



Eminent Domain

Adopted by the Executive Committee on January 26, 2006

WHEREAS, eminent domain is a fundamental and necessary power of government, and

WHEREAS, the purpose of eminent domain is to allow governments to undertake projects that benefit the whole community, while providing just compensation to property owners for the value of their property, and

WHEREAS, throughout American history, federal, state and local governments; have used eminent domain to promote the Nation's social and economic welfare with the construction of such essential projects as roads, bridges and schools, and

WHEREAS, eminent domain is also critically important for municipalities to promote sensible land use, revitalize distressed communities, clean up polluted land, build new infrastructure, and alleviate the problems of unemployment and economic distress by fostering economic development, and

WHEREAS, economic development, which provides jobs and opportunity to communities, is a fundamental duty of local governments, and

WHEREAS, one of the biggest obstacles to the revitalization of our metropolitan areas, which include center cities and older inner-ring suburbs where more than 80 percent of the nation's population resides, is the difficulty of assembling parcels of land of sufficient size to allow for new economic development, and the creation of affordable housing, and

WHEREAS, the absence of appropriate sites often limits opportunities to foster economic development and create affordable housing in places where needs are most significant, and

WHEREAS, the United States Supreme Court's decision in *KELO v. New London* has resulted in the examination of the use of eminent domain for economic development at the local, state and Federal levels, and

WHEREAS, governments should only exercise the power of the eminent domain to achieve important public development objectives that benefit the community, and

WHEREAS, most private property acquisitions by the government are voluntary, and

WHEREAS, powers of eminent domain are rarely exercised and are only used by the government as a tool of last resort, and

WHEREAS state and local laws should address protections to individuals regarding the use of eminent domain, and

WHEREAS, there are a number of tax benefits often desired by property owners under the threat of eminent domain, and

WHEREAS, the Congress has limited the use of some federal funds in connection with state and local economic development projects involving eminent domain and provided for a study by the Government Accountability Office on the use of eminent domain,

NOW THEEFORE BE IT RESOLVED, that under our federal system the use of eminent domain by state and local governments is fundamentally a state and local matter and should be addressed by state and local political processes that respond to distinctly local needs and conditions, and

BE IT FURTHER RESOLVED, that the Federal government should not take any additional action to alter the rules governing the use of eminent domain until it has received the Government Accountability Office report and held comprehensive hearings.

Submitted by:

Mayor Michael R. Bloomberg, New York, New York

Mayor Gavin Newsom, San Francisco, California

Mayor Heather Fargo, Sacramento, California

Mayor Thomas M. Menino, Boston, Massachusetts

Mayor John Hickenlooper, Denver, Colorado

Mayor Ron Gonzales, San Jose, California

Mayor Rocky Anderson, Salt Lake City, Utah

Mayor James Brainard, Carmel, Indiana

Mayor Shelia Young, San Leandro, California

Mayor Richard M. Daley, Chicago, Illinois

Mayor Michael A. Guido, Dearborn, Michigan

Mayor John F. Street, Philadelphia, Pennsylvania

Mayor Manuel A. Diaz, Miami, Florida

Mayor Mick Cornett, Oklahoma City, Oklahoma

Mayor Kay Barnes, Kansas City, Missouri

Mayor Martin O'Malley, Baltimore, Maryland

Mayor Joseph P. Riley, Charleston, South Carolina

Mayor David N. Cicilline, Providence, Rhode Island

Mayor John M. Fabrizi, Bridgeport, Connecticut