



DEPARTMENT OF PROPERTY AND PROCUREMENT

**TESTIMONY OF
LISA MARIA ALEJANDRO, COMMISSIONER**

BEFORE THE 36TH LEGISLATURE OF THE VIRGIN ISLANDS

COMMITTEE ON DISASTER RECOVERY, INFRASTRUCTURE, & PLANNING

EARLE B. OTTLEY LEGISLATIVE HALL

ST. THOMAS, U.S. VIRGIN ISLANDS

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BILL No. 36-0070

*Testimony
of
Lisa Maria Alejandro, Commissioner of the Department of Property and Procurement
Before
The Committee on Disaster Recovery, Infrastructure, and Planning of the 36th
Legislature of the Virgin Islands of the United States
on
June 16, 2025*

1 Good morning Honorable Marise C. James, Chair of the Committee on Disaster
2 Recovery, Infrastructure and Planning, to Vice – Chair, Senate President Milton E. Potter, to
3 Senator Alma Francis Heyliger, Sponsor of Bill No. 36-0070, members of the Committee on
4 Disaster Recovery, Infrastructure and Planning, non-committee members of the 36th Legislature,
5 employees of the Department of Property and Procurement, fellow testifiers, Legislative Staff,
6 and the viewing and listening audience.

7 I am Lisa Maria Alejandro, Commissioner of the Department of Property and
8 Procurement. With me today in Chambers is Chief Legal Counsel Magdalene A. Morancie, Esq.
9 We are here, pursuant to your invitation, to provide testimony on Bill No. 36-0070, “an Act
10 amending title 28 Virgin Islands Code, Chapter 19, by adding Section 423 relating to the failure
11 to use property acquired through the exercise of the power of eminent domain.”

12 The Department understands Bill No. 36-0070 sets out to accomplish four (4) principles:

- 13 (a) To establish a timeline of twenty-five (25) years during which property acquired through
14 the exercise of eminent domain must be devoted to the public use for which the property
15 was acquired.
- 16 (b) Create an opportunity for a previous property owner or their successors-in-interest to file
17 legal proceedings in the Superior Court for the return of the property, if the property was
18 not devoted to the public use for which it was acquired within the twenty-five (25) year
19 timeline.
- 20 (c) Allow for the Superior Court to grant the previous owner’s or their successor – in –
21 interest’s petition once the previous owner returns the compensation it received from the
22 Government for the property.



(d) Prohibit the Government from instituting further condemnation actions within ten (10) years after the Superior Court has granted the petition to return the property to the previous owner or their successors-in-interest.

As the agency with primary responsibilities for the acquisition, management, and disposition of Government real property, the Department of Property and Procurement recognizes the fundamental part the exercise of eminent domain can play in facilitating the Government's need to acquire private property for public use. The Government primarily acquires property via negotiated purchases, gifts or exchange. The exercise of eminent domain is not a frequently used option and comes as a matter of last resort after failed negotiations to acquire by negotiated purchase or under circumstances when acquisition by negotiated purchase is not otherwise feasible. The power of eminent domain, which applies to both federal and state governments, is a functional part of Government operations and provides the Government with the ability to acquire private property for public use in exchange for just compensation – typically measured by appraisals to determine fair market value.

As outlined in Section 411, public uses include all uses authorized by either the United States Congress or the Legislature of the Virgin Islands, buildings and grounds for use by the Government, uses related to public transportations, water reservoirs, irrigation systems and lands for public recreation and significant natural areas to name a few. The Government's ability to exercise eminent domain is constrained by a public need and the payment of just compensation.

