

Eminent domain

[Business](#)



Economic development is a critical motivator of any government. Therefore, where economic development and provision of essential services are hindered the application of eminent domain is essential. Eminent domain facilitates the re-allocation of resources to where they are critically needed. The revitalization of economies, creation of needed infrastructure and employment opportunities are significant benefits of economic domain.

Eminent domain considers the needs of the community while tailoring needs. The collective agreement for the imposition of eminent domain signifies the community's alignment towards realizable benefits from its imposition on condemned properties. The Fifth Amendment stipulates that fair compensation should be made to the property owner. The condemned property is subjected to independent valuation to ensure the owner is fairly compensated, therefore, eminent domain seeks to benefit all without prejudice. Eminent domain is only imposed to a property owner when he refuses to willingly sell the condemned property. Fair compensation is awarded to the owners of the condemned property as if it was sold in the market under the prevailing market conditions.

Eminent domain is characterized by adherence to applicable laws in respective states or municipalities. The states imposing eminent domain ensure that adequate clarification and explanations are available to the public. This reduces ambiguity in defining blighted property, hence, easing the process of eminent domain. However, authorities responsible impose eminent domain, when all other available remedies have been exploited and failed. Eminent domain signifies a “measure of last resort in the acquisition of private property to be used for public utilities and purposes” (IEDC, 2005).

<https://assignbuster.com/eminent-domain/>

In most instances, authorities rarely exercise eminent domain, since they are able to convince the property owners to willingly sell their property to the government. Eminent domain is a beneficial tool in the reanimation of a dormant economy and revitalizing receding regions. The significance of economic development to the population and to the governing authority of any given area is critical. Eminent domain serves as a tool to the realization of economic revitalization and development. The cities and towns across the country require the provision of essential services and infrastructure to facilitate transport, hence, economic development is realized.

In given states and municipalities, eminent domain is used to acquire property for the establishment and creation of critical social amenities, like health centers, schools and government offices. These facilities are essential to the benefit of the affected community and progress of the society. Significantly, eminent domain is used for creation of infrastructure, like roads, railways and ports. These facilitate the transport and movement of people, goods and services to the relevant areas. Hence, economic growth is realized. The revitalization of distressed regions depends on the availability of adequate infrastructure being in place.

Therefore, eminent domain facilitates the revitalization of a given area by the acquisition of the “hindering and relevant property” (Chen, 2012). However, the property owners may not be willing to relinquish the ownership of their properties; therefore, eminent domain is imposed to acquire the property. Eminent domain plays a crucial role in ensuring that economic development is realized through the creation of infrastructure. It is critical that its application in areas, where under normal circumstances the

<https://assignbuster.com/eminent-domain/>

implementation of infrastructural needs would fail. Property owners are characterized by resistance to any attempts at acquiring their property to this end; therefore, the authorities under the law are obligated to impose eminent domain.

Eminent domain is not a tool to be used in furthering personal agenda, but a tool to be used to the advantage of the community. The use of eminent domain to purchase private property for the establishment of public infrastructure is vetted by the affected community. Therefore, eminent domain is not a subject to an individual's whim, but a collective need for its imposition. The economic development of any given region is dependent on the employment rate of its population. The poverty levels critically continue to increase with increased rates of unemployment and insufficient economic activities.

Therefore, eminent domain serves as a “ tool in facilitating the creation of economic activities that result in job creations” (IEDC, 2005). The country's economic agenda relies on the employment trends of its population. The property acquired for the revitalization of the economic state of any given region is critical. Though, the acquisition of private property may be met with resistance to the extent of engaging judicial processes, the benefits accruing to the acquisition of the condemned property by the state is significant to the population and the economy of the region. The creation of jobs is essential in maintaining economic significance of any given region.

The use of eminent domain creates means in which a city reinvents its economic significance, and its contributions to the national development

agenda. Therefore, despite the challenges faced in the imposition of eminent domain, its purpose cannot be disputed. Eminent domain does not seek to profit individuals; thus, it does not qualify to be a profit-oriented venture and should not be construed as such. However, eminent domain is imposed with a view of profitability to the general public and community. Essential services, transport routes, economic development and job creation characterize the purpose of eminent domain. The governing state or municipality invests in the “imposition of eminent domain after a critical analysis of the significance and benefits of acquiring condemned property” (Chen, 2012).

The decisions made by the authorities may be met with resistance; however, the long term results of these decisions have proved to benefit the community and the country in its economic ambitions. Eminent domain is imposed in lieu of service provision to the public and economic development. The authorities weigh on the significance of private properties in relation to service delivery and development of its populace. Therefore, the benefits of eminent domain are more significant, in the contrast to the drawbacks to the affected individuals and property owners.