

Date: _____

Dear Governor Pataki, Speaker Silver, and Majority Leader Bruno:

In the coming weeks, it is expected that the Public Authorities Control Board (PACB) will be asked to vote on the publicly subsidized, \$4.2 billion Forest City Ratner Atlantic Yards development proposed for Prospect Heights, Brooklyn.

However, on October 26th homeowners, business owners, and tenants in the proposed project site, who are facing the taking of their properties by eminent domain to clear the site for the development, filed a federal lawsuit. The suit charges that the takings by eminent domain for this project are unconstitutional, and it seeks to halt the takings of the properties for transfer to the private developer, Forest City Ratner.

The arena, and several other major components of the proposed project, cannot be constructed without the use of eminent domain.

It is imperative that the PACB postpone any vote on the proposed project until the courts have resolved the eminent domain question.

I believe that it is incumbent upon you, as guardians of the public trust, to ascertain the constitutionality, through the courts, of the exercise of eminent domain upon which the proposed project is contingent, before taking any vote.

If the PACB were to approve the project prior to judicial resolution, substantial numbers of buildings at the site could be demolished. If at a later date, however, the courts were to disallow the use of eminent domain, many aspects of the project, including the arena, could not be built, and the community would be left with a demolition site amid acres of vacant land. This uncertainty regarding the project's viability, prior to a court decision, requires a postponement of any decision by the PACB.

I urge you to postpone any PACB vote on the Atlantic Yards proposal until the eminent domain issues are resolved in the courts. It is the wise and responsible thing to do.

With respect and sincerity,

Name: _____

Address 1: _____

Address 2: _____

City, State, zip: _____

Cc:
Brooklyn Members of the State Legislature
Honorable Attorney General Eliot Spitzer
Honorable City Council Speaker Christine Quinn