



Legislation Details (With Text)

File #: Res 1576-2008 **Version:** * **Name:** 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).

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Title: 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.

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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 5th 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.

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08/04/08

CJS