

Eminent Domain ---These 2 words have a lot of power behind them which can be used in today's society enabling progress to be made thereby creating better opportunities along with development of various areas. Just as well they can also be used to take away one's livelihood, business or disrupt lives. Following is a brief story of my experience with eminent domain in the state of Pennsylvania with the Pennsylvania Department of Transportation condemning my property. It started out in January of 2010 and continued until it ended in 2022 –2023.

With the condemnation in January 2010 of my property and restaurant which was entering into its 23rd year of operation I was forced to either close down or try and relocate. The Department of Transportation hired a company that appraised the building and supposedly was to provide aid in establishing the restaurant in another location. I have researched various topics of eminent domain acquisition's and started to ask them questions as well as contact various government agencies. As you can see above the time it took to resolve my case was extensive. During this time period my family consisted of my wife, 18 year old son entering college and a 5 year old son. With the extreme debt that was incurred to reestablish my restaurant I went from working 38-42 hours weekly to 70-82 hours in order to pay my bills. After years of hearings the judge found in favor of our case and awarded us the costs of relocating our restaurant. I was asked numerous times if it was worth it and would I do it again if need be to which I said NO! The 10 years of being around my son growing up from 5-15/16 yrs old and missing out on so many things can not have a price put on it. That was only part of my life that was interrupted due to the extremely long drawn out court case. I am not here to put blame singularly on those responsible but to try and help both the Department of Transportation and any business being acquired in the future from going through what my family and I did. Any of you who reads this and has a family think for a moment what your life would be like if you spent 10 years basically seeing your family early in the morning before you go to work then returning at night when they are asleep 7 days a week. This could have been all prevented with knowledgeable personnel regarding business relocating from one occupational zone to a different one.

With the small brief above regarding what my family and I dealt with let me try and suggest a few ways to prevent future problems when dealing with eminent domain and restaurants or businesses. I know there are appraisals that are performed on both the properties as well as the business. In a relocation setting where a business is to be relocated the state should not only have the appraisals done but have a firm(s) familiar with what all is involved in relocating that business. For example, if a business is in a occupational classification Class B and moves into a Class A2 zone then by making a change in use to the current classification they would be required to be compliant with all current building codes in existence at the time. This is covered under the International Building Codes, the American National Standards and Americans with Disabilities codes along with local codes.

When relocating a business, I feel the following needs to be particularly paid attention to and addressed by specialists not just a relocation company.

Is the new location zoned the same for occupancy as the business relocating there? If so, what will be involved with re-establishing the business and equipment as far as electric, gas, plumbing, water, heating and flooring structure goes. If it is not and a change of occupancy will be needed, as was in my case, what will the costs be associated with doing so (building renovations, utility hookups and design costs along with numerous other building costs) and how will they be paid. A change in occupancy brings along numerous building codes as well as limiting what equipment can be relocated also. This can be very expensive and needs to be factored in.

I understand that eminent domain is necessary for progress and change but I also understand that businesses are needed to keep our state running as well as provide jobs. There needs to be a fair way of relocating all established businesses so as to not only keep them open but prevent them from failing afterwards within the first year or so as occurs. I hope by sharing what my family and I went through will help guide the way business are relocated in the future and make others lives better.

Sincerely,

Scott Jacobs

