

IMLA Year In Review

Monday, January 9, 2017

Resource Materials

Supplemental cases:

Ophca LLC v. City of Berkeley, 2016 WL 6679560 (N.D. Cal. Nov. 14, 2016)
https://scholar.google.com/scholar_case?q=Ophca+LLC+v.+City+of+Berkeley&hl=en&as_sdt=8006&case=1446529385333950633&scilh=0

Auspro Enterprises, LP v. Texas Dep't of Transp., 2016 WL 7187475 (Tex. App. Dec. 8, 2016)
https://scholar.google.com/scholar_case?q=Auspro+Enterprises,+LP+v.+Texas+Dep%27t+of+Transp.,+&hl=en&as_sdt=8006&case=18008003935577013135&scilh=0

These are the cases selected for the most recent update of **RATHKOPF'S THE LAW OF ZONING AND PLANNING, 4TH** Dwight Merriam and Sara Bronin, co-editors.
<http://legalsolutions.thomsonreuters.com/law-products/Treatises/Rathkopfs-The-Law-of-Zoning-and-Planning-4th/p/100027828>

1:22 See Vermont Railway, Inc. V. Town Of Shelburne, Dist. Court, D. Vermont 2016 (buffer zones not the only means of protecting wetlands)

Vermont Ry., Inc. v. Town of Shelburne, No. 2:16-CV-16, 2016 WL 3629081, (D. Vt. June 29, 2016)

2:5 A violation of the Fair Housing Act may also be a violation of the equal protection clause. Avenue 6e Investments, LLC v. City of Yuma, Court of Appeals, 9th Circuit, 2016 **Ave. 6E Invs., LLC v. City of Yuma, 818 F.3d 493, (9th Cir. Ariz. 2016)**

3:3 Selig v. North Whitehall Township Zoning Hearing Board, Court of Appeals, 3rd Circuit 2016

Michael B. Selig, Appellant v. North Whitehall Township Zoning Hearing Board, No. 16-1072, 2016 WL 3440450 (3d Cir. June 23, 2016)

4:4 ZIA Shadows, LLC v. City of Las Cruces, Court of Appeals, 10th Circuit 2016

Zia Shadows, L.L.C. v. City of Las Cruces, No. 15-2009, 2016 WL 3960827 (10th Cir. July 22, 2016)

7:21 MAR-DEL Holdings, LLC v. Orange Township Board of Supervisors, Pa: Commonw (2016)

Mar-Del Holdings, LLC v. Orange Twp. Bd. of Supervisors, 136 A.3d 1112 (Pa. Commw. Ct. 2016)

7:32 United States Army Corps of Engineers v. Hawkes, No. 15-290, (May 31, 2016)

United States Army Corps of Eng'rs v. Hawkes Co., 136 S. Ct. 1807, (U.S. 2016)

8:2 and 9:24 Union of Medical Marijuana Patients, Inc. v. City of Upland, Cal: Court of Appeal,

Union of Medical Marijuana Patients, Inc. v. City of Upland, 245 Cal. App. 4th 1265, 200 Cal. Rptr. 3d 62 (Cal. App. 4th Dist. 2016)

10:8 Petroplex International v. Parish, Dist. Court, ED Louisiana 2016

Petroplex Int'l v. St. James Par., 158 F. Supp. 3d 537 (E.D. La. 2016)

11:8 Step by Step, Inc. V. City of Ogdensburg, Dist. Court, ND New York 2016

Step By Step, Inc. v. City of Ogdensburg, No. 7:15-CV-925, 2016 WL 1319081 (N.D.N.Y. Apr. 5, 2016)

11:19 Caruso v. Zoning Bd. of Appeals, 130 A. 3d 241 - Conn: Supreme Court 2016

Caruso v. Zoning Bd. of Appeals, 320 Conn. 315, 130 A.3d 241, (Conn. 2016)

