

**THE CITY OF PROVIDENCE**  
**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

---

# **RESOLUTION OF THE CITY COUNCIL**

**No. 373**

EFFECTIVE ~~XXXXXX~~ **Approved** August 15, 2005

WHEREAS, The state law grants the City of Providence the power of eminent domain to condemn property for any public purpose; and

WHEREAS, The City Council believes that the exercise of the City's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS, On June 23, 2005, the United States Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

WHEREAS, The City Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED, That the City shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and

BE IT FURTHER RESOLVED, That the City Council urges that the General Assembly enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

Councilwoman Williams & Young,  
Mancini, Councilwoman Roman, Councilman Segal,  
Councilman DiBuzzo, Councilmen Massetti, Igluzzi, Jackson, Lino,  
Council President Lombardi, Councilmen Allen, Forte, Butler, & DeLuca.

Effective without the  
Mayor's Signature:

*Claire E. Bestwick*

Claire E. Bestwick  
Acting City Clerk

*Claire E. Bestwick*  
PRES.  
Clerk  
CLERK  
N. City Council  
AUG 24 2005  
READ AND PASSED

*Proclaim*

THE CITY OF CRANSTON

*Pro*

**RESOLUTION OF THE CITY OF CRANSTON**

Proclaiming the City of Cranston's desire to impose a restraint on its exercise of the power of the eminent domain for public purposes, and for other purposes, and to request that the Rhode Island General Assembly enact legislation to impose a restraint on the exercise of the power of eminent domain for public purposes, and for other purposes.

NO.

Passed:

Approved:

Aram Garabedian, Council President

Resolved, That

*City of Pro*

WHEREAS, the state law grants the City of Cranston the power of eminent domain to condemn property for any public purpose; and

*Oh*

WHEREAS, the Mayor and the City Council believe that the exercise of the City's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS, on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development, and

WHEREAS, the Mayor and the City Council respectfully disagree with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution,

**NOW, THEREFORE, BE IT RESOLVED** that the City shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

**NOW, BE IT FURTHER RESOLVED** that the ~~Mayor~~ and City Council urge that the General Assembly enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

**Stephen P. Laffey, Mayor**

**Cranston City Hall  
869 Park Avenue  
Cranston, Rhode Island 02910  
Telephone: (401) 461-1000  
www.cranstonri.com**



July 22, 2005

To All Rhode Island Leaders:

Attached is a copy of a resolution that my administration is introducing at Cranston's July City Council meeting regarding eminent domain. I respectfully disagree with the United States Supreme Court's definition of "Public Use" and urge you to take action. It is imperative to protect people throughout our state from having their personal residential property taken by the government for economic development or building tax revenues under the guise of eminent domain.

If you have any questions, please feel free to call me at 780-3110.

Sincerely,

Stephen P. Laffey  
Mayor

STATE OF RHODE ISLAND

COUNTY OF KENT

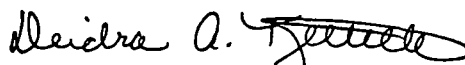
TOWN OF EAST GREENWICH

OFFICE OF TOWN CLERK

August 25, 2005

A true copy attached hereto of Resolution adopted by  
unanimous vote of the East Greenwich Town Council  
on August 22, 2005.

ATTEST:



---

Deidra A. Kettelle, Town Clerk

TOWN OF EAST GREENWICH  
RESOLUTION OF THE TOWN COUNCIL

Proclaiming the Town of East Greenwich's desire to impose a restraint on its exercise of the power of eminent domain for public purposes, and for other purposes, and to request that the Rhode Island General Assembly enact legislation to impose a restraint on the exercise of the power of eminent domain for public purposes, and for other purposes.

WHEREAS: the state law grants the Town of East Greenwich the power of eminent domain to condemn property for any public purpose; and

WHEREAS: the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS: on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

WHEREAS: the Town Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution; and

NOW, THEREFORE, BE IT RESOLVED that the Town of East Greenwich shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

BE IT FURTHER RESOLVED that the Town Council urges that the General Assembly enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

BE IT FURTHER RESOLVED that the Town Clerk of the Town of East Greenwich is hereby directed to forward a copy of this Resolution to Governor Donald L. Carcieri, Senate President Joseph A. Montalbano, Speaker of the House William J. Murphy, Senator Michael J. Lenihan, Senator Leonidas P. Raptakis, Representative Robert A. Watson and to each municipality in the State of Rhode Island.

