

A2956 Lentol (MS) Same as [S 2631](#) DILAN

Eminent Domain

TITLE....Authorizes the Empire State Development Corporation to acquire by eminent domain a certain parcel of real property in the borough of Brooklyn for a public project

01/20/15 referred to judiciary

03/24/15 reported referred to ways and means

05/27/15 reported

05/29/15 advanced to third reading cal.479

06/03/15 passed assembly

06/03/15 delivered to senate

06/03/15 REFERRED TO JUDICIARY

06/15/15 SUBSTITUTED FOR S2631

06/15/15 PASSED SENATE

06/15/15 RETURNED TO ASSEMBLY

08/03/15 delivered to governor

08/13/15 vetoed memo.190

08/14/15 tabled

VETO MESSAGE - No. 190

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 2956, entitled:

"AN ACT to authorize the Empire State Development Corporation to acquire, by eminent domain, a certain parcel of real property in the borough of Brooklyn"

NOT APPROVED

This bill would authorize the Empire State Development Corporation (ESD) to condemn and acquire, by eminent domain, a single identified parcel of property in Brooklyn without providing due process for the property owners or setting forth a public purpose justification for the taking as required by Article 2 of the Eminent Domain Procedure Law (EDPL).

Although ESD has previously obtained legislative authorization to use eminent domain as a basis to condemn and seize a specific parcel of property, such legislation included appropriate safeguards to protect the State and property owners. In this instance, however, the legislation would interject ESD into a local dispute without articulating how ESD's seizure of a single property aligns with ESD's stated mission of promoting the State's sound growth and development. The legislation would also exempt this particular eminent domain action from the due process procedures and requirements set forth in the EDPL, which are necessary to protect the rights of property owners and to ensure that all parties are given adequate notice of such actions. In addition, this legislation has significant fiscal implications for the State and should therefore necessarily be addressed in the context of budget negotiations. I am therefore constrained to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO
