

Writing Portfolio

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Composition II

20 November 2005

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“New and Improved Universal Remote Control”

03 October 2005

New and Improved Universal Remote Control

Purchasing the Improved Universal Remote will eliminate the need to punch in codes for your specific device. It has every possible button needed for any component with a few extra buttons for future expansion or specific needs. Integrated into the remote is a USB port which allows for easy connectivity to your home PC. You would connect to our Website, search for your specific brand of device, and download the configuration file to the remote. There are up to 10 programmable device buttons on our base model, such as TV, VCR, DVD, SAT, CABLE, and AUX. 1-5 with future models capable of storing more devices. Once you select where you want to store the device setup, the remote is ready for use. The Improved Universal Remote will eliminate the need for multiple code entries and allow you to operate any remote controlled consumer product.

Along with the configuration file on our Website, we provide a comparison diagram between the original remote that comes with the device and the corresponding diagram that shows which buttons are used on the Improved Universal Remote. This is done to show any unusual configurations so you know which buttons to use.

We are also adding a Smart Card slot into the remote. Manufacturers will be able to supply a Smart Card with the proper configuration file on the imbedded chip. This will allow even easier programmability for the Improved Universal Remote, and provide a way for those without a computer or Internet access to setup and use the remote. Install the supplied Smart Card into the slot on the remote, press the corresponding device

button. When the device button stops blinking, the programming is completed and the card can be removed and stored in a safe place. The remote is now ready for use with your new device.

With this design, you will never need to purchase another Universal Remote again. It provides enough buttons for any future device designs, and easy programmable options without having to punch in multiple codes to find the right device setup.

Draft One – “New and Improved Universal Remote Control

18 September 2005

New and Improved Universal Remote Control

Let’s start this off with just a few questions to get us rolling in the right direction.

- How many remote controls do you own?
- How many Universal remote controls do you own?
- Are you tired of punching in device codes trying to locate the correct setup for your device?
- How many times have you found a Universal remote that did not have a code for your device?

With the Improved Universal Remote you will no longer need to punch in codes to program it for your specific device. It has every possible button needed for any component with a few extra buttons for any possible future expansion or needs. Integrated into the remote is a USB port which allows for easy connectivity to your home PC. All that is needed is to connect to our Website, search for your specific brand of device, and download the configuration file to the remote. The remote provides up to 10 programmable device buttons on our base model, such as TV, VCR, DVD, SAT, CABLE, and AUX. 1-5 with future models capable of storing more devices. Once you select where you want to store the device setup, the remote is ready for use.

Along with the configuration file on our Website, we provide a comparison diagram between the original remote that comes with the device and the corresponding diagram that shows which buttons are used on the Improved Universal Remote. This is done to show any unusual setups so you know which button does what.

We are also adding a Smart Card slot into the remote. This is to get manufacturers to supply a Smart Card, with the proper configuration file on the imbedded chip, with each

device they make. This will allow even easier programmability for the Improved Universal Remote, and provide a way for those without a computer or Internet access to be able to program the remote.

With this design, you will never need to purchase another Universal Remote again. It provides enough buttons for any future device designs, and easy programmable options without having to punch in multiple codes to find the right device setup.

Feedback: “New and Improved Universal Remote Control”

Eric Soto:

19 September 2005

I think your invention is a great gadget to have and very useful. Your invention remote control comes in handy when other remote controls out there in the market that do not offer what you offer in yours. If I were a consumer that was to purchase your remote control, I would purchase it because with all of the great features and outstanding coding for devices.

Kevin Schulenberg:

24 September 2005

The invention that David is trying to sell is an improved universal remote control. The benefits that come along with David’s invention are great. The new remote control includes extra buttons to allow future devices that may depend on different buttons than normal. The new remote control also includes a USB port and a smart card slot. The USB port and smart card slot are ways to enter programming into the remote without having to press numerous keys for each device. On a scale of 1-10 on how clearly and convincingly the benefits are presented, I rate this as an 8. There are a few things that could be added like the size of the unit. With all these features the remote might be too big for some users. The one thing I can suggest to David to make a better grade would be to rewrite the first paragraph and get rid of the bullet points. The first paragraph should be a descriptive paragraph with a thesis statement. Other than that I think this paper is very well written.

