



## New Jersey Libertarian Party

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For Immediate Release

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### NJ Libertarian Party Urges Vineland Residents Not to Seize Judge's Home

A Faulkner Act Petition has been created that will use eminent domain to seize the Vineland home of Superior Court Judge Julio Mendez for the purposes of erecting a hotel with a restaurant with the name of "Just Desserts."

Judge Julio Mendez recently decided eminent domain can be used by the Casino Reinvestment Development Authority (CRDA) to seize the property of Charles Birnbaum despite no public use threshold or specific plans for the property.

The original reason the CRDA wanted Mr. Birnbaum's property was to "complement the new Revel Casino and assist with the demands created by the resort." The Revel Casino has closed, yet the CRDA has continued with their proceedings against Mr. Birnbaum's property. Charles Birnbaum runs a piano repair workshop out of his property in Atlantic City and rents the other two floors to longtime residents. Judge Mendez's decision may very well result in Mr. Birnbaum losing his property and his business.

Block 4501, Lot 25 in Vineland NJ is the home of Judge Mendez and his wife. They have owned the home since 2002.

Judge Mendez ignored constitutional issues in allowing the seizure of Mr. Birnbaum's property. After years of eminent domain abuse, the Supreme Court of New Jersey in *Gallenthin v. Paulsboro* has required "blight" to be proven before seizure of property. No evidence of blight was presented by the CRDA.

Our Constitution restricts government redevelopment to "blighted areas." *N.J. Const.* art VIII, § 3, ¶ 1. That limitation reflects the will of the People regarding the appropriate balance between municipal redevelopment and property owners' rights. The New Jersey Constitution does not permit government redevelopment of private property solely because the property is not used in an optimal manner. – Supreme Court of NJ, *Gallenthin v. Paulsboro*

The New Jersey Libertarian Party stands against all forms of eminent domain. While "The People of Vineland Seeking to Develop Block 4501, Lot 25" may, according to Judge Mendez, be legally justified in seeking the seizure of Judge Mendez's home they are not morally justified. Two wrongs don't make a right.

The NJ Libertarian Party urges both the CRDA and "The People of Vineland Seeking to Develop Block 4501, Lot 25" to abandon their immoral efforts.

Initiative and Referendum Petition

*The People of Vineland Seeking to Develop Block 4501, Lot 25*

We the undersigned, registered voters of the Vineland City, Cumberland County, New Jersey, under the initiative and referendum power granted by N.J.S.A. 40:69A-184 et. seq., hereby propose the following:

1. This Act shall be known and cited as the "The People of Vineland Seeking to Develop *Block 4501, Lot 25.*"
2. On November 17, 2014, Atlantic County Superior Court Assignment Judge Julio L. Mendez ruled that the Casino Reinvestment Development Authority (CRDA) may use its eminent domain powers to force Charles and Lucinda Birnbaum to sell their building despite the CRDA's failure to prove that it needs the property or has a specific plan for it. Although Judge Mendez "empathizes with the Birnbaum's desire to keep this family owned property" he ruled that the Atlantic City Tourism District Act "passes both federal and state constitutional muster, and justifies the actions of the CRDA in taking the Birnbaum property." Accordingly, it is hereby ordained.
  - A. While the people of Vineland empathize with Judge Mendez and his wife's desire to keep their property located at 3429 E. Landis Avenue Vineland (Block 4501, Lot 25), we nevertheless have decided to take that property through the power of eminent domain, in accordance with Judge Mendez's ruling and applicable state law, even though the City really doesn't need it and even though we really don't have a well thought out plan on what to do with it.
  - B. The Mayor and City Council shall, within sixty days after the effective date of this ordinance, establish the fair market value of the property and offer to purchase the property at that amount from the current owner. If the offer is not accepted within 14 days, the City of Vineland shall instruct legal counsel do all things necessary to execute a taking of the property through eminent domain.
  - C. After the taking is consummated, the City Council shall appoint a committee to decide what should be done with the property. Among other uses, the committee shall consider building a restaurant upon the land bearing the name "Just Desserts".
3. This Act shall take effect on the sixtieth day after enactment and shall be published as required by law.
4. If any portion of this Act shall be declared to be unconstitutional, invalid, inoperative or not the proper subject of a citizen initiative petition by a court of competent jurisdiction, this Act, to the extent that it is not unconstitutional, invalid, inoperative, or not the proper subject of a citizen initiative petition shall remain in full force and effect.
5. All ordinances inconsistent with the provisions of this Act are repealed to the extent of such inconsistency.

The following citizens constitute the Committee of Petitioners ( N.J.S.A. 40:69A-186)

- John Doe1, 296 Any St, Vineland, NJ
- John Doe2, 297 Any St, Vineland, NJ
- John Doe3, 298 Any St, Vineland, NJ
- John Doe4, 299 Any St, Vineland, NJ
- John Doe5, 300 Any St, Vineland, NJ

1. Sign: \_\_\_\_\_ Print Name: \_\_\_\_\_

Residence: \_\_\_\_\_ Vineland, NJ

2. Sign: \_\_\_\_\_ Print Name: \_\_\_\_\_

Residence: \_\_\_\_\_ Vineland, NJ