12:1 note 15 Harrington v. Hall County Nebraska, Dist. Court, D. Nebraska 2016

Harrington v. Hall Cty. Bd. of Supervisors, No. 4:15-CV-3052, 2016 WL 1274534, (D. Neb. Mar. 31, 2016)

13:3 City of Bellevue v. Greensun Group, LLC, Wash: Court of Appeals, 1st Div. 2016

City of Bellevue v. Greensun Grp., LLC, No. 73646-9-I, 2016 WL 3338073, (Wash. Ct. App. June 13, 2016)

14;1 Friends of Black Forest Preservation Plan, Inc. V. Board Of County Commission, Court of Appeals of Colorado, Division I.

Announced April 7, 2016.

Friends of the Black Forest Pres. Plan, Inc. v. Bd. of County Comm'rs, 2016 COA 54 (Colo. Ct. App. 2016)

15:8 City Of Airway Heights V. Eastern Washington Growth Management Hearings B Court of Appeals of Washington, Division Three.

Filed: April 12, 2016

City of Airway Heights v. E. Wash. Growth Mgmt. Hr'gs Bd., 193 Wn. App. 282, (Wash. Ct. App. 2016)

16:17 Recycle for Change v. City of Oakland, Dist. Court, ND California 2016

Recycle v. City of Oakland, 2016 WL 344751 (N.D. Cal. Jan. 28, 2016)

17:8 Central Radio Co. Inc. v. City of Norfolk, Va., 811 F. 3d 625 - Court of Appeals, 4th Circuit 2016

[Cent. Radio Co. v. City of Norfolk, 811 F.3d 625, \(4th Cir. 2016\)](#)

18:13 Bench Billboard Co. v. City of Cincinnati, 2016 Ohio 1040 - Ohio: Court of Appeals, 1st Appellate

[Bench Billboard Co. v. City of Cincinnati, 2016-Ohio-1040, \(Ohio Ct. App., Hamilton County Mar. 16, 2016\)](#)

19:39 Presidio Historical Ass'n v. Presidio Trust, 811 F. 3d 1154 - Court of Appeals, 9th Circuit 2

[Presidio Historical Ass'n v. Presidio, 811 F.3d 1154, \(9th Cir. Cal. 2016\)](#)

20: 43 Ark Initiative v. Tidwell, 816 F. 3d 119 - Court of Appeals, Dist. of Columbia Circuit 2016

[Ark Initiative v. Tidwell, 816 F.3d 119, \(D.C. Cir. 2016\)](#)

21:68 Miami-Dade County v. Florida Power & Light Co., Fla: Dist. Court of Appeals, 3rd Dist. 2016

[2016 WL 1578462](#)

22:28 California Bldg. Industry Assn. v. City of San Jose, 136 S.Ct. 928 (2016)

24:20 Pittsfield Tshp Gifts, LLC V. Charter Township Of Pittsfield, Dist. Court, ED Michigan

[Pittsfield Tshp Gifts, LLC v. Charter Twp. of Pittsfield, No. 14-14276, 2016 WL 739810, \(E.D. Mich. Feb. 25, 2016\)](#)

25:22 City of Joliet v. New West, LP, Court of Appeals, 7th Circuit 2016
United States Department

[City of Joliet, Illinois v. New W., L.P., No. 15-2183, 2016 WL 3361519 \(7th Cir. June 17, 2016\)](#)

26:25 Matter Of Lavender v. Zoning Bd. of Appeals of the Town of Bolton, 2016 NY Slip

27:15 Lauderdale v. Desoto County, Miss: Court of Appeals 2016

[Lauderdale v. Desoto Cty. ex rel. Bd. of Supervisors, No. 2014-CA-00744-COA, 2016 WL 3892329, \(Miss. Ct. App. July 19, 2016\)](#)

28:32 Wimer v. Cook, 2016 WY 29 - Wyo: Supreme Court 2016

[Wimer v. Cook, 2016 WY 29, 369 P.3d 210 \(Wyo. 2016\)](#)

29:

30:5 Livingston Christian Schools v. Genoa Charter Township, Dist. Court, ED Michigan

2016.

