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EMINENT DOMAIN - SUPREME COURT OF THE UNITED STATES

Koontz v. St. Johns River Water Management Dist.

Supreme Court of the United States - June 25, 2013 - S.Ct. - 13 Cal. Daily Op. Serv. 6557

Landowner brought action in Florida state court against water management district, alleging that district's denial of land use permits unless he funded offsite mitigation projects on public lands amounted to a taking without just compensation.

The Supreme Court held that:

- District could not evade limitations of the unconstitutional conditions doctrine by conditioning approval of a land use permit on landowner's funding of offsite mitigation projects on public lands, and
- "Monetary exactions" as a condition of a land use permit must satisfy requirements that government's mitigation demand have an essential nexus and rough proportionality to the impacts of a proposed development, abrogating McClung v. Sumner, 548 F.3d 1219.

Extortionate demands for property in the land-use permitting context run afoul of the Takings Clause not because they take property but because they impermissibly burden the right not to have property taken without just compensation. As in other unconstitutional conditions cases in which someone refuses to cede a constitutional right in the face of coercive pressure, the impermissible denial of a governmental benefit is a constitutionally cognizable injury.

Water management district's request that landowner spend money to fund offsite mitigation projects on public lands, rather than give up an easement on his land, as a condition of a land use permit was subject to requirement that government's mitigation demand have an essential nexus and rough proportionality to the impacts of a proposed development.

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