

**REAL ESTATE AND BUY AMERICA**  
**Matt DeLong, Development Services**  
**Administrator**  
**MICHIGAN DEPT. OF TRANSPORTATION**



# We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

**Article I**  
 Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.  
 Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.  
 Section 3. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have the Qualifications requisite for Senators of the most numerous Branch of the State Legislature.  
 Section 4. The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter such Regulations except as to the Places of Elections.

**Article II**  
 Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office for four Years, and until his Successor be qualified; but no Person shall be elected President more than twice, nor shall any one be elected President who shall not have attained to the Age of thirty five Years, which Year shall begin on the Day of his Election. He shall, before entering on his Office, take an Oath or Affirmation, that he will faithfully execute the Office of President, and will support the Constitution of the United States; and he shall not receive any other Title or Honor, and shall receive such Allowance as shall be provided by Law.

**Article III**  
 Section 1. The judicial Power shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour, but shall, at any time, be removed by Impeachment.

**Article IV**  
 Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Senators and Representatives, and Members of the several State Legislatures, and the Judges of the several State Courts, shall be granted the same Privileges and Immunities as are granted to those of the United States.

**Article V**  
 Section 1. The Congress shall have Power to propose Amendments to this Constitution, which, when ratified by three fourths of the whole Number of States, shall be valid, as part of this Constitution.

**Article VI**  
 Section 1. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

**Article VII**  
 Section 1. The Ratification of the States, which shall have attained to the Age of thirteen, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

**done** in Convention by the unanimous Consent of the States present the thirteenth Day of September in the Year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the fifteenth In witness whereof We have hereunto subscribed our Names.

Wm. Blount Secretary

Delaware	George Read Gideon Mifflin Richard Bassett John M. Dickinson	Massachusetts	John Hancock Nathan S. Sargent John V. Totten
Virginia	George Mason James M. Madison	North Carolina	James O. Richardson Richard Dobson Spaight John L. Mays
South Carolina	Charles C. Pinckney Charles Beaufort John Rutledge	Georgia	William Few Abner Nash



# The Bill of Rights

Ratified December 15, 1791

## Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

## Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

## Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

## Article IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



## Real Estate and Buy America

- ▶ Property Owner Rights are protected by both Federal and State Laws
- ▶ US Constitution Fifth Amendment:  
“No person shall...be deprived of life, liberty, or property without due process of law: nor shall private property be taken for public purpose without just compensation.”  
Federal Law: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- ▶ Michigan Constitution:  
“Private property shall not be taken for public use without just compensation therefore being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.”  
Michigan Eminent Domain Law: Uniform Condemnation Procedures Act 87 of 1980, as amended.



# Real Estate and Buy America



## Real Estate and Buy America

- ▶ Example:
  - ▶ - 10 Acre Residential Property
    - ▶ - 4 bedroom 2.5 bath ranch – 2500 square feet
      - - married couple with two teenage daughters
    - ▶ - 2000 square foot steel building
      - - Small Business - storage and small business (woodshop)
        - - Located on front 5 acres



## Real Estate and Buy America

- ▶ Example (continued):
  - Remaining 5 acres are recreational
  - Includes utility owned transmission towers on an easement
  - State DOT needs the 5 recreational acres
  - Willing Sellers (both property owner and easement holder)



## Real Estate and Buy America

### Example (Continued):

- Property owner settles and plans to rebuild steel building on front 5 acres.
- Utility owner agrees to sell easement and agrees to move towers to adjacent property owned by utility with the state paying the cost to cure.
- - Utility refuses to certify steel for Buy America





- ▶ Example (continued):
  - State has no authority to compel utility to certify or cooperate in any way with provisions of Buy America
  - FHWA can not fund project due to non-compliance with Buy America
  - **RESPONSIBILITY With NO AUTHORITY**



# Real Estate and Buy America

*Questions  
Or  
Discussion*

