

In the wake of the Supreme Court's *Kelo vs. New London* decision, state and local governments are taking action to restrict the use of eminent domain for economic development purposes. To assist elected officials in these efforts, Reason Foundation has made available a variety of tools that can serve as a starting point toward eminent domain reform. Based upon the Institute for Justice's model eminent domain legislation, these documents offer sample legislation and resolutions to curb eminent domain abuse, while also allowing public-private partnerships to thrive.

Resolution

WHEREAS, the City Council of the City of _____ finds that it is of paramount importance to protect private property from Local, State, and Federal government eminent domain powers to take private property for private use; and

WHEREAS, the United States Supreme Court in *Kelo v. City of New London* held by a 5-4 decision that government may seize the home, small business, or other private property of one owner and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development; and

WHEREAS, This Resolution in response to the above stated controversial ruling by the United States Supreme Court; and

WHEREAS, this Resolution is adopted to support prohibiting transfers of private property without the owner's consent, if the transfer is for purposes of economic development rather than public use; and

WHEREAS, the City Council is of the opinion that eminent domain powers should be limited to such public projects as water/sewer lines, roads, streets, public parks, public buildings, electricity development and other similar projects that benefit the public as a whole and that the power of eminent domain should not be used simply to further private economic development; and

WHEREAS, it is appropriate for the City Council to take action, consistent under the United States and the State of _____ Constitution, to support restoring vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property rights against unreasonable government use of power of eminent domain; and

WHEREAS, the protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our nation's founders and the essence of what they fought for in the defense of their homes and private property; and

WHEREAS, Thomas Jefferson famously wrote on April 6, 1816, the protection of such rights is “the first principle of association, ‘the guarantee to every one of a free exercise of his industry, and the fruits acquired by it;’” and

WHEREAS, it would likewise be appropriate for cities of the State of _____ to take action to voluntarily limit their own power of eminent domain as it is noted by the Supreme Court “nothing in our opinion precludes any State from further restrictions on its exercise of the takings power.” Now therefore, we petition the State of _____ Legislature and its Governor and our Congress to put restrictions in place to restore the vital protections of the Fifth Amendment; and

WHEREAS, the City Council supports legislation currently being promulgated in the United States Congress and in the State of _____ Legislature, that would clarify government’s exercise of its power of eminent domain to be limited only for public use, rather than for economic development, and this standard of protection would apply to all exercises of eminent domain power by the local, and state governments; and

WHEREAS, it is appropriate for the City Council of the City of _____ to support Congress, and the State of _____ Legislature, to take appropriate action, consistent with the Constitution of the United States and the _____ Constitution, to restore the vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property rights against unreasonable government use of the power of eminent domain; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF _____:

THAT the City Council of the City of _____ does hereby support and advocate the passage of federal and state legislation to limit government’s use of eminent domain for solely public purposes and protect the property of private citizens from unreasonable seizure by federal, state and local governments.

Passed by the City Council this _____ day of _____, 20__.