

Chapter 11: The Takings Clause

Protecting Private Property From Government Seizure (1 of 2)

- Eminent domain and the Takings Clause.
- Fifth Amendment.
- *Barron v. Baltimore*.

Protecting Private Property From Government Seizure (2 of 2)

- Fourteenth Amendment due process clause.
- *Chicago, Burlington & Quincy Railroad v. Chicago*
- Determining just compensation.

What Constitutes a Taking (1 of 5)

- Most cases, easy to determine.
- *United States v. Causby*.
- *Pennsylvania Coal Co. v. Mahon*.

What Constitutes a Taking (2 of 5)

- Not all regulation is a taking.
- *Penn Central Transportation Company v. City of New York.*
- Change in takings clause interpretation.

What Constitutes a Taking (3 of 5)

- *Keystone Bituminous Coal Association v. DeBenedictis.*
- *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles.*
- *Nollan v. California Coastal Commission.*

What Constitutes a Taking (4 of 5)

- Changing support in private property protection.
- No rules for regulating taking.
- *Per se* takings.

What Constitutes a Taking (5 of 5)

- *Lucas v. South Carolina Coastal Council.*
- *Dolan v. City of Tigard.*
- *Horne v. Department of Agriculture.*

Public Use Requirement (1 of 3)

- Takings: only for public use.
- Equating public purpose with public use.
- *Berman v. Parker*
- *Hawaii Housing Authority v. Midkiff*.

Public Use Requirement (2 of 3)

- Supreme Court ruling for *HHA v. Midkiff*.
- Expansion of eminent domain power.
- Difference of opinion: landowners and instituting cities.

Public Use Requirement (3 of 3)

- *Kelo v. City of New London.*
- Ruling.
- Controversy.

What Is Just Compensation? (1 of 2)

- Difference of opinion: government and landowners.
- Differentiating market and personal value.
- Standard rule: owner in as good position had property not been taken.

What Is Just Compensation? (2 of 2)

- Time-specific market value.
- *U.S. v. 564.54 Acres of Land*
- *U.S. v. 50 Acres of Land*
- Agreement over just compensation.
- More disagreement over defining of taking and public use.