



## Legislation Details (With Text)

<b>File #:</b>	Res 1576-2008	<b>Version:</b>	*	<b>Name:</b>	Amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain (A.1264/S.688).
<b>Type:</b>	Resolution	<b>Status:</b>			Filed
		<b>In control:</b>			Committee on Land Use
<b>On agenda:</b>	8/14/2008				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution in support of New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.				
<b>Sponsors:</b>	Letitia James, John C. Liu, Melissa Mark-Viverito, Annabel Palma, Diana Reyna				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Letter to the Commissioner, 2. Press Conference Notice				

Date	Ver.	Action By	Action	Result
8/14/2008	*	City Council	Introduced by Council	
8/14/2008	*	City Council	Referred to Comm by Council	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 1576

Resolution in support of New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.

By Council Members James, Liu, Mark-Viverito, Palma and Reyna

Whereas, Eminent domain is an important tool for government to use for public projects; and

Whereas, Public projects that are primarily economic development projects generate questions respecting the meaning of public use under the 5<sup>th</sup> Amendment of the United States Constitution and Article I, section 7, of the New York State Constitution; and

Whereas, The power of eminent domain can be used by quasi-public development agencies or public authorities; and

Whereas, These agencies and authorities may not be subject to the same public scrutiny as a state agency; and

Whereas, There is the need for government to be extremely cautious when eminent domain is used to condemn private property for economic development and the property is transferred to a private entity; and

Whereas, To promote this goal, legislation has been introduced in the State Assembly and Senate, A 1264 and companion bill S 688, which would increase judicial review, provide more local control over eminent domain decisions, require a comprehensive economic development plan and require a home owner impact statement; and

Whereas; There is the need to balance the needs of society and individual liberties; now, therefore be it

Resolved, That the Council of the City of New York supports New York State Assembly Bill A 1264 and New York State Senate companion Bill S 688 which would amend the public authorities law, the not-for-profit corporation law, the general municipal law and which would reform the use of eminent domain.

LS#5734

LS#5739

08/04/08

CJS