Self-Analysis – “New and Improved Universal Remote Control”

20 November 2005

This was a tough assignment for me to come up with. It involved coming up with a new invention and describing how it looks and works. It was challenging for me because coming up with a new idea within a specified time period was difficult. Most of the time, I get ideas like this out of the blue when I am working on something else and to force myself to come up with an idea was not enjoyable.

Before writing this piece, I had two or three different inventions that I finally had come up with. But with my time constraints and the difficulty of some of the items, I picked the easiest to write about. I just put my thoughts to paper and edited it as needed until I had a decent draft to work with. Peer reviews helped me to see some errors that needed to be corrected to make my paper clearer.

I definitely recommend finding someone to sit down and read any drafts to get another viewpoint on your paper and to help find errors. The biggest challenge I had with this paper though was coming up with an invention to describe and write about.

“Limiting State’s Abuse of Eminent Domain”

23 November 2005

Limiting State’s Abuse of Eminent Domain

Eminent domain is the right of a government to appropriate private property for public use, usually with compensation to the owner (Eminent Domain). Two amendments of the Constitution state “...*nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation* (US Const., Amend. V).” and “...*nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law* (US Const., Amend. XIV).” In June 2005, the United States Supreme Court in *Kelo v. City of New London* expanded the definition of “public use” to include economic development. With these current laws and rulings in place, each state has the ability to interpret how eminent domain can be used. I believe that Congress needs to clearly define public use at the Federal level in the case of eminent domain so state governments cannot use this law to benefit one private entity over another.

After the ruling of *Kelo v. City of New London*, many states took steps to protect property owners. Some states have already placed restrictions on the use of eminent domain for economic development except in the case of blight. Other states are also in the process of passing bills to restrict eminent domain use (Baldas).

Many local governments nationwide have been using eminent domain to seize properties in what they claim to be for public use. In 2002, the city of Birmingham agreed to re-locate Wal-Mart to another section of town and offered \$10 million in tax

breaks over 5 years. The city is threatening the businesses currently residing at the location for the new Wal-Mart with seizure by eminent domain if they do not sell. While Wal-Mart will be bringing new jobs to the area, the local government is forcing other businesses to relocate. What really does not make sense though is that the city is offering a company that made a \$6 billion profit in 2001, \$10 million in tax breaks while their own school system is in debt by \$17 million (Birmingham, AL. "Residents Fight Against 'The Wal-Mart Tax'"). How does offering a multi-billion dollar company tax breaks that will offer many minimum wage jobs and relocating twenty or more other businesses and private homeowners be construed for public use? This appears to me that a private corporation is benefiting over smaller companies with the local government's support. On August 03, 2005, Alabama passed a law to prohibit the seizure of property for private development.

In Georgia, the Senate has passed a bill to restrict the use of eminent domain, yet the House has referred many of its bills on the subject to House Committees and has not yet made a decision. Even though Georgia is taking steps to protect its citizens from the improper use of eminent domain, there are some things being done that may be legally permitted, but probably not morally correct. In September 2005, a Jewish community had raised enough money to start breaking ground for a new private Jewish high school, yet the community received a letter from the Fulton County school system. This letter stated that the school system wanted to buy Weber School's land to build a public elementary school and would use eminent domain if Weber did not sell (Donsky, 2005). Although the use of the law in this case is being used to alleviate crowding in other schools in the

district and would be defined as public use, the community bought the land two years prior to getting the letter stating the Fulton County school system's plan.

Some private corporations agree with this ruling because large corporations take advantage of the law to propose new projects in areas where they would not previously be able to build. The seizure of land would be at the expense of private property owners and small businesses to be handed over to private developers. Mr. Williams, who is currently being affected by eminent domain stated, "I think it is wrong for local governments to force small business owners to sell their land for another larger company. Some of these small businesses are viable because of either their location, or customer base. Making them sell their property and having to move could cause financial problems for them or cause them to cease operation." There are some local governments using eminent domain to seize land for private developers to increase the tax base of the area. This method does nothing but hurt those affected and there is no guarantee that the new private development would draw larger businesses or increase the number of people moving into new housing that would be built.

