

Minnesota Supreme Court Decisions - Highlights from 2011

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Eminent Domain: Regulatory Taking

DeCook v. Rochester Intern. Airport Joint Zoning Bd., 796 N.W.2d 299

Case #A09-969

Justice G. Barry Anderson

Justice Stras took no part

Filed March 30, 2011

In 2002, defendant Rochester International Airport Zoning Board enacted a zoning ordinance increasing the size of a runway safety zone that extended over property owned by Leon and Judith DeCook. The DeCooks brought an inverse-condemnation action and alleged that the Board's decision constituted a taking or damaging of private property for which they must be compensated. Following trial, the jury found that the ordinance diminished the value of the land by \$170,000. The district court, however, concluded that the diminution in value did not constitute a taking as a matter of law.

HELD: *McShane v. Faribault*, 292 N.W.2d 253 (Minn. 1980) “provides the appropriate analysis to determine whether the enactment of an airport ordinance restricting land use within runway safety zones amounts to a regulatory taking under the Minnesota Constitution.” Here, the damages the jury awarded exceeded the purchase price the DeCooks paid for the entire parcel less than 15 years before enactment of the ordinance. As a matter of law, the application of the ordinance to the DeCooks' property resulted in a substantial diminution in the value of the property and, thus, a regulatory taking occurred under the Minnesota Constitution.

The court **affirmed** the appellate decision **reversing** the district court.