





Kansas

Known Condemnations Benefiting Private Parties ¹⁷³

Filed/Authorized Condemnations   2

Threatened Condemnations  113

Legend  = 1  = 100

Edwardsville

In May 2006, it came to light that City officials have been negotiating behind closed doors with Burbank Development Group, which wants to build a film and music studio and a luxury hotel, as well as residences and retail on 500 acres of farmland and homes. An agreement has not been signed, but according to a memo released by the City administrator, the plan calls for Edwardsville to use eminent domain to seize any property that the developers cannot buy outright. Kansas recently passed legislation banning this kind of abuse; it does not go into effect, however, until July of 2007. Roughly three-dozen property owners are facing the threat of condemnation. They worry that the City and the developer may try to seize their property before the law takes effect.¹⁷⁴

Manhattan

In September 2005, representatives from Dial Realty told City officials that they estimated the City would only have to condemn six properties—businesses and rental housing—out of the 75 in the redevelopment area for their downtown development project, which will also include retail businesses and housing. The City said it would try to negotiate with property owners who do not sell to Dial, but if they won't sell, the City would ultimately use eminent domain.¹⁷⁵

In November 2005, City commissioners voted to create a tax increment financing

¹⁷³ These numbers were compiled from news sources. Many cases go unreported, and news reports often do not specify the number of properties against which condemnations were filed or threatened.

¹⁷⁴ Mark Wiebe, "Landowners worry about studio plan," *Kansas City Star*, May 20, 2006, at B1.

¹⁷⁵ Kathryn Mayes, "Dial expects a few holdouts," *Manhattan Mercury*, September 14, 2005, A1.

district.¹⁷⁶ In January 2006, commissioners unanimously approved the northern piece of the three-phase project, which calls for the use of eminent domain.¹⁷⁷

On March 1, 2006, the developers requested that officials seize two properties whose owners had not wanted to sell.¹⁷⁸ Six days later, they unanimously passed a resolution of necessity authorizing seizure of two properties, one belonging to Penny Liang Ferlemann, who left China to get away from communism, and the other to her sister-in-law, Marlene Ferlemann. Penny's property had a small business operating there. Another 38 property owners in the area had already sold, under threat of condemnation, to Dial.¹⁷⁹

Topeka

Private developers Southwind Capital LLC needed 36 properties¹⁸⁰ for their project to build apartments, town homes and a shopping center in Topeka's College Hill neighborhood near Washburn University.¹⁸¹ Most businesses decided to sell rather than fight what they considered to be inevitable.¹⁸² However, the developers were unable to acquire four properties—a bike shop, a bar, a home and a T-shirt store—owned by two people. So they asked City Council members to condemn the property for their housing and retail development.¹⁸³ At that point, another owner reached an agreement before the City Council voted on whether to use eminent domain.¹⁸⁴ Jerry Morgan, owner of Jerry's bike shop, met with State legislators interested in restricting the use of eminent domain to benefit private parties.¹⁸⁵ But he, too, eventually agreed to sell rather than fight.¹⁸⁶

176 "Downtown redevelopment," <http://www.ci.manhattan.ks.us/index.asp?NID=264>; "Tax increment finance district," <http://www.ci.manhattan.ks.us/documents/Downtown%20Redevelopment/TIF%20District%20Map.pdf> (retrieved March 30, 2006).

177 Kathryn Mayes, "Residents, downtown merchants still critical of plan," *Manhattan Mercury*, January 4, 2006; North Project Redevelopment Plan, <http://www.ci.manhattan.ks.us/documents/Downtown%20Redevelopment/January%203%2C%202006%20REDEVELOPMENT%20PLAN/Redevelopment%20Plan.pdf> (retrieved May 12, 2006).

178 City Commission Agenda Memorandum, from Assistant City Manager and City Attorney, May 7, 2006, [http://www.ci.manhattan.ks.us/documents/Agendas/City%20Commission/2006/030706%20City%20Commission%20Meeting%20Packet/General/B.%20%20Condemnation%20for%20North%20Project%20Area/06020\]CC\]ResoltoEminentDomain}Downtown.pdf](http://www.ci.manhattan.ks.us/documents/Agendas/City%20Commission/2006/030706%20City%20Commission%20Meeting%20Packet/General/B.%20%20Condemnation%20for%20North%20Project%20Area/06020]CC]ResoltoEminentDomain}Downtown.pdf), at 11 (retrieved May 30, 2006).

179 Kathryn Mayes, "City set to take property; Commissioners vote to proceed with eminent domain for downtown," *Manhattan Mercury*, March 8, 2006.

180 Michael Hooper, "Starting over; Some see bright future for area north of university," *Capital-Journal*, August 14, 2005.

181 Chris Moon, "Politicians take notice; Lawmakers voice their support for College Hill holdout," *Capital-Journal*, January 23, 2006.

182 Michael Hooper, "Starting over; Some see bright future for area north of university," *Capital-Journal*, August 14, 2005.

183 Tim Hrenchir, "Developers seek city's help; With two holdouts, College Hill's fate falls to eminent domain," *Capital-Journal*, January 17, 2006.

184 Tim Hrenchir, "Bar owner, developers reach agreement," *Capital-Journal*, February 10, 2006.

185 Chris Moon, "Politicians take notice; Lawmakers voice their support for College Hill holdout," *Capital-Journal*, January 23, 2006.

186 Liz Zamora, "City Council approves College Hill Redevelopment Project," *ABC News*, April 4, 2006; Tim Hrenchir, "Bar owner, developers reach agreement," *Capital-Journal*, February 10, 2006.