

WARNING: PRIVATE PROPERTY THREATENED



If you are a property owner along Folsom Boulevard, beware that the **City of Rancho Cordova** is using eminent domain to forcibly seize private property from private property owners.

Eminent domain abuse uproots friends and neighbors, and threatens the livelihoods of small business owners who can't afford the risks of starting up their businesses over again in unfamiliar neighborhoods – especially in this economy. If you own a home or business along Folsom Blvd., you need to know how the City's redevelopment plan impacts you and what you can do to stop eminent domain abuse now.

This website is intended to provide you an overview of what is going on in your community and what you can do to fight back – protect your private property rights!

A grass-roots movement to oppose eminent domain abuse is growing. Together we stand with neighbors and friends against a [City Council](#) determined to seize private property for the benefit of politically connected developers.

Rancho Cordova's Plan to Seize Private Property

The Rancho Cordova City Council has adopted a general plan to redevelop significant portions of the City, otherwise known as the [Folsom Boulevard Specific Plan](#). The "Plan" calls for major development, "transforming" existing property into a "vibrant destination place in the region and intentionally seeks change in land use for profound improvement in the City (page I-2)." The problem is the city is nearly fully developed and this "transformation" requires the city to negotiate the sale of existing property with "willing sellers" or to forcibly acquire the property by eminent domain from "unwilling sellers." The Plan specifically calls for assembling hundreds of acres of private property for the purpose of conveying property to private developers. The size and scope of the redevelopment envisioned by the City cannot be achieved without the consent of hundreds of "willing sellers." Clearly this is not happening, so eminent domain is being practiced -- the City's most powerful and effective tool to forcibly acquire private property from unwilling sellers.

What Is "Redevelopment?"

Communities are constantly going through a process of renewal when willing sellers and willing buyers exchange property. Redevelopment can and does occur without the use of eminent domain. For example, government uses street, facade and landscaping improvement programs to facilitate urban renewal, as well as direct financial incentives or a streamlined building permitting process that encourages business property owners to improve the condition of their property, and to expand their businesses and create new local jobs.

Unfortunately, government can abuse its power by denying property owners the ability to improve or expand their businesses, such as denying building permits or using its power of eminent domain to forcibly seize private property from unwilling sellers. Such affronts to private property rights are

intended to drive the current property owner from their property to benefit another private interest that promises a new use for the property and greater tax benefits to the city.

What is rarely said -- yet evident in Rancho Cordova -- is redevelopment plans often call for replacing existing homes with new ones that appeal to higher income earners -- and displacing existing small independent businesses with large businesses that promise greater tax revenue. While redevelopment may be promoted as urban renewal that is limited to merely improving infrastructure, such as bricks and mortar, the reality is that redevelopment replaces one people with another. If done with no regard to individual rights, eminent domain can wipe out entire neighborhoods, local merchants and parishes -- whole communities lost forever! As such, private property rights are truly a matter of human rights.

Don't Property Owners Have Rights? Is Eminent Domain Abuse Common?

Both the Federal and State Constitutions allow government to forcibly seize private property from unwilling sellers, otherwise referred to as eminent domain. This power was traditionally limited to public projects or a "public use." For example, it is customary for government to use eminent domain to build roads, dams and government buildings. However, in recent years, a number of controversial court rulings have broadened these powers to apply to some purported public "benefit," no longer requiring a legitimate public "use." So as determined in the controversial U.S. Supreme Court decision, [Kelo v. New London](#), so long as government can claim that a new shopping center generates more revenue than a residential neighborhood -- and they do -- they can claim a "public benefit."

As a result, eminent domain is often abused by government agencies. Politically connected developers can use their political influence to encourage government to use their power of eminent domain to transfer private property from one owner to another -- and often, developers acquire the property on the cheap.

Are Property Owners Fairly Compensated for the Loss of their Property?

While the law requires government agencies to pay property owners fair market value (current market prices) for their lost property, in times of declining real estate prices property owners stand to be paid pennies on the dollar. In addition, the law does not require compensation for moving expenses and loss of business revenue. There is no guarantee that a property owner can acquire new property of equal or greater value, nor are business owners compensated for start up costs in a new community -- all of which can lead to a business losing their customer base or worse yet, their livelihood.

Isn't Eminent Domain for Redevelopment Limited to "Blighted Properties?"