[Livingston Christian Sch. v. Genoa Charter Twp., No. 15-12793, 2016 WL 3549357, \(E.D. Mich. June 30, 2016\)](#)

31:12 Cranford Development Associates, LLC v. Township of Cranford, NJ
[Cranford Dev. Associates, LLC v. Twp. of Cranford, 445 N.J. Super. 220, 137 A.3d 543 \(App. Div. 2016\)](#)

32:24 Black Gold Oilfield v. City of Williston, 875 NW 2d 515 – ND

33:3 Matter Of Lavender v. Zoning Bd. of Appeals of the Town of Bolton, 2016 NY
(duplicate, don't need cite)

33:73A Kobyluck Brothers, LLC v. Planning and Zoning Commission, Conn: Appellate Court 2016

[Kobyluck Bros., LLC v. Planning & Zoning Comm'n of Town of Waterford, 167 Conn. App. 383 \(2016\)](#)

34:4 Clyde Development Co., LLC v. Town of Smithfield Zoning Board of Review, Ri: Superior.

[Clyde Development Co., LLC v. Town of Smithfield Zoning Bd. of Review, 2016 WL 4151888 \(R.I.Super.\)](#),

35:7 Town of Lakewood Village v. Bizios, Tex: Supreme Court 2016

[Town of Lakewood Vill. v. Bizios, No. 15-0106, 2016 WL 3157476 \(Tex. May 27, 2016\)](#)

36:23 Friends of Black Forest Preservation Plan, Inc. v. Board of County Commissioners Court of Appeals of Colorado, Division I. April 7, 2016.

[Friends of the Black Forest Pres. Plan, Inc. v. Bd. of Cty. Commissioners of El Paso Cty., 2016 COA 54](#)

37:11 Embreeville v. Bd. of Sup'rs Of W. Bradford, 134 A. 3d 1122 - Pa: Commonwealth Court

38:9 City of Airway Heights v. Eastern Washington Growth Management Hearings

39:15 Jiang v. Porter, Dist. Court, ED Missouri 2016

[Jiang v. Porter, No. 4:15-CV-1008 \(CEJ\), 2016 WL 193388 \(E.D. Mo. Jan. 15, 2016\)](#)

40:9 EMAC, LLC v. County of Hanover, 781 SE 2d 181 - Va: Supreme Court 2016

41:2 Powers v. Falmouth Zoning Board of Appeals, Mass: Appeals Court 2016

[Powers v. Falmouth Zoning Bd. of Appeals, No. 15-P-1178, 2016 WL 4070627 \(Mass. App. Ct. July 29, 2016\)](#)

42:2 [Edwards v. Harrison Cty. Bd. of Sup'rs, 22 So. 3d 268, 274 \(Miss. 2009\)](#);

Edwards v. Harrison Cty. Bd. of Supervisors, 22 So. 3d 268 (Miss. 2009)

Little v. Mayor and Board of Aldermen, Miss: Court of Appeals 2016

Little v. Mayor, No. 2015-CA-00579-COA, 2016 WL 3391552 (Miss. Ct. App. June 21, 2016)

43:2 County of Kern v. TCEF, INC., Cal: Court of Appeal, 5th Appellate Dist. 2016

Cty. of Kern v. T.C.E.F., Inc., 246 Cal. App. 4th 301, 200 Cal. Rptr. 3d 714 (2016), review denied (June 29, 2016)

44:17 Snohomish Cnty. v. Pollution Control, 368 P. 3d 194 - Wash: Court of Appeals, 2nd Div.

