

# Long Beach homeowners fight eminent domain law

**Despite city's assurances, residents fear losing properties to development.**

By Karen Robes Meeks Staff Writer

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From left to right, Long Beach residents Yolanda Simmons, Randy McCullar, Lupe and Marilyn Arvizo, Joyce McCullar and Bart Herrera, Long Beach Citizens Against Eminent Domain Abuse. Top right at the rear is former Long Beach Resident Dane Sadd, supporter of LBAEDA. Stephen Carr/ Press-Telegram (Steve Carr / Press-Telegram)

LONG BEACH -- When guests come to his North Long Beach home of 26 years, Lupe Arvizo proudly shows off his artistry.

A plasterer for 54 years, the now-retired Arvizo sweeps a hand toward the faux brick finishes that frame the house front and the

intricate lace patterns that climb the living room walls. The circular art piece hanging from his bedroom ceiling? It mimics the wedding band design etched on the bedspread.

"Every room and hallway and kitchen has been done by my hands," the 78-year-old said.

It's also a home he and wife Marilyn fear the city might take at any time because the home is in an area with eminent domain authority.

The Arvizos and other North Long Beach residents, fearing city takeovers in the future, have formed a coalition to fight what they say is an abuse of the city's legal power to take property for public use in their community.

They are among a number of Long Beach residents whose fears have not been calmed by city assurances that eminent domain is used only in the most extreme of situations.

Long Beach Citizens Against Eminent Domain Abuse, a group of about 100 residents and supporters, has been visiting homes, securing support from other organizations and raising funds for their cause. The group's next town hall meeting is at 7p.m. Thursday at Glad Tidings

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Tabernacle church at 1900 E. South St. in North Long Beach.

"A lot of the people that live in this area are people that are on fixed incomes and retired, like myself," said Bart Herrera, who has lived in his North Long Beach home for more than 20 years. "Their income is not enough for them to go and buy a better house in another area. What are these people going to do? It's not fair."

Fears of eminent domain have been heightened by the \$30million project being considered for the area.

The proposed North Village Center, on a four-block stretch of Atlantic Avenue between 56th and 59th avenues, includes a new mixed-use development, a new library, new facades, streetscape enhancements and several new public parking lots.

"It's already on all four corners," said 10-year North Long Beach resident Randy

McCullar, referring to the white-picket fences circling empty lots. "How much longer is it going to take before they start coming to me? It's not going to be long."

Extension sparks fears

After attending a September meeting where the City Council approved a 12-year extension of eminent domain authority in North Long Beach, a frustrated Marilyn Arvizo reached out to neighbors.

"You don't pass the law unless you intend to use it," she said.

She met Dane Sadd, one of several residents who negotiated with the Long Beach Redevelopment Agency on the acquisition of homes along Lime Avenue for the North Village project. The properties adjoined an adult bookstore and other problem businesses.

Though he agreed on the terms of his property sale without the use of eminent domain, Sadd felt forced to sell the two-bedroom, yellow home he lived in since 1991.

"I have friends in real estate and (they said) under eminent domain, your best bet is to sell, or they just build around you or wind up acquiring the property in court anyway," he said. "It's like you're selling at bayonet-point in a way. You have the illusion of choice, but you really don't have a choice."

After selling his home in 2004, Sadd said he couldn't afford a place in the market. At one

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point, renting in Signal Hill was more expensive than paying his mortgage, he said.

"Prices were much higher than what I paid," he said. "It was not feasible to buy another place."

Sadd also found it difficult to find a place that would accept his rottweiler and had to leave the dog at a friend's house.

Sadd now lives in Westminster, where he rents space in a mobile home park.

Sadd's situation just made Marilyn Arvizo mad.

"I don't want to live under the threat of eminent domain," she said.. "They can choose to take my home....I don't think in any way, shape or form the government should have any right to tell me where I can live."

