



A cross glows in the night on a Malone community church at 25th and S streets.

Mark Davis/The Sower

The people in the neighborhood come from diverse backgrounds, Godfrey said. They know each other, care for each other and don't want their neighborhood swallowed by the university.

In addition to a park and residential housing, the city's plan for the Malone area calls for street improvements and home refurbishing.

"We're the last neighborhood . . . to have such programs as city parks and paved streets and bikeways implemented, Kopines said.

However, all of the city's planned improvements have been stalled because the university owns much of the land in question, McGee said.

City and UNL officials have discussed a land trade that would give the city 11 acres of land north of Harper-Schramm-Smith residence complex, which is worth about \$1 million, for city owned property in the Malone community, Coffey said. The Malone property is worth \$300,000 to \$400,000. The city would pay the university the difference.

The 11 acres of UNL property would be used to extend Holdrege Street around the campus' northern boundary, Lincoln Mayor Roland Luedtke said.

But nothing has been finalized and the uncertainty leaves many Malone residents upset.

"The university and the city have been playing games with each other for 40 years. All they've been doing is swapping land," Stephenn said.

UNL's expansion plan has the 56-year-old Stephenn worried. He wants to continue to live in his home, but he's worried that UNL's expansion plan will force him to move.

## Eminent domain may leave land owners no choice

Eminent domain is the power of a government to take away or to give the authority to take away, private property for public use, providing just compensation to the owner.

Richard Wood, General Counsel for the university, said the threat of eminent domain was used five years ago in the UNO expansion on the west side of the campus which involved the acquisition of 10 residential properties.

When the threat of eminent domain is used, properties are not actually condemned. Property owners are negotiated with to determine a fair price for the land.

If an agreement is not reached, Wood said, and if the public agency still wants to go through with the acquisition, they can file a "condemnation treaty" in the courts. The court then hears both sides of the case and hires its own appraisers to determine the worth of the property. The

public agency must pay the price determined by the court and both sides may appeal the decision.

Wood said that both state and federal constitutions require that just compensation be given to the owner for their land.

Wood said that fortunately, university negotiators were able to come to an agreement with the property in the UNO expansion and owners did not have to go through the court process.

Wood also said that the university can acquire property through "relocation assistance laws," in which the public agency pays moving expenses within a 50-mile radius, or up to a \$15,000 mortgage difference if the land owner cannot find comparable housing. Wood said that the relocation assistance laws were used in one case out of the ten in the UNO expansion.

To make room for construction of the Lied Center, eight businesses and two residential properties with no tenants were relocated, Wood said.