

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - FEDERAL

Sheetz v. County of El Dorado, California

Supreme Court of the United States - April 12, 2024 - S.Ct. - 2024 WL 1588707

Landowner filed petition for writ of mandate and complaint for declaratory and injunctive relief, challenging \$23,420 traffic impact mitigation fee imposed by county, as a condition of issuing him a building permit for the construction of a single-family residence on his property, as violating the California Mitigation Fee Act as well as the Takings Clause of the United States Constitution.

The Superior Court sustained county's demurrer in part and denied the petition for writ of mandate. Landowner appealed, and the Third District Court of Appeal affirmed. After the California Supreme Court denied further review, landowner petitioned the United States Supreme Court for certiorari review. Certiorari was granted.

In a unanimous opinion, the Supreme Court held that the Nollan/Dolan test for determining whether a fee imposed as a condition for a land use permit constitutes an unconstitutional taking under the Fifth Amendment applies to both legislative and administrative permit conditions; abrogating *St. Clair Cty. Home Builders Assn. v. Pell City*, 61 So. 3d 992, and *Home Builders Assn. of Central Ariz. v. Scottsdale*, 187 Ariz. 479, 930 P. 2d 993.