

From: David Garrett <david.garrett@dkg.com>
Sent: Thursday, August 09, 2012 1:37 PM
To: Eminent Domain OGC
Subject: [SPAM] Proposed use of eminent domain

Please accept this email as a request that FHFA take any and all available means to stop the proposed use of eminent domain by San Bernardino county. Candidly, it is amazing that it is even necessary to write this email. The use of eminent domain for this proposed purpose is clearly unconstitutional. Our founding fathers and the authors of the state constitution never intended eminent domain to be used by local municipalities for the purposes of interfering with private monetary transaction. Attempts at extending eminent domain into this arena must be stopped, if for no other reason than to simply protect the rights of the people to enter into contracts freely without the fear of later governmental taking. This is not to say that laws and regulations that govern the ability of the populace to contract are not needed. They are, in too many cases to mention here. Eminent Domain interference is simply not the correct answer to this problem.

The fact that San Bernardino county is even considering this is incomprehensible. Perhaps the county is unaware of the potentially disastrous consequences should they proceed. The costs of such a program are astronomical, both in the costs of proceeding with eminent domain, and also, in the costs of implementing the program and defending the program through the court system. It seems that the county is either forgetting or ignoring the fact that the name sake city of the county (City of San Bernardino) is in the process of filing bankruptcy, courts are being closed and legitimate governmental services are being curtailed. While all these events are taking place, the county is considering additional nontraditional role of government programs at astronomical cost. In this writers opinion the county should cease this activity and focus on actually handling the matters currently on its plate before the county likewise finds itself in a position of financial distress by implementing this unconstitutional eminent domain process.

David K. Garrett
10300 Fourth Street, Suite 150
Rancho Cucamonga, Ca 91730
(909)945-5000
Email: david.garrett@dkg.com