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## Myth vs. Reality

BY STEVE KEMME | ENQUIRER STAFF WRITER

The Norwood case shatters some commonly held myths about eminent domain.

**Myth:** Property owners always are overmatched when battling governments that want their land.

**Reality:** The Norwood property owners who didn't want to sell are represented free by the Institute for Justice, a nonprofit civil liberties law firm in Washington, D.C., with 50 employees and a \$6.6 million budget.

Since 2003, the institute has spent \$500,000 on the Norwood case. Besides presenting a formidable legal team, the institute conducts sophisticated public relations campaigns against eminent domain in cities throughout the country. "This is a case where the property owners had a chance to level the playing field a little bit when it came to facing the combination of city power and a very wealthy private developer," Scott Bullock, an institute lawyer, says.

Tim Burke, attorney for Norwood, said: The institute "tilted the field much more toward the property owners."



**Myth:** Eminent-domain cases occur only in slums.

**Reality:** The Norwood neighborhood was a middle-class area with generally well-maintained houses and yards on tree-lined streets.

Norwood officials argued that the neighborhood was blighted because of increasing traffic, night-time lights and noise, dead-end streets and inadequate turn-arounds for emergency vehicles. In supporting Norwood's right to take property, a Hamilton County judge ruled that although the neighborhood wasn't "blighted," it was "deteriorating."

**Myth:** Most attempts by governments and developers to buy property under threat of eminent domain wind up in court.

**Reality:** Of the 73 private property owners in the proposed Rookwood Exchange site, only six tried to fight it in court. Three ultimately settled their cases; three took theirs to the Ohio Supreme Court. The remaining property owners sold to developers. The cost in money, time and emotion discourages legal battles.

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