Urban Redevelopment and Anticompetitiveness Cont’d

- Dislocation & the Public Use Requirement Cont’d
  - *Southwestern Illinois Development Authority v. National City Environmental, L.L.C.*
  - *Kelo v. City of New London*
- Transportation Planning and Redevelopment
- Anticompetitiveness
  - *City of Columbia v. Omni Outdoor Advertising, Inc.*

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Southern Illinois Development Authority v. National City Environmental, L.L.C.
768 N.E.2d 1 (Ill. 2002), cert. denied, p. 648

Eminent Domain

- Economic development (including racetracks) equals public purpose
- Public safety equals public purpose
- “Quick-take” v. negotiating in open market

Gateway International Raceway
**SWIDA Cont’d**

**Substantive Due Process**
- Emperor has no clothes
- SWIDA as default broker
- Must search for alternatives as a precondition to exercise of this authority

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**Kelo v. City of New London,**

**Eminent Domain & Economic Development**
- *Berman v. Parker*
- *Hawaii Housing Authority v. Midkiff*
- Distressed municipality
- Bright line rule
- Alternative rule

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*The New York Times*
Kelo v. City of New London Cont’d

Eminent Domain & Economic Development Cont’d

• Standard of review
• Concurrence
• Dissent

Merrill’s Frameworks for “Public Use”

• Utilitarian
• Moral
• Vulcan
Kelo v. City of New London Cont’d

Reactions

- Public
- Federal
- State/Local
- New London today

C.M. Glover for The New York Times

James A. Kushner,

- The significance of transit and transportation planning,
- the assumptions that underlie current land use planning, and
- an optimistic vision of how land use planning initiatives can be employed.
Peter Gordon and Harry W. Richardson, Are Compact Cities a Desirable Planning Goal?, p. 657

- Consumer preference
- High-capacity transit
- High-density development
- Non-transit commuting costs
- Downtown renewal efforts

http://www.mobility21coalition.com/smartgrowth/

Example of Infill in El Cerrito, CA

Existing Conditions

http://www.sierraclub.org/sprawl/community/transformations/index.asp

Urban design: Dover, Kohl & Partners and DPZ Architects
All images and text courtesy Steve Price, Urban Advantage
Example of Infill in El Cerrito, CA Cont’d

Street Trees Added

http://www.sierraclub.org/sprawl/community/transformations/index.asp

Urban design: Dover, Kohl & Partners and DPZ Architects
All images and text courtesy Steve Price, Urban Advantage

Example of Infill in El Cerrito, CA Cont’d

Buildings Added at Sidewalk Edge

http://www.sierraclub.org/sprawl/community/transformations/index.asp

Urban design: Dover, Kohl & Partners and DPZ Architects
All images and text courtesy Steve Price, Urban Advantage
Example of Infill in El Cerrito, CA Cont’d

Light Rail Added

http://www.sierraclub.org/sprawl/community/transformations/index.asp

Urban design: Dover, Kohl & Partners and DPZ Architects
All images and text courtesy Steve Price, Urban Advantage

City of Columbia v. Omni Outdoor Advertising

Antitrust

• Sections 1 and 2 of the Sherman Act
• *Parker* state action doctrine
• *Noerr* doctrine
• Exceptions to the doctrines
City of Columbia v. Omni Outdoor Advertising Cont’d

Antitrust Cont’d

• Injunctive or declaratory relief
• Market participant v. market regulator