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**Subject:** Eminent Domain

Council,

Ok, I'm starting to put the pieces of this puzzle together. I'm assuming the City Of Green does have a Nexus offer on the table based on the meeting notices from both the City Of Green and The City Of Oberlin. The City Of Oberlin just put out a public notice for their council meeting tomorrow. They are having a **public** discussion about Nexus' offer to settle their eminent domain case. So why is Green's discussion not a public discussion too? Why the emergency instead of three readings?

Obviously, I'm not a lawyer, but I've been reading and studying about pipeline cases full time for three years now. Why settle eminent domain out of court when a court appointed panel of three experts can rule on land value & usage? Your eminent domain case will have its day in court. Trust in the eminent domain process. Let the court's panel of experts decide Green's fate.. not Nexus. The court will have to be fair and the court, by law, has to reward adequately.

Here's what I found about Nexus' eminent domain cases: Determining the value of the taking will be done by a panel of three experts appointed by the judge. The issue, aside from the right to even use eminent domain for foreign pipelines, which is on appeal, involves a determination of value, particularly to the residue to the parcels in addition to the taking of the actual easement and work spaces. A good starting point for making that determination is looking at the purchase price per acre or how much a developer would pay for the land; certain additions and subtractions would then be calculated into the equation. Residue is the remaining acres to entire parcel for which **damages** are also awarded in addition to easement and work spaces. Nexus is aware of this **damage calculation** and this is why offers have shot up recently into the millions.

I can only guess that Nexus is offering you big bucks, maybe even millions? Would a court not do the same? Have you had your land and losses appraised? You have an active park with hundreds of families in the blast zone on a weekly basis which equals huge damage calculations to both life and recreational programing. We're not talking about an abandoned piece of property. *Even if the court offers less than Nexus, the court will offer fair compensation and you won't have to live with the shame of a bribe.*

It is still conceivable that Nexus would be compelled to move its route within the City Of Green away from the fields. **Just a couple of weeks ago**, in a case here in Green on Mayfair road, Nexus refused to pay the amounts being demanded by the homeowners and filed a variance to it's application and **REROUTED** the pipeline to a property that someone had already taken payment for. Nexus moved the route 100 feet off of the original property, just weeks ago. In the last three years, Nexus has made modifications to the route over 250 times. Obviously, we're no

longer going to get the big southern re-route, but you still have some control of the route within the City Of Green. Put your planner, Chrissy, on it and see what she can come up with

In dealing with Green homeowners, Nexus has proved time & time again that their final offers are not final and their final deadlines are not so. Have you talked to the homeowners involved? Please do so. They will ALL tell you the same story... they had a "final offer" of \$10,000... then \$30,000.. then \$100,000...etc. Nexus has also told every homeowner about their safety measures while at the same time applying for a waiver so they don't have to put in an odor that allows for detections of leaks. Nexus will tell you, like they have every other town, that the pipe will bring economic growth. Well, it's a good thing you know better after commissioning Cleveland State's economic report.

Nexus is nervous, there are currently five cases pending in the appeals court against them. The court's timeline is on your side. Eminent Domain is a slow process; of course Nexus wants to avoid it. It could take months to value Ariss & Greensburg Park and determine the losses. Months and months and months of a court delay sounds wonderful.

### **Case Example**

Judge Denies Eminent Domain rights for Palmetto Pipeline. Pipeline company did not prove that the pipeline was what the law calls a "public convenience and necessity" important enough to justify the taking of private property.

<http://www.jacksonville.com/news/florida/2016-03-01/story/judge-affirms-georgias-decision-deny-eminant-domain-rights-pipeline>

### **Case Example**

Case in Vermont Supreme Court right now: Hinesburg residents vs Vermont gas Stems Residents lawyer: "The public use doctrine holds that a property already in public use can't be used for another purpose without the approval of the legislature"

Get the right eminent domain lawyer! Don't rush a decision! Be transparent! Gather public input!

Now go do the right thing!

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