

Testimony Presented at Public Hearing on Condemnation (via Eminent Domain)
of Properties Within the East 125th Street Development Project Area
By Damon Bae – Monday, April 20, 2009

Hello, my name is Damon Bae. I have a dry cleaning facility in the affected area that is currently being threatened by eminent domain for private gain.

Eminent Domain for private gain is an infringement on our basic rights to own private property. In no circumstance should private property be taken from one person, only to be awarded to another private individual or firm for private gain.

It doesn't matter if they shade the issue by offering "public benefits" along with any development. Ultimately, the private developer that is awarded the land is using the land to make a profit. That is unconstitutional, and simply not right.

We have basic rights to enjoy our property the way we wish. It is not right that someone with more money can come in and force you to give up your land so that they can develop on it to make more money.

The East 125th Street Development Project is now a non-existent project. The approved proposal under the ULURP process was the one submitted by the lead developer General Growth Properties. As many have pointed out, GGP has now filed for bankruptcy. The secondary developer, Archstone-Smith, is also in financial jeopardy. Yet the city still intends to proceed with the condemnation.

How does this even make sense? If you proceed with the condemnation, then you are simply taking away peoples' private property for a plan that in all likelihood cannot be completed. How can the city justify going forward and jeopardizing people's private property without having a qualified lead developer?

Furthermore, the city is using an outdated Urban Renewal Plan that was adopted more than 40 years ago, and actually expanding the Urban Renewal Zone to include more private properties so that you can condemn them. There are viable businesses in the area that provide jobs and services that the community needs.

It's not bad enough that the city has been stifling economic development in the area for decades for a plan that hasn't happened in 40 years, and now, in light of GGP's bankruptcy filing, won't be happening still. They are now going to proceed with the condemnation is to simply and eliminate ANY and ALL economic activity without any promise for the betterment of the community.

It is important to point out that the community board has unanimously rejected this project. Yet the city's insistence on proceeding forward is absolutely puzzling. What this community needs is natural development. Not an out of scale, out of scope, artificial implantation of a monster development that really doesn't fit the needs and wants of this community, and infringes on people's basic private property rights.

It is also important to note, that contrary to what the city depicts as a “blighted” area, it is not blighted, it is only vacant. Vacant does not equate blighted. Furthermore, despite the fact that the area has suffered the clout of eminent domain for over 40 years, the affected area is still a vibrant block with over 17 local businesses. 17 local businesses are still thriving on the block, creating jobs and services for the community despite the fact that the city has refused repeated requests from different businesses and land owners to try and improve the surrounding vacant parcels. This has also occurred despite the fact that the city has even purchased some private property, only to demolish it and leave it vacant for years to come. This has occurred despite the city’s efforts to cause “blight” by putting a salt pile in the area, which due to our efforts has now been removed.

If development was allowed to occur naturally, piece by piece, on the vacant city parcels, simple economic principles will dictate that the service and housing needs of the community will be manifested in the vacant city parcels, without having to infringe on people’s private property rights. It will happen gradually, over time, and as a result, be truly reflective of the community needs.

Thank you for affording me the opportunity to make a statement.

Damon Bae, General Manager
Fancy Cleaners
2319 Third Avenue
New York, NY 10035
Tel: 212-427-6633
Fax: 212-427-0002
Email: dbae@fancycleaners.com