



CALIFORNIA ALLIANCE TO PROTECT PRIVATE PROPERTY RIGHTS

October 6, 2008

VIA FAX – 562-570-6538

Long Beach City Council
333 W. Ocean Blvd., 14th Floor
Long Beach, CA 90802

RE: October 7, 2008: Agenda Items 08-1026 through 08-1028

Dear Mayor and City Council Members,

The Alliance, a statewide organization dedicated to reforming eminent domain abuse, is opposed to renewing the City of Long Beach Redevelopment Agencies power of eminent domain for private purposes on the grounds that it is not in compliance with voter approved Proposition 99.

According to the ballot statement submitted by proponents of the measure, "*Prop. 99 is straightforward and strong. It protects our homes from eminent domain abuse. Pure and simple. No hidden agendas.*"

The purported purpose of Proposition 99 was to protect single family homes from being seized by eminent domain to benefit politically connected developers or other private interests, rather than to limit the traditional use of eminent domain for legitimate public projects like roads, schools and public buildings.

That the proposed action by the city council is not in compliance with the letter of the law is evident in the "Residential Policy Statement for the Issuance of Certificate of Conformance." As explained to Long Beach property owners, the purpose of the document is to explain under what limited circumstances a single family home or owner occupied duplex is afforded private property protections and can't be seized by eminent domain to benefit a developer or private interest. The documents list of exceptions that allow the city to seize homes from unwilling sellers are numerous, including zoning and proximity to commercial property and other portions of the redevelopment area not awarded any private property protections.

According to the League of California Cities and other proponents of Proposition 99 serving on the Long Beach City Council, the voter approved initiative had no such exceptions and in fact, it was characterized as providing "iron-clad" homeowner protections. The certificate of conformance document presented to property owners includes dozens of exceptions to the city's so-called homeowner protections, including one of the most egregious loopholes that allows a home to be seized by eminent domain if a home's garage is "full of belongings that a car cannot

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fit inside." I think it would be fair to say that many Long Beach residents regardless of income, including members of the city council, may also be guilty of being "pack rats." Having an untidy garage is not justification for seizing one's home and a lifetime of memories.

The Alliance respectfully requests that the city council table the redevelopment agency's eminent domain powers and conduct a full and thorough legal analysis of the proposed action item in order to ensure its compliance with Proposition 99. It is important to your community that the City of Long Beach honors the spirit and letter of the law. Voters approved the measure with the understanding that it would protect homes from eminent domain abuse all the time, and not under such limited circumstances as proposed by the City of Long Beach.

If the City Council believes that the proposed action is in compliance with Proposition 99, then it would be an admission by one of California's largest cities that Proposition 99 was a sham drafted and financed by redevelopment interests and it was never intended to truly provide Californians "iron-clad" homeowner protections against eminent domain abuse. Your decision will determine whether Prop. 99 was truly as "straightforward and strong" as purported by the redevelopment community.

We hope that you share the view that every elected official in California should be held accountable to voters by honoring the spirit and letter of the law. Thank you for considering the interests of Long Beach property owners by ensuring their private property rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marko Mlikotin', written over a horizontal line.

Marko Mlikotin
President

CC: Long Beach Press Telegram