but that has to be done through private negotiations, not by government force," Casillas said.

Another judge dismissed the case in 2008 on grounds that the gym missed a deadline to publish required legal notices inviting opponents to challenge the city. An appeals court reversed that ruling, sending the case back to San Diego Superior Court.

Denton heard arguments in March.