

Lesson 3 *State and Local Executive Branches at Work*

Eminent Domain

1. The Saleets have owned their home in Lakewood, Ohio, for 38 years. The mayor of Lakewood found a developer to build expensive condominiums and a shopping mall on a piece of land that includes the Saleets's home, 55 other houses, four apartment buildings, and several businesses. The city is trying to use eminent domain to take these properties by certifying that the area is "blighted," and the Saleets are fighting it.
2. Eminent domain cases are not rare. Dana Berliner says that there were 10,000 cases over the last five years.
3. Mayor Cain insists that using eminent domain to get the land for a new development is necessary for the greater good of the city. She is concerned that the property tax base has been shrinking and needs to be increased so the city will survive. Cain justifies using eminent domain by saying that the land could be used for a "higher and better" purpose.
4. The lawyers from the Institute for Justice believe that this use of eminent domain is fundamentally wrong and unconstitutional. They think it is wrong for the government to take property away from one private owner and give it to another private owner simply because the government thinks the new owner could put it to more productive use. They have filed suit against the city of Lakewood on behalf of the Saleets.
5. Students should state what they think it would mean for other residents if the city of Lakewood takes the Saleets's home. Sample answer: I think that other residents would be very concerned that the city might decide to use eminent domain against their own homes for some other development project.