

# Eminent domain: do you agree with changes made to eminent domain

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Eminent Domain Every democratically elected or approved government is expected to deliver services to its citizens always. Because of the dynamics and evolution of various services, it is not always possible to predict the future. For instance, a government might not predict of an escalation in population density 20 years later to build amenities such as schools and hospitals. At times, the government might want to take a private property for the benefit of the larger community. Eminent domain refers to the seizure of a private property by a state to offer essential services to the public. Lately, this issue has elicited heated debates as to whether the changes in this Act are oppressive or not. On one side, a section of people affirm this proposition while on the other, another portion vehemently oppose. However, this paper asserts that eminent domain is fair because it is practiced within the confines of the law.

Contrary to what is often portrayed eminent domain does not necessarily deprive one of their properties. There tends to be a misconception that once the government intends to take up a property for public good, the private owner will not be adequately compensated. However, Epstein (p. 23) argues that eminent domain does not entail underpayment or deprivation of a property. Instead, the state has to compensate adequately the property owner as per the market value. That is to say, the property owner could afford another property of a similar value at the compensated price, if not lower.

Besides, there has to be concrete evidence that the intended use of the property will indeed benefit the larger community. When a private property is in existence, only the owner benefits from it unlike when used for public

use. Whereas it is everyone's right to own properties, when the compensation plan is both prompt and just, seizing it for the benefit of the greater community ought not to be viewed negatively. In fact, in many cases the property owners are handsomely compensated meaning they can buy another property and continue living their lives as before. The US Government Accountability Office (GAO) details that the first step entail availing a formal offer to the property owner followed by negotiations. This means that both parties have the chance to discuss the proposal without the state intimidating the property owner. Once the negotiations are completed, " authorities may provide relocation assistance that may include monetary payments to cover moving expenses" (GAO p. 5).

Some might contend that the constitution lacks clarity when it comes to stipulating precisely what is meant by public good. It is argued that because there are no parameters used in the definition of what entails public benefit, the state could capitalize on this seemingly loophole (Epstein p. 34).

However, this argument is invalid because the constitution indicates the purpose for which the property is taken has to evidently benefit the community (GAO p. 14). Further, eminent domain may be prohibited due to economic issues, employment aspects, public health, safety measures, and transparency in consumption of goods and services. While it is true the constitution does not give the precise parameters to determine the seizure, any project not geared toward benefitting the public would be easy to detect.

In conclusion, eminent domain need not be viewed as an oppressive initiative, but one that could benefit even the private owner later. At no time

does the state seize a property for own good; it is always meant to benefit the public. For instance, a hospital or a school will benefit the community more than the government. As a matter of fact, even the property benefits from the subsequent project. Because the constitution protects the property owners, there can be no justification for the state to misuse the property because the only purpose for the eminent domain is public interest.

Work cited

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