The Department appreciates the opportunity to engage in today's discussion as we recognize the intent of the Bill in seeking to ensure accountability in Government actions and balancing private property rights. As proposed, however, we share concerns about the potential impact on the efficient functioning of government, long-term infrastructure planning, and emerging needs. Please consider the following:

- (1) A rigid twenty-five (25) -year deadline risks undermining long-term projects and creating unnecessary pressure on agencies to rush development in order to avoid potential reversion claims. Public infrastructure projects often require extensive planning, funding, and environmental review processes that can span decades. For example, Phase 1 of the Veteran's Drive Improvement Project, celebrated its ribbon



52 cutting in 2020, while its initial design dates to the early 1990s. The timeline for
53 completion is unrelated to eminent domain concerns, however, it represents how a
54 project supporting a public purpose can span decades and evolve over time and still
55 come to fruition. Major projects such as new roads, schools, utility expansions, and
56 disaster resilience infrastructure can be delayed due to budget constraints, permitting
57 challenges, adjustments for actual site conditions, and legal disputes. Therefore, the
58 risks inherent in long-term infrastructure projects, may cause time to elapse before
59 the property is devoted to public use. Additionally, this runs the risk of unnecessarily
60 restricting the Government's ability to divert property to an alternate public use,
61 when that diversion may be more efficient and desirable in changing landscape of
62 emerging needs that may be in the public's interest.

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64 (2) The Bill would compel the Government to manage a complex tracking system for all
65 eminent domain acquisitions, constantly reviewing whether each parcel has been
66 "devoted to the public use for which it was acquired" within the twenty-five (25) -year
67 window. Furthermore, it invites a wave of litigation over what qualifies as "public
68 use," when that use begins, and whether efforts toward the intended use suffice to
69 preserve the Government's ownership to the property.

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71 (3) Allowing properties to revert to former owners after twenty-five (25) years, even with
72 reimbursement of the compensation paid, has the potential to expose the Government
73 to significant financial risks. Since the Bill only requires the repayment of the original
74 compensation, the original compensation paid may be far below the current market
75 value, resulting in a public loss. Additionally, the ten (10) -year bar on reacquisition
76 creates a gap during which critical projects could be stalled, jeopardizing public
77 welfare.

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79 (4) The petition and reversion process could be subject to abuse by well-resourced former
80 owners seeking to reacquire property for personal benefit. This is especially
81 concerning in areas that have increased in value due to surrounding public



investments, the commencement of development on the subject property or the creation of alternate public use. This could encourage speculation and opportunistic legal challenges, rather than supporting true public interests.

(5) The Government is already constrained by constitutional and statutory requirements to use eminent domain strictly for public purposes in exchange for just compensation, and property owners have recourse through the courts. Adding this additional layer of restriction could act as a deterrent to future development or infrastructure improvements, due to uncertainty.

(6) Other jurisdictions have taken the approach concerning a previous owner's right to re-purchase when the Governmental entity that acquired the property through eminent domain either abandons the public purpose for which the property was acquired and seeks to dispose of the property. In those instances, statutory provisions in places like New Hampshire and Rhode Island provide for a right of first refusal when the **Government** seeks to dispose of the property. The instant Bill, however, appears to give the previous owner the ability to file this petition upon the decision of the previous owner or their successor-in-interest that the Government has not devoted the property to the underlying public purpose. This has the potential for petitions to be filed while the Government is engaged in developing the property that may not be visible to the previous owner, which can further delay completion of projects.

Our collective responsibility to ensure eminent domain is exercised responsibly cannot be understated. As we consider the primary methods of acquiring real property, the continued practice of using the acquired property for a public need, the protections in place to balance public needs with private interests and the Government's obligation to plan, execute, and sustain long-term public projects, a reversionary right may unduly hinder long-term governmental plans. A more balanced approach, perhaps involving periodic review of unused eminent domain parcels, and a reassessment and reallocation to alternate public uses that may better suit the



111 Government's then current needs. This approach has the potential to conserve time and money
112 by utilizing property the Government already owns to meet evolving needs.

113 Madam Chair, this concludes my prepared testimony. Thank you again for the invitation
114 and the opportunity to be a part of today's discussion. We remain available to answer any
115 questions the Committee may have.

