SYLLABUS

The first class will meet on Wednesday, August 30 at 8:50 AM in Room 210 Vanderbilt Hall.

For this course, instead of a casebook we will use two handouts:

- The first handout will be on line. It is the readings for the first two classes: Chapter One, Materials on Property. It will be available on NYUClasses and on line for everyone (including those who are not yet registered). Start reading it before the first class.

- The second handout will include all of the readings for the semester, including Chapter One. I will pass out this on the first day, August 30, or you can pick it up from my secretary in Room 422 Vanderbilt Hall.

Be sure to do the readings before the dates of each class below.

Note that most of the court cases that you need to read have been edited by me, and those cases from Chapter Two through to Chapter Seven will be on NYUClasses under the “Materials” tab.

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. Be aware there will be a word limit.
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 1     | Aug 30 | CHAPTER I. INTRODUCTION: THE POWER OF LEGISLATURES TO CONTROL PRIVATELY HELD LAND  
- Note on Legislative Power to Repeal Statutes  
- Questions  
- *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87 (1810)  
- Note on Government Takebacks  
- *The Corporation of the Brick Presbyterian Church v. Mayor of New York et al.*, 5 Cow. 538 (1826) |
| 2     | Sept 6 |  
- Question  
- *People v. Stover*, 12 N.Y.2d 462 (1963)  
- Note: *Loretto v. Teleprompter Manhattan CATV Corp* |
| 3     | Sept 11| CHAPTER II. TAXATION AS A MEANS OF ALLOCATING WEALTH  
- Note: The Requirement of Equality of Taxation  
- Questions  
<p>| 4     | Sept 13|</p>
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Sept 18</td>
<td><strong>CHAPTER III. EMINENT DOMAIN AS A MECHANISM OF REDISTRIBUTION</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Questions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A. Public Use Requirement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- <em>Taylor v. Porter</em>, 4 Hill 140 (N.Y. Sup. Ct. 1843)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Question</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Questions</td>
</tr>
<tr>
<td>6</td>
<td>Sept 20</td>
<td>A. Public Use Requirement (Cont’d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Note</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Questions</td>
</tr>
<tr>
<td>7</td>
<td>Sept 25</td>
<td>B. The Just Compensation Requirement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Measures of Fair Market Value</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- <em>United States v. Eden Memorial Park Ass’n</em>, 350 F.2d 933 (9th Cir. 1965)</td>
</tr>
<tr>
<td>8</td>
<td>Sept 27</td>
<td>1. Measures of Fair Market Value (Cont’d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- <em>Merrick Holding Corp. v. Board of Assessors of County of Nassau</em>, 45 N.Y.2d 538 (1978)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Questions</td>
</tr>
<tr>
<td>CLASS</td>
<td>DATE</td>
<td>READINGS</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| 9     | Oct 2 | **CHAPTER III** (Cont’d)  
B. The Just Compensation Requirement (Cont’d)  
2. The Impact of Government Activity on Value  
- *U.S. v. Miller*, 317 U.S. 369 (1943)  
| 10    | Oct 4 | 2. The Impact of Government Activity on Value (Cont’d)  
- Questions  
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)  
- Note on *Starr Int’l v. United States* |
| 11    | Oct 9 | **CHAPTER IV. JUDICIAL DETERMINATION OF COMPETING PROPRIETARY CLAIMS**  
A. Adverse Possession  
- *Belotti v. Bickhardt*, 228 N.Y. 296 (1920)  
- Note on the Elements of Adverse Possession  
- Questions  
- *Tapscott v. Cobbs*, 52 Va. 172 (1854)  
- *Winchester v. City of Stevens Point*, 58 Wis. 350 (1883)  
| 12    | Oct 11| B. Nuisance  
- Note on the Coase Theorem  
- Questions  
- *Bove v. Donner-Hanna Coke Corp.*, 236 A.D. 37, 258 N.Y.S. 229 (4th Dept. 1932)  
