

### **QUESTION 1**

AEO owns Blackacre. Her next door neighbor, Blaze, wants to use a portion of AEO's land as a driveway. AEO has tentatively agreed (orally) to an easement for this purpose. AEO asks you to draft the formal document, with particular attention to (and explanations of) the following issues:

- Descriptions of the parties' properties, and the purpose of the document.
- Explanation of the precise interest being created (and what is not being created).
- Descriptions of the location, scope, and duration of the interest being created.
- Specification of the parties' ongoing responsibilities after the interest is created.

**QUESTION 2**

The City Council of Collingsport, in the State of Newgarth, approves a proposal for a “comprehensive redevelopment” project, to be built by the Big Guy Development Company (“BGDC”) on 500 acres within the City limits, next to the Bennett River that marks the City’s northwest boundary.

The project includes a football stadium, a hotel, upscale restaurants, office buildings, and luxury condominiums. Most of the new businesses and condos will enjoy spectacular views of the Bennett River and the rolling hills and valleys to the north and west. The planned development is notable for the fact that the Picard Hubert Optical Corporation (“PHOC”), a large electronics manufacturer, will build a new factory nearby, which is to provide 850 new jobs.

The targeted area, colloquially known as “Little Paradise,” is one of the oldest residential areas in the City, and has a rich cultural heritage. The current uses are essentially the same as they have been for the past 100 years or so, consisting mainly of modest single-family homes and small neighborhood businesses, such as corner grocers, shoe repair shops, beauty salons, cafés, tailors, and stationery stores. None of the properties is considered distressed or blighted.

The City condemns all of the structures in Little Paradise, and fair market value compensation is calculated by the consultant retained by BGDC.

Most of the residents and business owners oppose the development. They sue the City. The trial court rules in favor of the City; the appellate court and the Newgarth Supreme Court both affirm, based on the majority opinion in *Kelo v. City of New London*, 545 U.S. 469 (2005).

In response to widespread public outcry, members of the Newgarth State Legislature decide to co-sponsor a bill to restrict the use of eminent domain for economic development.

- Prepare a sponsors’ statement for the floor debate, including the history/background of this area of the law, and draft answers to questions that might be raised by other legislative members.