



INSTITUTE FOR JUSTICE

March 21, 2016

Mayor and Council  
City of Cumberland  
57 N. Liberty Street  
Council Chambers  
Cumberland, MD 21502

RE: Development of Rolling Mill

Dear Mayor and City Council:

The Rolling Mill residents are right to be concerned about the efforts you are now undertaking to develop their neighborhood. Across the nation, cities have undergone similar projects and resorted to the use of eminent domain in order to seize homes from property owners who simply wanted to keep their cherished properties that they have worked so hard to own.

The city's leadership has thus far refused to take eminent domain off the table for this development project, sending a message loud and clear to property owners that their homes are not safe. Indeed, refusal to disavow this power means that the city will attempt to acquire the homes in any way it can—through negotiation or condemnation.

We strongly urge the city to disavow the use of eminent domain in order to achieve its development objectives in the Maryland Avenue Revitalization Project. Let the remaining residents stay and ask your selected developer to build an infill project that respects these homeowners' constitutional rights. Indeed, the most fundamental right known to American society is the right to keep one's own property.

The Institute for Justice is a public interest, civil liberties law firm dedicated to stopping the abuse of eminent domain. We represented Susette Kelo and her neighbors before the U.S. Supreme Court in the infamous *Kelo v. City of New London* case, which sparked a nationwide revolt against eminent domain abuse that continues to this day. We have successfully represented property owners throughout the United States in their challenges to redevelopment plans and eminent domain abuse. We work with property owners across the country who are faced with redevelopment projects that threaten their homes and businesses, and we are now working with the residents of Rolling Mill.

Eminent domain is for public use—things like roads and schools—not for private development purposes. Up until several years ago, municipalities nationwide had habitually abused the power of eminent domain to achieve their development goals. This

is no longer the case, as the misuse of eminent domain is no longer tolerated by the public. Indeed, elected officials who have engaged in this abuse of power have even lost their elections based on these issues. And courts across the country are rejecting eminent domain abuse as a tool for private economic development. Municipalities that have continued seizing land for developers have faced monumental bad publicity and years of litigation

Across the country, we have seen projects predicated on the use of eminent domain fail miserably, and in the process drive down property values, private investment and constituents' trust. Just look at Fort Trumbull in New London, Connecticut, home to the *Kelo* case: after years of litigation, millions in taxpayer dollars and a trip to the U.S. Supreme Court, all that is left of the former neighborhood is overgrown weeds and feral cats. The developer abandoned the project, and shortly thereafter, Pfizer left New London.

Meanwhile, cities that have pursued development with a respect for property rights have enjoyed an influx of millions and even *billions* in private investment—consider the experience of Anaheim, California, detailed in *Development Without Eminent Domain: Foundation of Freedom Inspires Urban Growth*, where the mayor disavowed the use of eminent domain for private development.<sup>1</sup> Private negotiation, not government force, has spurred development in this country for centuries.

We encourage you to take the use of eminent domain off the table for the Maryland Avenue Revitalization Project, and instead work *with* property owners in Cumberland to improve your communities, instead of kicking those who have been here for decades out in favor of newer, bigger—but not better—development that might never materialize.

If you pursue eminent domain for the Maryland Avenue Revitalization Project, you are sending a message to property owners across Cumberland that their homes and businesses are not safe. You are also sending the same message to potential residents and businesses contemplating moving to Cumberland, who will think twice before buying property there.

We are confident you want what is best for Cumberland. Using eminent domain for the private development in Rolling Mill is not it.

Please do not hesitate to contact me at (703) 682-9320 or [gatherton@ij.org](mailto:gatherton@ij.org).

Best,



Garrett Atherton  
Outreach Coordinator

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<sup>1</sup> Available at <http://castlecoalition.org/development-without-eminent-domain>.