



## Jefferson City Mayor Mitch Cain and City Council

June 9, 2023

Re: Eminent Domain / Property Rights

### Mayor and City Council Members

The taking of property by the government should be done in the rarest of circumstances. We all understand that it is sometimes necessary to collectively take property so we can have a water supply and distribution system or make way for electrical service lines. Such things are necessary “public use” provisions that our founding fathers accounted for when they amended the constitution to include the bill of rights. Water utilities and the advent of electrical power were to be years in the future; but the framers of the 5<sup>th</sup> Amendment intended to limit the power of government while providing a means of property taking for the most important of purposes.

As Justice Clarence Thomas pointed out in his famous dissent in *Kelo v. New London, U.S. Supreme Court* (2005), government has a duty to act under the “proper and necessary” doctrine with respect to property takings, thus, all but ruling out frivolous takings for unnecessary government projects that are wants, not needs. **Recreation** falls in the category of an unnecessary want. Even if case law permits a taking for recreational purposes under the “public use” definition under T.C.A. § 29-17-102, it should not be undertaken by Jefferson City Council.

**Empowered Jefferson** respectfully requests that the mayor of Jefferson City, and city council abandon it’s taking of private property from **Tennova Jefferson Memorial Hospital**. This would be a gross overreach of government power and unfair to a property owner that contributes enormously to the economy and health of Jefferson County citizens.