- *Stevens v. Rockport Granite Co.*, 216 Mass. 486, 104 N.E. 371 (1914) |
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 13    | Oct 16 | **CHAPTER IV** (Cont’d)  
|       |        | B. Nuisance (Cont’d)  
| 14    | Oct 18 | C. Nuisance (Cont’d)  
|       |        | C. Easements  
|       |        | 1. Nature of Easements  
|       |        | - Note on the Statute of Frauds and the Recording Acts  
|       |        | - 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)  
|       |        | 2. The Creation of Easements  
|       |        | a. Easements by Grant  
|       |        | b. Easements by Implication of Necessity  
|       |        | c. Easements by Prescription  
|       |        | Question  
| 15    | Oct 23 | D. Covenants  
|       |        | - *Miller v. Clary*, 210 N.Y. 127, 103 N.E. 1114 (1913)  
|       |        | - Note on Privity  
|       |        | - Note on Covenants in Gross  
|       |        | - *165 Broadway Bldg. v. City Investing Co.*, 120 F.2d 813 (2nd Cir. 1941)  
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 16    | Oct 25 | **CHAPTER IV** (Cont’d)  
E. Equitable Servitudes  
Note on Trustees of Columbia College v. Lynch  
| 17    | Oct 30 | F. Termination of Easements, Covenants, and Servitudes  
1. Covenants and Servitudes  
2. Easements  
G. Conditions  
- Note on the Doctrine of Estates in Land  
- Pennsylvania Statute Ann. Tit. 21 §§ 2 and 3 (1955)  
- New York Est. Powers & Trusts §6-1.2 (1967)  
- Pennsylvania Estates Act, 1947 §16  
- Rhode Island General Laws Ann. § 33-6-10 (1970)  
- Questions |
| 18    | Nov 1  | G. Conditions  
- *Cornelius v. Ivins*, 26 N.J.L. 376 (1857)  
- Note on Remainders and Executory Interests  
- Note on Circumventing the Rule Against Perpetuities |
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 19    | Nov 6  | **CHAPTER V. LEGISLATIVE REGULATION OF COMPETING PROPRIETARY CLAIMS: ENVIRONMENTAL LAW**  
A. Destruction of Irreplaceable Resources  
| 20    | Nov 8  | A. Destruction of Irreplaceable Resources  
(Cont’d)  
| 21    | Nov 13 | A. Destruction of Irreplaceable Resources  
(Cont’d)  
- *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 130 S.Ct. 2592 (2010)  
Note on Federal Legislation on Environmental Protection |
| 22    | Nov 15 | **CHAPTER VI. LEGISLATIVE REGULATION OF COMPETING PROPRIETARY CLAIMS: ZONING**  
A. The Public Purpose Requirement  
| 23    | Nov 20 | B. Exclusionary Zoning  
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 24    | Nov 22 | **CHAPTER VI** (Cont’d)  
B. Exclusionary Zoning (Cont’d)  
- Questions  
| 25    | Nov 27 | B. Exclusionary Zoning (Cont’d)  
- Note on the Religious Freedom Restoration Act  
- Note on the Religious Land Use and Institutionalized Persons Act  
C. Subdivision Controls and Exactions  
- *Ayres v. City Council of City of Los Angeles*, 34 Cal.2d 31, 207 P.2d 1 (1949) [see next page ↓]  
| 26    | Nov 29 | D. Modifications of the Comprehensive Plan  
1. Moratoria  
2. Amendments  
3. Exceptions  
4. Variances  
- *Parsons v. Board of Zoning Appeals of New Haven*, 140 Conn. 290, 99 A.2d 149 (1953)  
- *Sullivan v. Board of Appeals of Belmont*, 346 Mass. 81, 190 N.E.2d 83 (1963)  
E. Remedies for Unconstitutional Zoning  
- Note  
<table>
<thead>
<tr>
<th>CLASS</th>
<th>DATE</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 27    | Dec 4 | **CHAPTER VII. LEGISLATIVE REGULATION OF COMPETING PROPRIETARY CLAIMS: LANDLORD AND TENANT**  
  A. Regulation of Housing Quality  
  - Note: Common Law and the Early Cases Overruling It  
  -Question  
  -Edwards v. Habib, 397 F.2d 687 (D.C. Cir. 1968)  
  -Robinson v. Diamond Housing Corp., 463 F.2d 853 (D.C. Cir. 1972)  
  -Matter of Department of Buildings of the City of New York, 14 N.Y.2d 291, 200 N.E.2d 432 (1964) |
| 28    | Dec 6 | B. Rent Control  
  -Pennell v. City of San Jose, 485 U.S. 1 (1987)  
  -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)  
  C. Protection of Rights of Occupancy  