



National City should remove eminent domain from its toolbox

BY JEFF ROWES & DANA BERLINER
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If Gov. Jerry Brown needs a poster child for his laudable effort to abolish redevelopment agencies across the state, he's got one: Mayor Ron Morrison of National City. Last week, in response to a court ruling that National City violated state redevelopment law, the California Public Records Act and the U.S. Constitution, he said: "I know there have been abuses elsewhere, but I would like to see them prove it here."

That is exactly what we just did. After a five-day trial in March, the Community Youth Athletic Center – a nonprofit boxing gym for at-risk youth – emerged victorious in its property-rights challenge after three and one-half years of scorched-earth litigation in which National City did everything possible to prevent the truth from coming out. In the end, National City's authority to use eminent domain to potentially acquire any of 692 specified commercial properties was invalidated. The only thing the CYAC did not win was a secondary claim that the judge ruled was simply premature.

The mayor's statement cannot be written off as clumsy political spin after spending hundreds of thousands of taxpayer dollars to defend his city's blight designation. His insistence that everything is A-OK with National City redevelopment illustrates how abuse has become business as usual, and how local governments simply cannot imagine life without the power and money that blight designations bring.

For National City, and hundreds of cities across California, being in a declared state of blight is the real goal. National City is only nine square miles and has a population of 58,000. Yet it has been under continuous blight designations since the late 1960s, and Morrison thinks the redevelopment agency still has work to do. If a private company had this kind of track record, everyone would be fired, not praised by the boss after getting destroyed in court for violating people's rights.

But no one is getting fired because just being blighted is the whole point. A blight designation allows the government to use eminent domain to transfer private property from one owner, who is almost invariably of modest means, to a politically connected developer. Morrison has apparently forgotten that what sparked this lawsuit – and the Institute for Justice's defense of the Community Youth Athletic Center – was the city's decision to promise the center's private property to a luxury condo developer.

Furthermore, as long as a blight designation is in place, redevelopment agencies also have the power to go millions of dollars into debt to finance projects with favored developers. They also can divert millions of dollars in property tax revenue from necessary government services such as police and fire to capital improvement projects.

Being blighted is so critical to National City that, incredibly, the city and its redevelopment agency are still gearing up to extend their redevelopment plans for another 10 years. If successful, they will be able to hold the club of eminent domain over other properties.

National City should take eminent domain off the table. People should not be forced to sell their hard-earned property

because the government thinks someone richer can do something better with it. Eminent domain is not necessary for prosperity, but respect for people's rights is.

If history is any guide, 50 years from now, a future mayor will be explaining why the 100-year war against blight in National City is, alas, still not won. As today, politicians, bureaucrats, consultants, developers, bankers and everyone else who profit from endless blight will no doubt continue to perpetuate the very social and economic problems they purport to be solving.

It is time to break this dysfunctional cycle. Californians should throw their weight behind the governor's proposal to abolish redevelopment agencies. Until then, the little guys of the world should take heart that not only can you fight City Hall, but also you can knock it out.

Rowes and Berliner are senior attorneys with the Institute for Justice in Arlington, Va., which represents the Community Youth Athletic Center.

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