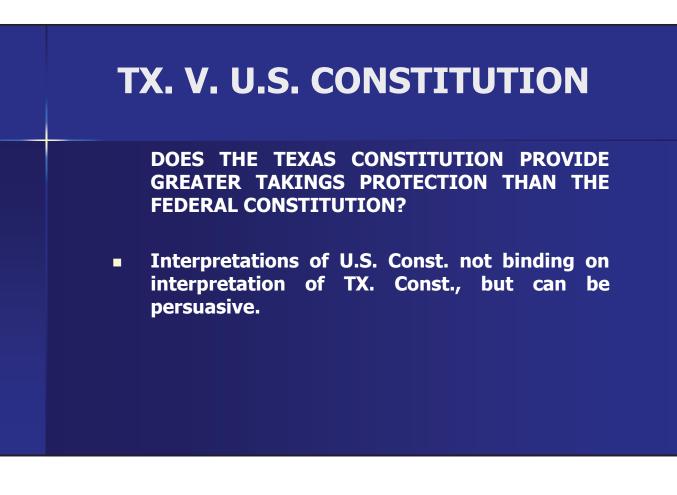
TAKINGS: A CASE STUDY IN CURRENT ISSUES

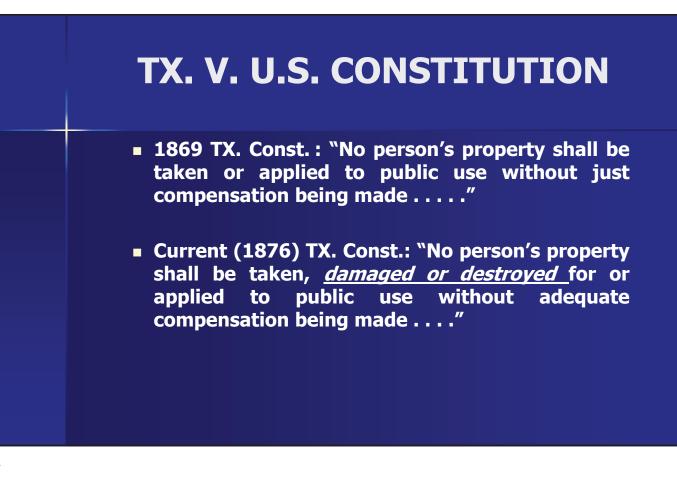
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The University of Texas School of Law 23rd Annual Land Use Planning Conference



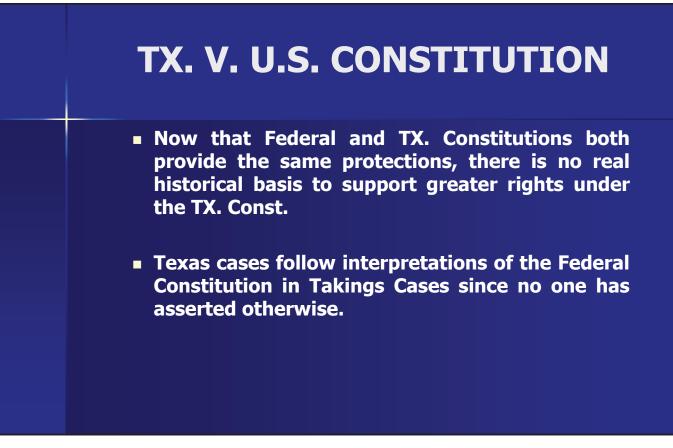
TX. V. U.S. CONSTITUTION

- 5th Amendment: "nor shall private property be taken for public use without just compensation."
- Art. 17, Sec 1: "No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made"



TX. V. U.S. CONSTITUTION

- Before *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922), 5th Amendment's Takings Clause only applied to a direct appropriation of property.
- Did not cover "regulatory takings."
- Current (1876) TX. Const.: Added "damaged or destroyed" to provide for regulatory takings protection.



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