

**RESOLUTION EXPRESSING OPPOSITION TO THE STATE BALLOT INITIATIVE
KNOWN AS THE "PROPERTY OWNERS' BILL OF RIGHTS"**

WHEREAS, the City, as a political subdivision of the State of Nevada, is responsible for providing basic municipal and services to its citizens and taxpayers; and

WHEREAS, the citizens and taxpayers should be informed by their elected representatives of serious concerns regarding the provisions of any State ballot initiative that will impact the ability of the City to provide those basic services; and

WHEREAS, the state ballot initiative known as the "Property Owners' Bill of Rights" (the "Initiative") contains a multitude of complex provisions which will have a detrimental effect on taxpayers, motorists, businesses and homeowners in the City; and

WHEREAS, the City Council urges citizens and taxpayers to carefully read the Initiative and to consider the following significant aspects of the Initiative:

1. Section 2 of the Initiative expresses a legitimate concern, namely, a prohibition of the use of eminent domain to transfer private property from one private owner to another for redevelopment purposes. However, that section fails to allow a "friendly condemnation" which might give the property owner a legitimate tax advantage, and it appears to prohibit the leasing of incidental concessions to private businesses at certain types of public facilities where the property has been acquired by eminent domain.

2. Several sections of the Initiative create special rights and privileges to one elite class of litigants which are not afforded to anyone else, thereby distorting the legal process.

3. At a time when state and local entities are already facing severe challenges in building necessary infrastructure to keep up with the tremendous growth rate, several sections of the Initiative, taken together, will result in significant increases in the cost of taxpayer-funded right-of-way for highways, roads, flood control projects, water and sewer facilities and other essential public works projects. Construction of these necessary projects will therefore be delayed or postponed.

4. According to the Federal Highway Administration, Section 11 of the Initiative (the mandatory 5-year sell-back) violates Federal regulations and will jeopardize Nevada's Federal

1 highway funding. That same section will preclude advance right-of-way acquisition designed to
2 save money and to give advance notice to the private sector of the exact location of upcoming major
3 projects. Projects such as the 215 Beltway, US 95 improvements, and the Army Corps of Engineers
4 flood control plan could be implemented only on a much-delayed, piecemeal basis if such a rule
5 becomes law.

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
7 Vegas to express its opposition to the Initiative and recommend that it be rejected.

8 BE IT FURTHER RESOLVED to recommend the development of an alternative
9 constitutional amendment, through a deliberative legislative process, to prohibit the use of eminent
10 domain to acquire property from one private owner and transfer it to another for redevelopment
11 purposes, but without the additional provisions that carry so much potential harm to taxpayers,
12 motorists, businesses and homeowners.

13 PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2006.

14 CITY OF LAS VEGAS

15
16 BY _____
17 OSCAR B. GOODMAN, Mayor

18 ATTEST:

19
20 BARBARA JO RONEMUS, City Clerk

21 APPROVED AS TO FORM

22 Val Steel 9-20-06
23 Date