

## GRS&D Addresses Important Property Rights Issue in Amicus Curiae Brief to U.S. Supreme Court

December 7, 2012

On November 28, 2012, Greenbaum, Rowe, Smith & Davis LLP submitted an Amicus Curiae (Friend of the Court) brief to the Supreme Court of the United States on behalf of New York think tank The Land Use Institute, Ltd., in the case of *Coy A. Koontz v. St. Johns River Water Management District* (Docket No. 11-1447). The brief is intended to assist the Court in evaluating the case before it by bringing to its attention an important issue not addressed by the parties.

The Court has been asked to decide whether land use agencies may demand that developers expend money and/or labor for the benefit of the general public as a condition to obtaining development approvals, without demonstrating that the demand has an essential nexus to, and is roughly proportional to, negative impacts created by the project.

The Amicus Curiae brief urges the Court to accept the position of Petitioner Koontz that such a demand constitutes a "taking" under the United States Constitution and requires that a property owner be paid just compensation. If the Court does not rule in favor of Petitioner, property owners throughout the United States will be subject to arbitrary monetary and other exactions by agencies as a condition of obtaining development approvals. The Court is scheduled to hear argument in the case on January 15, 2013.

The brief was authored by a team led by **Daniel L. Schmutter**, Litigation Partner and Counsel of Record; **John J. Reilly**, Litigation and Condemnation Partner; **John H. Hague**, Real Estate and Land Use Partner; **Cara L. DeCataldo**, Litigation Associate.

To read the brief in its entirety please click [here](#).