

Wednesday, May 10, 2006

O.C. woman fights to limit land taking

Orange County has seen a flurry of proposals to curb eminent domain use since a U.S. Supreme Court ruling last year.

By JEFF OVERLEY, LAYLAN CONNELLY and CINDY ARORA

The Orange County Register

Pamela Grundke still groans when she talks of being booted from the Imperial Valley farm where she and her husband tended sugar beets, cotton and alfalfa.

The 1983 foreclosure wasn't related to eminent domain, but when the U.S. Supreme Court last year ruled that public agencies can seize homes and hand the land to developers, Grundke's pain came reeling back.

She formed a group, now 600 strong, to protect the property of Laguna Woods Village residents. Last month, she attended a local conference to gather tips for fighting eminent domain.

"I have lost a home before, and I don't want to lose another one," Grundke said.

Eager to allay concerns like those, politicians across Orange County - mimicking a nationwide trend - have unleashed a flurry of proposals to scrub eminent domain from their playbooks.

Six local cities and the county have responded to the high court's ruling in *Kelo v. City of New London*.

In the case, justices for the first time said condemning property for new private development is constitutional because it can create public benefits such as jobs and tax revenue.

Locally, many officials say the practice should only be used for public projects, such as road widenings and water lines.

Moves in Orange County are a microcosm of action at the state and national levels. In California, 11 statehouse bills and two initiatives have been circulated. Forty-seven other states have taken up the issue, and 13 federal bills have been introduced.

"The legislative response has just been unbelievable," said Matt Parlow, a property law expert at Chapman University School of Law.

The idea of seizing property "strikes at the core of the sense of home ownership and property ownership that I think has been central to the American identity," said Brad Joondeph, an associate professor of constitutional law at Santa Clara University.

California law requires an area to be "blighted" before it can be condemned for private interests. But many officials have voted to foreswear the practice even in supposedly run-down locales.

Those vows fly in the face of a rich tradition of eminent domain use - some say abuse - in Orange County.

From Costa Mesa's Triangle Square to downtown Brea, officials have used eminent domain to flush out undesired occupants and welcome ostensibly more lucrative projects.

Those experiences in mind, officials may one day rue their self-imposed limits, Parlow said.

"I think ultimately cities will see they are hamstrung," he said, cautioning that he does not oppose the restrictions. "They could find themselves at the mercy of a lone holdout, where a developer just can't buy because a holdout wants an astronomical amount."

Proponents of the limits take umbrage at such portrayals.

"It's like saying if someone wants all your kids, and you give them all but one, you're a holdout," said Orange County Supervisor Chris

Norby, who has been active in eminent domain issues since 1974, when he fought to keep his parents' home out of a redevelopment area.

Norby is backing a proposed state initiative that would curb eminent domain, as well as a county measure on the June 6 ballot. Such efforts are drawing sighs of relief from locals such as David Russell Ohrn, owner of South Coast Printing in Laguna Niguel.

When the city seven years ago announced plans to revitalize an industrial swath of the town, "I thought they were going to come through here with a bulldozer," said Ohrn, pleased with the city's recent passage of a law limiting eminent domain.

Others, like Grundke, want further restrictions.

Calling her aging neighborhood a rich prize to "would-be developers," Grundke said she plans to attend a national conference in Arlington, Va., to learn more about what can be done to protect what's hers.

"I don't intend on giving up this fight until it's won," she said.

Copyright 2005 The Orange County Register | [Privacy policy](#) | [User agreement](#)