

Bond Case Briefs

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EMINENT DOMAIN - ILLINOIS

130 E. Devon, LLC v. Village of Elk Grove, Illinois

United States District Court, N.D. Illinois, Eastern Division - February 7, 2023 - F.Supp.3d - 2023 WL 1800278

Owner of vacant lot brought action against village, alleging that village violated Fifth Amendment by engaging in regulatory taking when it forcibly annexed lot, zoned it as residential district, and refused to grant owner special use permit that would have enabled owner to sell lot to developer for use as truck and trailer parking facility.

Village moved to dismiss.

The District Court held that lot owner failed to state claim for regulatory taking.

Owner of vacant lot, which owner purportedly sought to sell to developer who planned to operate it as truck and trailer parking facility, failed to state claim for regulatory taking as result of village's acts of forcibly annexing lot, zoning it as residential district, and refusing to grant special use permit to operate parking lot; lot owner failed to quantify value of lot in light of village's annexation and zoning and provided only conclusory allegations that zoning-compliant uses were not economically viable, owner did not claim to have incurred significant costs or invested substantial resources to develop or market property for particular use, and village's exercise of authority to annex lot and imposition of zoning regulations were garden-variety measures to promote common good.