

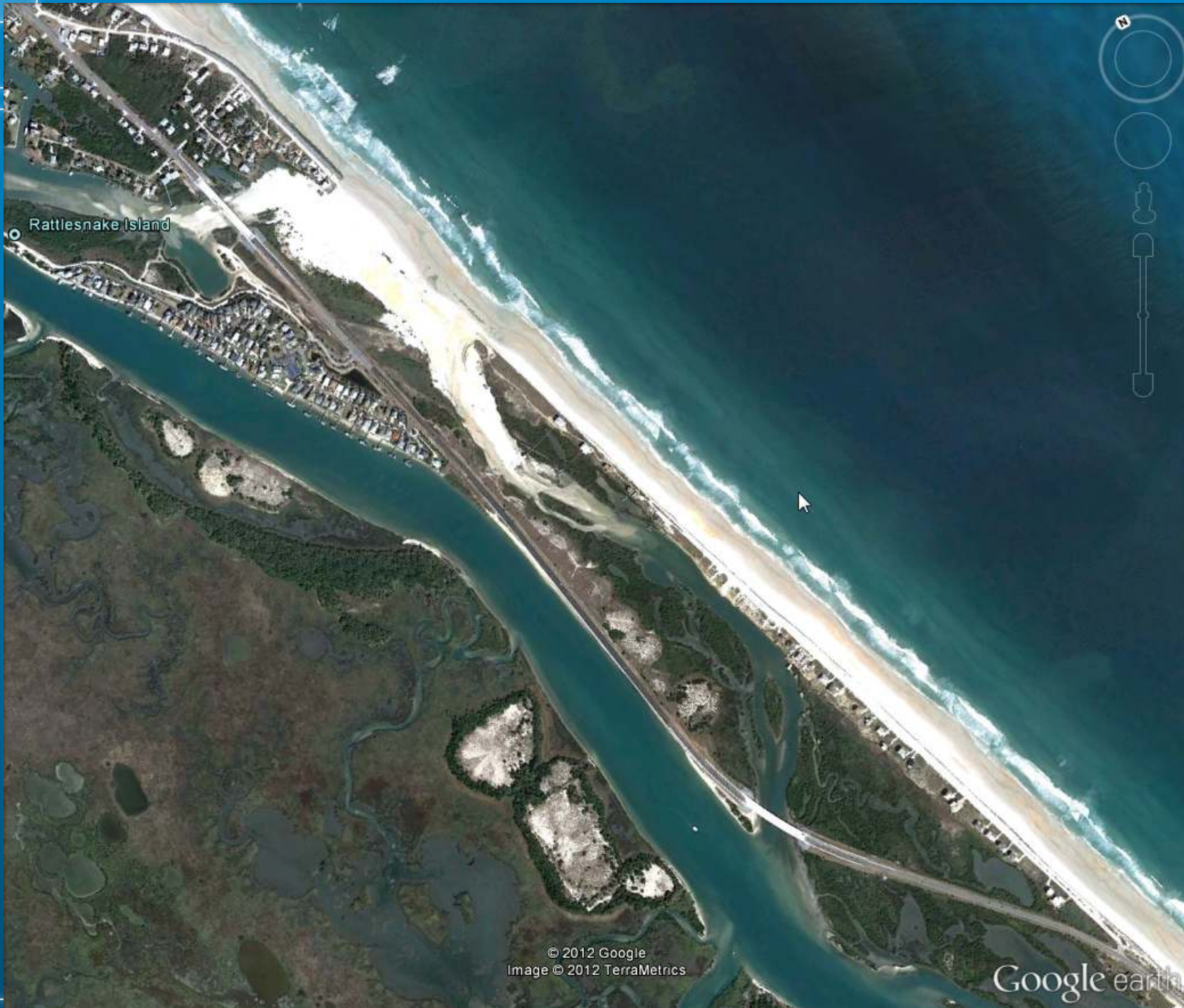
# *Jordan et al. v. St. Johns County* (With thanks to St. Johns County Attorney Patrick McCormack)