Snohomish Cty. v. Pollution Control Hearings Bd., 192 Wash. App. 316, 368 P.3d 194, review granted sub nom. Snohomish Cty. v. Pollution Control Hearings Bd., 185 Wash. 2d 1026 (2016)

45:1 Town Center v. E. Newark Bor., 29 NJ Tax 164 - NJ: Tax Court 2016

E. Newark Town Ctr., LLC v. E. Newark Borough, 29 N.J. Tax 164 (2016)

46:3 Spokane Entrepreneurial Ctr. v. Spokane, 369 P. 3d 140 - Wash: Supreme Court 2016

Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend Constitution, 185 Wash. 2d 97, 369 P.3d 140 (2016)

47:1 Lyons v. Planning Board of Andover, Mass: Appeals Court 2016

Lyons v. Planning Bd. of Andover, 89 Mass. App. Ct. 1126, 51 N.E.3d 509 (2016)

49:16 Matter of Harn Food, LLC v. DeChance, 2016 NY Slip Op 30173 - NY: Supreme Court 2016

Harn Food, LLC v. DeChance, 2016 WL 452182 (N.Y.Sup.)

50:11 Kirby v. North Carolina Department of Transp., NC 2016

Kirby v. N. Carolina Dep't of Transp., 786 S.E.2d 919 (N.C. 2016)

51:9 People for Proper Planning v. City of Palm Springs, Cal: Court of Appeal, 4th Appellate

People for Proper Planning v. City of Palm Springs, 247 Cal. App. 4th 640, 202 Cal. Rptr. 3d 528 (2016), as modified (June 17, 2016)

52:11 An Act to Regulate Height Of Buildings in the District of Columbia (1899), P.L. 55-322.

Building Height Amendment Act of 1910, 36 Stat. 452 DC ST § 6-601.05

Metropole Condominium Association v. District of Columbia Board of Zoning Adjustment,

Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, No. 14-AA-1109, 2016 WL 3569366 (D.C. June 30, 2016)

53:8 See *Dunn v. Middletown Township Zoning Hearing Board*, Pa: Commonwealth Court 2016

Dunn v. Middletown Twp. Zoning Hearing Bd., No. 1436 C.D. 2015, 2016 WL 3668007 (Pa. Commw. Ct. July 11, 2016)

Matter of *Harris v. Zoning Bd. of Appeals of Town of Carmel*

Harris v. Zoning Bd. of Appeals of Town of Carmel, 137 A.D.3d 1130, 27 N.Y.S.3d 660 (N.Y. App. Div. 2016)

55:3 *Sumner v. Board of Adjustment of City of Spring Valley Village, Tex*: Court of *Sumner v. Bd. of Adjustment of City of Spring Valley Vill.*, No. 14-15-00149-CV, 2016 WL 2935881 (Tex. App. May 17, 2016)

56:6 *Cranford Development Associates, LLC v. Township of Cranford, NJ*: Appellate D *Cranford Dev. Associates, LLC v. Twp. of Cranford*, 445 N.J. Super. 220, 137 A.3d 543 (App. Div. 2016)

57:9 *Hanlon v. Town of Sheffield, Mass*: Appeals Court 2016

Hanlon v. Town of Sheffield, 89 Mass. App. Ct. 392, 50 N.E.3d 443 (2016)

58:21 *Snyder v. New Castle County, Del*: Supreme Court 2016

Snyder v. New Castle Cty., 135 A.3d 763 (Del. 2016)

59:10 *Florida Panthers v. Collier County, Dist. Court, MD Florida* 2016

Florida Panthers v. Collier Cty., Florida, No. 213CV612FTM29DNF, 2016 WL 1394328 (M.D. Fla. Apr. 8, 2016)

60:20A *Linear Retail Smithfield# 1, Llc V. Zoning Board Of Review Of The Town Of Smithf* 2016).

