



NEWS RELEASE

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Injunction Sought to Block Riviera Beach's Illegal Land Grab

City's Backroom Development Deal Called "Unlawful"

Miami, FL; June 12, 2006: The City of Riviera Beach was sued today by Pacific Legal Foundation (PLF) on behalf of local taxpayers Jerry and Rene Corie and the Coalition for Property Rights. The lawsuit seeks to enjoin the City from spending public money in connection with its illegal eminent domain effort for the purpose of redevelopment. The City plans to transfer 400 waterfront acres to a private developer, including property owned by the Cories and other private citizens.

PLF is seeking an injunction to bar the city from moving forward with its plans to take hundreds of homes and businesses for private development.

"This lawsuit aims to make sure that not another dollar of taxpayer money is wasted on Riviera Beach's illegal scheme to violate the right of its citizens to be secure in their own homes," said Valerie A. Fernandez, managing attorney with PLF's Atlantic Center in Coral Gables, who filed the suit. "Through our Governor and state Legislature, the people of Florida have spoken to stop eminent domain abuse. Riviera Beach's mayor and city council seem to think they are above the law."

Early last month, Florida lawmakers agreed overwhelmingly to prohibit cities from using the power of eminent domain for purposes of economic development. Florida's law has been praised as one of the strongest measures aimed at eliminating eminent domain abuse.

But with Governor Jeb Bush set to sign the measure into law on May 11, the Riviera Beach City Council raced to pass a resolution authorizing a contract between the city and Viking Industries, a private developer, on the afternoon of May 10, mere hours before Governor Bush signed H.B. 1567.

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“It’s outrageous that the city hastily approved an agreement with the developer a week after the Legislature overwhelmingly approved a bill aimed at curbing local government’s abuse of eminent domain and the day before the Governor signed it into law,” continued Fernandez. “It’s clear by their shady actions that they’re intentionally flouting state law. The city’s backroom development deal is unlawful and it must be stopped.”

The agreement provides that after the developer identifies properties it has been unable to acquire, the city’s community redevelopment agency will use condemnation proceedings to “complete the acquisition.” It also improperly delegates to the developer the power to deliver a “notice of rights” to owners, the first step in the eminent domain process.

“The city’s actions are shameless and were undertaken with the clear intention to thwart the intent of the Florida Legislature,” said Carol Saviak, Executive Director of the Coalition for Property Rights. “The city was fully aware of the direction and the intention of the Legislature as early as last fall. That they would make this last moment effort is unfathomable.”

PLF’s lawsuit contends that Riviera Beach’s agreement is illegal and invalid because it directly contradicts Florida’s new law prohibiting eminent domain abuses and was an attempt to undermine that statute.

The Arlington, VA-based Institute for Justice has also announced its plans to sue the city on behalf of homeowners challenging the city’s power to take property for private development.

Riviera Beach is just one example of the abuse of eminent domain that has become a well-known national disgrace, especially after the U.S. Supreme Court decision in *Kelo v. New London*, which declared that local governments may use eminent domain power for economic development. Rene Corie characterized the situation recently on Fox’s “Hannity and Colmes” show: “It has come to the point that someone with more money and power has the right to just come in and take your home from you.”

PLF is representing Jerry and Rene Corie, residents of the City of Riviera Beach who live in the area slated for redevelopment, and the Coalition for Property Rights (www.proprights.com), an Orlando-based nonprofit organization that opposes threats to the sanctity of private property ownership in America. A copy of the complaint is available at www.pacificlegal.org.

About Pacific Legal Foundation’s Atlantic Center

Pacific Legal Foundation is the nation’s oldest and largest nonprofit, public interest legal organization dedicated to defending private property rights, and a national leader in the effort to reform the Endangered Species Act and raise awareness of the Act’s impact on people. PLF’s Atlantic Center is located in Coral Gables, Florida. More information on PLF can be found at www.pacificlegal.org.

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