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**EDITORIAL**

**Tacoma should approach condemnation cautiously**

No doubt about it, the hulking eyesores called South Park Plaza and North Park Plaza in downtown Tacoma need to go. They’re ugly, crumbling and an obstacle to downtown revitalization.

That said, the City of Tacoma would do well to resist pulling out all the stops to accomplish the garages’ transformation.

The city, which eventually hopes to overhaul both of these downtown “tombstones,” is moving forward on a plan for South Park Plaza at South 13th Street and Pacific Avenue. The corrugated concrete monstrosity could look a whole lot different by 2009 if the City Council approves a $32.5 million plan to rehab it.

The plan, a public-private partnership with Pacific Plaza, LLC, would give the garage not just a new look, but also add 102 parking stalls to the existing 380 and build 67,000 square feet of office space and 36,000 square feet of retail.

The first step comes next week, when the City Council may consider authorizing city officials to buy the property underneath the garage.

The city owns the parking structure, but not the land, which it sold off after the garage was built more than 30 years ago in a failed bet that parking would be the key to urban renewal. Now the property is divided among five owners, some of whom operate businesses in the cave-like retail space at street level.

The plan calls for the city to reacquire the property and then sell it to Pacific Plaza for the project. Getting the property back is the trick; the city could move to condemn the property if it can’t negotiate sales with the existing owners.

Eminent domain — forcing a private property owner to sell at a fair price — is an important tool for the city to have in its arsenal. Just the threat of its use can bring reluctant sellers to the table and offer them incentives to sell.

But the city would be wise to proceed cautiously. Sometimes, as in the case of highway or other public infrastructure projects, the use of eminent domain cannot be avoided. But when government exercises its condemnation powers to advance private redevelopment of an area, things get sticky.

The national debate sparked by the 2005 U.S. Supreme Court ruling in Kelo vs. New London has led many states to put further limits on condemnation actions. Here in Washington, the state constitution forbids the taking of property for private use, but courts have given local governments wide latitude in determining what constitutes a public use.

In Tacoma’s case, the public benefit is tangible. The city would get a fix for a deteriorating building and additional parking fee revenues from an expanded parking garage once Pacific Plaza finishes rehabbing the structure. But there would be private gain as well, since the developer would keep the retail and office space.

The city has used eminent domain in the past to help spur downtown revitalization, but with that rebirth well under way, it’s harder to continue making the case for it. Here’s hoping the last resort won’t be necessary in negotiations with the existing property owners at South Park Plaza.