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Court Upholds Columbia Campus Expansion Plan



Raymond McCrea Jones/The New York Times

Columbia University won a major court victory for its \$6.3 billion plan to build a satellite campus in Harlem on Thursday. This gas station owned by Gurnam Singh which was part of the lawsuit at 125th St. and Broadway.

By [CHARLES V. BAGLI](#)
Published: June 23, 2010

New York's highest court handed [Columbia University](#) a major victory on Thursday for its \$6.3 billion plan to build a satellite campus in Harlem, ruling that the state could seize private property for the project.



In a unanimous decision, the Court of Appeals overturned a lower court ruling that prohibited the state from using eminent domain to take property in the 17-acre expansion zone west of Broadway, known as Manhattanville, without the owners' consent. The ruling held that the courts must give deference to the state's determination that the area was "blighted" and that condemnation on behalf of a university served a public purpose, two ways that the project could qualify for eminent domain under state law.

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Columbia has a \$6.3 billion plan for a campus in Harlem.

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Raymond McCreia Jones/The New York Times

Nicholas Sprayregen owns four Tuck-it-Away Self Storage buildings in the area including this one at Broadway in between 131 St. and 132 St. The storage facility at left is on the land that is being taken over by Columbia University.

"This is an extremely important moment in the history of Columbia," said [Lee C. Bollinger](#), the university's president. "We look forward to moving ahead with the long-term revitalization of these blocks in Manhattanville that will create thousands of good jobs for New Yorkers and help our city and state remain a global center for pioneering academic research."

Eminent domain has been a touchy issue nationwide since a 2005 [United States Supreme Court](#) ruling that states could permit private property to be seized and turned over to another private owner for redevelopment. Since then, lawmakers in 43 states have tightened the requirements for eminent domain use, but New York has not.

Columbia hopes to build a series of 16 buildings for science, business and the arts over several decades on the site near the Hudson River, where the streets are lined with warehouses, factories and auto repair shops.

The university has already acquired the bulk of the land it needs, but the owners of four warehouses and two gas stations refused to sell and sued. There are also seven tenements in the area, which are not subject to condemnation, but Columbia hopes to move the tenants

to comparable apartments elsewhere.

[Norman Siegel](#), who represented the losing owners, said he was "extremely disappointed" in the decision and would appeal to the [Supreme Court](#). Although state law allows eminent domain to be used for educational purposes, he argued that it did not explicitly permit a private institution to benefit from it.

"The decision sets a terrible precedent regarding the use of eminent domain," he said.

Still, the decision was not unexpected, said [Michael Rikon](#), a lawyer who specializes in condemnation law and real estate litigation.

"It is virtually impossible to stop a condemnation in New York because of the courts' deference to agencies' determination," Mr. Rikon said. "Even though the courts say they won't be a rubber stamp, that's in essence what they've become."

The ruling cited a decision in a similar eminent-domain case last year involving the Atlantic Yards development in Brooklyn, where the state was condemning property on behalf of a developer who planned to build a basketball arena for the Nets and roughly 6,000 apartments. "We ruled for [Atlantic Yards](#), and if we could rule in favor of a basketball arena, surely we could rule for a nonprofit university," the court said Thursday in its decision, which was written by [Judge Carmen Beauchamp Ciparick](#)

One of the most contested issues was whether the area was blighted and in need of redevelopment, which would make it a candidate for eminent domain. The lower court had agreed with the property owners that there was "no evidence whatsoever that Manhattanville was blighted prior to Columbia gaining control over the vast majority of property therein."

But the Court of Appeals rejected the notion that Columbia had created the blighted conditions out of self-interest, saying the lower courts had ignored a 2003 city study that

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found “ample evidence of deterioration of the building stock in the study area.” A subsequent study by the state found a dearth of construction and “longstanding lack of investor interest in the neighborhood” and determined that the buildings of one of the property owners in the suit, Nicholas Sprayregen, had three times the average number of building violations compared with those on parcels acquired by Columbia.

[Mr. Sprayregen](#), the owner of the four warehouses who had refused to sell to Columbia, said he intended to carry on the battle. “If not overturned, the ruling now will allow any private school to be the beneficiary of eminent domain to take their neighbor’s property,” he said. “Further, it telegraphs to every large developer that they merely need to purchase a majority of land in an area and then intentionally allow their property to worsen in physical condition, which could then trigger a blight designation which would allow them to forcibly take adjacent property.”

Mr. Sprayregen and the gas station owners can still go to state court for more compensation if they believe they are not being offered a fair price.

The ruling does not bode well for property owners in Willets Point, Queens, a neglected neighborhood near [Citi Field](#), who oppose the city’s effort to take their land for a redevelopment plan, Mr. Rikon said.

Those owners, who are considering a lawsuit against condemnation, contend that the area is blighted only because the city has refused to pave the streets properly and install sewers. But their current lawsuit challenging the city’s plan on environmental grounds is unaffected by the ruling.

“It’s time for the State of New York to do something about this,” Mr. Rikon said. “They should create a commission on eminent domain to revise the law.”

In a statement, the Empire State Development Corporation, the agency that would take the land on behalf of Columbia, said the ruling “confirms that the project complies with New York State law in all respects and that the acquisition of the holdout properties is essential to realizing the vision for the Manhattanville campus as it was approved by the state.”

“The expansion of one of New York’s oldest educational institutions will enhance the vitality of both the university and its neighboring west Harlem community, while meeting the long-term needs of its residents,” the agency added.

In a concurring opinion, [Judge Robert S. Smith](#) agreed that the state had the power to decide what constituted blight, although he himself considered the blight designation “strained and pretextual.”

He also wrote that since the court had already approved the blight designation, thereby allowing the seizure of property, the court should not have also brought up the issue of what constitutes a “civic purpose,” because it opened the door to any purported “school,” even a tennis academy, to have land assembled for it through eminent domain.

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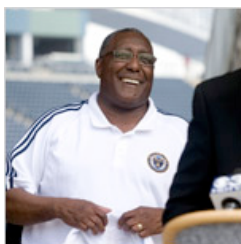
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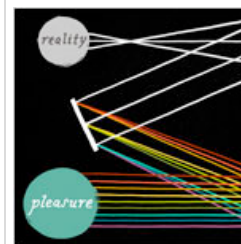


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