

YOUR PROPERTY COULD BE NEXT!

Property Taken or Threatened by Eminent Domain

- The Tropicana Shopping Center After owners invested millions to remodel the center, it was taken by eminent domain and sold to a Walnut Creek developer. (presently in court)
- Al Schlarmann: Presently fighting RDA in court over condemnation of property. RDA wants to break an exclusive contract with Schlarmann to CIM (development group) can develop the property.
- Lyman Bigalow: His commercial property on Alum Rock Avenue was taken by eminent domain, being identified by RDA for high-density housing.
- Doug Korten: Received a 7-day notice of an Environmental Impact Report (EIR), identifying his property in an RDA area for mixed-use development - retail shops under high-density housing.
- The fairmont Hotel, Park Center Plaza, the Pavilion and The Knight Ridder Building, to name a few non-public development, were all built on land acquired through the use of eminent domain or sold under the threat of eminent domain with developers being subsidized by our tax dollars.

Why Your Home or Property Could Be Next

- Historically, eminent domain is the power of government to take properties from private owners for public use (libraries, public roads, fire stations, etc.) with "just compensation. (5th Amendment)
- Presently, "public use," the constitutional guideline for using eminent domain (government taking property has been replaced in California by "removal of blight" (H&S Code 33030, 33031)."
- Government can determine that your property is underutilized and that it can only be utilized fully through government intervention.
- Since 1954, the courts have expanded eminent domain power so that Redevelopment Agencies can seize your private property and turn it over to private developers for profit.

Transit-Oriented Development Strikes Fear in Naglee Park Residents

- Every block of Nagelee Park, an area of San Jose with upscale, remodeled older homes, has been declared blighted.

Concerned Naglee Park neighbors wrote: "The City plans to erect high density housing and commercial facilities to serve those new residents along the BART corridor, thus creating a strong incentive for the Redevelopment to seize all properties in the "zero block" (along Santa Clara St.) for purposes of commercial development... Should that come to pass, how long could property owners in the '100 block' feel secure?"

If you live within one/half mile of transit or a light rail line or a future light rail line, or you are in an RDA project area or the third of San Jose declared blighted under the Strong Neighborhoods Initiative, then your property is at risk.

Remember - your private property may not be taken for a public building but to be transferred to a private developer for a private, for profit development.