Land Use Issues in the 21st Century

NFJE Symposium
July 15, 2017
Introduction

What is a “taking?”

What is “property?”
The Public Use Doctrine

Poletown Neighborhood Council v. City of Detroit
304 N.W.2d 455 (Mich. 1981)
The Public Use Doctrine

County of Wayne

v.

Hathcock

671 N.W.2d 40 (Mich. 2003)
The Public Use Doctrine

*Kelo*

v.

*City of New London*

545 U.S. 469 (2005)
The Public Use Doctrine

Changes to State law after
Kelo v. City of New London
The Public Use Doctrine

“Common Carrier” Issues
Regulatory Takings

The leading cases
Tests applied (per se and multi-factor)
Ripeness defense
Exactions

_Nollan v. California Coastal Commission_

483 U.S. 825 (1987)
Exactions

Dolan v. City of Tigard
512 U.S. 374 (1994)
Exactions

*Koontz*

v.

*St. Johns River Water Mngmt. Dist.*

570 U.S. 2588 (2013)
Exactions

Open Questions on Exactions
THE END

Questions?