

Topic Page: [eminent domain](#)

Definition: **Eminent Domain** from *The SAGE Glossary of the Social and Behavioral Sciences*

A government's right to claim private property if intended for public use (e.g., schools, parks, highways, etc.). The government can only exert this right if the owner of the property is given fair compensation, based on market value.

Summary Article: **eminent domain**

From *The Columbia Encyclopedia*

the right of a government to force the owner of private property sell it if it is needed for a public use. The right is based on the doctrine that a sovereign state has dominion over all lands and buildings within its borders, which has its origins in the landholding system under feudalism. Eminent domain is implicitly enshrined in the U.S. Constitution, which in the Fifth Amendment requires that private property not be taken for public use without just compensation. The process of acquiring private property by eminent domain is known as condemnation.

Eminent domain traditionally has been used by governments to condemn land for building roads, schools, government buildings, and the like. The right of eminent domain may also be assigned to public and private corporations engaged in activities regarded as benefiting the public, such as the development of port facilities, the building of a canal or railroad, or the redevelopment of a blighted area. In 2005 the U.S. Supreme Court, in *Kelo v. the City of New London*, ruled that the Connecticut city had the right to condemn unblighted private property and transfer it to another private owner for development even if the only public benefit might be increased employment and tax revenues. Public outcry over the decision subsequently led most states to adopt legislation or constitutional amendments that limited, in varying degrees, the ability of state and local governments to use eminent domain to condemn private property for use by a private corporation. At the same time, some government officials and private developers raised concerns over how the laws and amendments would affect their ability to undertake large-scale development projects.

See also public ownership.

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eminent domain. (2018). In P. Lagasse, & Columbia University, *The Columbia encyclopedia* (8th ed.). New York, NY: Columbia University Press. Retrieved from https://search.credoreference.com/content/topic/eminent_domain



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