

# PROPERTY PRACTICE QUESTIONS

## QUESTION 21

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**Topic: Real Property**

**Sub-topics: Public Interests in Land**

**Type: Essay**

**Difficulty: Easy**

**Time: 30 minutes**

Bob had a beautiful 6 bedroom home in Livingston, Texas where he had lived for 10 years. The state government asked Bob if he wanted to sell his home and Bob refused. Then the government took Bob's home by eminent domain and paid him fair value for his house. The government justified the taking by the fact that a private hospital wanted to build in the area where Bob's house was located. Thus the government bought the land from Bob and then sold it to a private hospital, stating that its actions served a public purpose.

Bob's sister, Eleanor, was a real estate agent who lived in Huntsville, Texas. To effectively advertise her services, she posted a large billboard poster with her photograph, name, and telephone number in front of her house in a nice residential neighborhood. The poster was erected on a 15 foot metal pole and was 8 feet by 6 feet. The city of Huntsville prohibited billboard advertisements larger than 4 feet by 3 feet in all residential neighborhoods. The city demanded that Eleanor take down her poster.

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Frustrated, both Bob and Eleanor sue the government. Bob claims that the government had no right to take his house by eminent domain because selling his land back to a private entity did not satisfy the constitutional requirement of public use. Eleanor is suing because she believes that governmental zoning regulation of billboard posters in residential neighborhood amounted to taking.

Discuss all the relevant issues. Who is likely to win and why?