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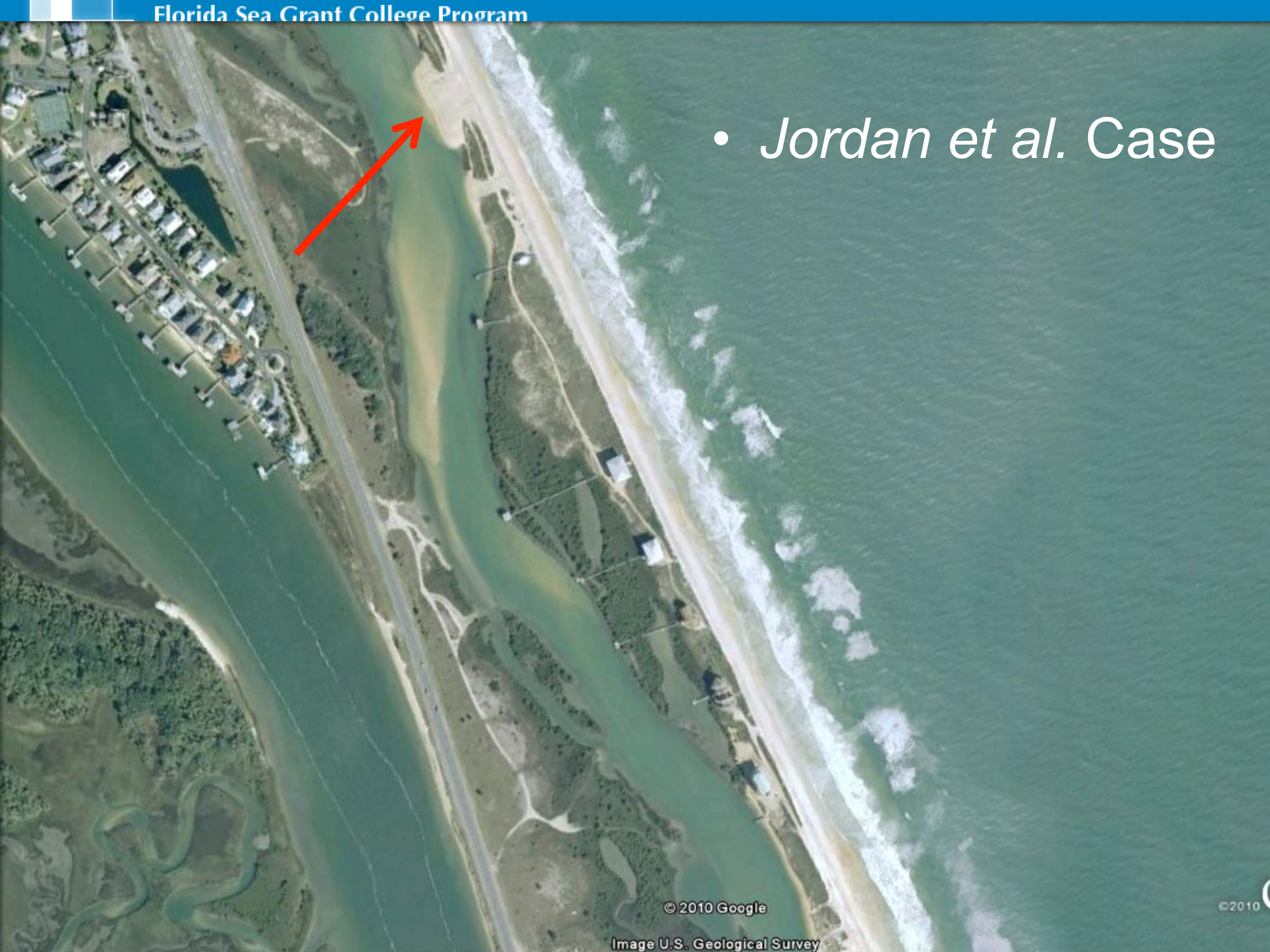
