

## **I-195 and Eminent Domain**

by

**Bill Falcone**

I have been reading about the controversy concerning the proposed commission to manage the sale of the lands reclaimed from the old I-195 route through the City of Providence. I have no opinion on the establishment or not of such a commission. The commission's job will be to sell the reclaimed lands. My question concerns the lands reclaimed and the requirements of eminent domain takings.

For 35 years I worked at an agency which managed 8600 acres of such lands claimed by eminent domain in the early 60's, as was the I-95 and I-195 corridors. This was the Big River Reservoir Water Supply Project property in West Greenwich and Coventry. The late Thomas L. Yatman, Land Acquisition Officer of the Water Resources Board and Slater Allen, Esq. of Edwards and Angel were the principals in this largest such undertaking in Rhode Island history. Sitting with these experts over a long period between the initial taking and the finalization of the taking in the late 60's and early 70's, I learned a great deal about such a massive effort.

They taught me that the State of Rhode Island can do anything with lands in a straight up purchase of land from a private seller; but, the state must follow a strict set of rules concerning lands condemned under the process of eminent domain. Those rules are, and especially with voter approved bond money: when the state no longer uses the lands condemned for the purposes for which they were condemned in order (1) the lands must be offered back to the original owners or their heirs at fair market value and if refused (2) must be offered to the city or town in which it resides at fair market value, and if refused and finally (3) offered up for bid as is being proposed at the present time.

My question is, and I may have missed the taking place of numbers one and two, have these lands been offered for purchase at fair market value to the original owners or their heirs and subsequently to the City of Providence if so refused by number one? If I am wrong then I apologize for being ignorant of the facts and if not, are certain people primed and ready to make a killing flaunting the law along the way? Let us hope the all goes well with this process and it is properly and legally done.

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