Murr v. Wisconsin
(US 2016)

- Two lots purchased at different times.
- Merged by action of zoning.
  - Substandard
  - Same owners
- Parcel as a whole case.
- What is the relevant parcel?
Land dispute
The Murr family claims that St. Croix County took its property without compensation. The U.S. Supreme Court has agreed to hear its case.

Members of the Murr family pose for a photo last summer at their cabin on the St. Croix River. Each year, the family chooses a state theme for its big gathering and last year it was Kentucky. The U.S. Supreme Court has agreed to take the family’s case in which it argues St. Croix County and the state are wrongly preventing it from selling a vacant lot adjacent to the summer home.
Donna Murr felt like she "won the lottery" when the Supreme Court agreed to hear her family's appeal. Photo courtesy of the Pacific Legal Foundation.
This idyllic riverfront property in western Wisconsin is at the heart of a legal battle that's heading to the Supreme Court. Photo courtesy of the Pacific Legal Foundation.
Whether, in a regulatory taking case, the “parcel as a whole” concept as described in *Penn Central Transportation Company v. City of New York*, establishes a rule that two legally distinct but commonly owned contiguous parcels must be combined for takings analysis purposes.

“A man is like a fraction whose numerator is what he is and whose denominator is what he thinks of himself. The larger the denominator, the smaller the fraction.”

— Leo Tolstoy

Source/Notes:
Several Names

- Numerator-denominator
  - Or just the denominator problem
- Takings fraction
- Relevant parcel
- Parcel as a whole
- Nonsegmentation
- Nonseverance
Surface and Subsurface Rights
Air Rights
Consolidated Operations
Noncontiguous Holdings
Later-Acquired Properties
Transfer of Development Rights
The Temporal Dimension

Now

Later
A Hypothetical

An Iowa farmer decides to sell his farm and retire to Maui ...
Lessons Learned

• Consider separate ownerships to preserve rights.

• “Checkerboarding” may not always work if owner controls the other parcel.