She reached out to the libertarian Institute for Justice's national grass-roots property rights activism project, The Castle Coalition, which helps home and small-business owners organize.

In February, they formed Long Beach Citizens Against Eminent Domain Abuse. The group will seek an ordinance rescinding the area's redevelopment designation and

eminent domain authority.

"We won't give up without a fight," Marilyn Arvizo said.

City says don't worry

City officials say residents have nothing to fear, insisting that the full use of eminent domain is rare and enacted as a last resort.

"They have nothing to be frightened about," said Victoria Ballesteros, communications officer for the Long Beach Development Services Department, which also includes the Redevelopment Agency. "I believe there's an out-of-state organization that has prompted this fear-mongering. I want to assure the residents that they have nothing to be afraid of."

The agency views eminent domain as a tool for revitalizing neighborhoods and follows a very specific definition of blight dictated by the state, Ballesteros said.

"We can't just arbitrarily go and say, `We don't like how this property owner has painted or not painted their house. We're going to declare that it's blighted and use eminent domain,'" she said. "We can't do that. We're restricted from doing something like that."

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But if the intent is not to use eminent domain, then why extend the authority in the first place?

"Often times, (property owners) don't care because they don't live in the area and they don't feel any reason to work with us," Ballesteros said. "They don't feel any reason to clean up the neighborhood or the area."

The agency has used eminent domain to its full extent - meaning the agency has had to take the property owner to court - four times since 2000, Ballesteros said.

Two of the properties were "crime-ridden" motels: the former Morales Motel at 6101 Atlantic Ave., which had 1,087 incidents from 2004 to 2007, and the motel at 4856 Long Beach Blvd., which had 489 incidents in the same time period. Incidents ranged from assault and burglary to loitering and drug-related offenses.

The former 4 Less Furniture at 5098 Long Beach Blvd. was the lone holdout on a block where the agency also acquired a blighted liquor store and the Waite Motel. The properties were being corralled for a large commercial/residential development.

The other eminent domain case involved a problematic four-plex that later became part

of a project to turn the Grisham Apartment properties into a new, modern affordable housing development.

When he was on the Project Area Committee for North Long Beach, City Councilman Val Lerch said he chaired the sub-committee that sought to exempt family homes from eminent domain.

"We in North Long Beach have never taken a single home under eminent domain," said Lerch, whose 9th District encompasses the northernmost parts of Long Beach. "We took a hotel and liquor store with eminent domain and both of those were problematic. They were drug-infested, one was across from Jordan High School, where numerous, numerous times they sold substances to kids. The other one was what we called a 'no-tell motel,' a bungalow with prostitution and drug activity."

As for homes along Lime, they were sold to the agency voluntarily and not taken by eminent domain, officials said.

"I'm sympathetic to someone who doesn't want to sell their house but at the same time, they do get fair market value," Ballesteros said. "It is a process dictated by state law, and they do receive just compensation. They do receive relocation assistance. There's a

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mechanism in place to assist, to ensure that property owners are treated fairly."

In Sadd's case, the agency paid \$440,000 for his property, plus \$23,000 in relocation costs. Sadd said he did not receive relocation costs, adding that it likely went to the renters living in the unit behind his house. (Both dwellings were on the same property.) Because he refinanced his home (he was barely able to purchase his home in 1991), more than half of the \$440,000 went toward paying off that loan.

The city determined that the benefit of that project to the North Long Beach area was compelling enough to acquire those properties.

"That development is going to serve as a catalyst for the revitalization of that area and help create a vibrant economic and commercial area that will uplift the community," Ballesteros said.

Lerch says the North Village project is good for his district.

"Not only does it take an old adult theater off our streets, it takes an old building that hasn't been used for years and puts in good housing," he said. "We're going to stand back and just be proud that we put something like

that in North Long Beach."

But some residents such as Marilyn Arvizo aren't convinced.

"They say we need all these things, and they're going to give them to us," she said. "They forget to tell us that they're going to take our homes to do it."

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