

Vanishing Property Rights in Orange Beach

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Power corrupts goes the old saw. Taking away residents' property rights is the new infatuation, firstly with short-term rentals in residential areas, lastly with property condemnations, acquiring land for the proposed bridge west of the Foley Beach Express. "Eminent domain is a necessary evil," said Mayor Tony Kennon, referring to three families who will lose their home-based businesses on property needed for the bridge, quoted in the Islander, April 25, 2018, pg. 29.

The problem is not one single piece of data or traffic study was offered to the public, supporting the necessity of eminent domain condemnations for the \$87 Million second bridge, causing Mr. Jim Ziegler, the State's Auditor to write a letter to ALDOT's Director John Cooper, seeking clarification.

"I have more questions than I do answers about the proposed additional bridge. I hope to solve that with my specific requests for public records," Alabama State Auditor Jim Zeigler explained on Twitter.

Elected Officials acquiescing on the side of property condemnation is like airing a television campaign against property rights, watching our representatives watching a reality show.

In a market system, well-defined property rights are important because they increase economic activity, bolstering standards of living, quality-of-life, and a strong tax base that is inextricably linked to property rights.

Using a hammer instead of a scalpel to regulate short-term rentals, prescribing condemnation and eminent domain instead of negotiation to obtain property for the second bridge is scandalously inconsistent with Alabamians' hatred of government intervention, rewriting the playbook on property rights.

Local politicians prefer circling the wagons when residents disagree, appearing to have lost the ability to dissent.

Perhaps we should exhale, taking a look at what has grown from the seedling of property rights since Orange Beach was founded in 1984 to the latest Ordinance 2018-1282, limiting vacation rentals.

Mayor Tony Kennon said in a Council Meeting, "I want to know who my neighbors are," commenting on short-term rentals, giving everyone in the room a glimpse into the plan.

This rental legislation is like gating the residential community by Ordinance instead of by Referendum or HOA vote, wondering how elected officials will explain themselves for not minimizing government's role in the economy, for not restoring liberty from government interference, essentially abandoning pre-eminent conservative ideals.

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By legislating for government restrictions on private property this Council transformed from conservative incumbent right before our eyes. It's troubling not knowing what other instruments of economic disenfranchisement are on the agenda.

What happens east and west of Docs Seafood when the Wolf Bay Bridge is put out for Bid, needing more land for a construction site, parking and a lay-down yard? One must assume properties will be condemned and then confiscated for pennies on the dollar, imitating the greater vanity of eminent domain.

"We have to be able to move traffic. We've got to be able to evacuate and we have to be able to grow," said Mayor Tony Kennon to AL.com.

I agree that some short-term rental owners have been naughty, insufficiently policing their renters. Residents should call the authorities when renters misbehave, applying laws already on the books, perhaps implementing a three-strikes and you lose your license policy, ensuring Council has the last word. Tarring all residential-rental owners with the same brush is energetic but disillusioned.

The Baldwin County Association of REALTORS® (BCAR), representing 2000 Realtors did not endorse candidates who voted for the Orange Beach residential rental ordinance, according to the BCAR web site.

"REALTORS® care about communities and candidates who support private property rights," said Sheila Dodson, CEO of BCAR. "This is just another platform to show the involvement of REALTORS® in their community."

A short-term rental ban, and eminent domain sit on the plate before us, cleverly salted to kneecap the opposition. How we chew and digest these morsels is up to us.

ENDS.