### We meet contextual

#### Eminent Domain is infrastructure investment

Peterson 09’ – analyst for the World Bank, the book examines an important additional option for local infrastructure finance: capturing land value gains for public investment. Land values are highly sensitive to infrastructure investment and urban economic growth. Public works projects such as road construction, water supply, and mass transit

 (George, “HELPING TO ELIMINATE POVERTY THROUGH PRIVATE INVOLVEMENT IN INFRASTRUCTURE” 2009, The International Bank for World Reconstruction and Development, <https://openknowledge.worldbank.org/bitstream/handle/10986/6552/461290PUB0Box3101OFFICIAL0USE0ONLY1.txt?sequence=2>)//GP

Clear laws that define how eminent domain can be used, the compensation that must be paid, and the procedures by which disputes will be resolved are critical to the continuing use of this kind of land finance for infrastructure investment.

### We meet federal funding

#### We meet federal funding

Castle Coalition 6

“Federal Funds Currently Support Eminent Domain for Private Use,” http://castlecoalition.org/pdf/Federal-Funds-6-06.pdf

But federal funds currently support the use of eminent domain for private commercial development—including the project at issue in Kelo. Among other known abuses, federal funds have supported taking a church for retail development, modest homes for more upscale homes, an entire neighborhood for a factory, and small businesses for a mall. Many urban development, housing and community development authorities—which often engage in eminent domain for private development—receive federal funding.

### Eminent Domain = Spending

#### It’s spending

The Complete Real Estate Encyclopedia by Denise L. Evans, JD & O. William Evans, JD. Copyright © 2007 by The McGraw-Hill Companies, Inc.

eminent domain

The power of government to take land for the public good with the payment of just compensation. See condemnation.

#### Requires payment

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Eminent domain:

The right of a government to force the sale of real estate by a private individual or corporation in certain cases. For example, if a municipality is building a road, it may exercise eminent domain to purchase the land along which the road is going to run. While the private owners are paid for these purchases, they may not refuse to sell. The term is most common in the United States. The concept is called compulsory purchase in the United Kingdom and compulsory acquisition in Australia.

### We meet physical capital

#### We met physical capital

Klarfeld 99

Adam, “Private Taking, Public Good? Penn’s Expansion in West Philadelphia from 1945 to 1975,” Honors Thesis, http://www.archives.upenn.edu/histy/features/upwphil/klarfeld\_thesis.pdf

The RDA was extremely excited over the two building projects, hailing them as “great successes” in its annual report for 1958. The Authority was especially careful to point out that the University completely paid for the acquisition costs itself. 48 In addition, the Authority gained respect and notoriety for exercising their eminent domain powers in a manner that benefited the City by increasing the University’s physical capital and prestige without great objections to the necessary displacement. According to the Evening Bulletin: It was a graphic demonstration of teamwork which already exists between higher education and government, between the academic gown and the taxpayers of the town – the surest way for this nation to respond to the educational alert. 49 This early positive press and a good working relationship between the RDA and Penn ensured the future cooperation between two major institutions in Philadelphia.

#### Eminent domain is government investment in physical capital

Altshuler 3 – Professor of Design @ Harvard

Alan, “ Mega-Projects: The Changing Politics of Urban Public Investment,” p. 2-3

Within this framework, however, the system of urban governance has continually adapted to changes in the broader society, economy, and national polity of which it is a part. The focus of this book is on a series of profound changes that occurred during the second half of the twentieth century involving the politics of large-scale government investments in

physical capital facilities—mega-projects, we label them—to revitalize cities and stimulate their economic growth.1

\*\*\*Footnote included\*\*\*

1. The term mega-project as employed in this book denotes initiatives that are physical, very expensive, and public. More specifically, mega-projects involve the creation of structures, equipment, prepared development sites, or some combination thereof. They cost at least $250 million in inflation-adjusted year 2002 dollars. (This is an approximate rather than a hard-and-fast threshold, but most of the projects discussed in this book exceeded it by a very comfortable margin.) Mega-projects are fundamentally an expression of public authority. The clearest indi-cator of their public nature since about 1920 has been public financing, wholly or in large part. Other indicators, some of which were even more significant during the nineteenth and early twentieth centuries, include government-granted monopoly franchises, land grants, delegations of eminent domain authority, loan guarantees, and access to the benefits of public debt financ-ing (for example, via the issuance of privately guaranteed public revenue bonds).

The prefix mega to indicate "very large" became common in science and engineering dur-ing the late nineteenth century. (See Chambers Dictionary of Etymology, 3d ed, s.v. "mega.") The term mega-project itself dates to the late 1970s, when the Canadian government and the Bechtel Corporation more or less simultaneously adopted it, the former to describe massive energy development projects to which it had recently committed, the latter to describe its gen-eral portfolio of very large-scale pro|ects. (See Jeff Sallott, "Oil Sands Alberta's Wildcard in Pricing Battle with Ottawa," Globe and Mail, November 7, 1979, p. P9; and Thomas Lueck, "Bechtel and Its Link to Reagan," New York Times, December 5, 1980, p. Dl.)

### Normal Means

#### All development projects require eminent domain

Reinhardt, 11 - 23year P3 observer, publisher and editor of “Public Works Financing” newsletter (William “The Role of Private Investment in Meeting U.S. Transportation Infrastructure Needs”, May 2011, Transportation Development Foundation [http://www.artba.org/mediafiles/transportationp3whitepaper.pdf)//GP](http://www.artba.org/mediafiles/transportationp3whitepaper.pdf%29//GP)

In P3s, private developers do not own the land or the facility constructed on the land. The public sponsor is the record titleholder to all land acquired for the development. The right-of-way is acquired in accordance with Federal and State law and, when required, through the eminent domain process. The public sponsor oversees the entire land acquisition process and its approval is needed in almost any step. The private developer does not obtain nor request any rights to any excess land for commercial development.

#### Eminent Domain is required

**Peterson 09’** analyst for the World Bank, the book examines an important additional option for local infrastructure finance: capturing land value gains for public investment. Land values are highly sensitive to infrastructure investment and urban economic growth. Public works projects such as road construction, water supply, and mass transit

 (George, “HELPING TO ELIMINATE POVERTY THROUGH PRIVATE INVOLVEMENT IN INFRASTRUCTURE” 2009, The International Bank for World Reconstruction and Development, <https://openknowledge.worldbank.org/bitstream/handle/10986/6552/461290PUB0Box3101OFFICIAL0USE0ONLY1.txt?sequence=2>)//GP

In countries where most land is owned by private landowners, this tech nique requires that the public sector first acquire the land. If it can acquire excess land, beyond that required for infrastructure construction, it has the potential to capture land-value gains created by infrastructure investment. The rules governing this type of eminent domain have become one of the most controversial aspects of land-based financing.