

EDITORIAL: Eminent domain as ugly government

OUR VIEW: Seizing property for private interests breaks public trust

By the North County Times opinion staff | Posted: Tuesday, November 10, 2009 12:00 am

Vista redevelopment officials and the City Council should listen closely: It is flat-out wrong to even hint at using (let alone to use) eminent domain to grab someone's property, only to give or sell it to another private interest.

If that caution is ignored, in our view, it will break a public trust that is unforgivable.

The circumstances are these: The city would like to redevelop about three acres at Vista Village Drive and West Broadway (this is land on the northwest side of Vista Way, across from the Vista Village Shopping Center), and it has announced it wants to buy the Vista Riviera Motel parcel now owned and occupied by Pankaj Desai and his son. While no deals have been announced, one of the possible "replacements" might be an auto dealer.

Desai, who also lives on the property, has said he's not interested in selling.

That doesn't exactly sit well with city officials, who say they have not given up on negotiating with Desai. But City Council Member Steve Gronke was quoted as saying ominously: "As a council we said we wouldn't displace residents from their homes ... But since this is a commercial establishment, then that policy doesn't hold."

Nearly unfettered power for government to take property from unwilling owners was given a blessing in the 5-4 U.S. Supreme Court decision of *Kelo v. City of New London*, 545 U.S. 469 (2005) ---- a disastrous assault on property rights, we believe ---- and confirmed by the sham protection of Prop. 99 (passed by California voters in 2008). In California, the government can use the eminent domain power to force any commercial property owner to sell for just about any purpose the government wishes. The alleged protection of Prop. 99 was only for "owner-occupied" properties, excluding any kind of protection for businesses or renters (including mobile-home renters, by the way).

The power of eminent domain for essentially private use is one of government's ugly clubs, just like confiscatory taxation ---- and good people shouldn't even think about using it.