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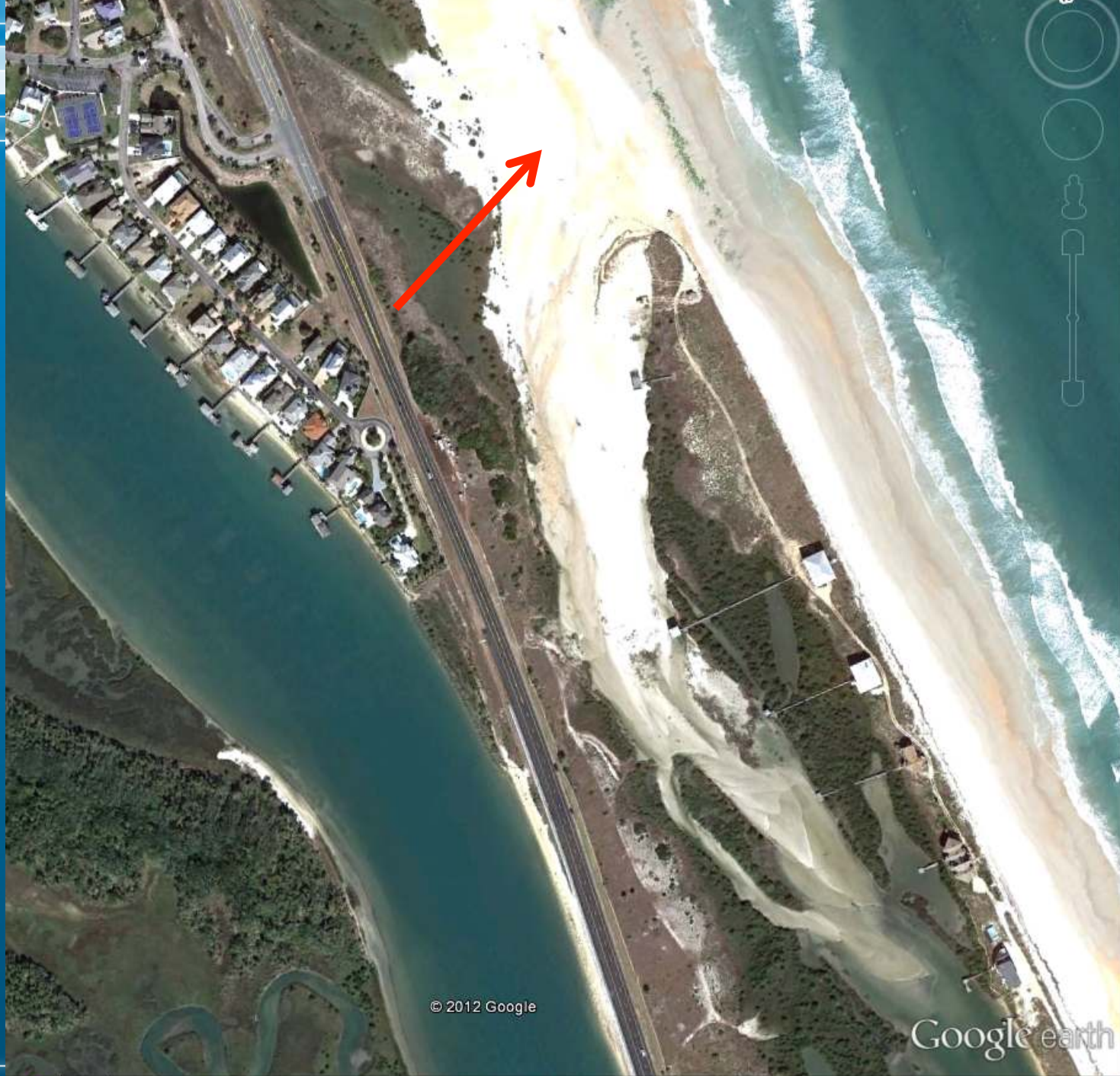




