

VOICES & VIEWS

READER FEEDBACK

SIDE EFFECT?

"While CityCentre is a lovely, hip development, look closely and you will see how it has been at the expense of the very 'affluent neighborhoods' it touts. Those of us who live nearby have seen flooding for the first time ever, and now multiple times, due to their construction and lack of detention and drainage considerations. This is NOT a flood plain, but CityCentre and Midway have created an artificial one. Shame on them for ruining our neighborhoods."

— **Comment on Chris Tomlinson column about CityCentre and the future of shopping malls**

FOLLOW THE LAW

"It's pretty simple. Those living here without a criminal record should be put in line (not ahead of those who are following the correct process) for citizenship, then the current illegal flow stopped and criminal aliens deported. The majority does not want immigration stopped, as media headlines seem to indicate; we just want the laws followed, people not living in the shadows and the unchecked flow from the south stopped."

— **Comment on Lydia DePillis post about a day without immigrants**

DUBIOUS CURE

"I am just so curious why some Americans want everything run by the government. Does socialism look that good? Government health care will bring you doctors who will work for the lowest hourly rate that the government will pay. Do you think the government will hire they most highly skilled doctors that get the most pay in the private sector? You can get great preventive medicine in socialized countries, but surgeries, and other expensive treatments have HUGE waiting times."

— **Comment on Chris Tomlinson column about privatization**

GOT A COMMENT?

Send it to @telltitoal or al.lewis@chron.com

TWITTER POLL

@telltitoal @chronbusiness

Which way is the Trump economy headed?

- 41% **Down.**
 - 31% **Like his casinos.**
 - 14% **Up. Believe me. It's huge.**
 - 14% **Steady. As it has been.**
 - 14% **Presidents have no effect.**
- (49 votes)

Where do you think the stock market is headed?

- 80% **Due for a big correction.**
 - 10% **Flat is the new up.**
 - 5% **New record highs daily.**
 - 5% **Buy something better.**
- (20 votes)

QUOTES

From the North American Prospect Expo last week:

"Everybody, at this time last year, was stepping out of an abyss. We didn't know where the bottom was."

— **Carl Campbell, chief operating officer at Alamo Resources, a Houston oil company with about 25 employees**

Q & A : JUSTIN HODGE

This land is your land? Not with eminent domain

By **L.M. Sixel**

The recent surge in population has meant new roads, schools and power lines all across Houston. But to get the land, they need to widen roads and undertake other building projects, government agencies and utility companies rely on eminent domain laws. Most of the time, landowners accept the first offer they get. But they don't have to, says Houston lawyer Justin Hodge of Johns Marrs Ellis & Hodge, who represents individuals in eminent domain disputes.

Hodge spent a recent morning talking about the surge in public projects and the money many landowners leave on the table. His edited remarks follow.

Q: What is eminent domain?

A: It's the government's right to take a landowner's property for a public purpose. It derives from the king of England's ability to take someone's property. We have a constitutional right under the Fifth Amendment to just compensation. We have the same right under the Texas Constitution.

Q: How does eminent domain affect average citizens?

A: The most common would be a road project. Currently in Houston we see that with the Grand Parkway, we're seeing it with the widening of Interstate 45 to Galveston. And we're seeing it with acquisitions of land for new schools, sports stadiums, pipelines, power lines, flood control easements and the somewhat contentious high-speed rail project.

Q: So what happens?

A: The government goes through a series of public meetings for the need to widen a highway. Ultimately, the state will approve the widening or in the case of the Grand Parkway create a new highway. Once the state approves the project, any landowner with land in the path of the project is approached by the state to acquire the land. The landowner can accept or reject the offer. If a landowner refuses, the state would file a lawsuit.

Q: How is land value determined?

A: Offers are not routinely not at fair market value. The government knows that 80 percent to 90 percent of landowners will accept the first offer and routinely offer below market value. There are other reasons land is often undervalued. For one thing, government agencies have to live within their budgets. And they work on volume. On large scale projects like the Grand Parkway, government agencies may

be in a rush to get the offers out. Along the way they may miss characteristics that would drive up the price.

Q: How about legal fees? Do landowners get reimbursed for the money they spend fighting the initial valuation, especially when the cases go before a jury?

A: Texas law does not allow the recovery of attorney fees. Landowners have to pay the bills.

Q: How can you get more for your property?

A: You reject the offer. The state then sues to take your property. You have a constitutional right to a jury trial to determine the

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James Nielsen / Houston Chronicle

TEXANOMICS

A bronze for health is better than no medal at all

Houston doesn't do so well when it comes to policies that promote healthy living, according to a private philanthropy that evaluated U.S. cities on their commitments to safety and well-being.

Of course, all rankings are based on subjective sets of criteria that determine the outcome.



LYDIA DePILLIS

In this case, the de Beaumont Foundation, endowed by the founder of the Brookstone chain of electronic gadget stores, devised a methodology by asking national experts what they thought made cities healthy. They ended up with a list that includes things like paid sick leave, universal pre-K, affordable housing policies and clean indoor air.

Houston scored a "bronze medal," which is not as good as gold medal winners like Los Angeles, Washington and New York that are less shy about passing regulations. But it's better than the zero medals won by others in Texas and most of the rest of the South.

What put Houston in the medals at all? Some of the points in Houston's favor may seem odd. For example, the survey ranked the city highly for its "Complete Streets" policy, passed by former Mayor Annise Parker. Although Houston's streets are much less pedestrian and bike-friendly than, say Portland, Ore. — which also received no medal — it's the on-paper policy that matters. (And Houston hasn't even passed its bike plan yet!)

Houston also received credit for its prekindergarten program, even though it didn't meet the quality benchmarks that the survey lays out because of its high enrollment. And it got points for "healthy food procurement," by virtue of the city's contracts with service companies that have minimal nutrition standards for vending machines in municipal buildings.

One might also quibble with measuring laws limiting the density of places that sell alcohol on the grounds that liquor sales might be associated with higher crime levels, but not measuring, for example, policies that foster clean air by increasing tree coverage.

But hey, if you don't like this ranking system, you can always make your own.

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