Since state governments are trying to limit the use of eminent domain, each state will define the use of this law differently and may drive current and future property owners away. If eminent domain was clarified at the Federal level, the law would be uniform throughout the states, though there will be some parts of the ruling that would still be able to be defined for each states' independent use. Using eminent domain for economic development has been abused time and time again. More often than not, the private developers and large corporations are benefiting from this, not the government or the people living in the area or those that have been affected by the ruling. I think

Congress should rule on this since some local governments have failed to protect its citizens and property owners from misuse of this law.

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Research Paper Topic & Outline: Georgia Law: Eminent Domain

19 October 2005

- I. What does the Law state?
 - a. When did this Law pass?
 - b. Why did Georgia Congress allow this to pass?
 - c. Is this law morally right?

- II. Does it violate the Constitution or the Bill of Rights?

- III. How many law suits are currently based on this law?
 - a. Walmart?
 - b. Jewish Community Private High School
 - c. Others?

- IV. How does it affect those involved?

I need to find out more information about the law to determine what I need to write about. Overall, from what I have heard and the little I do know about the law, I disagree with it and find that it is not right for the government to be able to do this.

Draft One - "Limiting State's Abuse of Eminent Domain"

23 October 2005

Limiting States Abuse of Eminent Domain

Eminent domain is the right of a government to appropriate private property for public use, usually with compensation to the owner (Eminent Domain). Two amendments of the Constitution state "*...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation* (US Const., amend. V)." and "*...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law* (US Const., amend. XIV)." In June 2005, the United States Supreme Court expanded the definition of "public use" to include economic development in *Kelo v. New London*. With these current laws and rulings in place, it gives each State the ability to interpret how eminent domain can be used. I believe that Congress needs to clearly define public use at the Federal level in the case of eminent domain so State governments cannot use this law to benefit one private entity over another.

After the ruling of *Kelo v. New London*, many States took steps to protect property owners. Some States have already placed restrictions on the use of eminent domain for economic development except in the case of blight. Other states are also in the process of passing bills to restrict eminent domain use (Baldas).

Many local governments nationwide have been using eminent domain to seize properties in what they claim to be for public use. In 2002, the city of Birmingham agreed to re-locate Wal-Mart to another section of town and offered \$10 million in tax

breaks over 5 years. The city is threatening the businesses currently residing at the location for the new Wal-Mart with seizure by eminent domain if they do not sell. While Wal-Mart will be bringing new jobs to the area, they are forcing other businesses to relocate. What really does not make sense though is that the city is offering a company that made a \$6 billion profit in 2001, \$10 million in tax breaks while their own school system is in debt by \$17 million (Birmingham, AL. Residents Fight Against "The Wal-Mart Tax"). How does offering a multi-billion dollar company tax breaks that will offer many minimum wage jobs and relocating twenty or more other businesses and private homeowners be construed for public use? This appears to me that a private corporation is benefiting over smaller companies with the local government's support. On August 03, 2005, Alabama passed a law to prohibit the seizure of property for private development.

In Georgia, the Senate has passed a bill to restrict the use of eminent domain, yet the House has referred many of its bills on the subject to House Committees and has not yet made a decision. Even though Georgia is taking steps to protect its citizens from the improper use of eminent domain, there are some things being done that may be legally permitted, but probably not morally correct. In September 2005, a Jewish community had raised enough money to start breaking ground for a new private Jewish high school, yet they received a letter from the Fulton County school system. This letter stated that they wanted to buy Weber School's land to build a public elementary school and would use eminent domain if Weber did not sell (Donsky, 2005). Although the use of the law in this case is being used to alleviate crowding in other schools in the district and would be defined as public use, the community bought the land two years prior to getting the letter stating the school system's plan.

Some private corporations agree with this ruling because it gives large corporations the advantage to propose new projects in areas where they would not previously be able to build. This could be done at the expense of private property owners and small businesses. There are some local governments using eminent domain to seize land to give to private developers to increase the tax base of the area. This does nothing but hurt those effected and there is no guarantee that the new private development would draw larger businesses or increase the number of people moving into new housing that would be built.

Since State governments are trying to limit the use of eminent domain, each State will define the use of this law differently and may drive current and future property owners away. If this was ruled at the Federal level, it would be uniform throughout all the States, though, there will be some parts of the ruling that would still be able to be defined for each States independent use. I think this would be a better decision since some local governments have failed to protect its citizens and property owners from misuse of this law.

