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## Front Page

June 30, 2006

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### Downtown residents fear eminent domain

**By Sylvie Belmond**  
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Despite reassurances from the city, some downtown residents still fear redevelopment, particularly if the plans include using eminent domain to target residential properties. Eminent domain authority enables a government entity to acquire private property even if the owner is unwilling to sell.

Last Friday, about 25 people rallied downtown to protest Moorpark's plans to include residential properties in the redevelopment proposal because it might allow the city to use eminent domain to acquire some homes and existing businesses.

The march also coincided with an important anniversary, said Jillian Clarke, daughter of Cactus Patch owners Luis and Joan Martinez.

The Castle Coalition, a nonprofit organization helping to fight eminent domain abuse, organized the local event to commemorate the first anniversary of Kelo vs. the City of New London. That case arose from the Connecticut city's condemnation of private real estate so that it could be used as part of a comprehensive redevelopment plan and challenged the use of eminent domain to transfer land from one private owner to another to promote economic development.

On June 23, 2005 the U.S. Supreme Court voted 5-4 that the common benefits a community enjoyed from

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economic growth qualified such redevelopment plans as a permissible "public use."

That verdict was criticized by politicians and the public and was commonly seen as benefiting large corporations at the expense of individual property owners.

"Kelo vs. New London allowed laws to change so cities could take private homes for the benefit of developers," Clarke said.

The Castle Coalition is affiliated with The Institute for Justice, which deals with economic liberty, school choice and private property rights. According to its website, the institute is the nation's premier libertarian public interest law firm.

Locally, Clarke founded the Citizens for Redevelopment Reform to give a voice to downtown residents and business people, she said, expressing concern for the businesses on High Street and residents who live on Walnut Canyon Road.

"A lot of older people are going to be put out of their houses, and this isn't the first time that the city wants to take property from these people," Clarke said.

The city wants Walnut Canyon property owners to negotiate with developer SunCal so that more property can be taken away from them for easements. This means the old homes would no longer have the required 20-foot setback from the road, according to Clarke. Easements were taken from these properties once before, in the 1980s.

"They haven't showed us any plans at all, so we're in the dark," Clarke said. "Eminent domain is not supposed to be for the benefit of private

developers, only for public benefit."

Right now, Caesar's Carpet on High Street is threatened by the new city hall project, according to Clarke.

Furthermore, the redevelopment agency has never really offered any loans so people could improve their homes.

"The agency has been in place since 1989 but no one has seen a penny," Clarke said. "I'm hoping to get more awareness because people don't believe the city could take that much property, but it is."

Citizens for Redevelopment Reform obtained a permit from the city for the rally, said David Moe, Moorpark Redevelopment Agency manager.

Earlier, Moe had said that loans would be made available to people and businesses for property upgrades and that the city didn't intend to evict anyone.