



A Year in the Life of an Eminent Domain Blog

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One year ago, Nossaman launched the California Eminent Domain Report, a blog focused on California eminent domain issues. At the time, we had little idea what to expect. Would anyone read it? If they did, would they care? Is there even enough happening in the world of eminent domain to generate content for a meaningful blog?

Well, we're now a full year into the experiment, and we're pleased to report that (1) people are reading it, (2) they seem to appreciate it, and (3) there's generally plenty going on to provide interesting blog fodder. Since launch, we've had 30,000 visits to the blog, and we've published more than 200 pieces.

If you're one of our frequent visitors, thank you, please keep visiting – and let us know what you think. If you haven't stopped by, we wanted to let you know what you may have missed over the last year. So with that, we present "10 Things You Missed if You Weren't Following Our Blog." In no particular order:

1. **Giving out \$5,000 can be complicated.** In *Would You Like Your \$5,000 With or Without Strings?*, we discussed one of the post-*Kelo* rules that has perplexed many practitioners: the requirement that agencies must now offer condemnees up to \$5,000 for the cost of obtaining their own appraisal.
2. **Appraisers don't always listen well.** In *Follow up on Appraisal Institute Litigation Seminar*, we discussed the conflict that arises occasionally when attorneys seek to give appraisers instructions that conflict with the appraiser's own judgment.
3. **Some rules cry out to be broken.** In *Southern California Eminent Domain Attorneys Discuss Proposed Changes to Los Angeles Eminent Domain Rules*, we discussed changes being proposed to Los Angeles County's cumbersome local eminent domain rules and, in particular, some problems the current rules cause because they have not changed with California law, especially related to business goodwill. (The subsequent closure of Department 59 has likely stalled any meaningful change, at least for now.)
4. **Avatar may (or may not) be about eminent domain.** In *Is Avatar Really a Political Commentary on Eminent Domain Abuse?* and *Response to Professor Kanner About Avatar*, I engaged in a spirited, but friendly debate with nationally-recognized property rights expert Professor Gideon Kanner on whether the blockbuster movie *Avatar* is actually about eminent domain.

5. **Some anniversaries are best forgotten.** In *Today Marks the Five-Year Anniversary of Kelo*, we discussed how commentators around the country were commemorating the five-year anniversary of one of the most notorious Supreme Court decisions in a generation, *Kelo v. City of New London*, the case that triggered a nationwide uprising against eminent domain when the Supreme Court held that the government could condemn private property for purely economic reasons. (We'd previously reported on the feral cats that seem to have taken over the undeveloped wasteland that the site of Susette Kelo's famous pink house has become.)
6. **De facto takings look a lot like wide-spread conservation.** In *Nossaman Assists Another Property Owner Impacted by the RCA's Conservation Efforts*, we reported on the wide-spread conservation efforts of the Western Riverside County Regional Conservation Authority. (We also more recently reported on property owners' efforts to band together and demonstrate that the RCA's MSHCP conservation plan amounted to a de facto taking of property.)
7. **Not all energy discussions involve the Gulf Oil Spill.** In *Report on IRWA Chapter 67's Renewable Energy Seminar*, we reported on International Right of Way, Chapter 67's spring 2010 seminar, which focused on the interaction between the quest for renewable energy and eminent domain.
8. **Beach-front property isn't all its cracked up to be.** In *Supreme Court Issues Decision in Florida Beach Takings Case*, we discussed the Supreme Court's decision in *Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection*, a closely-followed case in which the Court held that Florida's program of beach restoration did not constitute a taking, even when the program caused owners of beach-front property to lose their littoral rights.
9. **Changes in the law don't always come from the courts.** In *Fate of Eminent Domain Bill to Be Decided Tomorrow* and *Eleventh Hour Veto Prevents AB 2531 From Becoming Law (For Now)*, we discussed the Legislature's quiet passage of AB 2531 and Governor Schwarzenegger's subsequent last second veto of it. AB 2531 would have expanded dramatically the eminent domain powers of a single agency, the Los Angeles Community Redevelopment Association.
10. **Goodwill and relocation sound like different things, but maybe they aren't.** In *Court Blurs Line Between Goodwill and Relocation Benefits*, we discussed the decision in *Los Angeles Unified School District v. Casasola*, in which the Court held that any claim that falls within the Relocation Act's scope – even if not recoverable under the Relocation Act – is barred from a claim for lost business goodwill. (For more on *Casasola* and its implications, join me as I discuss the case at the International Right of Way Association, Chapter 1's fall seminar on October 26.)

We'll keep following eminent domain issues in California, and we hope you'll keep reading.