Draft Two - “Limiting State’s Abuse of Eminent Domain”

30 October 2005

Limiting States Abuse of Eminent Domain

Eminent domain is the right of a government to appropriate private property for public use, usually with compensation to the owner (Eminent Domain). Two amendments of the Constitution state “...*nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation* (US Const., amend. V).” and “...*nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law* (US Const., amend. XIV).” In June 2005, the United States Supreme Court expanded the definition of “public use” to include economic development in *Kelo v. City of New London*. With these current laws and rulings in place, it gives each State the ability to interpret how eminent domain can be used. I believe that Congress needs to clearly define public use at the Federal level in the case of eminent domain so State governments cannot use this law to benefit one private entity over another.

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location for the new Wal-Mart with seizure by eminent domain if they do not sell. While Wal-Mart will be bringing new jobs to the area, they are forcing other businesses to relocate. What really does not make sense though is that the city is offering a company that made a \$6 billion profit in 2001, \$10 million in tax breaks while their own school system is in debt by \$17 million (Birmingham, AL. Residents Fight Against "The Wal-Mart Tax"). How does offering a multi-billion dollar company tax breaks that will offer many minimum wage jobs and relocating twenty or more other businesses and private homeowners be construed for public use? This appears to me that a private corporation is benefiting over smaller companies with the local government's support. On August 03, 2005, Alabama passed a law to prohibit the seizure of property for private development.

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Since State governments are trying to limit the use of eminent domain, each State will define the use of this law differently and may drive current and future property owners away. If this was ruled at the Federal level, it would be uniform throughout all the States, though there will be some parts of the ruling that would still be able to be defined for each States independent use. Using eminent domain for economic development has been abused time and time again. More often than not, the private developers and large corporations are benefiting from this, not the government or the people living in the area or those that have been effected by the ruling. I think Congress should rule on this since some local governments have failed to protect its citizens and property owners from misuse of this law.

Draft Three - “Limiting State’s Abuse of Eminent Domain”

06 November 2005

Limiting State’s Abuse of Eminent Domain

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Some private corporations agree with this ruling, it gives large corporations the advantage to propose new projects in areas where they would not previously be able to build. The seizure of land would be at the expense of private property owners and small businesses to be handed over to private developers. "I think it is wrong for local governments to force small business owners to sell their land for another larger company. Some of these small businesses are viable because of either their location, or customer base. Making them sell their property and having to move could cause financial problems for them or cause them to cease operation (Williams)." There are some local governments using eminent domain to seize land for private developers to increase the tax base of the area. This method does nothing but hurt those affected and there is no guarantee that the new private development would draw larger businesses or increase the number of people moving into new housing that would be built.

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some local governments have failed to protect its citizens and property owners from
misuse of this law.

Reference Articles

States Ride Post-'Kelo' Wave of Legislation

Eminent domain curbs introduced in 28 states

Tresa Baldas
The National Law Journal
08-02-2005

Call it the post-*Kelo* wave.

Just five weeks after the U.S. Supreme Court upheld the use of eminent domain to seize private property for economic development, more than half of the states have introduced legislation to thwart potential abuses.

Since the June 23 ruling in *Kelo v. City of New London*, 125 S. Ct. 2655, lawmakers in 28 states have introduced more than 70 bills. But while most lawmakers agree on the nature of the problem, their solutions vary from state to state.

Legislators in Texas, Florida, Oklahoma, New Jersey and Michigan are mobilizing to support state constitutional amendments prohibiting eminent domain for private development.

In California, which has some of the strictest proposed legislation, two bills would prohibit the exercise of eminent domain for private use under any circumstances, while lawmakers in Texas, Minnesota, Delaware and Connecticut would simply limit the use of eminent domain for private projects or tighten eminent domain procedures.

"The [*Kelo*] decision touched off a firestorm of outrage across the country," asserted Dana Berliner, senior attorney with the Institute for Justice, a libertarian public interest law firm in Washington. "Ordinary citizens, I think, never realized that their homes and businesses could be taken from them because somebody else with more money wanted to move in thereI think very few people realized how out of control matters had gotten in the courts."

But attorneys representing municipalities and private developers in eminent domain cases hailed the high court's ruling, maintaining that eminent domain is essential to economic development, and that critics of the ruling are overreacting.

