



Agenda Item No: 1.i

PLACENTIA CITY COUNCIL AGENDA REPORT

Meeting Date: September 2, 2025

Submitted by: Joe Lambert

From: Development Services

Subject:

Consideration of a Resolution limiting the use of the City's power of eminent domain

Financial Impact:

Fiscal Impact:

No Impact

Summary:

Under the California Constitution and State law, the City is authorized to acquire property by eminent domain. One of the prerequisites to acquiring property through the use of eminent domain is that the property must be taken for a public use. Prior to moving forward with an eminent domain action, the City Council is required to adopt a Resolution which sets forth the public use and the necessity for eminent domain. Adoption of Resolution R-2025-44 would limit the use of the City's power of eminent domain.

Recommendation:

Recommended Action: It is recommended that the City Council take the following action:

1. Consider adoption of Resolution R-2025-44, a Resolution of the City Council of the City of Placentia, California, setting forth its position limiting the City's Use of Eminent Domain Power.

Strategic Plan Statement:

This item is consistent with the City Council approved 5-Year Strategic Goal to:

Increase Community Engagement (Goal 4), as this item is brought forward to City Council based on input received by residents who are concerned about the future use of eminent domain.

Discussion:

Under the California Constitution and State law, the City is authorized to acquire property by eminent domain. One of the prerequisites to acquiring property through the use of eminent domain is that the property must be taken for a public use. Prior to moving forward with an eminent domain action, the City Council is required to adopt a Resolution which sets forth the public use and the necessity for eminent domain.

In 2005, in the *Kelo v. City of New London* case, the United States Supreme Court upheld a

Connecticut State law that authorized the taking of private property for the sole benefit of another private person as a public use within the meaning of the Takings Clause of the Fifth Amendment. In response to that decision, in 2008, the voters of California passed Proposition 99 which added language to the California Constitution prohibiting the government from taking a single-family home for the purpose of conveying it to another private party.

If adopted, this Resolution would reaffirm the requirements of the California Constitution and further limit the City's ability to acquire property by eminent on property regardless of its current use, for the sole purpose of private economic development without the property owner's consent.

Fiscal Impact Summary:

Fiscal Impact:

No Impact

Attachments

[Resolution No. R-2025-44.docx](#)