



The Washington Times

www.washingtontimes.com

Florida city considers eminent domain

By Joyce Howard Price

THE WASHINGTON TIMES

Published October 3, 2005

Florida's Riviera Beach is a poor, predominantly black, coastal community that intends to revitalize its economy by using eminent domain, if necessary, to displace about 6,000 local residents and build a billion-dollar waterfront yachting and housing complex.

"This is a community that's in dire need of jobs, which has a median income of less than \$19,000 a year," said Riviera Beach Mayor Michael Brown.

He defends the use of eminent domain by saying the city is "using tools that have been available to governments for years to bring communities like ours out of the economic doldrums and the trauma centers."

Mr. Brown said Riviera Beach is doing what the city of New London, Conn., is trying to do and what the U.S. Supreme Court said is proper in its ruling June 23 in *Kelo v. City of New London*. That decision upheld the right of government to seize private properties for use by private developers for projects designed to generate jobs and increase the tax base.

"Now eminent domain is affecting people who never had to deal with it before and who have political connections," Mr. Brown said. "But if we don't use this power, cities will die."

Jacqui Loriol insists she and her husband will fight the loss of their 80-year-old home in Riviera Beach.

"This is a very [racially] mixed area that's also very stable," she said. "But no one seems to care ... Riviera Beach needs economic redevelopment. But there's got to be another way."

In the *Kelo* ruling, a divided Supreme Court held that private development offering jobs and increased tax revenues constituted a public use of property, but the court held that state legislatures can draft eminent-domain statutes to their satisfaction.

Dana Berliner, senior lawyer with the Institute for Justice, which represented homeowners in the *Kelo* case, said "pie in the sky" expectations like those expressed by Mr. Brown are routine in all these cases.

"They always think economic redevelopment will bring more joy than what is there now," she said. "Once someone can be replaced so something more expensive can go where they were, every home and business in the country is subject to taking by someone else."

Last week, the Riviera Beach City Council tapped the New Jersey-based Viking Inlet Harbor

Properties LLC to oversee the mammoth 400-acre redevelopment project.

"More than 2,000 homes could be eligible for confiscation," said H. Adams Weaver, a local lawyer who is assisting protesting homeowners.

Viking spokesman Peter Frederiksen said the plan "is to create a working waterfront," adding that the project could take 15 years and that "we would only use condemnation as a last resort."

Viking has said it will pay at least the assessed values of homes and businesses it buys.

Other plans for the project include creation of a basin for megayachts with high-end housing, retail and office space, a multilevel garage for boats, a 96,000-square-foot aquarium and a manmade lagoon.

Mr. Brown said Riviera Beach wants to highlight its waterfront.

"We have the best beach and the most attractive redevelopment property anywhere in the United States," he said.

Mr. Frederiksen said people with yachts need a place to keep and service them. "And we want to develop a charter school for development of marine trades."

Mr. Brown and others said this could be one of the biggest eminent-domain actions ever. A report in the Palm Beach Post said it is the biggest since 1954, when 5,000 residents of Washington were displaced for eventual development of the Southwest D.C. waterfront, L'Enfant Plaza, and the less-than-successful Waterside Mall.

The fact that Riviera Beach is so financially downtrodden may seem ironic because as Mr. Brown notes "it sits right across the inlet from Palm Beach," one of the nation's wealthiest areas.

"Palm Beach County is the largest county east of the Mississippi, and we have the second-highest rate of poverty in the county," the mayor said.

Copyright © 2005 News World Communications, Inc. All rights reserved.

[Return to the article](#)



[Click Here For Commercial Reprints and Permissions](#)

Copyright © 2005 News World Communications, Inc.