Adopted this 22<sup>nd</sup> day of August, 2005.

Witness:

Deidra A. K...  
Town Clerk

Michael B. Isaacs

Michael B. Isaacs

John M. McGurk

John M. McGurk

Mathias C. Wilkinson

Mathias C. Wilkinson

Henry V. Boezi

Henry V. Boezi

Kim A. Petti

Kim A. Petti





# Town of South Kingstown, R.I.

TOWN CLERK'S OFFICE

*CLERK OF THE TOWN COUNCIL AND PROBATE COURT*

Town Hall, 180 High Street  
Wakefield, Rhode Island 02879

Dale S. Holberton  
Town Clerk & Probate Clerk  
401-789-9331

September 14, 2005

Claire E. Bestwick, Acting City Clerk  
City of Providence  
25 Dorrance Street  
Providence, RI 02903

Dear Ms. Bestwick:

Thank you for providing this Town with the resolutions recently adopted by your City Council regarding government's power of eminent domain, and the city's renewable energy purchasing goal. Your communications were formally received and placed on file by the South Kingstown Town Council at their meeting held on September 12, 2005.

In response to this Council's concerns with the issue of eminent domain, a resolution was adopted proclaiming the Town of South Kingstown's desire to impose a restraint on the exercise of the power of eminent domain for public purposes. A copy of that resolution is enclosed for your information.

Very truly yours,

Dale S. Holberton, CMC  
Town Clerk

DSH:smf

Enclosure

cc: Town Manager

**TOWN OF SOUTH KINGSTOWN  
RESOLUTION OF THE  
TOWN COUNCIL**

**Proclaiming the Town of South Kingstown's desire to impose a restraint on the exercise of the power of eminent domain for public purposes, and for other purposes, and to request that the Rhode Island General Assembly enact legislation to impose a restraint on the exercise of the power of eminent domain for public purposes, and for other purposes**

**WHEREAS**, the state law grants the Town of South Kingstown the power of eminent domain to condemn property for certain public purposes; and

**WHEREAS**, the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

**WHEREAS**, on June 23, 2005 the U.S. Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment to the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

**WHEREAS**, the Town Council respectfully disagrees with the United States Supreme Court's interpretation of the "public use" requirement contained in the Fifth Amendment to the United States Constitution,

**NOW, THEREFORE, BE IT RESOLVED** that the Town shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and

**BE IT FURTHER RESOLVED** that the Town Council urges that the General Assembly enact legislation that the cities and towns of Rhode Island be prohibited from exercising the power of eminent domain upon private residential property and transferring it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the sole purpose of economic development; and

**BE IT FURTHER RESOLVED** that the Town Clerk of the Town of South Kingstown is hereby directed to forward a copy of this Resolution to Governor Donald L. Carcieri, Senate President Joseph A. Montalbano, Speaker of the House William J. Murphy, Senator V. Susan Sosnowski, Representative Donald J. Lally, Jr., Representative David A. Caprio, Representative John P. Shanley, Jr., and Representative Matthew J. McHugh, and to each municipality in the State of Rhode Island.



# Town of South Kingstown, R.I.

TOWN CLERK'S OFFICE

*CLERK OF THE TOWN COUNCIL AND PROBATE COURT*

Town Hall, 180 High Street

Wakefield, Rhode Island 02879

Dale S. Holberton

Town Clerk & Probate Clerk

401-789-9331

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 12<sup>th</sup> day of September A.D., 2005 at 7:30 PM.

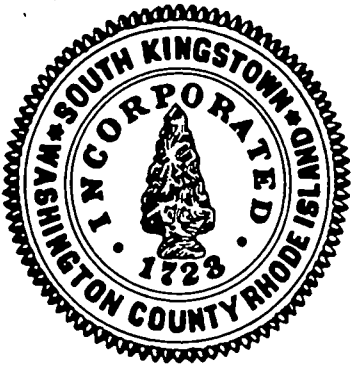
PRESENT: Mary S. Eddy, President  
Kathleen A. Fogarty, Vice President  
Cynthia B. Gleason  
James W. O'Neill  
Paul Tasich

UNANIMOUSLY VOTED: that a resolution adopted by the Providence City Council effective August 15, 2005, and a resolution adopted August 22, 2005 by the East Greenwich Town Council relative to the exercise of government's power of eminent domain are received and placed on file. (8/25/2005 Interim, Item G. and 9/1/2005 Interim, Item F.)