"I think the property rights advocates are just way off base," said attorney Mark Zausmer of Zausmer, Kaufman, August & Caldwell in Farmington Hills, Mich., who has represented municipalities in eminent domain disputes in Michigan.

"I think that the idea that economic development is not a function of government is ridiculous[Eminent domain] is just a tool for economic development," he added.

While opinions on eminent domain vary, one thing is for sure: The issue is not going to go away.

According to the Institute for Justice, more than 10,000 properties were threatened or taken by eminent domain between 1998 and 2002. The group claims that thousands of properties are still facing the threat of eminent domain for private development.

'PUSHING THE ENVELOPE'

Many state legislators argue that municipalities have gone too far in exercising their eminent domain powers.

It's not about building schools, roads and bridges anymore, they argue, but about bringing in WalMarts and Costcos that can generate hefty tax revenues.

"I think we've pushed the envelope on the original concept of eminent domain to an untenable point," said Colorado state Representative Al White, who is drafting a constitutional amendment to prevent local governments from taking private property for private development.

White, a Republican from Winter Park, Colo., said there have been a few efforts to seize land for private development in Colorado. One city considered condemning land to build a WalMart. Another attempted to take property for a toll road.

"I think the ruling from the Supreme Court validated what these entities had tried but had ultimately backed away from," White said. "With that kind of Supreme Court validation, I feel certain that without some correctness of the law, we'll be facing it once again."

Ohio state Senator Kevin Coughlin agreed, saying that the recent high court ruling sounded an alarm for legislators nationwide who scrambled to protect property owners' rights.

"It's on the minds of legislators all over the country, there's no doubt about that," said Coughlin, who is circulating a bill to block state funds to municipalities that take for economic development private property that is not considered blighted.

"The idea that you would take a block of homes and let some other private owner put a hotel on it because it would generate more tax revenue is pushing it too far and the court has basically allowed that," Coughlin said. "I think that the framers never intended for eminent domain to be used for that purpose or for that to be considered a public use."

And now the states are wrestling with that very legal question.

In California, for example, state Senator Tom McClintock has proposed a constitutional amendment that would "prohibit the use of eminent domain for private use under any

circumstances."

"To take one person's property and give it to another--there's a word for it. It's a simple word. It's called theft," said McClintock, arguing that the *Kelo* decision "shredded" people's property rights.

Meanwhile, seven states -- Connecticut, Delaware, Texas, Massachusetts, Minnesota, New Jersey and Rhode Island -- have proposed limiting the use of eminent domain for private projects or tightening eminent domain procedures. The proposed limitations in those states would still allow the taking of property for economic development, but only under certain circumstances.

Massachusetts, for example, would prohibit using eminent domain for private development "unless the property is a blighted area."

An Alabama measure would prohibit using eminent domain for "retail, office, commercial or residential development."

Trial attorney Vincent Bartolotta, who represents plaintiffs in condemnation matters in Southern California, hailed the legislative action taking place.

"There should be one hell of an outcry and I hope everybody keeps it up," said Bartolotta of San Diego's Thorsnes Bartolotta McGuire, who is representing a cigar shop owner in a condemnation case in San Diego's trendy Gaslight district.

Last month, Bartolotta's client lost a legal battle with the government to save his cigar shop from being torn down to clear way for a new Marriott Hotel. *Mesdaq v. Center City Development Corp.*, No. GIC 828361 (San Diego Co., Calif., Super. Ct.).

Meanwhile, as quickly as legislators are moving to dull the effects of the *Kelo* decision, others are moving just as swiftly to take advantage of the ruling.

In Freeport, Texas, just hours after the *Kelo* decision, officials began legal actions to seize two waterfront seafood companies to make way for a private boat marina.

In Boston, two days after the *Kelo* decision, officials in that city called on the mayor to seize South Boston waterfront property from unwilling sellers for use in a private development project.

In Lake Zurich, Ill., town officials are now moving to condemn the property of five owners to clear way for a private development, despite requests to hold off on condemnation. In Arnold, Mo., city officials applauded *Kelo*, saying it will help push forward plans to raze 30 homes and 15 small businesses to build a Lowe's Home Improvement store and a strip mall.

And in Baltimore, officials see the ruling as a green light to seize more than 2,000

properties for a biotech park and new residences.

But Berliner, from the Institute for Justice, asserts that states must be vigilant in their efforts to reform eminent domain laws.

