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Petition challenging eminent domain filed

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Chula Vista group: Laws are too lax

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CHULA VISTA – A community group has submitted about 14,000 signatures to put a measure on the June ballot that would limit the city's eminent domain authority.

Chula Vistans for Private Property Protection, a group that began its effort in mid-December, filed its ballot petition with the City Clerk's Office on Monday.

The group contends that laws protecting citizens against eminent domain are too lax and heavily favor the government. Eminent domain allows government officials to acquire land to complete a public project or redevelop blighted properties. In recent years, officials across the country have used eminent domain to seize land and sell it to private developers to generate more tax revenue.

The proposed ballot initiative in Chula Vista would require the city to use eminent domain only for a strictly defined public use, such as building a road. The petition also states that if eminent domain is used, the city must keep the acquired property for at least 10 years before selling it.

Deputy City Attorney Elizabeth Hull said the city has acquired one property in the past 10 years using eminent domain. Hull said the city does not use eminent domain to take residential property in a residential zone.

The city's real property manager, Richard Ryals, said since 1995 the city has acquired about 30 properties after it began the eminent domain process. In those cases, the property owners settled on a sale price before the cases went to court.

"In almost all of those cases, we settled (out of court) not because of the threat of attorney's fees, but because we reached an amicable agreement," Ryals said.

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Steve Haskins, a Bonita attorney representing Chula Vistans for Private Property Protection, disagreed. Haskins said the eminent domain process is “inherently unfair” for the land owner.

“If a landowner has to pay attorney's fees and does not have enough money, they are forced to sell,” Haskins said. “They are forced by the pressure of the lawsuit.”

Haskins also said renters or homeowners who live in redevelopment areas or areas zoned mixed-use are not protected from eminent domain.

“There is a rule not to condemn an owner-occupied residential property in an area that is zoned residential,” Haskins said. “But rentals and renters are not protected.”

The city will verify the petition signatures, then send them to the Registrar of Voters. The petition must contain signatures from 9,620 registered voters in Chula Vista to qualify for the June ballot.

For more than a month, signature collectors have stood outside grocery stores and public buildings decrying eminent domain. The group has also sent mailers to residents that read “This Christmas The Grinch Can Steal Your Entire House!”

“Do you want to have your home taken?” asked one signature collector who was standing outside Albertsons on Third Avenue in December. The collector would not give his name. When asked, he said he did not know the city's rules on eminent domain, he refused to say on whose behalf he was collecting signatures and he could not describe how the petition would change city law.

The county Registrar of Voters office will approve or reject the signatures within 30 days of receiving them. City Clerk Susan Bigelow expects to deliver the signatures by Friday.

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