

## **Eminent Domain?**

Until the past year or so there were very few people who ever thought about the legal principle known as "eminent domain." I never did. Did you? But when the **US Supreme Court** handed down its *Kelo vs. New Hartford* decision in June 2005, some of us began to pay closer attention. Simply stated, eminent domain is the lawful power of the state to **expropriate private property without the owner's consent**, either for its own use or on behalf of a third party. Most commonly, private property is taken over for public works projects, like highways, public transportation, and **utilities**.

***How could the eminent domain process be used in Cohocton?***

- ***If given permission, UPC Wind would begin its industrial wind power project essentially as outlined.***
- ***Somewhere along the way, the developer would propose a "better way" of doing things, perhaps to make the project more profitable, that would use a leaseholder's property (or that of their neighbors) in ways that had not been agreed upon.***
- ***UPC, construing itself as a de-facto public utility, could then appeal to eminent domain if anyone contested its new plan.***
- ***The result? You might end up with power lines over your land, an access road across it, or some unforeseen element of the project as it expanded far beyond its "Phase 1" and "Phase II" plans.***

It appears that the only safeguard a community may have against this kind of **corporate encroachment** is to design local laws regulating wind power development that specifically address this problem. Are we protected in Cohocton?

**Would you like to think about this a bit further?** Stop by and check us out online at [www.cohoctonfree.com](http://www.cohoctonfree.com). We're some of your thoughtful neighbors and, along with you, we'd like to see our town have the best future possible. Ponder and test our ideas before you make up your mind. Then let our Town leaders know where you stand.