- *Jordan et al. Case*







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HARVESTING  
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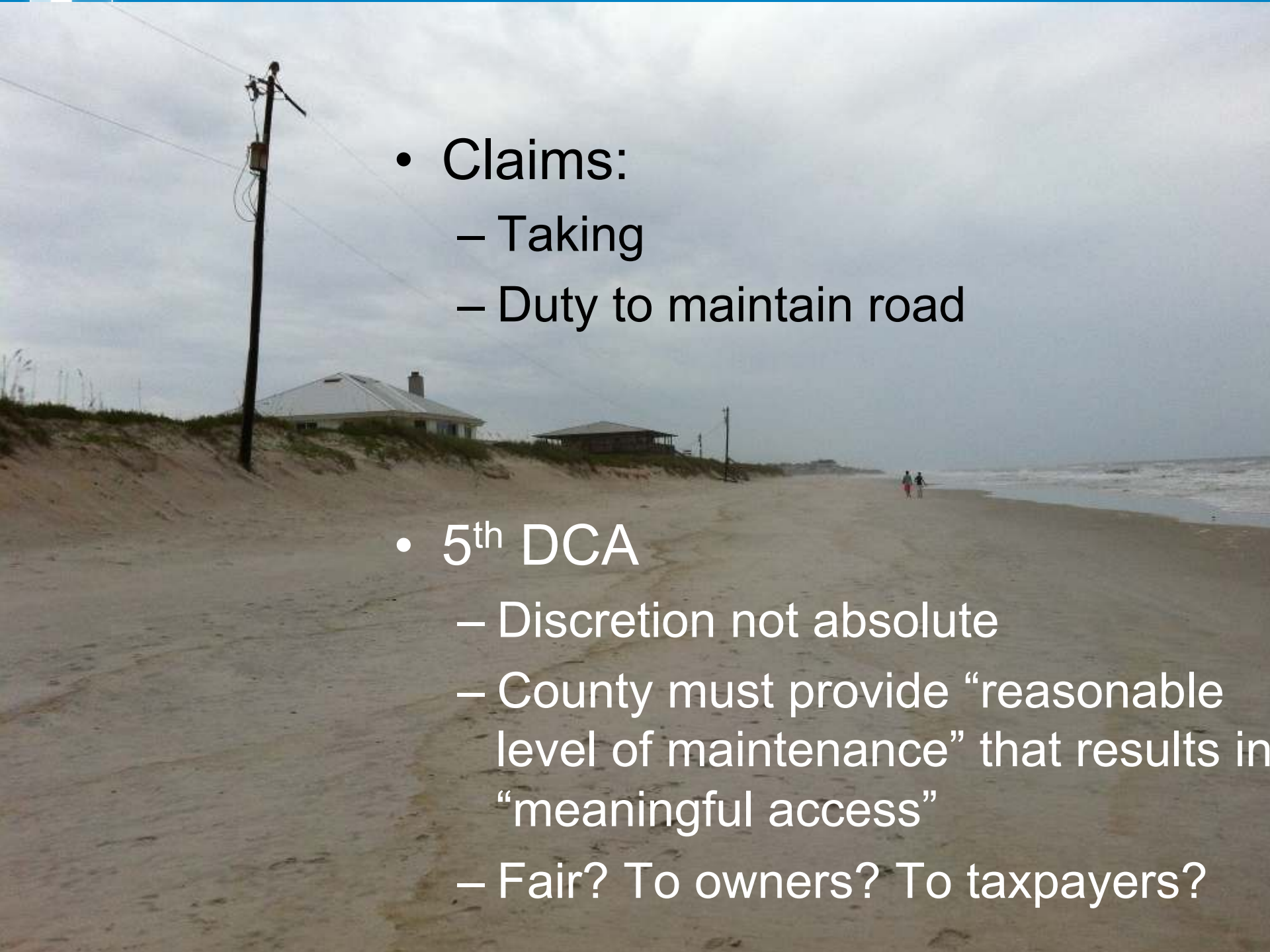
EXCEPT BY  
LESSEE





ST JOHNS  
ROAD & BRIDGE



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- A photograph of a beach scene. In the foreground, a tall utility pole stands on the left. Behind it, a house with a white roof sits on a sandy dune. Further back, another smaller structure is visible. The beach stretches out to the right, where a few people are walking near the water's edge. The sky is overcast and grey.
- Claims:
    - Taking
    - Duty to maintain road

- 5<sup>th</sup> DCA
  - Discretion not absolute
  - County must provide “reasonable level of maintenance” that results in “meaningful access”
  - Fair? To owners? To taxpayers?



# We the People

of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article. 1

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

“Takings” in the U.S.

Constitution

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of years, and including Indians not taxed, three fifths of all other Persons. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. No Representative shall hold any other Office or Emolument, but shall be chosen for two Years, after the first Meeting of the Congress of the United States, and no Person shall be Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who, when elected, shall have been seven Years a Citizen of the State in which he shall be chosen. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be entitled to have three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York nine, New Jersey five, Pennsylvania seven, Delaware one, Maryland five, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive thereof shall issue Writs of Election to fill such Vacancies. The House of Representatives shall chuse their Speaker and other Officers, and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years, and each Senator shall have the Qualifications requisite for Senators of the most numerous Branch of the State Legislature.

“...nor shall private property be taken for public use, without just compensation.”