"There are going to be states that just can't bear to give up the power and try to use cosmetic changes instead of actually doing anything," Berliner said.

While Berliner encourages legislators to draft bills that spell out exactly what eminent domain can and cannot be used for, she said a constitutional amendment is probably the most effective measure. Berliner said "legislators tend to get swayed by particularly enticing projects" and could eventually change the law. A constitutional amendment is more binding, she said.

Michigan condemnation lawyer Alan Ackerman of Troy, Mich.'s Ackerman & Ackerman, who is handling 70 condemnation lawsuits nationwide, agrees.

"If you legislate it, you can take it away in a heartbeat without the vote of the people," said Ackerman, who convinced the Michigan Supreme Court last year to overturn the landmark Poletown decision, which allowed eminent domain to be exercised for private use.

That's no longer allowed in Michigan, noted Ackerman, who hopes states will amend their constitutions to prevent future eminent domain abuses.

"Legislation will never be given full force in effect. It will be cut at and chipped away at," Ackerman said. "There is such pressure by the large institutions that over a period of time they somehow move courts toward a reading or an analysis that is very limiting for the property owner."

LOBBYING IN TEXAS

Berliner noted that corporate pressure and heavy lobbying is already taking effect. For example, in Texas, which has eight bills pending, she said lawmakers are already starting to water down their proposed reforms.

Berliner said the idea of a constitutional amendment in Texas is losing fervor, and some legislators have grandfathered in various economic development projects that are currently under way.

"They knew they had to do something, but when the time came that it meant that people would have to give up their pet projects, they just couldn't do it," Berliner said. "We'll see if they pass anything at all."

Jim Bradbury, a condemnation lawyer in Jackson Walker's Fort Worth, Texas, office, said he is skeptical about any immediate eminent domain reforms. He noted that despite

the outcry over the *Kelo* decision, there has been no attempt in Texas to halt plans for a new Dallas Cowboys football stadium, which is being built through the use of eminent domain.

"I suspect most of this is going to die on the vine," Bradbury said.

"People were so angry about it and so mad about *Kelo*, but as the interest cools, I suspect we're not going to see sweeping changes in eminent domain law because cities and states are weighing in and saying, 'Don't kill my project,'" Bradbury noted.

POST-'KELO' ACTIVITY

How states are acting to restrict eminent domain powers:

Alabama, California, Florida, Louisiana, Michigan New Jersey, Ohio and Texas -- currently proposed or are drafting state constitutional amendments prohibiting the use of eminent domain for private development.

Georgia -- bill would prohibit using eminent domain for the purpose of "improving tax revenue."

Alabama -- bill would prohibit using eminent domain for "retail, office, commercial or residential development."

Texas -- bills include one that calls for a "constitutional amendment to prohibit ... taking private property for the primary purpose of economic development."

Massachusetts -- bill would prohibit the taking of property for private economic development "unless the property is a blighted area."

Rhode Island -- bill urges the U.S. Congress to, among other things, nullify the *Kelo* decision.

Connecticut -- called for a moratorium on the use of eminent domain by all Connecticut cities until the legislature can revise the law to protect property owners.

Birmingham, AL. Residents Fight Against "The Wal-Mart Tax".

<http://www.sprawl-busters.com/search.php?readstory=1106>

2002-12-10

Residents in Birmingham, Alabama don't want to pay what they call "the Wal-Mart Tax." According to the group Birmingham First, "Wal-Mart is demanding large sums of your tax dollars from the city." The group says the city of Birmingham has agreed to give Wal-Mart \$10 million in tax breaks to re-locate on the site of an abandoned Kmart in the Roebuck Section of Birmingham. "For five years when you shop at the new Wal-Mart," the group explains, "you will still pay your sales tax but instead of giving it to the city, Wal-Mart will keep it and send it back to Arkansas. You are still paying the tax but Wal-Mart is keeping it in its pocket." Birmingham First says that the supercenter will not be a job generator, because Wal-Mart will be closing its store in nearby Huffman in order to move, and the people who work there will be given the new jobs. It's just old jobs in new aprons. Alabama already has 18 "dark stores" that Wal-Mart has abandoned, including

