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Editorial: Sausalito needs to use eminent domain wisely

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SAUSALITO City Council members have made it clear that they are interested in acquiring 16 acres of waterfront property near Dunphy Park. The land would be a wonderful addition to its public bayshore.

But the council has to be careful not to let its real estate maneuvers jeopardize fairness - and the city's finances.

Even after being outbid by a private investor, the city is still pursuing the property, including talking about acquiring it through the risky legal maneuver of eminent domain. Eminent domain is a powerful device that that also carries a sizable financial risk for taxpayers.

The investor, a local builder, says he's willing to talk to the city about selling the property, which is at the foot of Locust Street, but was surprised by officials' mention of the city taking his newly purchased land and letting a jury set its value.

That's where the risk comes in.

The city could work closely with the owner to reach a "friendly" or agreed-upon condemnation in which the city would acquire the property while providing the seller with inviting tax benefits.

That's preferable to a legal fight, one that would be costly to the city to launch and to fight and one that includes a real risk that the court-decreed price is beyond the city's budget.É That could leave the city - taxpayers - stuck with legal bills and still be unable to afford the property.

Marin builder Dan Morgan outbid the city, buying the property for \$4.14 million. He says he's interested in

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opening a restaurant on the property and has plans to preserve the 50-berth Sausalito Marine Harbor.

The city wants to preserve the harbor and expand nearby park areas. The prime parcel is a wonderful opportunity for Sausalito. Negotiating with the landowner makes sense, but such talks need to be conducted properly.

The city must be careful not to sacrifice fairness and respect for private property rights in its negotiations with Morgan. Council members should not let their real estate negotiations cloud a fair and open planning process.

Talk of condemning someone's land can do just that.

Morgan, after all, faces considerable political hurdles in winning city and regional approval for planning changes he may want to make.

The city risks looking like a bully when it talks about using eminent domain to acquire property that it recently lost out on in a fair bidding process. Officials need to

keep that in mind and be more open and cautious as they continue their talks with the property owner about the future of this important piece of bayfront property.

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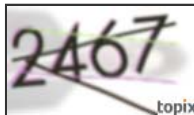
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