



## **NOTICE OF PUBLIC HEARING**

Senator Bill Perkins, ranking member of the Committee on Corporations, Authorities & Commissions will convene a hearing on the execution of the policy of eminent domain by the State and City of New York.

**SUBJECT:** The Use of Eminent Domain in New York State

**PURPOSE:** To solicit input on the procedures and rationale for the implementation of Eminent Domain as an economic development tool for recent private development projects.

Adam Clayton Powell Jr. State Office Building  
163 West 125<sup>th</sup> Street, 8<sup>th</sup> Floor  
Wednesday, September 17, 2008  
10:00am  
New York, New York

It is understood that the issue of eminent domain has been heightened in the public consciousness by a 2005 U.S. Supreme Court decision in *Kelo vs. New London* that upheld the Ability of government entities to utilize eminent domain for the purposes of furthering economic development objectives. During 2005, hearings were convened and studies were undertaken to examine the role of eminent domain in the city and the state, as well as the rest of the country.

In New York City the citizenry is taking stock of the middle stage of the proposed Columbia University expansion to a mixed residential/commercial district in West Harlem. That middle stage consists of the necessary government sign offs, which includes agreement from the New York City Council and a declaration of blight by the Urban Development Corporation dba the Empire State Development Corporation.

The Senator has requested that participants in this hearing direct their focus to what has become a unique phenomenon in the execution of eminent domain in New York. In many instances, eminent domain is an instrument used by government, not in the context of their independently created economic development plans, but at the behest of private developers who wish for the state and city to use its powers of eminent domain to aggregate parcels of land for commercial benefit. This methodology has strained the relationship between government and communities affected by these development plans, that have at best, a vague public purpose and at worst create the impression of a corporatocracy instead of true democratic governance. It will be critical to examine the original procedural structure in place to justify and exercise eminent domain. The Senator also wishes to investigate past practices that subvert the role and

responsibility of government to pursue eminent domain only as a last resort and with an arm's length relationship to potential private developers.

It is the intention of Senator Perkins to craft legislation that addresses the inequities and the corruptive potential of mixing private purpose with the public interest. It will be important to ensure that valid economic development objectives can be clearly identified, while abuses are identified and corrected. He will need the guidance of those who have developed a fact based point of view on both sides of this important issue before the public.

Participation will be by invitation only. Opening remarks should be limited to five minutes in duration. Five copies of those remarks and other written materials should be submitted at the registration desk. Written materials will also be accepted and may be sent to the contact person listed on the reply form. In order to publicize this hearing further, please inform interested parties of the Senator's interest in receiving written remarks from all sources.

Person wishing to present pertinent testimony at the above hearing should complete and return the enclosed form as soon as possible. It is important the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation. Oral testimony will be limited to 5 minutes. In preparing the order of witnesses we will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requirements should be made on the attached reply form or communicated to staff as early as possible.

We look forward to your participation.

**Democratic members of the  
Committee on Corporations, Authorities & Commissions**

Senator Bill Perkins  
Ranking Member

Senator Efrain Gonzalez  
Member

## **PUBLIC HEARING REPLY FORM**

Persons invited to present testimony at the hearing on Eminent Domain are requested to complete this reply form as soon as possible and mail or fax it to:

Linda Wood Guy  
Office of State Senator Bill Perkins  
163 West 125<sup>th</sup> Street, Suite 912  
New York, NY 10027  
Tel: 212-222-7315  
Fax: 212-678-0001

\_\_\_\_\_ I plan to attend the hearing on eminent domain to be conducted by Senator Bill Perkins on September, 17, 2008.

\_\_\_\_\_ I plan to make a public statement at the hearing. My statement will be limited to 5 minutes, and I will answer any questions that may arise. I will bring 5 copies of my prepared statement and e-mail a copy of my testimony to Senator Bill Perkins at [perkins@senate.state.ny.us](mailto:perkins@senate.state.ny.us)

\_\_\_\_\_ I do not plan to attend the public forum but will submit testimony by e-mail to [perkins@senate.state.ny.us](mailto:perkins@senate.state.ny.us)

\_\_\_\_\_ I would like to be added to the mailing list for all notices and reports.

\_\_\_\_\_ I would like to be removed from the mailing list.

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## **CONTACT INFORMATION**

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