A TRUE COPY

ATTEST:

Dale S. Holberton, Town Clerk



# Town of South Kingstown, R.I.

TOWN CLERK'S OFFICE

*CLERK OF THE TOWN COUNCIL AND PROBATE COURT*

Town Hall, 180 High Street

Wakefield, Rhode Island 02879

Dale S. Holberton

Town Clerk & Probate Clerk

401-789-9331

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 12<sup>th</sup> day of September A.D., 2005 at 7:30 PM.

PRESENT: Mary S. Eddy, President  
Kathleen A. Fogarty, Vice President  
Cynthia B. Gleason  
James W. O'Neill  
Paul Tasich

UNANIMOUSLY VOTED: that a communication dated August 24, 2005 from members of the Providence City Council concerning a recently adopted ordinance committing the City to a 20% goal for the use of clean, renewable energy resources by 2010 is received and placed on file. (9/1/2005 Interim, Item E.)

A TRUE COPY

ATTEST:

Dale S. Holberton, Town Clerk



## *Town of Richmond, Rhode Island*

---

TOWN HALL, WYOMING, RI 02898

Mary E. Morgan  
Town Clerk/Probate Clerk

September 12, 2005

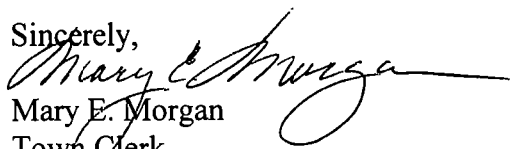
Ms. Claire E. Bestwick,  
Acting City Clerk  
City of Providence  
25 Dorrance Street  
Providence, RI 02903

Dear Claire:

The Richmond Town Council, at their meeting held on September 6, 2005 voted to support a resolution received from the City of Providence relative to eminent domain.

If you have any questions, please contact me at 539-9000x9.

Sincerely,



Mary E. Morgan  
Town Clerk



**Town of Little Compton  
Town Hall  
P.O. Box 226  
Little Compton, RI 02837**

**RESOLUTION OF THE TOWN COUNCIL**

Proclaiming the Town of Little Compton's desire to impose a restraint on its exercise of the power of eminent domain for public purposes, and for other purposes, and to request that the Rhode Island General Assembly enact legislation to impose a restraint on the exercise of the power of eminent domain for public purposes, and for other purposes.

WHEREAS: the state law grants the Town of Little Compton the power of eminent domain to condemn property for any public purpose; and

WHEREAS: the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS: on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

WHEREAS: the Town Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Little Compton shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

BE IT FURTHER RESOLVED that the Town Council urges that the General Assembly enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Little Compton is hereby directed to forward a copy of this Resolution to Governor Donald L. Carcieri, Senate President Joseph A. Montalbano, Speaker of the House William J. Murphy, Senator June N. Gibbs, Representative John J. Loughlin II and to each municipality in the State of Rhode Island.

Adopted this 8<sup>th</sup> day of September, 2005

Robert L. Mushen  
President, Town Council

Attest:

  
Town Clerk

**A True Copy,  
Attest**

  
Clerk



# Town of North Kingstown

## Rhode Island

### No. 13

#### TOWN COUNCIL

Anthony F. Miccolis, Jr.  
*Council President*

Edward J. Cooney  
*Council Member*

Suzanne M. Henseler  
*Council Member*

John A. Patterson  
*Council Member*

Mark S. Zaccaria  
*Council Member*

September 12, 2005

At the Regular Meeting of the Town Council of the Town of North Kingstown held on

September 12, 2005, a resolution was amended and passed as follows:

WHEREAS, state law grants the Town of North Kingstown the power of eminent domain to condemn property for any public purpose; and

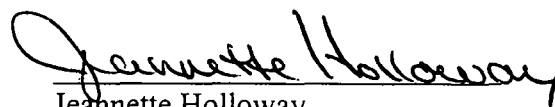
WHEREAS, the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS, on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. Town of New London* found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

WHEREAS, the Town Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED: that the Town shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and be it

FURTHER RESOLVED: that the Town Council urges the General Assembly to enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

  
Jeannette Holloway  
Acting Town Clerk

*Town of Westerly*  
*Rhode Island*



DONNA L. GIORDANO, CMC/AAE  
Town and Probate Clerk

Town Hall  
45 Broad Street  
Westerly, RI 02891  
TEL: (401) 348-2507  
FAX: (401) 348-2571

---

---

MEMORANDUM

---

---

TO: RHODE ISLAND CITY AND TOWN COUNCILS  
FROM: DONNA L. GIORDANO, CMC/AAE, TOWN CLERK *DLG*  
SUBJECT: RESOLUTION OF SUPPORT  
DATE: OCTOBER 4, 2005

---

The Westerly Town Council, at its meeting held October 3, 2005, adopted the enclosed resolution urging the General Assembly to enact legislation to impose a restraint on the exercise of the power of eminent domain for public purposes.

