

<b>Topic:</b>	Land Acquisition
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	State
<b>Municipality:</b>	N/A
<b>Year (adopted, written, etc.):</b>	Unknown
<b>Community Type - applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	New York State Constitution Article I Section 7
<b>Document Last Updated in Database:</b>	October 17, 2016

### ***Abstract***

Article I Section 7 of the NY State Constitution relates to eminent domain. Along with eminent domain and private property in general, the legislature establishes that private roads may be opened upon a jury determination. In addition, Article 7 establishes that construction and maintenance of the drainage systems for swamp and agricultural lands is permissible even when those lands are privately owned. Rules regarding compensation under these circumstances are also presented in this article.

### ***Resource***

NYS Constitution Article I s. 7

§ 7. [Just compensation for taking private property; private roads; drainage of agricultural lands]

(a) Private property shall not be taken for public use without just compensation.

(b) Repealed.

(c) Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings, shall be paid by the person to be benefited.

(d) The use of property for the drainage of swamp or agricultural lands is declared to be a public use, and general laws may be passed permitting the owners or occupants of swamp or agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions, on making just compensation, and such compensation together with the cost of such drainage may be assessed, wholly or partly, against any property benefited thereby; but no special laws shall be enacted for such purposes.