

Orlando to use eminent domain against local church

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by [Randy Bright](#)



Well, it is apparently happening again – a city ready to seize a church for purposes far beyond what eminent domain was ever intended for.

The city of Orlando, Florida, is in the process of building a new soccer stadium, and after acquiring almost all of the property it needs for the project, one property stands in its way – Faith Deliverance Temple – where it has stood since the mid-80s.

The city offered the church \$1.5 million for their property, but when the church countered with the amount of \$35 million, negotiations stopped. The city announced that they would begin the process of eminent domain to take the church.

Mayor Buddy Dyer was quoted to have said, “We’ve tried to be as reasonable as we possibly can be, but a counter-offer of (nearly) \$40 million for a \$700,000 piece of property, we don’t think is being reasonable.”

It was reported that Chief Assistant City Attorney Roy Payne wrote in a letter to the church, “We have an obligation to expend taxpayer funds in a responsible manner... Unfortunately, it feels as if we have no choice but to initiate the process of acquiring the property by eminent domain.” It was also reported that in the same letter, the offer of \$1.5 million was reduced to \$945,000.

The stadium project is a result of the granting of a major league soccer franchise to the Orlando City Soccer Club, prerequisite upon the construction of a stadium. Orlando, Orange County, and the team have agreed to share the \$84 million project cost.

The city has already spent \$8.3 to acquire the properties it needs, including two that they acquired using eminent domain. They likely wanted to avoid using eminent domain to take the church because of the bad publicity it would generate, and when negotiations broke down, their announcement that they would seize the church did just that.

A local newspaper writer wrote, "...do you really think the threat to condemn is an empty one? Ha. If push comes to shove, the city would condemn in a heartbeat. There's no way the city is going to let this tiny church get in the way of its big plans."

In fact, the city has already gone to court and received a quick judgment in favor of eminent domain from Florida Ninth Circuit Judge Patricia Doherty. According to Orlando spokesperson Cassandra Lafser, "The court confirmed the public purpose and awarded the property to the city." This apparently clears the way for the city to take the property now and to allow the court to decide the "fair" compensation later.

There's so much wrong with what is going on in Orlando that it is difficult to know where to begin, so let's start with the church's request for \$35 million.

At first blush, it looks like this church is greedy by asking for so much, but this church has been in its present location for the last three decades. It is likely that its congregants live nearby and that it has social and economic connections to that part of the city. It would therefore be reasonable that, if it must give up its property, it should be able to stay in its general location. I doubt that there any property available in that area that the church could purchase with \$1.5 million, much less be able to construct a new building on.

It might also be easy to conclude that the church is being greedy by ignoring the \$700,000 appraisal for their property. However, once the city set its eye on that property, it was at once priceless and worthless – priceless because the city needed it and worthless because no one is going to buy a property that the city is going to take.

Well, perhaps the church is being unreasonable by not moving many miles away where property is less expensive? Who should have the right to force the church to do that? Were they not there first? Are they not exercising their natural, Constitutional right to worship?

Forcing the church to close (which is the most likely outcome of this situation) or forcing them to move without fairly compensating them and making them whole is morally and ethically wrong.

When the Kilo vs. New London decision redefined the meaning of public good, they destroyed the meaning of property rights, and this is another example of that. Eminent domain was intended to allow the taking of property for uses that served all citizens (like roads and bridges), not just soccer fans. Have we become so shallow, so disconnected from the concept of property rights that we would allow an evil decision – which gives the government the ability to steal with impunity – that we cannot obey even our own consciences? So what if the Supreme Court made a bad ruling? It wasn't a command to do evil, it just allows evil people to steal.

My hope is that one of several paralegal groups can assist this church with keeping its property using the Religious Land Use Act. More on this next week.

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