The kelo v. new london decision what did the supreme court hold what are the impl...

Law

1A. The of New London located in southeastern Connecticut proposed a new plan for the development of the city, when it was facing economic problems and unemployment. The city through its planning and development agent, made a plan focused on 90 acres of the Fort Trumbull area. The plan consisted of seven parcels, each comprising of a separate development project in the area, which was finally approved by the city council (Kelo v. New London).

1B. When the homeowners decided not to sale, it became imminent that the homeowners will be dispossessed of their possession as the state would implement eminent domain. This led to the filing of the suit in Superior Court of Connecticut by the homeowners, an appeal was preferred to Supreme Court of Connecticut and the case finally disposed of by the US Supreme Court, taking a period of 5 years, from the year 2000 to 2005 (Kelo v. New London).

1C. The first and most important argument by the homeowners was that the cities adoption of eminent domain would violet the limitation of " Public use" in the Fifth Amendment of the Constitution. The second argument was that it blurs the boundary between private and public takings or in other words it meant that government takings may not result in welfare of private parties. The third argument was in order to have such takings, there should be a certainty that the expected public benefits will take place (Kelo v. New London).

1D. The Amendment Fifteen to the United States Constitution states that takings could be allowed only when they were made for " public use" and " just compensation" is paid, not otherwise (Madueno 809).

1E. The Supreme Court ruled in support of the City of New London and supported the rule established by Berman v. parker, which is when the plan serves a public purpose it satisfies the public use requirement of Fifth Amendment. The Supreme Court cited the precedent of Berman v. Parker (1954) in making its ruling (Kelo v. New London).

1F. It is the job of the legislature to limit takings, due to the fact that laws passed by the legislature can limit the takings. An example would be the Taking Clause of the US Constitution.

2. As stated and experienced by some visitors to Detroit, who also happen to be writers, people of Detroit live ordinary American lives amidst a landscape which is filled with burned-out homes, factories and schools. Even popular neighborhoods have evacuated homes, while some blocks are miniature ghost towns. In some areas trees, tall grasses have recaptured that which was manmade (McGraw). Despite being only a part of the total problems faced by Detroit, it is indisputable that Detroit needs change, as Ruff states, " We need radically a new vision of Detroit: the city becomes the world's greatest bio-urban club, which can be brought into effect only through eminent domain.

Having a more convincing approach like that of Mayor Dave Bing, that is " people will not be forced from their homes as the city is reshaped", but people will be lured by safer streets and modern services, will be of some help doing the work of development without disputes but he also agrees saying, " I am not naive" and " We are asking people who have lived here for generations to change" (Muller). Surely, he means by those words that many people are not going to agree to it and this is the specific reason why the

eminent domain should be adopted. The primary reason for such a decision is looking at the interest of the public.

Moreover, it is worthwhile to determine what the homeowners lost? Other than the factor, they have to leave a place where they have been since long; there is nothing else to be lost. They will be getting the price of their land and also a guarantee of a bright future in the same place they were staying in near future.

3. As one of the VP of the Detroit Red Wings, taking a decision to relocate the business in the city of Detroit would require consideration of some vital issues, which will be focusing on the difficulties with redevelopment in Michigan and finally taking a position on the States domain law. Detroit is filled with vacant land, which consists of hundreds geographically separate private parcels and to negotiate purchase of each plot will be logically impossible, without eminent domain. In order to relocate the business a single large piece of land would be required, which will be hard to obtain considering issues like relocating many homeowners, tacking issues of exorbitant rates and owners who refuse to sell. Moreover, a few holdouts may end a project (Moghk). In the present circumstances, relocating the business will not be possible unless and until laws relating to eminent domain are strengthened and enforced in exceptional circumstance, such as that of city of Detroit.

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