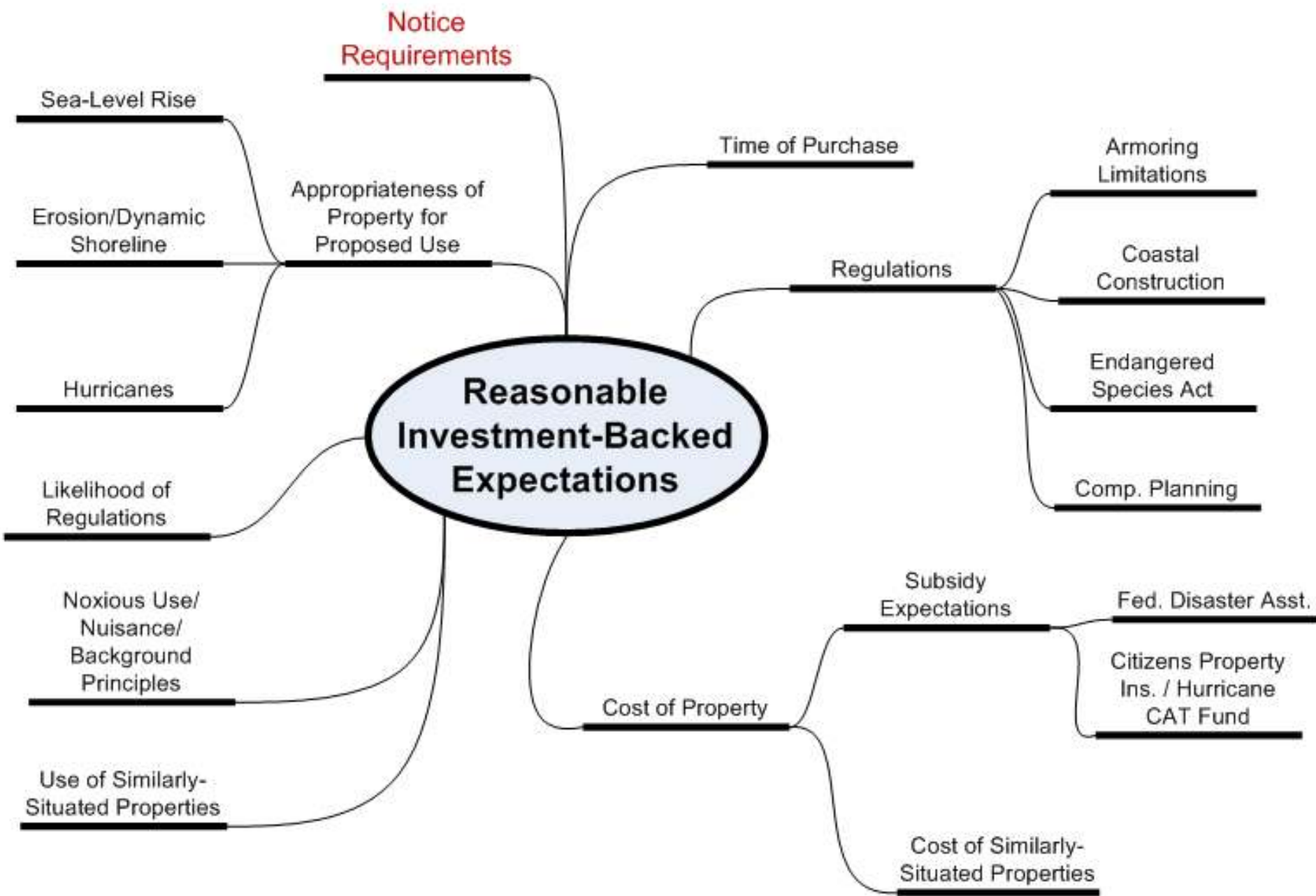
No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who, when elected, shall have been two Years a Citizen of the State in which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless he be equally divided. The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification. But it shall not affect any Office of Honor, Right, or Privilege which the Party convicted shall nevertheless be liable and subject to Inquisition, Trial, Judgment, and Punishment.







# Is It Fair?

5<sup>th</sup> Amendment is

“designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole”

Armstrong v. United States, 124 U.S. 40, 49 (1960)



# Parting Thoughts



- SLR will create heavy costs
- Who pays
  - Property owners?
  - Public?
- Why?
  - Who has info? Who can better change their own behavior?
- Treat different property owners differently?





“[A] foolish man . . . built his house on sand. The rain came down, the streams rose, and the winds blew and beat against that house, and it fell with a great crash.”

Matthew 7: 26-27

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