

E. FAQs ABOUT USING EMINENT DOMAIN TO ACQUIRE THE CAPE COD SEA CAMPS FOR PUBLIC USE



Credits: Town of Brewster; Keen-Summit Capital Partners, Phoenix Management

EMINENT DOMAIN

What is eminent domain?	Eminent domain is a legal right given to municipalities and other governments to acquire property for public use.
Why use eminent domain in this case?	The Town may not be the winning bidder in this matter. The Select Board believes Brewster voters deserve the opportunity to decide the future of these parcels – and the possibility of eminent domain ensures that the Town isn't precluded from competing with private developers to acquire these or similar properties. Eminent domain gives a local government, working on behalf of its residents, the chance to acquire property for public benefit.
Has the Town used eminent domain before?	Yes, Brewster has used eminent domain at least 31 times to acquire major properties like public beach and hundreds of times for small acquisitions needed for road improvements. These acquisitions through this process have fundamentally shaped the Town.
What has the Town of Brewster acquired by eminent domain?	Our first eminent domain acquisition appears to have been Saint's Landing beach in 1918 and the most recent was about 56 acres off Slough Road for watershed protection and recreation in 2007. Other eminent domain acquisitions include: <ul style="list-style-type: none"> • At least 6 public beaches including Crosby, Fisherman's Landing, Ellis Landing, and Paines Creek. • Land for Captains Golf Courses • Land for Eddy and Stony Brook schools • Land to establish and protect our drinking water supply • Land for conservation including the Punkhorn parklands.
What are the risks of using eminent domain to acquire the Sea Camps?	Eminent domain consists of a legal process that may end in a jury trial. The jury would hear evidence about the value of the property and then determine the amount that the Town would have to pay the sellers. This might be higher than an amount reached through a negotiated agreement. Since the sellers have recently received multiple bids on these properties, the acquisition costs would be informed by those amounts, thereby limiting the Town's potential financial exposure.