

CITY OF OLIVETTE
PUBLIC FORUM
REGARDING
EMINENT DOMAIN

MONDAY, MAY 22, 2006

7:00 PM

OLIVETTE COMMUNITY CENTER
9723 GRANDVIEW DRIVE

City of Olivette
Eminent Domain Task Force

TASK FORCE MEMBERS

RICHMOND (SKIP) COBURN
CHAIRMAN

DAVID LEVY
VICE CHAIRMAN

IRL SCISSORS

MARY ELLEN MOVSHIM
MEMBER OF THE PLANNING AND COMMUNITY DESIGN COMMISSION

JEFF EISEN
MEMBER OF THE BOARD OF ADJUSTMENT

CRAIG COHEN
MEMBER OF THE ECONOMIC DEVELOPMENT COMMISSION

City of Olivette
Eminent Domain Task Force

DESIGNATED TASKS

1. Review state policies and local practices regarding the use of eminent domain for economic development purposes in the metropolitan region
2. Recommend City of Olivette policies for adoption by the Olivette City Council regarding terms and conditions for the use of eminent domain for economic development purposes

WORK DONE THUS FAR

1. REVIEW OF STATE AND LOCAL POLICIES
2. INVITED PUBLIC SPEAKERS
3. ASSIGNED GROUP TASKS
4. SURVEYED LOCAL MUNICIPALITIES
5. HOLD A PUBLIC FORUM

WHY ADDRESS EMINENT DOMAIN

1. THE KELO DECISION
2. THE GOVERNOR'S TASK FORCE
3. STATE CHANGES IN HB 1944
4. GAUGE COMMUNITY OPINION
5. OLIVETTE STRATEGIC PLAN

SURVEY SUMMARY

1. JEFF EISEN INFO

EMINENT DOMAIN BEFORE HB 1944

- CITY OR CITY AUTHORIZED REDEVELOPMENT AUTHORITY CAN INITIATE CONDEMNATION
- ONCE A PROPERTY HAS RECEIVED AN OFFER FOR PURCHASE FROM A CONDEMNING BODY, THE CONDEMNING BODY CAN IMMEDIATELY FILE A CONDEMNATION PETITION

EMINENT DOMAIN BEFORE HB 1944

- IT GENERALLY TAKES AROUND 90 DAYS FOR COURT HEARING AND APPOINTMENT OF 3 COMMISSIONERS
- COMMISSIONERS HAVE 3 TO 6 MOS. TO SUBMIT REPORT AND AWARD
- BOTH PARTIES CAN LITIGATE THE AWARDED VALUE OF PROPERTY THROUGH A JURY TRIAL

EMINENT DOMAIN BEFORE HB 1944

1. VALUE FOR CONDEMNING PROPERTY IS FAIR MARKET VALUE
2. CONDEMNING AUTHORITY DOES NOT HAVE TO SHOW PROPERTY OWNER HOW VALUE DETERMINED
3. NO SET STANDARDS FOR THE CONSIDERATION OF RELOCATION BENEFITS
4. NO HERITAGE VALUE IS CONSIDERED
5. IF PROJECT ABANDONED, CONDEMNER MANY NOT NECESSARILY BE REQUIRED TO PAY ASSOCIATED FEES AND COSTS

EMINENT DOMAIN UNDER HB 1944

1. NOTICE OF INTENT TO CONDEMN IS REQUIRED
2. WRITTEN OFFER WITH APPRAISAL AND OTHER FINANCIAL DATA MUST BE PROVIDED
3. OFFER MUST BE OPEN FOR AT LEAST 30 DAYS
4. COMMISSIONERS HAVE 45 DAYS TO SUBMIT REPORT
5. COMMISSIONERS MUST VISIT PROPERTY

EMINENT DOMAIN UNDER HB 1944

6. COURTS CAN VERIFY NEGOTIATIONS TOOK PLACE IN GOOD FAITH

- ENSURE TIMELY NOTICE
- CONSIDERATION OF COUNTER
OFFER BY PROPERTY OWNER
- CONSIDERATION OF OTHER
LOCATIONS

EMINENT DOMAIN UNDER HB 1944

7. IF CONDEMNOR ABANDONS CONDEMNATION, PROPERTY OWNER AWARDED FEES, EXPENSES & DAMAGES
8. OFFER TO INCLUDE FAIR MARKET VALUE PLUS HOMESTEAD VALUE FOR RESIDENTIAL PROPERTIES AND POSSIBLE HERITAGE VALUE
9. INCREASED RELOCATION PROVISIONS, INCLUDING NOTIFICATION AND RELOCATION BENEFITS
10. OFFICE OF OMBUDSMAN
11. ONLY GOVERNMENT BODY MAY FILE FOR CONDEMNATION

Task Force Questions to Public

1. When considering providing assistance to implement a redevelopment proposal, should the City consider the use of eminent domain?
2. Under what conditions, circumstances, or limitations should the use of Eminent Domain be considered to facilitate private development?
3. Are there any additional policies or requirements that the City should attach to the use of Eminent Domain for private redevelopment beyond those required by the newly enacted House Bill 1944?
4. What degree of effort (and documentation) to acquire private property by a developer should be demonstrated before Eminent Domain is considered?
5. If the City considers adopting policies for the use of Eminent Domain, what special circumstances should be considered? i.e.:
 - degree of effort (and documentation) to acquire private property by a developer should be demonstrated?
 - length of residency of a property owner?
 - heritage value?
 - relocation potential in the same school district?
 - minimum threshold of private acquisition demonstrated and documented if multiple properties are situated in a potential redevelopment area?