The Westerly Town Council respectfully seeks your support in securing consideration of this issue by the Rhode Island General Assembly and the Governor.



RESOLUTION URGING LEGISLATION TO IMPOSE A RESTRAINT ON THE  
EXERCISE OF THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES

WHEREAS, the State law grants the Town of Westerly the power of eminent domain to condemn property for any public purpose; and

WHEREAS, the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

WHEREAS, on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. City of New London*, found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

WHEREAS, the Town Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution; now therefore, be it hereby

RESOLVED: That the Town of Westerly shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and be it

FURTHER RESOLVED: That the Town Council urges that the General Assembly enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and be it

FURTHER RESOLVED: That the Town Clerk of the Town of Westerly is hereby directed to forward a copy of this Resolution to Governor Donald L. Carcieri, Senate President Joseph A. Montalbano, Speaker of the House William J. Murphy, Senator Dennis L. Algiere, Representative Peter L. Lewiss, Representative Matthew J. McHugh and Representative Brian J. Kennedy and to each municipality in the State of Rhode Island.

ADOPTED: October 3, 2005

A true copy dated: October 4, 2005

ATTEST:



Donna L. Giordano, CMC/AEE  
Council Clerk



# Town Clerk's Office

TOWN HOUSE ROAD, HOPKINTON, R. I. 02833

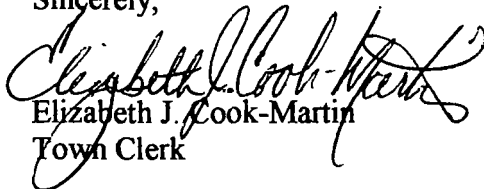
October 18, 2005

To: Rhode Island City & Town Clerks:

Enclosed please find copies of two Resolutions adopted during a regular meeting of the Hopkinton Town Council held on October 3, 2005 requesting the RI General Assembly to act. One Resolution pertains to Eminent Domain and the other Resolution pertains to relief from the State Fuel Taxes.

Kindly forward these Resolutions to the Honorable Members of your City and Town Council. Thank you.

Sincerely,



Elizabeth J. Cook-Martin  
Town Clerk

enclosures

# Town of Hopkinton

## RESOLUTION

*WHEREAS*, State Law grants the Town of Hopkinton the power of eminent domain to condemn property for any public purpose; and

*WHEREAS*, the Town Council believes that the exercise of the Town's power of eminent domain should be balanced with the State and Federal Constitutional protections of private property; and

*WHEREAS*, on June 23, 2005, the U.S. Supreme Court in its decision in *Kelo v. Town of New London* found it permissible under the Fifth Amendment of the United States Constitution for a municipality to seize residential property and transfer it to a private developer in order to promote economic development; and

*WHEREAS*, the Town Council respectfully disagrees with the United States Supreme Court's interpretation of "public use" in the Fifth Amendment of the United States Constitution.


NOW, THEREFORE, BE IT RESOLVED: that the Town shall not exercise its power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development; and be it


FURTHER RESOLVED: that the Town Council urges the General Assembly to enact legislation that the cities and towns of Rhode Island cannot exercise the power of eminent domain upon private residential property and transfer it to a private developer for the purpose of improving tax revenue or expanding the tax base or for the purpose of economic development.

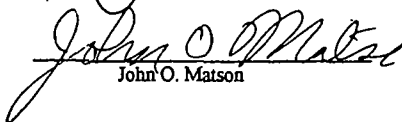
Adopted this 3<sup>rd</sup> day of October 2005.

  
Beverly Kehney - Town Council President

  
Vincenzo Cordone - Vice President

  
Gary T. Williams

  
Brian J. Scott

  
John O. Matson

ATTEST:   
Elizabeth J. Cook-Martin  
Town Clerk