

'Takings' Snapshots Volume 8
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Food for Thought: According to recent press reports, Wang Dan, the leader of the Tiananmen Square movement who recently immigrated to the United States, has stated that the Chinese have much to learn from western values respecting and honoring individual rights. He has been struck, for example, by sidewalk curb-cuts that make it easier for the disabled to cross the street and hospital machines that “allow the person inside to push a button if they feel panicked.”

1. Cohen v. City of Hartford, 1998 WL 175675 (Ct., Mar. 31, 1998) (the Connecticut Supreme Court affirmed the rejection of a regulatory taking claim by an office building owner alleging that the midday, Monday to Friday, prohibition against automobile traffic on the public street in front of plaintiff's building so impaired the owner's right of access to his property that it resulted in a taking).

2. Countryman v. Schmitt, 1998 WL 170188 (N.Y.Sup., Feb. 5, 1998) (a New York trial court struck down a municipal ordinance regulating telecommunications towers, apparently in part based on the takings clause, because there was “no reasonable nexus” between the aesthetic objectives of the ordinance and the means employed to achieve the objective, in particular the ordinance's preference for siting telecommunications towers on public lands).

3. Fruman v. City of Detroit, 1998 WL 155694 (E.D. Mich., March 31, 1998) (Federal District Court held that city effected inverse condemnation by demolishing plaintiff's dilapidated building several years after city's representations that it would acquire the property led the plaintiff to abandon the property, which in turn led to rapid decline in the condition of the property).

4. Bellini Construction Co. v. Zoning Board of Review of the Town of Smithfield, 1998 WL 151424 (R.I.Super, March 11, 1998) (Rhode Island trial court held that town's denial of permission to construct two houses on land in order to avoid encroachment on wetlands did not result in a taking where owner could potentially have built two smaller houses, or at least one house, on the site).