Linear Retail Smithfield #1, LLC v. Zoning Bd. of Review of the Town of Smithfield, 2016 R.I. Super. LEXIS 87 (R.I. Super. Ct. 2016)

** RI Superior not on Westlaw – docket: C.A. No. PC-2014-2361

61:22 [Lake Hendricks Improvement Association v. Brookings County Planning and Zoning Commission](#) 2016 Sd 48 - SD: Supreme Court, 2016

Lake Hendricks Imp. Ass'n v. Brookings Cty. Planning & Zoning Comm'n, 2016 S.D. 48

62:37 *Tarbox v. Zoning Board of Review of Town of Jamestown*

Tarbox v. Zoning Bd. of Review of Town of Jamestown, 2016 WL 984044 (R.I.,2016)

63:4 *CAYUGA NATION v. Tanner*, Court of Appeals, 2nd Circuit 2016

Cayuga Nation v. Tanner, 824 F.3d 321 (2d Cir. 2016)

64:2 *Zweber v. Credit River Township, Minn*: Supreme Court 2016

Zweber v. Credit River Twp., No. A14-0893, 2016 WL 4051613 (Minn. July 27, 2016)

65:27 Siegle v. Lee County, Fla: Dist. Court of Appeals, 2nd Dist. 2016
[Siegle v. Lee Cty., No. 2D15-3293, 2016 WL 802649 \(Fla. Dist. Ct. App. Mar. 2, 2016\)](#)

66:59 Tri-Corp Housing Incorporated v. Bauman, Court of Appeals, 7th Circuit 2016
[Tri-Corp Hous. Inc. v. Bauman, No. 14-1358, 2016 WL 3248397 \(7th Cir. June 13, 2016\)](#)

67:11 Gomez v. KANAWHA COUNTY COMMISSION, W Va: Supreme Court of Appeals 2016
[Gomez v. Kanawha Cty. Comm'n, No. 15-0342, 2016 WL 3207683 \(W. Va. June 3, 2016\)](#)

68:23 Ex Parte Chesnut, Ala: Supreme Court 2016.
[Ex parte Chesnut, No. 1140731, 2016 WL 280753 \(Ala. Jan. 22, 2016\), reh'g denied \(Mar. 18, 2016\)](#)

69:4 Salman v. City of Phoenix, Dist. Court, D. Arizona 2016
[Salman v. City of Phoenix, No. CV-12-01219-PHX-JAT, 2016 WL 3144155 \(D. Ariz. June 6, 2016\)](#)

70:26 State Ex Rel. Earney v. Buffalo County Board of Adjustment, Wis: Court of Appeals
[State ex rel. Earney v. Buffalo Cty. Bd. of Adjustment, No. 2015AP1762, 2016 WL 3884048 \(Wis. Ct. App. July 19, 2016\)](#)

71:4 Snohomish Cnty. v. Pollution Control, 368 P. 3d 194 - Wash: Court of Appeals, 2nd Div. 2
[Snohomish Cty. v. Pollution Control Hearings Bd., 192 Wash. App. 316, 368 P.3d 194, review granted sub nom. Snohomish Cty. v. Pollution Control Hearings Bd., 185 Wash. 2d 1026 \(2016\)](#)

72:6 Osprey Family Trust v. Town Of Owls Head, 2016 ME 89 - Me:
[Osprey Family Trust v. Town of Owls Head, 2016 ME 89](#)

73:16 Osprey Family Trust v. Town Of Owls Head, 2016 ME 89 - Me: [duplicate]

73:16 Whitehurst v. Alexander County, NC: Court of Appeals 2016
[Whitehurst v. Alexander Cty., 782 S.E.2d 121 \(N.C. Ct. App. 2016\)](#)

74:8 Itama Development v. Zoning Hearing Bd., 132 A. 3d 1040 - Pa: Commonwealth Court 2016
[Itama Dev. Associates, LP v. Zoning Hearing Bd. of Twp. of Rostraver, 132 A.3d 1040 \(Pa. Commw. Ct. 2016\)](#)