one in Birmingham. The city is also threatening to take by eminent domain the property of those businesses located where Wal-Mart has decided to go if the businesses refuse to sell to Wal-Mart. This will result in the relocation or elimination of over 20 locally owned businesses with good paying jobs, not the minimum wage, part time jobs that Wal-Mart provides. There will be a net loss of jobs and a net loss of gross income for local residents, Birmingham First says. "Let the citizens decide if they want to give the richest company in the world between \$ 10 and \$20 million dollars for nothing in return," the group argues. According to a report in the Birmingham Post-Herald, last March, the City Council voted to use the city's condemnation powers to facilitate the construction of Wal-Mart where the old American Store and Kmart used to be located. The city could use eminent domain powers if necessary to clear the way for Wal-Mart. Under the corporate welfare plan for Wal-Mart, the city will return to the retailer 90% of Wal-Mart's sales tax, up to \$10 million over five years. One Councilwoman claimed that Wal-Mart would "bring other businesses with them into the vicinity. It will be just a tremendous shot in the arm to that little corner." Or maybe a shot to the head, as Wal-Mart continues to force other stores to close, such as the Kmart which once occupied the parcel slated now for Wal-Mart. The Wal-Mart discount store in the Huffman area of Birmingham will be shut down, so the Roebuck supercenter would be the Wal-Mart focal point for the city--until they build even more. Wal-Mart has to acquire 32 properties for its supercenter. But Birmingham First argues that if Wal-Mart is to come at all, they should be financially able to swing the deal without public subsidies, which give the store yet one more advantage over its smaller competitors. The idea of giving a company with \$6 billion in profits last year a \$10 million tax break is absurd. "A \$10 million gift and the proposed condemnation are inappropriate from a legal and public interest viewpoint," opponents said. "Not only is such a gift outside the intended scope of the statutory powers of eminent domain, that same \$10 million could be used by the city to hire over 200 new school teachers, or over 300 police officers." Birmingham City Councilman Joel Montgomery has sided with Birmingham First. "We're sending a message to every person that wants to open up a small business in Birmingham that if a huge special interest corporation wants to come in here, we'll get rid of you and if we want to we can declare eminent domain and take your property and put them there," he said. Chris Curran, owner of Spuds Pub, told the newspaper that the city has put a gun to owners' heads. "Anybody who has been signing contracts with Wal-Mart is signing under duress," Curran said. "That means: Here's our contract, sign it and if you don't sign it, we'll take it. ... They (city officials) just want a trophy, and they don't mind pushing us out of the way to have that trophy." "My clientele is in that area," he said. "I want to stay where my loyal clientele are." In nearby Trussville, a Wal-Mart supercenter received the same kind of corporate welfare to complete road improvements. The city of Trussville agreed to use 75 percent of the sales tax generated by Wal-Mart, or up to \$3 million, to pay for roads, drainage and other public infrastructure.

What you can do: Birmingham First is in the process of placing a referendum question on the ballot that would eliminate the \$10 million tax give back. When the required number of signatures are gathered and submitted, the city council will have 20 days to either adopt the resolution or schedule a special election to have the citizens of

Birmingham vote on the issue. Tripp Galloway, spokesperson for Birmingham First stated: "We are confident that when this issue is placed before the voters the repealing of a tax give-back is an issue that will resonate with the voters. All voters that we have encountered through this effort have been extremely supportive." Birmingham First also believes that at a time when the school department has a \$17 million deficit and the city council is considering raising property taxes to make up the difference is no time to be telling Wal-Mart to keep the \$10 million in sales taxes that they will collect from the citizens of Birmingham. If the city council goes forward and closes five public streets in order to appease Wal-Mart then the group would also seek a referendum blocking this effort. For more local information, contact Francis Galloway at 205-871-2183. Search this database by "corporate welfare" for other examples of unfair tax advantages given to wealthy developers.

Battle for school site taints day

Jewish academy owns land; Fulton County may claim it

Paul Donsky - Staff

Monday, September 19, 2005

Colorful balloons bobbed in the breeze. A huge banner reading "The Weber School" lay across a backhoe. A large tent teemed with people eating cake.

The groundbreaking ceremony Sunday afternoon was supposed to celebrate the start of construction of the private Jewish high school's 18-acre campus in Sandy Springs.

Instead, a mood of uncertainty and apprehension mixed with the hot late-summer air as parents and school officials grappled with the realization that all the plans they've made may be in jeopardy.

