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U.S. Supreme Court Establishes New Test For Evaluating Property Rights Under The Takings Clause.

HIGHLIGHTS:

- In *Murr v. Wisconsin*, the U.S. Supreme Court addressed “one of the critical questions” in the law of regulatory takings: how to define the unit of property that is the subject of the alleged taking.
- The *Murr* decision arose in the context of Wisconsin’s lot merger rules and upheld the Wisconsin Supreme Court’s ruling against the common owners of two contiguous lots who were prohibited from using or selling their contiguous lots as separate lots, despite their having been acquired as separate lots.
- In addressing this question, the Court majority articulated a new standard that moves beyond the limitations of state and local law. The majority stated that courts also must consider other factors, such as the land’s physical characteristics and prospective value, as well as “whether reasonable expectations” would lead the land owner to expect that its holdings would be treated as one parcel.

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