



## CITY OF SNELLVILLE

# Resolution

RES 2005-09

- WHEREAS,** the takings clause of the 5th amendment of the United States Constitution as applied to the States through the 14<sup>th</sup> amendment has historically been interpreted and applied to be conditioned upon the necessity that Government assumption of private property through eminent domain must be for the public use; and
- WHEREAS,** the historical interpretation of the takings clause affirms that "the public use" requirement imposes basic limitations upon government use of eminent domain: Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person; and
- WHEREAS,** all levels of government have a Constitutional responsibility and a moral obligation to always defend the property rights of individuals and to only execute its power of eminent domain for the good of public use.

**NOW, THEREFORE, BE IT RESOLVED,** that

The City of Snellville should only execute the power of eminent domain for those purposes that serve the public good;

The City of Snellville should never use its power of eminent domain for the sole purpose of giving a private party an economic benefit;

The City of Snellville should use its power of condemnation for purposes of community redevelopment in a limited manner while protecting the private property rights of residents and businesses.

It is so resolved this 11 day of July, 2005.



Attested to by:

Sharon Lowery  
Sharon Lowery, City Clerk

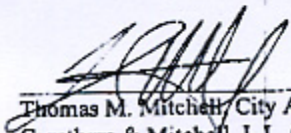
Jerry Oberholtzer, Mayor

Mike Smith  
Mike Smith, Mayor Pro Tem

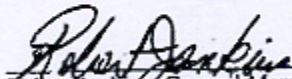
D. Warren Auld  
D. Warren Auld, Council Member

Bruce Garraway  
Bruce Garraway, Council Member

Approved as to form:

  
Thomas M. Mitchell, City Attorney  
Carothers & Mitchell, L.L. C.

Council Member

  
Robert Jenkins, Council Member

(ABSENT)  
Chad Smith,