

News | San Diego

Boxing program lawyers file suit

Renewal of eminent domain called illegal

By Tanya Sierra
UNION-TRIBUNE STAFF WRITER

September 26, 2007

NATIONAL CITY – Lawyers representing a youth boxing program filed a lawsuit against the city of National City yesterday, alleging the way in which the city renewed its eminent-domain authority was unconstitutional.

Attorneys from the Institute for Justice, a law firm based in Arlington, Va., say National City officials violated state law and the U.S. Constitution when they approved an ordinance in July that extends the city's eminent-domain authority for 10 years.

The Institute for Justice represents National City's Community Youth Athletic Center, a boxing, mentoring and tutoring program for at-risk youths. The gym is in the path of a high-rise condominium and retail project on National City Boulevard, where neighboring businesses have been forced to sell their properties.

The lawsuit says city officials did not provide sufficient evidence that the 700 properties in the city's redevelopment area are blighted, nor did they allow enough time for their consultant's blight analysis to be scrutinized by the public.

“It is utterly and completely lacking in evidence,” said Dana Berliner, an attorney with the Institute for Justice.

To be seized through eminent domain, property must be considered blighted, described by state law as property that is not economically viable and is physically deteriorating.

Mayor Ron Morrison yesterday responded to the lawsuit outside Education Village on National City Boulevard, a redevelopment project that required the use of eminent domain.

“This is the ultimate frivolous lawsuit,” he said. “This is the height of ridiculousness.”

Morrison said the gym is not in danger of being condemned, citing efforts the city has made to find a new location for the program and the developer's recent decision to build around the boxing center.

“They are in no danger whatsoever,” Morrison said. “That's what makes this so ridiculous.”

Berliner said those promises could never be enforced by law.

City Attorney George Eiser agreed, saying that by law, the City Council cannot promise to never use eminent domain in the future.

Anyone wishing to challenge the city's reauthorization can do so within 90 days of the eminent-domain ordinance's passing, which is why the Institute for Justice filed its lawsuit in National City.

“Now is the only time the gym can protect itself,” Berliner said.

City officials understand the gym's importance to the community, a reason they say they have not begun

condemnation proceedings on the property, although they did send a form letter to the gym when the project was proposed. Three properties adjacent to the gym were recently condemned to make way for the condo project.

City officials object to attorneys' challenging the entire redevelopment area the city is trying to revitalize, Morrison said.

"We do not have a lot of the things the other communities have," he said.

■Tanya Sierra: (619) 498-6631; tanya.sierra@uniontrib.com

Find this article at:

<http://www.signonsandiego.com/news/metro/20070926-9999-1m26ncsuit.html>

Check the box to include the list of links referenced in the article.

© Copyright 2007 Union-Tribune Publishing Co. ? A Copley Newspaper Site