The Fulton County school system wants to buy the Weber School site and use the land to build a new elementary school. In a strongly worded letter sent earlier this month, the school district indicated that unless Weber sold the property by today, the school board would use eminent domain to obtain the land.

Fulton school officials offered \$18.7 million for the site, at Abernathy and Roswell roads, but Weber school leaders say they have no desire to sell.

"We are not going to back down," said Steve Berman, the president of the school's board. "We are building here."

Parents and students said they were shocked to learn of Fulton's interest in their property at such a late date. Construction is set to begin in a few weeks.

"I'm terribly upset," said Stella Tarica, co-chairwoman of the school's PTA. "We've put in so much effort."

Weber's 158 students now attend school in a cluster of portable classroom buildings in Dunwoody. The new facility would have athletic fields, a gym and room for 500 students.

Weber paid \$20 million for the land two years ago. The school sold a portion of the property for \$10 million to a developer.

Jacob Shapiro, student council president, said he couldn't believe the school's property might be taken away.

"I feel like the rug just kind of got pulled out from under us," he said. "It just doesn't make sense."

The Fulton County school board would have to approve any move to seek condemnation. Fulton schools spokeswoman Mitzi Edge said a new facility is needed somewhere in the area to ease crowding at nearby elementary schools.

"We recognize the desire of Weber parents for a school," Edge said. "Hopefully, we can come up with a solution that will allow Weber to have what they need for their students and us to have what we need for our students."

The groundbreaking was filled with prayers and tributes to the people who have donated to the school's capital campaign. But the fight with Fulton County was never far from the surface.

At one point, Berman asked everyone to join hands and speak with him.

"We will not move, we will not move," the crowd yelled.

E-mail Interview with Bob Williams

08 November 2005

This interviewee is currently in the process of having their business seized by eminent domain. They have been working with attorneys and other people being affected by this law.

Q: Do you think eminent domain should be used for economic development?

A: I believe that it could be used for economic development under the right circumstances. I do not believe that other viable companies should be seized under eminent domain to make way for a larger corporation.

Q: Do you think that eminent domain should be used for private development?

A: No, I think that private development should not be able to use eminent domain just because it wants a specific location or property. If they cannot buy the land under normal avenues and the owner refuses to sell, then they should have to look elsewhere to build.

Q: Do you think eminent domain should be used as a last resort effort if other means or areas are not available?

A: It should always be used as a last resort, but for public use only, not for private development or personal gain.

Q: Do you think that it is right to bring in large corporations for private development and claim that it is for public use?

A: No, in cases where large companies are coming into an area and the local government is seizing the land for them and offering tax breaks or other incentives does not constitute for public use.

Q: Eminent domain is being used in some areas to increase the tax base. Do you think it is right to force viable businesses to sell their property for other use to bring in other businesses?

A: No, I think it is wrong for local governments to force small business owners to sell their land for another larger company. Some of these small businesses are viable because of either their location, or customer base. Making them sell their property and having to move could cause financial problems for them or cause them to cease operation.

Self-Analysis – “Limiting State’s Abuse of Eminent Domain”

20 November 2005

This paper was the most difficult paper I had to write. When I first came up with the topic, I figured it would be easy since it is a hot issue in current day events. There are plenty of locations to find resources and articles on this topic. However, coming up with a thesis statement was very challenging. But once I wrote a thesis statement that I could work with, I had to read through numerous articles and case studies to get a clearer understanding of the issue and problems concerning eminent domain.

Another facet that made this a difficult paper was the numerous changes to the laws that were occurring as I was researching and writing my paper. As stated this research paper was being written while it was still a hot topic in the news and in Congress. Because of this, I had to stay up to date with changes to the law as I wrote. Without the Internet as a research medium, this would have been more difficult to do. It allowed me to have access to nationwide newspapers and material concerning other states.

At one point I had too much research material and had to filter through all of the articles to find the information that best backed up my claim. I believe it is definitely better to have too much information rather than not enough. This allowed me to pick the strongest articles and help get ideas for ways to write my paper clearly.

The only other difficult part of this essay was reading through all of the legal jargon in the case studies and coherently getting those ideas down on paper. Once I overcame these hurdles, the paper started to come together and make sense as to backing up my claim.