

# Court ruling could help W-B secure lot for hotel

From staff and wire reports

A narrow majority on the U.S. Supreme Court ruled Thursday that local governments may seize people's homes and businesses against their will for private development — a decision that could have an impact on an ongoing property dispute between Wilkes-Barre City and a downtown business owner.

Last July, Wilkes-Barre declared eminent domain to obtain the former Hotel Sterling parking lot on North Franklin Street from business owners Ali Kazimi and Nasser Chafieian. The city's action was taken after CityVest, the new owner and not-for-profit developer of the Hotel Sterling, was unable to reach an

agreement to reacquire the lot.

Thursday's 5-4 Supreme Court ruling was based on a case out of Connecticut where some residents' homes are slated for demolition to make room for an office complex. Attorneys representing the Connecticut homeowners had argued that cities have no right to take their land except for projects with a clear public use, such as roads or schools, or to revitalize blighted areas.

Writing for the court's majority in Thursday's ruling, Justice John Paul Stevens said local officials, not federal judges, know best in deciding whether a development project will benefit the community. States are within their rights to pass additional laws restricting con-

demnations if residents are overly burdened, he said.

Attorneys Jeffrey Michael and Sandor Yelen, who represent Kazimi, maintain that Wilkes-Barre has no right to intervene in a private dispute between Kazimi and CityVest.

And the Supreme Court ruling doesn't mean this dispute is over, Jeffrey Yelen said Thursday.

While he doesn't know if the facts of the Connecticut case are similar to the situation in Wilkes-Barre, Jeffrey Yelen said the Supreme Court only decided that the situation in Connecticut did not violate the U.S. Constitution.

State laws on eminent domain can be tougher than the U.S. Constitution and the argu-

ment that Wilkes-Barre overstepped state law is still alive, he said.

The city's attorney, on the other hand, hopes the Supreme Court ruling helps resolve the local dispute.

"This definitely supports our position," city solicitor William Vinsko said. "The goal of our condemnation (of Kazimi's land) is definitely to use this for a public purpose and this decision alleviates any argument that there is a private gain."

Earlier this year, Luzerne County President Judge Michael Conahan rejected the Yelens' argument that the city had no right to intervene in the property dispute. That decision currently is on appeal to Commonwealth Court.