

Anything two people know is not a secret

CHEYENNE HERALD

FREE - TAKE ONE

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City decides "not to defy its own law"

Wow! What a concept.

Maybe if Rick Kaysen had been mayor at the beginning of the bienium, that group wouldn't have repeatedly and blatantly "defied its [state] laws" by approving illegal annexations time and time again. Not to mention trying to duck responsibility for sewer line backups that damaged residents' homes and not to mention invoking "governmental immunity" when irresponsible city employees were at fault in city-owned vehicle accidents with residents.

And, maybe if the "City" had decided not to defy state laws, the toady daily newspaper would have given up on encouraging them, berating them, daring them, to continue to approve illegal annexations, to defy the law.

It's not like this mayor really grasped

the inappropriateness of an action already underway when a concerned citizen called the Cheyenne Herald to report the PortaJohns at Prairie View golf course and the move quietly afoot to replace the inoperable septic system there.

No, Rick Kaysen, as the mayor before him, was prepared to take an action unavailable to private residents until he was caught with his arm elbow-deep in the cookie jar. For him to now try to defend the secretive action as being similar to what was available to residents is disingenuous and beneath him.

The issue wasn't that private residents could also seek an exception to the rule against repair or replacement of septic systems within the "201 sewerable boundaries," but the difference in status of the applicant.

Residents were certain to be denied - a ranking City/County Health Department told the Cheyenne Herald that no such exceptions had ever been granted and I am unaware of any that were. Denial was inevitable.

Rick's amusing statement is akin to Ahmadinejad saying that Iranian citizens have the same rights that the Iranian government has.

No, the City is unequal. Unequal is every way imaginable. The only time they are found equal is when a resident or residents challenge an illegal action and a court rules the City is wrong - that it cannot do what it wanted and tried to do or did. Multiple illegal annexations are classic examples. The daily did not rush to the defense of residents in this matter, either. They simply do not want non-city residents to have the

ability to fix or replace septic systems and, had the City pushed through approval to replace the septic system at a golf course well inside city boundaries, residents might have demanded that same right.

In addition to causing the right decision to eventually be made, there are other important aspects to the story first published in the Herald. It proves what a single resident can get done if they just take action. If they just speak up. Usually through the Herald and, had this one person not contacted me about the issue, the septic system would have been replaced and no one would have known. City council members didn't know it was proceeding and residents as a whole certainly didn't. The other outcome is that when the daily editorially follows my lead, it may help insure the right thing is done.

The Cheyenne Herald is the official publication of Cheyenne's intelligent people

The City cannot take the east parking lot at Hollywood Video and stick the owner with what's left

Use of eminent domain to condemn and take private property was not intended to be used as it is today. It is now possible for the taking of private property from one owner to be conveyed to a different private owner if the second owner will pay higher property taxes, create some jobs, etc.

In Blaine, Minnesota, Sportstown USA not only wanted 90% rebate of their property taxes for 15 years (~\$12.2 million) in exchange for the development of 63 acres, they also wanted neighboring property condemned and taken because the property might create a blight on their project.

Three significant projects locally (one never proceeded) used the threat of condemnation to confiscate private property (Nob Hill for a hospital that will never be built there, 5th St. for a viaduct and Thomes Avenue for a library serving coffee). None reached the point of condemnation because the areas housed lower income residents and lower valued houses so property owners sold rather than have their property taken at depressed values. Now we learn that private houses taken on 5th St. and Morrie Avenue but not demolished or moved for the viaduct project will be sold at auction and the houses allowed to remain where they were.

It has always been recognized (accepted) that the government (basically) will, on occasion, need to acquire (take) land for use for streets, bridges, parks, public buildings, etc. That fundamental right has been abused here in Laramie County as it has been elsewhere. Regarding the roundabout project at 19th/Pershing/Converse, houses on Pershing at that intersection were bought with the threat of use of condemnation and they may not now be demolished for the roundabout.

Most eminent domain actions "take" complete properties, not just some of a parcel and/or structure. That was the case by what was to be called Central Park (Pando Pond). Taking just what was necessary would have left that property owner with a parcel too small/too dangerous at that intersection so the entire parcel and house were bought.

Yet, the current administration seems to have no qualms about confiscating only part of the land and none of the building where Hollywood Video operated (that company had no ownership interest in the land or building) and gleefully would leave an obstinate property owner from Colorado Springs with a building lacking adequate parking to lease as a retail operation.

It is highly unlikely the City will be able to pull off this stunt and likely they will have to acquire the entire parcel, including the building. Like the attempt to place a septic system at the golf course, though, this attempted action smells to high heaven.

The City does have Czar-like powers to confiscate private property that they want for projects like this roundabout. What they do not have is the power to leave a property owner stuck with worthless, unusable property. The City must buy it all.

When government tries dastardly deeds like this one, they wonder why there is a place for those who identify themselves with the ad hoc Tea Party.

W.S. 1-26-516. *Action for inverse condemnation. When a person possessing the power of condemnation takes possession of or damages land in which he has no interest, or substantially diminishes the use or value of land, due to activities on adjoining land without the authorization of the owner of the land or before filing an action of condemnation, the owner of the land may file an action in district court seeking damages for the taking or damage and shall be granted litigation expenses if damages are awarded to the owner.*

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