75:6 US Ex Rel Tennessee Valley Authority v. 1.72 Acres of Land in Tennessee, Court
[U.S. ex rel. Tennessee Valley Auth. v. 1.72 Acres of Land In Tennessee, 821 F.3d 742 \(6th Cir. 2016\)](#)

Matter of Town of Oyster Bay v. Bpj Marine Corporation, 2016 NY Slip Op 3515 – N
[In re Town of Oyster Bay, 139 A.D.3d 741, 30 N.Y.S.3d 699 \(N.Y. App. Div. 2016\)](#)

77:4 City of Longmont v. Colo. Oil and Gas Assn., 369 P. 3d 573 - Colo: Supreme Court 2016

[City of Longmont v. Colorado Oil & Gas Ass'n, 2016 CO 29, 369 P.3d 573](#)

78:5 In Re Petition of Rutland Renewable Energy, LLC, 2016 VT 50 – Vt
[In re Rutland Renewable Energy, LLC, 2016 VT 50 \(Vt. Apr. 29, 2016\)](#)

79: [to Judd]

80:5 Bagley v. Molly McKee, LLC, 2016 NY Slip Op 50749 - NY: Supreme Court, Broome 2016

[Bagley v. Molly McKee, LLC, 51 Misc. 3d 1220\(A\) \(N.Y. Sup. Ct. 2016\)](#)

81:7 Desimone v. Town Bd. of Town of Islip, 2016 NY Slip Op 30189 - NY: Supreme Court

[Desimone v. Town Bd. of the Town of Islip, 2016 WL 510389 \(N.Y.Sup.\)](#)

82: 15 Palmer Ranch Holdings LTD v. Commissioner of Internal Revenue Service, Court
[Palmer Ranch Holdings Ltd v. C.I.R., 812 F.3d 982 \(11th Cir. 2016\)](#)

83:29 426 Royal, LLC v. PLANNING BOARD OF Township of South Brunswick, NJ: Appellate

[426 Royal, LLC v. Planning Bd. of Twp. of S. Brunswick, No. A-1334-14T4, 2016 WL 3263209 \(N.J. Super. Ct. App. Div. June 15, 2016\)](#)

84:4 Dunbar v. Zoning Hearing Board, Pa: Commonwealth Court 2016

[Dunbar v. Zoning Hearing Bd. of City of Bethlehem, No. 1907 C.D. 2015, 2016 WL 3878471 \(Pa. Commw. Ct. July 18, 2016\)](#)

85:3 Hanlon v. Town of Sheffield, Mass: Appeals Court 2016 [duplicate]

[Hanlon v. Town of Sheffield, 89 Mass. App. Ct. 392, 50 N.E.3d 443 \(2016\)](#)

85:2 City of Airway Heights v. Eastern Washington Growth Management Hearings [duplicate]

[City of Airway Heights v. E. Wash. Growth Mgmt. Hr'gs Bd., 193 Wn. App. 282, \(Wash. Ct. App. 2016\)](#)

86:2 Biggs v. Zoning Bd. of Appeals of Town of Pierrepont, 2016 NY Slip Op 26139 - NY: S

[Biggs v. Zoning Bd. of Appeals of Town of Pierrepont, N.Y., 30 N.Y.S.3d 797 \(N.Y. Sup. Ct. 2016\)](#)

87:8 CBDA Development, LLC v. Town of Thornton, NH: Supreme Court 2016

[CBDA Dev., LLC v. Town of Thornton, 137 A.3d 1107 \(N.H. 2016\)](#)

88:1 PEOPLE FOR PROPER PLANNING v. City of Palm Springs, Cal: Court of Appeal, 4th Appellate

People for Proper Planning v. City of Palm Springs, 247 Cal. App. 4th 640, 202 Cal. Rptr. 3d 528 (2016), as modified (June 17, 2016)

89:15 Olsen v. Park City Municipal Corporation, 2016 UT App 106 - Utah: Court of Appeals 2016

