

California Eminent Domain Report

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In Determining Just Compensation, Should Zoning Regulations Enacted to Depress a Property's Market Value for Future Acquisition be Ignored?

The [Cato Institute's](#) blog has an interesting post concerning the government's ability to induce local government agencies to enact tougher zoning standards that decrease the value of property which the government may want to acquire in the future.

The post, titled "[A Special Kind of Eminent Domain Abuse](#)," deals specifically with the federal government's actions with respect to property it has contemplated acquiring for 30 years in order to expand the [Everglades National Park](#). The post by [Isla Shapiro](#) reports that in the case of *480.00 acres of Land v. United States*, the government has forced a property owner

to watch the value of his . . . property decline until the federal government finally condemned it — and paid him much lower compensation than he would otherwise have received.

The question posed is whether the federal government's actions must be the primary cause of the pre-condemnation depression of the property's market value, or whether there must only be a nexus between the government's actions and the depressed market value. The Eleventh Circuit sided with the government, but the property owner petitioned the Supreme Court to review the case. The Cato Institute filed an [amicus brief](#) in support of the property owner. The Supreme Court will decide early next year whether to hear the case. Stay tuned.

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