

# Domain dilemma

Road improvements for new school cause residents to lose land

words | Sam Farrell & Katelyn Kempkes  
layout | Will Reiher

After starting construction Aug. 2014, the new high school's 390,000 square feet will be completed in April. As cities like Johnston continue to expand and develop properties, they first have to undergo processes to acquire the land.

One process is eminent domain. Eminent domain allows the government to take private land for public purposes as long as they provide a fair price to the property owner.

Although it is not technically eminent domain unless the case gets taken to court, the general public sometimes views any private land taken by the government as eminent domain.

In Johnston, the building of the new high school required improvements to N.W. 100th Street and N.W. 70th Avenue. Some residents gave up some of their properties to the city.

Robert Mason, who sold seven feet of land to the City of Johnston, has lived at 6600 N.W. 100th Street since May 1999. His house is situated the closest to the parking lot on the right side of the school. Mason has two grandsons who graduated from Johnston and wishes the new high school would have been here when they were enrolled.

Although Mason has had no issues with the building of the school, he wishes the district would pay more attention to the people that it may affect. "The City of Johnston has the tendency to look at a big scale and forget about the individuals," Mason said. "I've had to go to the city several times and tell them that their futuristic plans are turning my house into a condo and then a pond and they just

forgot about the people that live around the area."

Kathy Bast, whose house address is 6908 N.W. on 100th Street, has lived there for almost 28 years. Both the Basts' and Masons' properties are completely surrounded by land owned by the City of Johnston. Bast is upset about the new high school and believes that the City of Johnston does not care about the individuals it affects, much like Mason. "We don't get any say. They don't care one bit about our feelings," Bast said. "They care about money. That's all they care about."

To accommodate for the increase in traffic on

**"They care about money. That's all they care about."**  
-Kathy Bast

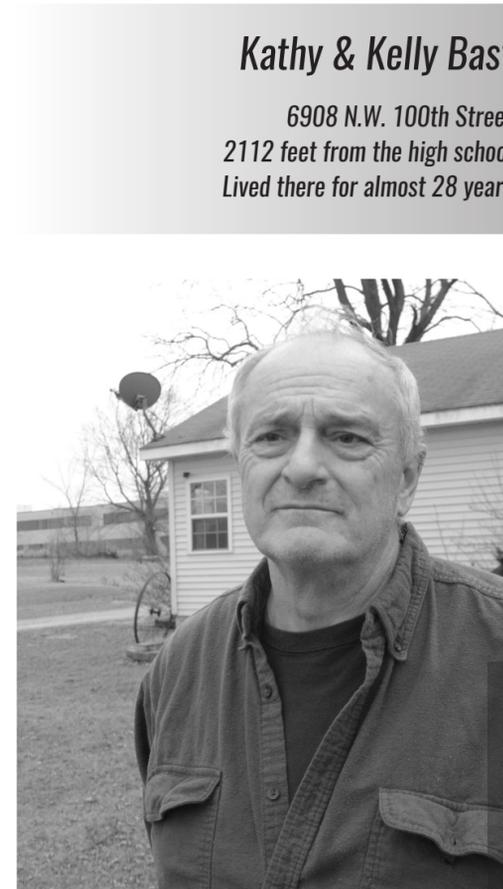
100th Street that will inevitably come with the construction of the new high school, the City of Johnston needed to acquire land from those who live on the street for the roundabouts and the bike path. The Basts were not in favor of their property being taken as they had valuable trees on the border that would be cut down. During the interview, Kathy Bast appeared to be on the verge of tears as she spoke about the process of her land being taken.

In Johnston, trees with a diameter of six inches or more on private property are offered compensation of five hundred dollars per tree. The trees, in the Basts' case, however, were partially placed on both their private property and Johnston's property. "Even their attorney advised them that the trees were Johnston's," Cubit said. "They weren't happy about it, which I understand, I can relate to that." Dave Cubit is the former public works director of Johnston. He retired in December.

The new school itself is not causing the Masons to consider moving but rather the fact that they own so much land. "The two-and-a half acres are really just getting a lot to handle and the taxes just keep going up," Mason said. "Someone from the district actually came and asked us if we would ever sell the house and I just told him that I might in a few years when the football stadium is built and he told me that it will be built quicker than I think."

Both Kathy Bast and her husband Kelly believe that Johnston knew about the costs from the beginning. Bast does not blame Johnston schools, but the City of Johnston. "Picking a date where very few people are going to be voting (for the referendum)," Kelly Bast said. "Not having it publicized about the vote, except for their supporters. They kind of rigged the election to begin with."

The Basts were offered \$1 for their front property. After they received the letter, the Basts contacted their lawyer, Dan Manning. Offering \$1 is procedure to act as a placeholder for a later negotiation. Cubit believes that the system of property being



**Kathy & Kelly Bast**

6908 N.W. 100th Street  
2112 feet from the high school  
Lived there for almost 28 years



**Robert Mason**

6600 N.W. 100th Street  
240 feet from the high school  
Lived there for 18 years

taken is skewed towards the property owner more than towards the City of Johnston. When talking to property owners, Cubit comes from a different perspective. "We had meetings, in the office, with Dr. and Mrs. Bast. We had meetings on site. We had confrontational meetings on site," Cubit said. "We, all of us, were just there to do the job."

Despite Cubit taking the approach to meet face-to-face with homeowners, there are still miscommunication issues. "There's always misconception. There's always people who are misinformed," Cubit said. "It's just one of the things you deal with in the work that I do."

The process is not ideal. "This is a drastic change for us, we're going from just corn and bean fields to this giant monster sitting in my backyard," Mason said. "Now there is the unknown of traffic and other issues and I guess we'll just have to get used to the change."



On average it takes seven months for an eminent domain appeal to be heard



44 States have passed some form of eminent domain reform



Cedar Rapids received a \$35 million grant to seize a hotel for a new convention center

