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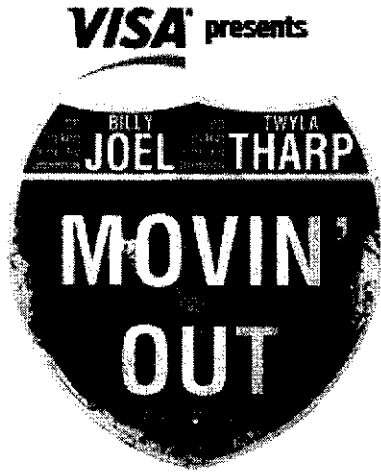
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sign it. Owens has until June 4 to take action.

Colorado's bill as is the case in many states, is a reaction to public outcry over how governments are using condemnation. The examples cited typically

revolve around the taking of private property to benefit high-volume retailers that generate significant tax revenues.

The motivation, said Alan Ackerman, a Michigan lawyer who is a nationally recognized expert on eminent-domain law, are federal and state budget cuts that come home to roost in cities, which find themselves starved for revenue.

The Institute for Justice, a Washington, D.C. -based public interest law firm, estimates that between 1998 and 2002, there were more than 10,000 filed or threatened condemnations on behalf of private entities.

Colorado's bill, Ackerman said, includes protections against abusive condemnation but is not extremist.

"They set up some good standards in that legislation," Ackerman said. "You all should be proud of that bill."

The bill attempts to rein in local governments that would use old findings of blight as justification to condemn property. It would give property owners whose land has been declared blighted a mechanism to challenge that finding. And it would require relocation expenses in some situations.

While the issue of eminent-domain abuses has bubbled up in many states over the past few years, it's difficult to legislate the desired changes without destroying cities' ability to redevelop truly deteriorated properties, said Morandi, of the National Conference of State Legislatures, based in Denver.

"It's a tough issue," Morandi said. "It's very complex."

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In Alabama, a bill that says governments can't use eminent domain on behalf of retailers is stalled in committee. The measure was prompted, in part, by an effort to condemn nine houses for a shopping center.

"I just don't think that's what (eminent domain) was intended for," said Jack Venable, an Alabama state senator. "It's a major problem across the country. I'm going to keep after it, but I don't think I'm going to get it passed this session."

Other states that have considered eminent-domain reform in their most recent legislative session include Florida, Indiana, Kansas, Maryland, Minnesota, Mississippi, Rhode Island and Virginia.

The Colorado bill faced heavy opposition from the Colorado Municipal League, which represents the state's cities. And it has been roundly criticized by city officials, who say it will not fix any perceived problems and will merely make redevelopment more difficult.

"Ultimately, it's not going to end our ability to do urban redevelopment," Arvada Mayor Ken Fellman said. "It's just going to be harder and cost taxpayers more money in the process."

On the other side of the issue are myriad homeowners and small-business owners who attended legislative hearings by the dozens to take issue with what they said was government abuse of a power that is more appropriately reserved for construction of roads and schools.

Buzz Kilker, who owns a body shop in Aurora that is in an urban renewal area, said it's a shame when governments shove out functioning businesses to replace them with high-volume retailers that generate more tax dollars.

Kilker said the bill would offer him some protections if the city's urban renewal agency tries to condemn his property, but he wishes the measure was stronger.

"We've lost a little as the bill progressed, but it's a start," Kilker said. "We might be back there next year."

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