Olsen v. Park City Mun. Corp., 2016 UT App 106, 374 P.3d 52

90:43 GOLF COURSE ASSOC, LLC v. New Castle County, Del: Superior Court 2016

Golf Course Assoc, LLC v. New Castle Cty., No. CV 15A-02-007 JAP, 2016 WL 1425367, at *1 (Del. Super. Mar. 28, 2016)

91:20 LEYLAND-JONES v. City of Brunswick, Dist. Court, SD Georgia 2016

not available on Westlaw – docket: 2:14-cv-00154

Leyland-Jones v. City of Brunswick, 2016 U.S. Dist. LEXIS 47659 (S.D. Ga. Mar. 31, 2016)

With thanks to John Boehnert, Law Offices of John M. Boehnert, Esq., Providence; Pamela J. Brown, FAICP. Brown & Brown, PC, Bedford, Mass.; Greg McGregor, McGregor & Associates, P.C., Boston; Kathleen M. O'Donnell, Law Offices of Kathleen

M. O'Donnell, Milton, Mass., and Marjorie Shansky, Marjorie Shansky Attorney at Law, New Haven.



SNEAPA 2016

— ENGAGE - PLAN - GROW —
CULTIVATING GREAT COMMUNITIES

Land Use Law Developments of the Last Year

Thursday, October 20, 2016

Resource Materials for Land Use Law

Alternative Dispute Resolution

Lincoln Institute of Land Policy

http://cbuilding.org/sites/cbi.drupalconnect.com/files/Mediating%20Land%20Use%20Disputes_o.pdf

Fanning v. Alexander, MISC 14-484762 (Mass. Land Court 2016)

<http://masscases.com/cases/land/2016/2016-14-484762-DECISION.html>

Theodore W. Kheel Center on the Resolution of Environmental Interest Disputes

<http://law.pace.edu/edr-resources>

Comprehensive Plan

In re Rutland Renewable Energy, LLC (VT 2016)

<http://tinyurl.com/z06yx82>

Easements

Francini v. Goodspeed Airport LLC (Conn. App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

Melrose Fish & Game Club v. Tennessee Gas Pipeline Company (Mass. App. 2016)

www.masscases.com/cases/app/89massappct594.html

Eminent Domain / Expert Testimony

United States ex rel. Tennessee Valley Authority v. 1.72 Acres of Land in Tennessee, 821 F.3d 742 (6th Cir. 2016)

<http://tinyurl.com/z8ltog7>

U.S. Constitution 5th Amendment

<http://tinyurl.com/32cryl>

Endangered Species

Kuehl v Sellner (N.D. Iowa 2016)

<http://tinyurl.com/hpzyzl7>

Grandfathering

TheRDM Trust v. Town of Milford No. 2015-0495 (N.H. 2016)

<http://tinyurl.com/zbwsplk>

Almeida v. Arruda (Mass. App. 2016) <http://tinyurl.com/hcmm7lm>

Historic Preservation

Restore Oregon

<http://restoreoregon.org/lessons-learned-carman-house/#lightbox/3/>

Lake Oswego Preservation Society v. City of Lake Oswego, 360 Or. 115 (2016)

<http://tinyurl.com/gp4ucqa>

Lake Oswego Preservation Society

<http://lakeoswegopreservationsociety.org/land-use-testimony/>

Preemption

City of Longmont v. Colorado Oil and Gas Association (Colo. 2016)

<http://tinyurl.com/zd5ckcd>

Protected Speech – First Amendment

Buehler v. City of Key West (11th Cir. 2015)

<http://tinyurl.com/h82pmq7>

Public Trust Doctrine

Hackensack Riverkeeper, North Jersey's Leading Clean Water Advocate

<http://www.hackensackriverkeeper.org/2503-2/>

Hackensack Riverkeeper v. New Jersey Department of Environmental Protection, (NJ App. Div. 2015)
<http://tinyurl.com/jd6w7yd>

