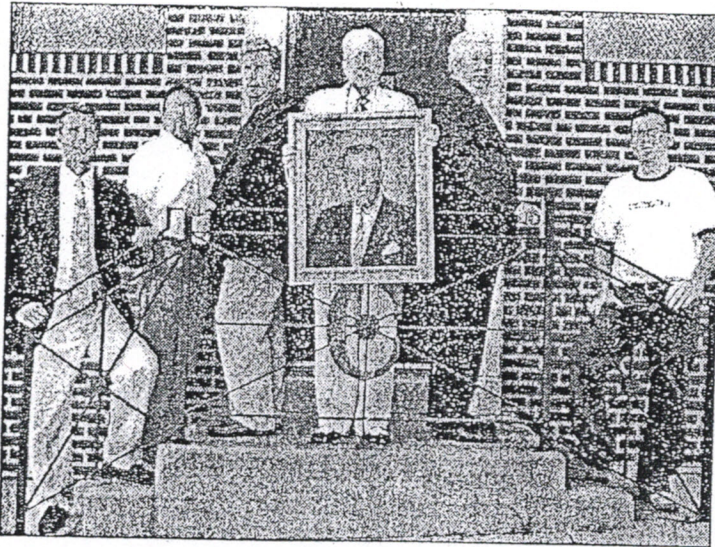


Fighting eminent domain's expansion

"All the property owners are very upset because we are not a blighted area."

Peggy Savery

owner of Ardmore store targeted for razing



At James J. Clearkin Inc. in Juniata Park are the Clearkins: (from left) Peter G.; Joseph P.; Brendan J.; James J. Jr., who holds a portrait of company founder James J. Sr.; James J. III; and James J. 4th.

value.

Up until the 1950s, eminent domain was primarily used for public projects such as schools, roads, military bases and prisons. But a 1954 U.S. Supreme Court decision broadened its scope, giving government the right to seize property for "public purpose," as opposed to just "public use."

Officials now had greater latitude to condemn property deemed beneficial for the public. It paved the way, for instance, for the urban slum-clearing projects of the 1960s and 1970s.

"So much good has come from this," said Herbert Wetzel, the executive director of the Philadelphia Redevelopment Authority.

Perhaps nowhere in the region is eminent domain being used more than in Philadelphia, where the mayor's Neighborhood Transformation Initiative has designated 5,500 properties for condemnation. Of that number, 249 proper-

ties are occupied, and residents will be required to relocate.

Some Philadelphia residents have benefited.

Dwayne Adams said he was not happy when the city notified him and his 90-year-old grandmother that they had to move from their homes in the 2300 block of North 13th Street in North Philadelphia. Although he misses his old house, which was redeveloped into new homes, the city paid to relocate him and his grandmother to the 1600 block of North Seventh Street in North Philadelphia, which he likes.

"It did work out," said Adams, 44. "I feel safer."

But critics of the initiative say that, for every person like Adams, there are others like Clearkin who are being forced to move, even though their property is not blighted.

The city designated Clearkin's property as blighted, largely because it is surrounded by run-down properties

that the city wants to see redeveloped.

The city plans to sell Clearkin's property — and others around it — for a nominal fee to Frankford Community Development Corp., a nonprofit group that plans to use government subsidy to build townhouses that it hopes to sell for \$130,000 and more.

Steve Culbertson, executive director of the group, said that he sympathizes with Clearkin, but that there are no other large parcels of land in the immediate area that are not contaminated or already being developed.

"Except for Clearkin, it is a blighted block," Culbertson said.

While Clearkin has resigned himself to his fate, Savery, in Ardmore, has not.

She and other business owners targeted by Lower Merion's redevelopment efforts have hired Glenn A. Zeitz, the attorney who, in 1998, successfully kept an elderly Atlantic City woman from losing her house when government officials sought to turn it over to casino mogul Donald Trump for a parking lot.

"All the property owners are very upset because we are not a blighted area," Savery said.

She is particularly incensed because the block has been designated a historic district, and signs were put up earlier this year proclaiming its historic significance.

Despite their objections, Lower Merion officials voted Thursday to label the block as a redevelopment area, the first step toward condemnation.

"There's so many gaps in activity and storefronts underutilized," said Brenda Viola, the township's spokeswoman. "What we have is a prime location, with great potential."