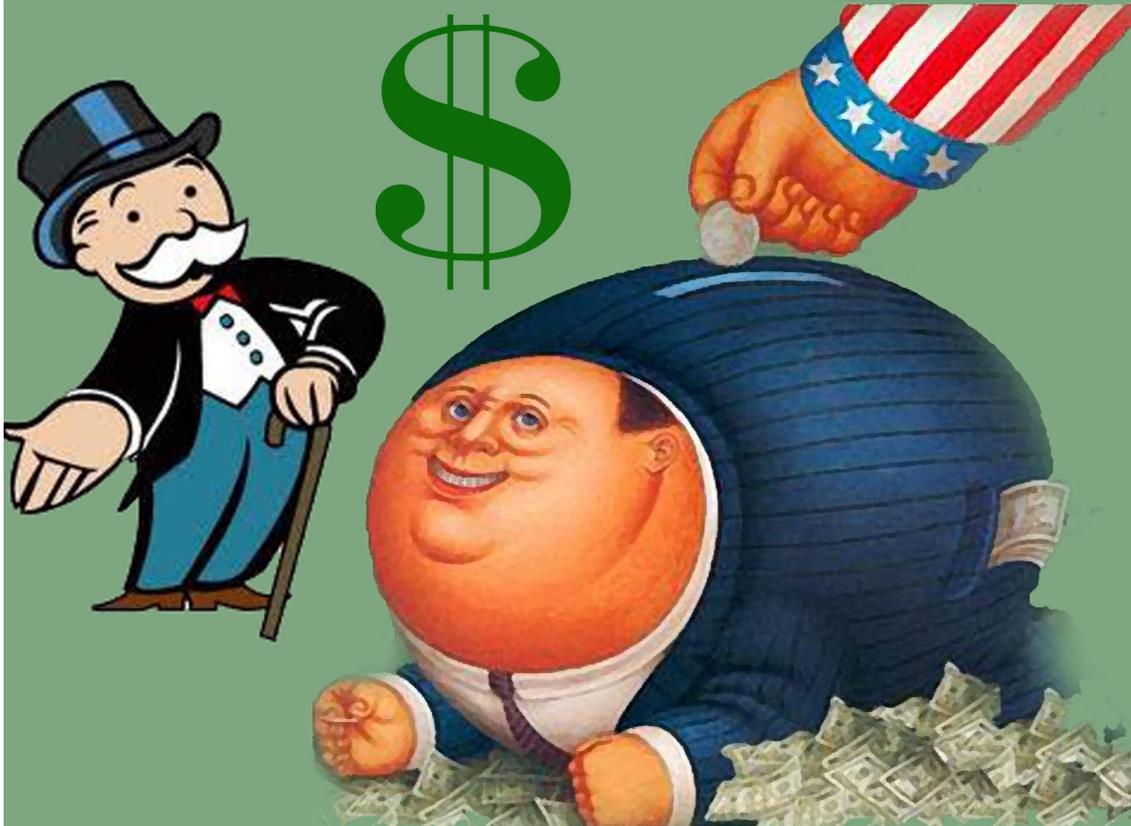




# Homer Tourkakis: Victim of Eminent Domain Abuse

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By: Timothy B. Lee

In January of 2004, the city of Arnold unveiled a plan to re-develop a large chunk of Arnold commonly referred to as the Arnold Triangle. The plan envisioned 250,000 square feet of retail space, a Dierbergs Market and a Lowe's store. Unfortunately, there were 52 homes and businesses already occupying the area. They don't pay as much in taxes as the city expects to get from the big box retailers, and the city has decided to remove them in favor of wealthier businesses.

One of the property owners the city wants to displace is dentist Homer Tourkakis. He and his wife Julie have put down roots in Arnold. They've been in the city since 1985, when they started the practice in the Arnold Triangle. They've spent the last 21 years forging friendships and attracting clients from all over Jefferson County. They also raised two daughters, both of whom are now in Missouri colleges.

"When I heard about the city's plans, I had a lot of concern and consternation," Tourkakis said. "I was ignorant about eminent domain and all the ramifications, and the power that was available to the city. I still looked at the world through rose colored glasses. I thought

the city council would be there to defend me. It didn't take long for me and other business owners to realize that like it or not, this thing was going to happen."

On September 16th, 2005 the city voted in favor of giving Overland-based developer THF Realty \$24 million in tax breaks and the authority to condemn the homes and businesses of property owners who refused to sell.

Business owner Homer Tourkakis in front of his "blighted" dental office.

Tourkakis and his neighbors protested the plan. "I didn't want to be part of this development program," said Tourkakis, "I didn't want to have to dip into my savings and start all over again."

In response to those protests, some influential property owners were spared. The city promised to give the Veterans of Foreign Wars land within the development area and build a new VFW hall. A UMB bank was also guaranteed a place in the new plans. And Norman Moss, who sits on the city's Board of Adjustments, managed to get his business, Arnold Stove and Fireplace, spared from forced relocation outside of the development area.

But no such concessions were offered to small business owners like Tourkakis. Tourkakis thinks that the city is playing favorites. "It just seems really arbitrary," said Tourkakis, "why do some get red-carpet treatment, while I get my life turned upside down so the city can pick up a few bucks?" Tourkakis says that the city council members of his ward, Phil Amato and Joyce Deckman, refused his requests for help.

Board of Adjusts member Norman Moss's business, Arnold Stove and Fireplace, will not be forced to relocate outside the development area.

Tourkakis' property, along with about 12 others, was declared blighted by the firm of Peckham, Guyton, Albers and Viets (PGAV), the same consulting company that made the blight determination in the infamous Sunset Hills redevelopment project. In one instance, PGAV cited broken pavement as evidence of blight--never mind that maintaining roads is a city responsibility.

"They say they offer fair market value, but my business has been established in this area for years. I'll have costs that 'fair market value' simply won't cover. What about my loss of highway traffic? What about the risks I incur?" Tourkakis asked. "The appraisals were a joke. They looked at property that was miles away from mine. Everybody knows they lowball you."

The developer, THF, did go through the motions of negotiations. THF principal Allen Bornstein visited Tourkakis on three occasions. But Tourkakis charges that the relocation offers made to him were vague and inadequate. "They just wouldn't talk seriously about a plan," said Tourkakis. "At one point, Bornstein said to my attorney, 'Look, I'm not in the dental building business.' They all seemed pretty convinced that they could push me where they pleased. They were pretty arrogant."

The Tourkakis dental practice isn't as large as Dierbergs or Lowe's. He employs a staff of three full-time, fully health-insured persons, two of whom are Arnold residents. His practice is one of a handful which treats Medicaid patients, including the elderly and the developmentally disabled. Treating Medicaid patients who can't pay their bills means operating at a loss. The government only reimburses Tourkakis ten cents for every dollar he spends treating those patients. "I see doing it as part of being a member of the community," says Tourkakis, "helping out the community makes for a stronger community." Tourkakis's practice has treated Medicaid patients for 21 years.

In the coming weeks, the developer must make a final buyout offer to the remaining property owners, who number about 15. If they can't get the contracts, they'll ask the city to file a condemnation lawsuit against the property owners.

"It kind of makes you wonder why you work so hard to build something," said Tourkakis. "If they're just going to take it away from you, why bother?"

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