

LAND EXACTION: A SELECTIVE BIBLIOGRAPHY

MARY ANN NELSON*

This bibliography covers regulations that require a developer to dedicate land, pay fees, provide improvements, or otherwise bear some of the community's costs as a condition to approval of his plat. Although the bibliography primarily concentrates on materials concerning land exactions in the United States, there is selective inclusion of materials from Great Britain and Canada. Coverage starts from 1949, the year the California case, *Ayres v. City Council*,¹ was decided. The materials in the bibliography are arranged by type into three sections: (1) articles, (2) monographs, and (3) enabling acts for the fifty states.

I

ARTICLES

- Adelstein, Richard P., and Noel M. Edelson. "Subdivision Exactions and Congestion Externalities." *Journal of Legal Studies* 5 (1976): 147-63.
- American Law Institute. "The American Law Institute's Model Land Development Code: Comments and Criticism." *Land Use Control Annual* (1971): 1-115.
- Anderson, Robert M., and Thomas W. Mayo. "Subdivision Controls." *Syracuse Law Review* 35 (1984): 508-17.
- Annotation, "Validity and Construction of Regulations as to Subdivision Maps or Plats." *American Law Reports*. 2d ed. 11 (1950): 524-98.
- Annotation, "Validity and Construction of Statute or Ordinance Requiring Land Developer to Dedicate Portion of Land for Recreational Purposes, or Make Payment in Lieu Thereof." *American Law Reports*. 3d ed. 43 (1972): 862-79.
- Annotation, "Validity and Construction of Zoning Ordinance Requiring Developer to Devote Specified Part of Development to Low and Moderate Income Housing." *American Law Reports*. 3d ed. 62 (1975): 880-83.
- Annotation, "Validity of Zoning Ordinance Deferring Residential Development Until Establishment of Public Services in Area." *American Law Reports*. 3d ed. 63 (1975): 1185-94.

Copyright ©1987 by Law and Contemporary Problems

* Reference Librarian, University of Minnesota, Law Library, Minneapolis, Minnesota.

1. 34 Cal. 3d 31, 207 P.2d 1 (1949).

- Annotation, "Zoning: Planned Unit, Cluster or Greenbelt Zoning." *American Law Reports*. 3d ed. 43 (1972): 888-904.
- Aycock, J. Bruce, and James R. Bray. "Constitutionality of Park Requiring Park Dedication as a Condition of Plat Approval." *Texas Bar Journal* 45 (1982): 721-25.
- Barker, M. L. "Land Subdivision Control—The Public Element." *Urban Law & Policy* 3 (1980): 319-49.
- Bell, Richard G. "The Development Program: An Approach to City Planning." *Connecticut Bar Journal* 35 (1961): 156-90.
- Berger, Michael M. "Nice Guys Finish Last—At Least They Lose Their Property: *Gion v. City of Santa Cruz*." *California Western Law Review* 8 (1971): 75-101.
- Bley, Kenneth B. "Exactions in the 1980's." *Institute on Planning, Zoning, and Eminent Domain* (1984): 297-314.
- Bondurant, John T., and David E. Arvin. "Common Law Dedication (a Review of Significant Developments Affecting Kentucky Law Between July 1, 1979 and June 30, 1980)." *Kentucky Law Journal* 69 (1981): 654-56.
- Bonnett, Jerry C. "Power of Arizona Cities to Acquire Park Land Through Subdivision Regulations." *Law & Social Order* (1971): 578-99.
- Calavita, Nico. "Urbanization, Public Control of Land Use and Private Ownership of Land: The Development of Italian Planning Law." *Urban Lawyer* 16 (1984): 459-88.
- Cameron, Harvey. "Municipal Corporations and the Power to Expropriate Land for Private Development." *Chitty's Law Journal* 18 (1970): 118-19.
- Case Comment. "Constitutional Law—Mandatory Subdivision Exactions for Park Recreational Purposes." *Missouri Law Review* 43 (1978): 582-91.
- Case Comment. "Dedication of Streets—Prescription—Rights of Abutting Property Owners." *Kentucky Law Journal* 48 (1980): 473-78.
- Case Comment. "Park Dedication Ordinance Not Valid Exercise of Police Power by a Texas City—Compensation Requirements." *South Texas Law Journal* 22 (1982): 199-209.
- Case Comment. "Real Property—Dedication—Easement by Estoppel." *Alabama Law Review* 4 (1951): 152-54.
- Case Comment. "The Walnut Creek Affair: California's Misdirected Quest for Park and Recreation Space." *California Western Law Review* 8 (1972): 254-82.
- Clark, Thomas P. "Growth Control in California: Prospects for Local Government Implementation of Timing and Sequential Control of Residential Development." *Pacific Law Journal* 5 (1974): 571-602.
- Comment. "Allocating the Burden of Increased Community Costs Caused by New Developments." *University of Illinois Law Forum* 1967, no. 2:318-26.
- Comment. "Dedication of Land in California." *California Law Review* 53 (1965): 559-89.

