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August 1, 2004

ACC-NO: 120013955

LENGTH: 432 words

HEADLINE: 1981 Precedent-Setting "Poletown" Eminent Domain Decision Struck Down; Participating Attorney Available to Comment.

BODY:

TROY, Mich. -- Nationally recognized eminent domain attorney Alan Ackerman is available to comment on Friday's unanimous reversal of the "Poletown" decision, a controversial and oft-cited 1981 decision that is largely viewed as the catalyst for eminent domain abuses across the country. Mr.

Ackerman was the lead attorney who had argued for the overturn of Poletown in conjunction with another eminent domain case before the Michigan Supreme Court (Wayne County v. Hathcock). This case marked the first time the Court agreed to review the constitutionality of Poletown. E[acute accent]Mr. Ackerman has devoted his practice over the last 25 years to eminent domain cases in courts throughout the United States. He has served as counsel in hundreds of condemnation trials and appeals, and is often asked to speak on eminent domain and real estate valuation issues for legal organizations in Michigan and elsewhere. He has served as vice-chairman or chairman of the American Bar Association's Real Property Section Condemnation Law Committee for more than a decade. E[acute accent]RULING'S SIGNIFICANCE: In March 1981, the Michigan Supreme Court green-lighted a plan to essentially level Detroit's so-called Poletown neighborhood (named after the high concentration of Polish immigrants that lived there) to make room for a General Motors plant. Several thousand residents were displaced in the aftermath of this highly contentious decision, which was subsequently cited by countless other government agencies to seize private property for another private party's development or use. E[acute accent]The Constitution affords government authorities the right to seize privately held property for public good, provided the owner is compensated for the loss.

The "Poletown" decision, however, is significant for redefining the legal interpretation of what constitutes "public good". More than 20 years later, the Michigan Supreme Court revisited that decision in light of a new petition by Wayne County to cite eminent domain law to acquire land needed for a planned 1,300-acre commercial/industrial project. E[acute accent]The Michigan Supreme Court decided late Friday that eminent domain cannot be fairly applied to seize the land Wayne County sought, and also reversed the 1981 Poletown decision on which their argument was predicated. E[acute accent]Mr. Ackerman views the Court's decision to reverse Poletown as a significant victory for private property owners in Michigan and elsewhere, and is available to comment on the consequences of the ruling.

Mr. Ackerman can be reached at 248/877-1155.

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LOAD-DATE: August 3, 2004