

Seaside protesters say no to eminent domain

Seaside petition precedes City Hall vote

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Nearly a dozen protesters met early Saturday in Seaside to gather signatures on a petition expressing opposition to the extension of the use of eminent domain in that city.

Property owner Tim Cunha organized the meeting at the rear of Acme Coffee & Roasting Company just days before an election at City Hall to form a committee to advise the City Council on whether to extend its authority to impose eminent domain.

For the past week, Cunha has been distributing a flyer about the Dec. 18 election and what he believes it will mean to the community.

"I just want the general public, who are going to be impacted by this, to be aware of what's going on. I don't think the majority of them know what is happening," he said. "So really, we are encouraging them to participate in the process."

The first petition signers arrived at 10 a.m. Several grabbed clipboards and copies of the petition and made their way through the neighborhood that would make up the project area affected.

The city got the authority to use eminent domain to

acquire land for development in 1996, when it adopted a redevelopment plan by merging several redevelopment projects. A 2006 state law puts a 12-year limit on the use of eminent domain by city redevelopment agencies, meaning the authority will expire in April 2008 unless an extension is approved by the City Council.

David Henderson, an associate professor of economics at the Naval Postgraduate School, was one of several signers who canvassed the neighborhood with petitions.

"When you look around here you see a community. You see all kinds of mixed uses. They can call it blighted, but they are destroying a community," he said.

Land grabbed by force is usually taken for less than market value, Henderson said.

"There is no market test. The neat thing about when (a person buys property) is that there is a market test," he said. "Do you really value the land? Then prove it. Buy it. Persuade the person to sell it to you."

Local businessman Joe Vierra called the threat to use eminent domain an attack on small businesses.

"This is just another example of big government pushing out people who are trying to grow their own small businesses, do their own redevelopment and improve the neighborhood," he said.

Property owner Lawrence Samuels and his wife Jan Heider said City Hall should let property owners improve their own properties as part of a redevelopment program.

"You see new houses here in Seaside. It seems to be improving really well by letting people do what they

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want to do with their own property. I don't see that the government has to get involved," said Heider.

"Redevelopment is fine," said Samuels. "Just don't use the gun to get what you want."

Eugene Lee, chairman of the Seaside Taxpayers Association, agreed with Samuels.

"I'm not against redevelopment, I'm against eminent domain. This is private property and they are robbing the poor to give to the rich. I thought it was supposed to be the other way around."

City officials have maintained that using eminent domain would be a "last-resort scenario."

"It is in (the city's) best interest that we create a win-win proposition for all concerned, something that would be satisfying financially, emotionally and otherwise for everyone," Assistant City Manager Jill Anderson said in August.

In October, the council approved the election to form the 15-member project area committee to represent the Laguna Grande, Gateway and City Center redevelopment areas, portions of which make up the West Broadway Urban Village project.

That project would encompass 40 acres of primarily privately owned land stretching from Canyon Del Rey and Del Monte boulevards past Fremont Boulevard to the upper Broadway Avenue area.

Cunha will present the petitions to the City Council at its next meeting in January, regardless of the outcome of the election, he said.

"This local government has to be accountable to its people," he said.

If the authority is extended, the advisory committee will remain active for up to three years and will review the progress of proposed developments.

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