

FIU raises threat of eminent domain in Youth Fair fight



One of the rides at the Miami-Dade County Youth Fair & Exposition in this file photo from 2015. Roberto Koltun El Nuevo Herald

domain gets even more complex when one government tries to assert its authority over another involving land that's already owned by the public.

"It's a very sticky wicket," said Mitchell Burnstein, chair of the eminent-domain practice at the Coral Gables law firm of Weiss Serota.

Ilya Somin, a law professor at George Mason University, said FIU would need to prove it had no other reasonable option than the Tamiami acreage for its new engineering school and other facilities. Somin said that's a tougher case to prove than it might be for expanding a road, extending a highway or other more traditional eminent-domain targets.

"There's much less of a reason to say: 'It must be here, and we must take this land,'" Somin said of school expansions.

FIU declined an interview request, issuing a statement that touted its role in Miami-Dade's economy and expressing hope for "an amicable relocation of the Fair. However, because we owe it to our community, we will continue to analyze all our options."

At the center of the dispute is the Youth Fair's lease, which includes an eviction clause requiring Miami-Dade to build replacement fairgrounds for the nonprofit and reimburse the organization millions of dollars for improvements made to the portion of Tamiami it occupies. FIU has pledged to cover those costs using [\\$50 million in state funds](#), though the Youth Fair points to a consultant's study [saying the true expense](#) to Miami-Dade could top \$200 million.

FIU has been ramping up the political pressure on Gimenez and the 13-member County Commission to force a resolution. In 2014, the school [won passage of a referendum](#) that endorsed moving the Youth Fair provided it didn't cost Miami-Dade anything in the process.

WE WILL CONTINUE TO ANALYZE ALL OUR OPTIONS.

Florida International University statement

In April, FIU President Mark Rosenberg [unveiled plans](#) for a \$150 million engineering school to go where the Youth Fair currently attracts about 600,000 visitors each spring. And though the school has no item on this year's ballot, FIU recently unveiled a yard-sign campaign with the slogan "FIU Voters: Higher Education=Stronger Economy."

If Florida International University can't broker a deal to expand onto the county parkland currently occupied by the Youth Fair, the state school might try to seize it in the courts.

FIU officials recently raised the possibility of launching eminent domain proceedings in its fight to expand on the 86 acres that Miami-Dade's version of a county fair leases next door in Tamiami Park. In a private meeting with Mayor Carlos Gimenez and aides, FIU representatives suggested a condemnation effort could target either the county land itself or the 90-year lease that Miami-Dade signed with the Youth Fair in 1995, according to Gimenez and a top deputy, Michael Spring.

Years in the making, the Youth Fair dispute already seemed on track for a court fight as both sides refused to accept the other's suggestion for accommodating FIU's expansion plans onto the parkland. FIU wants the Youth Fair and its year-round [event business](#) of trade shows, weddings and athletic events to move to county-owned land near Homestead. The Youth Fair has proposed sharing Tamiami with an expanded university.

With its latest comments, FIU is suggesting Miami-Dade itself might be a target in legal proceedings.

"I would take offense to someone trying to eminent domain a park," Gimenez said in an interview. "I don't think they have the power to do that."

I WOULD TAKE OFFENSE TO SOMEONE TRYING TO EMINENT DOMAIN A PARK.

Miami-Dade Mayor Carlos Gimenez

Lawyers said Monday that state agencies do sometimes target government-owned property for condemnation through eminent domain, the legal term that describes seizing land for public purposes. Always a complicated topic, eminent

FIU is offering to help the Youth Fair establish a new home on county-owned land by the Homestead Air Reserve Base, and make it part of an agriculture center focused on the farming economy and launching new agri-based businesses.

Fair officials maintain the Homestead site is too far south for the three-week event to survive, but FIU sees the fair dismissing a reasonable alternative.

In an Oct. 14 letter to the fair that FIU sent to county commissioners, Rosenberg stated "South Dade is the only viable relocation option."

"We reiterate our willingness to work with the Fair to reach an amicable resolution to relocate the Fair to South Dade," he wrote, "and we ask the Fair to do the same."

I HATE TO USE THE WORD STEAL, BUT IT'S LIKE THEY'RE TRYING TO STEAL THE LAND THAT THEY CAN'T GET THROUGH A NEGOTIATING PROCESS.

Youth Fair president Bob Hohenstein

Last week, FIU representatives presented a slide show to Florida's university board that stated "the South Dade site has been selected as the replacement" for the fair.

Robert Hohenstein, president of the fair, said the nonprofit has already spent \$2 million trying to come up with a compromise and that it can't match the funds FIU can pour into a legal battle. Earlier this month, Hohenstein wrote Spring, who oversees the county's parks department, and portrayed FIU as trying to bully its way into Tamiami.

"The concept of an eminent domain taking of the Fairgrounds is offensive and adversarial," Hohenstein wrote. In an interview, he went further in blasting FIU. "I hate to use the word steal," he said, "but it's like they're trying to steal the land that they can't get through a negotiating process."