

# The Post-Standard

Eminent domain issues discussed

## Thursday Morning Roundtable looks at U.S. Supreme Court decision.

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Terry Turnipseed opened Syracuse University's Thursday Morning Roundtable discussion with this question: Is it now much easier to make one man's house another man's castle?

The answer, according to a recent U.S. Supreme Court decision, is yes.

"The court said you can take from private entity A (to give) to private entity B as long as there are public benefits and it's designed to create jobs and increase tax revenues," Turnipseed said.

Turnipseed, an assistant professor in the College of Law at SU, spoke about private property, public interest and eminent domain Thursday at Drumlins Country Club.

Eminent domain is an option open to the Onondaga County Industrial Development Agency to obtain land at the crossroads of Interstates 81 and 90. That's where Destiny USA wants to build a research and development park.

Turnipseed talked about what a taking is, what public uses are and what just compensation means.

Federal, state and local governments can take private property, most commonly by taking the title of a property, Turnipseed said. There are other forms too, he said.

Eminent domain is the process by which a government agency can take private property for public uses as long as the owner is given just compensation.

In earlier times, public uses meant the public had to have the right to use the condemned property, Turnipseed said.

That meant property could be taken to create parks, sidewalks, railroads or utility lines.

"There has been an evolution . . . in modern times courts have said it must simply benefit the public," Turnipseed said.

That was the decision delivered June 23 by the court in a New London, Conn., case. The court ruled that eminent domain can be used to take homes and commercial property to use for a project that would economically benefit a community.

Property owners must be paid just compensation or fair market value for their property. That is the price that a willing buyer would give a willing seller for property, Turnipseed said. It does not include the value of the business itself, he said.

"Oftentimes this does not make (the owner) whole on an economical basis or an emotional basis," Turnipseed said.

A question period followed the 25-minute lecture. One person asked whether compensation is given to renters who reside on or rent a piece of property that is taken.

"In general, those people are pretty much out of luck," Turnipseed said.