



# Land Use Issues in the 21<sup>st</sup> Century

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# 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*

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# THE END

## Questions?