One typically thinks of blighted property as abandoned buildings, such as the [Stagger Inn](#) tavern, or some property that poses a serious threat to the health and safety of the community. However, there is no clear statutory definition of "blight," a precondition for seizing private property. So long as a city can claim some "public benefit," no matter how ill defined, they can seize middle income homes and profitable businesses. Government's power to seize private property has virtually no limitations.

Eminent Domain -- Is my Property Threatened?

Unlike some California cities, the City of Rancho Cordova has no ordinance restricting its power of eminent domain to “public uses” only. As such, if you own property within the redevelopment district, the City of Rancho Cordova has the power to seize private property by eminent domain. On page VIII-10 of the ***Folsom Boulevard Specific Plan***, the city outlines its Plan to assemble private property or “site assembly,” as defined by the City, the “process of making sizable development sites available to private developers.” The plan further states, “In many cases, this is accomplished through land acquisition utilizing a redevelopment agency’s power of eminent domain.” While the City acknowledges that the use of eminent domain is unpopular with the public, their plan calls for replacing existing property with new uses that promise greater economic benefits. Moreover, it specifically defines the neighborhoods within Rancho Cordova that fall within the redevelopment district and are possibly subject to eminent domain.

The City’s redevelopment area comprises over 2,500 acres, 92% of which is residential (4,600 parcels) and 480 non-residential (business/places of worship). In addition, property owners should read the City’s Plan, which specifically identifies which kinds of property (or “Wish List) could generate the greatest revenue for the City after property is acquired. Again, so long as a private developer can make the case that their development project can generate more revenue than the property’s existing use, your property is at risk!

Does Proposition 99 Protect Property Owners?

No. Proposition 99, passed by voters in 2008, was drafted and financed by the California Redevelopment Agency Association, the League of California Cities and other public agency associations which represent government agencies who have the power of eminent domain and have resisted real reforms that would protect private property from eminent domain abuse. Among several major loopholes, Prop. 99 allows homes within redevelopment districts to be seized by eminent domain and there are absolutely no limitations on government’s ability to seize small businesses, apartments and places of worship for profit.

How Can the City Afford to Acquire Properties?

During these tough times, local governments throughout California are faced with significant deficits, forcing many cities to raise taxes or cut critical public services. As clearly stated in the City’s plan, they need to assemble hundreds and perhaps, thousands of acres of property to “transform” the Folsom Boulevard corridor. There is no question it would cost the city millions of dollars to assemble all these properties for sale to developers.

Also, it is not uncommon for redevelopment agencies to seize private property when real estate values are low, board up properties and sit on them until the real estate market rebounds. Or, seize more property than they truly need for some purported “public benefit.” In either case, government is profiting at the expense of unwilling sellers! And, development projects lead by public agencies face the same risk as private developments – there is no guaranteed return on investment. So, Rancho Cordova taxpayers should be wary of how such redevelopment projects are funded.

I Don't Think My Property Is Threatened, Why Should I Care?

Everyone should agree that it is not humane to seize private property from people who consider Rancho Cordova their home -- and it is a serious misuse of city revenue. Stand with your friends, neighbors and local merchants for you don't know who will be next!

Take Action to Protect Private Property Rights?

Here are three major steps you can take to fight back;

- 1) **Join local property owners to organize local opposition to the taking of private property** by [clicking here](#) (member link) or call 916.552.0335 and recruit neighbors by distributing these flyers, [click here](#) (attach newspaper ad).
- 2) **Write/Email the Rancho City Council** and [attend city council meetings](#). Contact City Council members by [clicking here](#).
- 3) **Write a letter to the editor** to the [Grapevine Independent](#) or [Sacramento Bee](#).

Rancho Cordova property owners have launched a campaign to protect their private property from eminent domain abuse. So long as the City of Rancho Cordova has no ordinance limiting the use of eminent domain for private profit, a grass-roots movement of homeowners, local merchants and community leaders are building public opposition to the Folsom Boulevard Specific Plan. **To get involved call 916.552.0335** and to learn more about the threat of eminent domain, visit www.calpropertyrights.com.

To see what redevelopment the City of Rancho Cordova has planned for your neighborhood, you can find the **Folsom Boulevard Specific Plan** on the City's website by [clicking here](#).

Who Is the California Alliance to Protect Private Property Rights?

"The Alliance" is a statewide grass-roots organization devoted to protecting private property rights and reforming eminent domain abuse. To learn more, [click here](#) to return to this website's home page.