

LAND USE CASE UPDATES

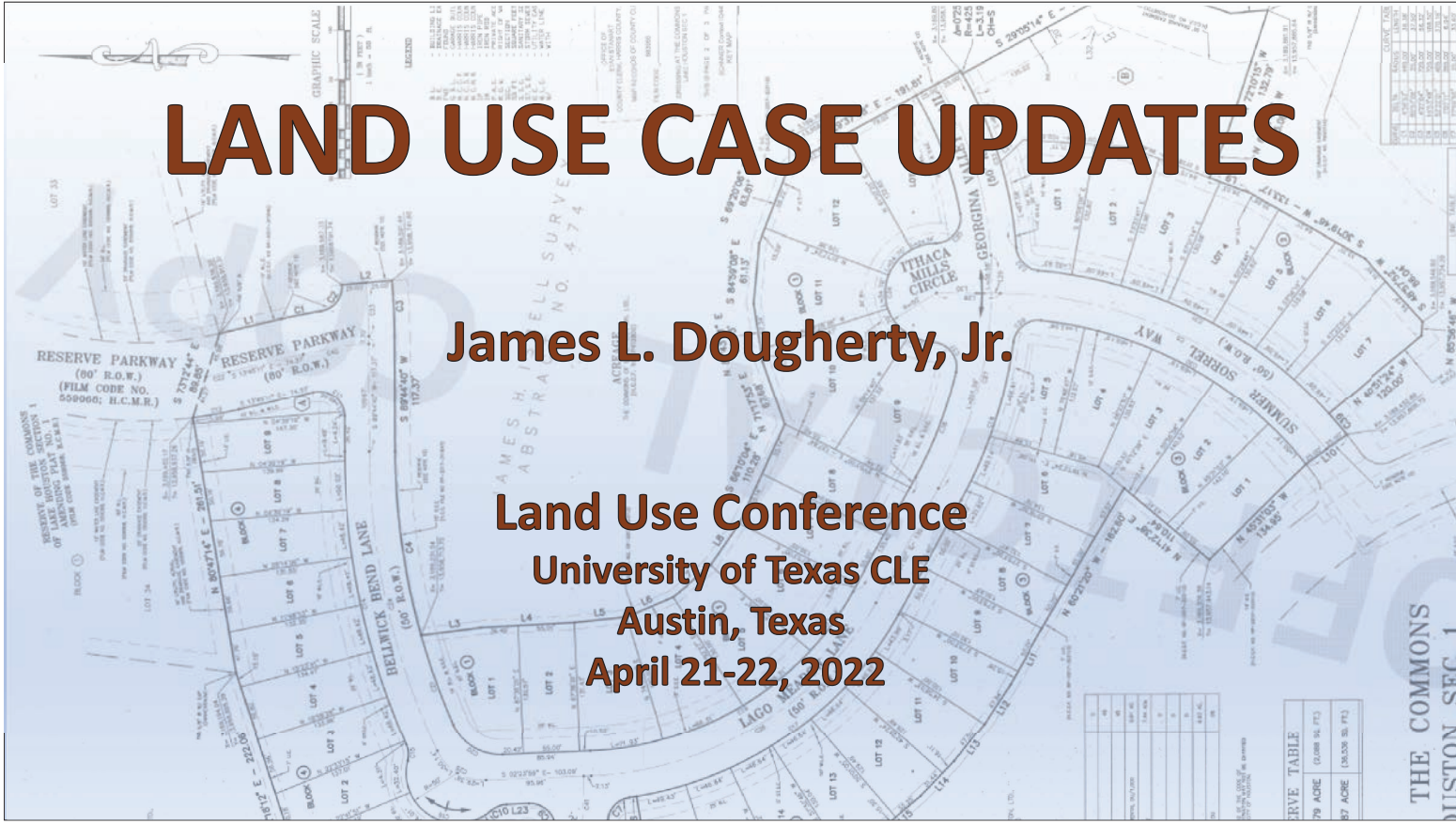
James L. Dougherty, Jr.

Land Use Conference

University of Texas CLE

Austin, Texas

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- RIPENESS & EXHAUSTION OF ADMINISTRATIVE REMEDIES

Background

- **Ripeness doctrine**
 - must get a “final decision”
 - must pursue local approvals, including variance(s)
 - help the court determine “how far” the regulation goes
 - Exceptions: futility, facial challenges, etc.
 - See *Village of Tiki Island v. Premier Tierra Holdings* (two opinions)
- Similar doctrine: exhaustion of administrative remedies
- “Jurisdictional” = possible dismissal of suits

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"Land Use Case Updates: Part 1 "