SYLLABUS

For this class there is no casebook. The handout, CASES AND MATERIALS ON PROPERTY, contains the readings. Highlighted cases with citations in the syllabus and handout must be read, but they are not printed in the handout. They can be found by using Westlaw, Lexis, or http://heinonline.org.

There will be no class on Fridays, November 3 and November 17 because I will be out of town. We will try to make up these classes on Wednesdays, November 1 and November 15 (see table below). As we get closer to November, I will inform you if there is any change in that schedule.

Be sure to do the reading before the date of the classes below.

The Final Exam will be a take-home examination. You will have the entire examination period to complete it. You must follow the instructions of the Academic Services Office regarding accessing the take-home exam system [THES] and submitting answers on line.

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<td>- <em>The Corporation of the Brick Presbyterian Church v. Mayor of New York et al.</em>, 5 Cow. 538 (1826)</td>
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- **Sioux City Bridge Co. v. Dakota County**, 260 U.S. 441 (1923)  
- Note on Additional Grounds for Sustaining Unequal Taxation  
- Note on the Meaning of Equality  
- **Quaker City Cab Co. v. Pennsylvania**, 277 U.S. 389 (1928)  
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- Note on **New York Rapid Transit Corp. v. City of New York**  
| 4     | Sept 12 | II-6          | - **Lehnhausen v. Lake Shore Auto Parts Co.**, 410 U.S. 356 (1973)  
| 5     | Sept 15 | II-6          | - **Hellerstein v. Assessor of Town of Islip**, 37 N.Y.2d 1 (1975)  
| 6   | Sept 19 | III-1 to III-2 | III. EMINENT DOMAIN AS A MECHANISM OF REDISTRIBUTION  
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|     |         |               | -Taylor v. Porter, 4 Hill 140 (N.Y. Sup. Ct. 1843)  
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| 7   | Sept 22 | III-2 to III-3 | A. Public Use Requirement (Cont’d)  
|     |         |               | -City of Oakland v. Oakland Raiders, 32 Cal.3d 60 (1982)  
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| 8   | Sept 26 | III-3         | B. The Just Compensation Requirement  
|     |         |               | 1. Measures of Fair Market Value  
|     |         |               | -United States v. Eden Memorial Park Ass’n, 350 F.2d 933 (9th Cir. 1965)  
|     |         |               | -Tigar v. Mystic River Bridge Authority, 329 Mass. 514, 109 N.E.2d 148 (1952)  
| 9   | Sept 29 | III-3 to III-14 | B. The Just Compensation Requirement (Cont’d)  
|     |         |               | -Merrick Holding Corp. v. Board of Assessors of County of Nassau, 45 N.Y.2d 538 (1978)  
|     |         |               | -Questions  

### III. EMINENT DOMAIN AS A MECHANISM OF REDISTRIBUTION

#### B. The Just Compensation Requirement (Cont’d)

- **U.S. v. Miller**, 317 U.S. 369 (1943)
- **U.S. v. Twin City Power Co.**, 350 U.S. 222 (1956)

#### B. The Just Compensation Requirement (Cont’d)

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3. Incidental, Consequential, and Severance Damages

- **City of Crookston v. Erickson**, 244 Minn. 321, 69 N.W.2d 909 (1955)
- **Rand v. City of Boston**, 164 Mass.354 (1895)
- **People v. Ricciardi**, 23 Cal.2d 390 (1943)
- **In re Water Front in City of New York v. City of New York**, 190 N.Y. 350, 83 N.E. 299 (1907)

### IV. JUDICIAL DETERMINATION OF COMPETING PROPRIETARY CLAIMS

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- **Belotti v. Bickhardt**, 228 N.Y. 296 (1920)
- Note on the Elements of Adverse Possession
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- **Tapscott v. Cobbs**, 52 Va. 172 (1854)
- **Winchester v. City of Stevens Point**, 58 Wis. 350 (1883)
- **Hinkley v. State**, 234 N.Y. 309, 137 N.E. 599 (1922)

#### B. Nuisance

- Note on the Coase Theorem
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- **Rose v. Socony-Vacuum Corp.**, 54 R.I. 411 (1934)
- **Stevens v. Rockport Granite Co.**, 216 Mass. 486, 104 N.E. 371 (1914)
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C. Easements

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- Arkansas Statute Ann. § 51-1002
- Texas Civil Statute – Article 6627
- Washington Rev. Code § 65.08.070
- *In re Ellenborough Park*, [1955] 2 All E.R. 38 (Ch. 1955)
- *Boatman v. Lasley*, 23 Ohio St. 614 (1873).

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- *Miller v. Clary*, 210 N.Y. 127, 103 N.E. 1114 (1913)
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- Pennsylvania Estates Act, 1947 §16  
- Rhode Island General Laws Ann. § 33-6-10 (1970)  
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- Sidgwick, *The Elements of Politics* 94-97, 101 (1891)  
- Thomas Jefferson to James Madison, Sept. 6, 1789, in Albert E. Bergh (ed.), *The Writings of Thomas Jefferson*, vol 7, 454 (1907)  
- *Cornelius v. Ivins*, 26 N.J.L. 376 (1857)  
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VII. LEGISLATIVE REGULATION OF COMPETING PROPRIETARY CLAIMS: LANDLORD AND TENANT

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- Yee v. City of Escondido, 503 U.S. 519 (1992)
- Chicago Board of Realtors, Inc. v. City of Chicago, 819 F.2d 732 (7th Cir. 1987)

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