

# CLINTON COUNTY BOARD OF COMMISSIONERS

COURTHOUSE  
100 E. STATE STREET  
ST. JOHNS, MICHIGAN 48879-1571  
989-224-5120



**Chairman**  
John Arehart  
**Vice-Chairman**  
Larry Martin

**Members**  
David Pohl  
Mary L. Rademacher  
Robert Showers  
Claude Vail  
Virginia Zeeb

**Administrator**  
Ryan L. Wood  
**Clerk of the Board**  
Diane Zuker

## RESOLUTION 2005-36 REGARDING EMINENT DOMAIN AND THE USE TO ACQUIRE PRIVATE PROPERTY FOR PUBLIC PURPOSES

**Whereas**, the United States Constitution in Article 5 of the Bill of Rights, and the Michigan Constitution in Article X, Section 2, expressly provide for the protection of the private property of the private property rights of its citizens; and

**Whereas**, the power of eminent domain has been reserved to the local, state and federal governments for the sole purpose of acquiring private property through the use of condemnation proceedings when said privately held properties are needed for public purposes, and;

**Whereas**, The United States Supreme Court recently handed down a decision upholding what they maintain is a local government's ability to take private property for a vaguely defined "public good" such as economic development, or increased tax revenues to the local government itself; and

**Whereas**, this Supreme Court decision put at risk the very right of private individuals to be free from government interference in their right to keep and enjoy their private property; and

**Whereas**, this action by the Supreme Court is contrary to and contravenes the aforementioned constitutional protections against such capricious and willful attacks by any governmental body upon the rights of the citizens.

**Now, Therefore, Be It Resolved** that we, the Clinton County Board of Commissioners, recognizes and support the original concept of the framers of the Constitution wherein the power of the eminent domain shall be used only as a last resort to acquire private property for a public project, and that any such public project can be demonstrated to be necessary to accomplish the general welfare of the citizens of that jurisdiction.

**Be It Further Resolved**, that Clinton County strongly feels that any condemnation of private property for use for private development for profit is unconstitutional.

**Be It Further Resolved**, that this Board deems any departure from the original principles of eminent domain to be an assault on our basic foundations of liberty and a threat to the rights of private property ownership; and again strongly urge all counties with the State of Michigan to encourage their Federal and State Legislators to use all means necessary to strengthen the original purpose of the Rights of Eminent Domain within the State Constitution.

STATE OF MICHIGAN  
COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing Resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held November 29, 2005 and is on file in the records of this office.

---

Diane Zuker, Clinton County Clerk