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February 17, 2015

**VIA EMAIL**

Senate Local Government and Taxation Committee  
The Honorable Jeff Siddoway, Chairman  
Room WW53  
Boise, ID 83702-0038

RE: Redevelopment Association of Idaho, Inc.'s Response to SB1044

Dear Chairman Siddoway:

Elam & Burke, P.A. represents the Redevelopment Association of Idaho, Inc. (RAI). The members of RAI include a majority of the urban renewal/redevelopment agencies in the State. The RAI was formed for the purpose of, and is committed to, facilitation of communication between and among Idaho redevelopment practitioners, education and encouragement of best practices in the redevelopment enterprise, facilitation of compliance with applicable state laws, and improvement of accountability and advancement of the effectiveness of the redevelopment tool. Since RAI's incorporation in late-2010, the RAI has regularly advised and updated its membership as to all changes to the urban renewal laws and/or laws impacting urban renewal agencies. The RAI also has had the opportunity to assist representatives of the Idaho State Tax Commission with the collection of data. The RAI works closely with representatives of the Association of Idaho Cities.

The RAI has reviewed and analyzed SB1044, which seeks to prohibit state and local governments from exercising eminent domain authority to acquire property "for trails, paths, greenways or other ways for walking, running, hiking, bicycling or equestrian use, unless adjacent to a highway, road or street." This further restriction of local government authority could negatively impact communities and is unnecessary. As a result, the RAI respectfully requests you **hold SB1044 in Committee**.

The proposed amendment revises Idaho Code § 7-701A, which sets forth limitations on the use of eminent domain to condemn property in order to convey such property to a private interest for economic development. Use of eminent domain authority to acquire property for public pathways is reasonable and contemplated by the grant of general eminent domain authority in Idaho Code § 7-701 as well as specific authority granted urban renewal agencies in the Idaho Urban Renewal Law of 1965, specifically, Idaho Code § 50-2010.

It is unclear what issue this bill seeks to resolve. Local governments have used their eminent domain authority sparingly, and oftentimes, the request to use eminent domain comes at

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the request of the property owner to allow the property owner to benefit from certain provisions under the Internal Revenue Code. Without eminent domain, property owners can hold community projects hostage and demand sales prices in excess of fair market value, which ultimately has an impact on the taxpayer.

Certainly communities benefit from connective pathways that encourage recreation and increase the walkability and beautification of cities and counties. Such pathways encourage alternative forms of transportation beyond motor vehicles, which has a direct impact on the health of a community.

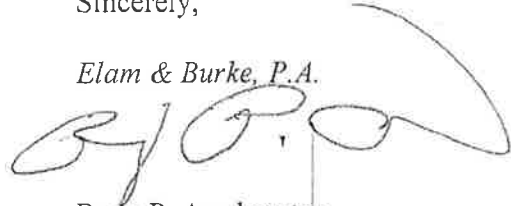
As many pathways are adjacent to a waterway, not a roadway, the exception would almost never apply. Pathways that do not follow roadways are often more safe for bicyclists and others than roadside lanes and sidewalks.

Based on the foregoing, the RAI respectfully requests you **hold SB1044 in Committee**.

Please feel free to contact me should you have any further questions or concerns.

Sincerely,

*Elam & Burke, P.A.*

A handwritten signature in black ink, appearing to read 'Ryan P. Armbruster', written over a horizontal line.

Ryan P. Armbruster

Counsel to the

Redevelopment Association of Idaho, Inc.

cc: The Honorable Dan Johnson, Vice Chairman  
The Honorable Curt McKenzie  
The Honorable Jim Rice  
The Honorable Steve Vick  
The Honorable Clifford Bayer  
The Honorable Jim Guthrie  
The Honorable Elliot Werk  
The Honorable Grant Burgoyne  
Mandy McLennan, Secretary