



## **A Resolution Prohibiting Developers from Profiteering from Eminent Domain Takings**

**WHEREAS**, the right to own, use, and enjoy private property is a fundamental liberty guaranteed by the Fifth Amendment to the United States Constitution and Article I, Section 17 of the Texas Constitution; and

**WHEREAS**, the Republican Party of Texas Platform (2024–2026), Plank 33 – Private Property Rights, affirms that private property rights are foundational to liberty and must be protected from government abuse; and

**WHEREAS**, the Republican Party of Texas Platform (2024–2026), Plank 34 – Eminent Domain, explicitly opposes the use of eminent domain for private gain, economic development, or the benefit of private entities, including developers and public - private partnerships; and

**WHEREAS**, eminent domain is an extraordinary governmental power intended to be exercised only for legitimate public purposes and only upon payment of just compensation; and

**WHEREAS**, eminent domain was never intended to serve as a mechanism to transfer property from private landowners to private developers for economic profit; and

**WHEREAS**, under current practices in Texas, private developers may directly or indirectly benefit from eminent domain takings through public - private partnerships, downstream conveyances, rezoning, development agreements, or other arrangements; and

**WHEREAS**, such practices allow developers to obtain land through forced acquisition at suppressed or involuntary prices and later profit through resale, lease, or development, in direct conflict with the Republican Party of Texas Platform; and

**WHEREAS**, the Republican Party of Texas Platform further calls for greater transparency, stronger landowner protections, and strict limitations on the delegation and use of eminent domain authority; and

**WHEREAS**, the misuse of eminent domain to facilitate private development undermines public trust, violates constitutional principles, and disproportionately harms rural landowners, family farms, ranchers, and multi - generational communities; and

**WHEREAS**, Red River County has a long - standing tradition of defending private property rights, agricultural land stewardship, and local control consistent with Republican principles.



**NOW, THEREFORE, BE IT RESOLVED**, that we, the Red River County Executive Committee, in accordance with the Republican Party of Texas Platform, hereby declare the following:

### **1. Platform Alignment**

This resolution is adopted in direct support of the Republican Party of Texas Platform, including but not limited to:

- Plank 33 – Private Property Rights, affirming that private property shall not be taken, damaged, or destroyed for private use.
- Plank 34 – Eminent Domain, opposing the use of eminent domain for private development, economic gain, or transfer to private entities.
- Related planks opposing public - private partnerships that rely on coercive governmental authority to enrich private interests.

### **2. Definitions**

For purposes of this resolution:

- **“Developer”** means any private individual, corporation, partnership, or entity engaged in residential, commercial, industrial, or mixed - use real estate development.
- **“Eminent domain – acquired property”** means any real property obtained through condemnation or the threat of condemnation by a governmental or quasi - governmental entity.
- **“Profit”** means any financial gain resulting from resale proceeds, lease income, development - related benefit, or other economic advantage in excess of the compensation paid to the original property owner and the documented public costs incurred to hold, maintain, or transfer the property.

### **3. Prohibition on Developer Profiteering**

- No developer shall directly or indirectly acquire, receive, lease, option, control, or benefit from property acquired through eminent domain for the purpose of private profit.
- No governmental entity shall transfer or convey eminent domain – acquired property to a developer, or to any affiliate, successor, or related entity, where private economic gain is foreseeable.



- Any public - private partnership, development agreement, or contractual arrangement that relies upon or benefits from eminent domain takings for private development purposes shall be deemed inconsistent with RPT Platform Plank 34 and contrary to the public interest.

#### **4. Limitations on Use of Eminent Domain Property**

- Property acquired through eminent domain shall be used solely for its stated public purpose, retained for continued public use, or returned to the original landowner, or their heirs or assigns.
- Eminent domain – acquired property shall not be rezoned, marketed, banked, or positioned for private development following condemnation.

#### **5. Oversight and Accountability**

- Any project involving eminent domain shall include a written finding that no private developer will benefit directly or indirectly from the taking, consistent with RPT Platform Planks 33 and 34.
- Any transfer or use of eminent domain – acquired property in violation of this resolution shall be deemed inconsistent with Republican Party principles, and subject to nullification and reversion to the original landowner to the fullest extent permitted by law.

**BE IT FINALLY RESOLVED**, that this resolution shall take effect immediately upon adoption by the Red River County Executive Committee and shall be forwarded to the Republican Party of Texas, the State Republican Executive Committee (SREC), the Texas Legislature, and the Governor of Texas as a formal request that the RPT Platform be enforced and that developers be permanently prohibited from profiting from eminent domain takings.

Executed and adopted by the Red River County Republican Party Executive Committee on the 2<sup>nd</sup> day of February 2026.