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NAIOP's take on eminent domain

With all the talk about taking land from private owners who are moving too slowly on the sale and development of parcels -- i.e., Fan Pier -- the Massachusetts Chapter of the National Association of Industrial and Office Properties has filed a brief with the U.S. Supreme Court supporting eminent domain. The issue at hand is whether states and municipalities can use the power of eminent domain to benefit the general public when condemned land is transferred to a private developer.

David Begelfer, CEO of the local NAIOP chapter, said he supports state and local governments taking land by eminent domain as a last resort. Begelfer said the chapter decided to file a brief, prepared by Goodwin Procter LLP, because the case will have national ramifications.

Begelfer said the chapter is arguing for a limitation, not expansion, on what municipalities can take for economic development. Was Begelfer thinking about Fan Pier, where city officials have already been called upon to take the land by eminent domain? "We didn't put our brief in ... for the purpose of a broad, wide usage of eminent domain," he said. "We didn't do it because of this particular property."

Begelfer said in the case of Fan Pier, the owners of the property -- the Pritzker family of the Hyatt name -- want to see the land developed and have tried to sell it. He said for the city to consider using eminent domain now, as officials have suggested, would be "absurd."