New Jersey Coastal Management Program
<http://www.nj.gov/dep/cmp/>

New Jersey Municipal Public Access Plans, FAQ's
<http://www.nj.gov/dep/cmp/access/faqs.html>

Railroads

Murray v. Department of Conservation & Recreation (Mass. 2016)
www.masscases.com/cases/sjc/475mass99.html

RLUIPA

See, generally and frequently: rluipa-defense@rc.com

Signs – First Amendment

Rocky Mountain Sign Law Blog
<http://www.rockymountainlaw.com/2016/08/tampa-panhandling-ban-found-unconstitutional/#more-2058>

Homeless Helping Homeless, Inc.
<http://www.homelesshh.com>

Tampa repeals parts of panhandling law
<http://www.wtsp.com/news/local/tampa-repeals-parts-of-panhandling-ban/236451926>

Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015)
<http://tinyurl.com/zroq4g8>

Standing

Cherry v. Weisner, 781 S.E.2d 871 (NC App. 2016)
<http://tinyurl.com/j8ecw9t>

NC Modernist Houses Website: Timeline for the Louis Cherry / Marsha Gordon House
<http://www.ncmodernist.org/2014oakwood.htm>

Lovelady, **Can the neighbor speak? Can the neighbor appeal? Standing and quasi-judicial hearings**” Coates' Canons (Sept. 27, 2016)

<http://tinyurl.com/gwm8tk5>

Arieff, **Don't Like Your Neighbors' House? Sue Them**, New York Times (July 12, 2014)

<http://tinyurl.com/z2yong7>

Takings

Kirby v. North Carolina Department of Transportation (NC 2016)

<http://tinyurl.com/jkrt28z>

California Bldg. Indus. Ass'n v. City of San Jose, California (US 2016) Cert. Denied

<http://tinyurl.com/ja6dojx>

Variances

Assateague Coastal Trust, Inc v. Schwalbach (MD App. 2016)

<http://tinyurl.com/hyfjib2>

Caruso v. City of Meriden (CT App. 2016)

<http://jud.ct.gov/external/supapp/cases/AROAP/AP150/150AP365.pdf>

Zoning

Macdonough v Spaman (D. N.Y. 2016)

<http://tinyurl.com/jx5fm95>

More...

The Inclusive Communities Project, Inc., v. The Texas Department Of Housing And Community Affairs (USDC ND Texas 2016)

https://scholar.google.com/scholar_case?q=%22inclusive+communities%22&hl=en&as_sdt=8006&as_ylo=2016&case=6959655764297786930&scilh=0

Murr v. Wisconsin (US 2016)

<http://www.scotusblog.com/case-files/cases/murr-v-wisconsin/>

Petition for certiorari

<http://www.scotusblog.com/wp-content/uploads/2015/11/Murr-petition-for-cert.pdf>

California Bldg. Indus. Ass'n v. City of San Jose, Calif., 136 S. Ct. 928, 928-29 (2016)

Thomas dissent

https://www.supremecourt.gov/opinions/15pdf/15-330_1q24.pdf

Gail B. Litz v. Maryland Department of the Environment, et al., (Md. 2016)

<http://www.mdcourts.gov/opinions/coa/2016/23a15.pdf>

Harris County Flood Control District and Harris County, Texas, v. Edward A. and Norma Kerr (Tex. 2016)

Complaint

<https://dl.dropboxusercontent.com/u/9361152/RAF%20Complaint%205-25-16.pdf>

Opinion

<http://docs.texasappellate.com/scotx/op/13-0303/2016-06-17.willett.pdf>

Dissent

<http://docs.texasappellate.com/scotx/op/13-0303/2016-06-17.devine.pdf>

Concurring

<http://docs.texasappellate.com/scotx/op/13-0303/2016-06-17.lehrmann.pdf>

United States Army Corps of Eng'rs v. Hawkes Co. (U.S. 2016)

https://www.supremecourt.gov/opinions/15pdf/15-290_6k37.pdf