- Comment. "Dedication of Land in Public Use." *Louisiana Law Review* 16 (1956): 789-98.
- Comment. "Forced Dedications as a Condition to Subdivision Approval." *San Diego Law Review* 9 (1971): 112-23.
- Comment. "Implied Dedication: a Threat to the Owners of California's Shoreline." *Santa Clara Lawyer* 11 (1971): 327-42.
- Comment. "Implied Dedication in California: a Need for Legislative Reform." *California Western Law Review* 7 (1970): 259-71.
- Comment. "Informal Dedication of Law." *Baylor Law Review* 24 (1972): 592-600.
- Comment. "Land Use—Mandatory Dedication for Park and Recreational Facilities." *Arkansas Law Review* 26 (1972): 415-22.
- Comment. "Money Payment Requirements as Conditions to the Approval of Subdivision Maps: Analysis and Prognosis." *Villanova Law Review* 9 (1964): 294-305.
- Comment. "The Permissible Scope of Compulsory Requirements for Land Development in Colorado." *University of Colorado Law Review* 54 (1983): 447-68.
- Comment. "Public Beaches: a Reevaluation." *San Diego Law Review* 15 (1978): 1241-61.
- Comment. "Regional Planning—Subdivision-Control—New Mexico Municipal Code." *Natural Resources* 6 (1966): 135-51.
- Comment. "Subdivision Exactions: the Constitutional Issues, the Judicial Response, and the Pennsylvania Situation." *Villanova Law Review* 19 (1974): 782-818.
- Comment. "Subdivision Regulation: Requiring Dedication of Park Land or Payment of Fees as a Condition Precedent to Plat Approval." *Wisconsin Law Review* 1961, no. 1:310-23.
- Comment. "Third Dimension of Dedication in Louisiana." *Louisiana Law Review* 30 (1970): 583-603.
- Cribbett, John E. "Changing Concepts in the Law of Land Use." *Iowa Law Review* 50 (1965): 245-78.
- Cunningham, Roger A. "Control of Land Use in New Jersey Under 1953 Planning Statutes." *Rutgers Law Review* 15 (1960): 1-60.
- . "Land Use Control—The State and Local Programs." *Iowa Law Review* 50 (1965): 367-457.
- . "Public Control of Land Subdivision in Michigan: Description and Critique." *Michigan Law Review* 66 (1967): 1-80.
- , and Saul Tichler. "Dedication of Land in New Jersey." *Rutgers Law Review* 15 (1961): 377-413.
- Currier, Barry A. "Legal and Practical Problems Associated with Drafting Impact Fee Ordinances." *Institute on Planning, Zoning, and Eminent Domain* (1984): 273-95.

- Curtin, Daniel J. "Preservation of Open Space in California: *Associated Home Builders v. City of Walnut Creek*." *Los Angeles Bar Bulletin* 47 (1972): 108-13.
- . "Requiring Dedication of Land by Developers." *Institute on Planning, Zoning, and Eminent Domain* (1974): 57-82.
- Cutler, Richard W. "Legal and Illegal Methods for Controlling Community Growth on the Urban Fringe." *Wisconsin Law Review* (1961): 370-402.
- Davis, Otto A. "Economic Element in Municipal Zoning Decisions." *Land Economics* 39 (1963): 375-86.
- Delogu, Orlando E. "Local Land Use Controls: an Idea Whose Time Has Passed." *Maine Law Review* 36 (1984): 261-310.
- . "The Misuse of Land Use Control Powers Must End: Suggestions for Legislative and Judicial Responsibilities." *Maine Law Review* 32 (1980): 29-82.
- "Developer Exactions (Utah)." *Zoning and Planning Law Report* 5 (1982): 88.
- Dimento, Joseph F., Michael D. Dozier, Steven L. Emmons, Donald G. Hagman, Christopher Kim, Karen Greenfield-Sanders, Paul F. Waldau, and Jay A. Wollacott. "Land Development and Environmental Control in the California Supreme Court: the Deferential, the Preservationist, and the Preservationist-Erratic Eras." *UCLA Law Review* 27 (1980): 859-1066.
- Dolbeare, Robert L. "Mandatory Dedication of Public Sites as a Condition in the Subdivision Process in Virginia." *University of Richmond Law Review* 9 (1975): 435-61.
- Dunham, Allison. "A Legal and Economic Basis for City Planning." *Columbia Law Review* 58 (1958): 650-71.
- Ellickson, Robert C. "Suburban Growth Controls: An Economic and Legal Analysis." *Yale Law Journal* 86 (1977): 385-511.
- Feinberg, Alexander. "Subdivision Regulation: Pitfalls and Aids for the Real Estate Developer." *Proceedings of the American Bar Association Section on Real Property* (1962): 13-21.
- Ferguson, Jerry T., and Carol D. Rasnu. "Judicial Limitations on Mandatory Subdivision Dedications." *Real Estate Law Journal* 13 (1985): 250-62.
- Fitzgerald, J.L. "Regulation of Subdivisions." *William and Mary Law Review* 14 (1972): 249-65.
- Freese, L. Richard. "Subdivision Regulations and Compulsory Dedications." *Dicta* 39 (1962): 299-307.
- Freilich, Robert H., and Peter S. Levi. "Model Regulations for the Control of Land Subdivision." *Missouri Law Review* 36 (1971): 1-76.
- Frey, Donald S. "Subdivision Control and Planning." *University of Illinois Law Forum* 1961, no. 3:411-51.
- Grace, Christopher. "Los Altos: Reconsidering the Park Land Subdivision Exaction." *Stanford Environmental Annual* 4 (1982): 104-18.
- Gundlach, W. "Right of Legislature to Abrogate Park Dedications." *University of Florida Law Review* 2 (1949): 285-88.

- Haar, Charles M. "In Accordance with a Comprehensive Plan." *Harvard Law Review* 68 (1955): 1154-75.
- Hack, Raymond A. "Land Use and the Police Power." *The Hennepin Lawyer* 42 (1974): 12-15.
- Hamilton, Robert R. "Dedication Requirements—Binding Conditions or Inverse Condemnation." *Institute on Planning, Zoning, and Eminent Domain* (1977): 89-117.
- Hanna, John P. "Subdivision: Conditions Imposed by Local Governments." *Santa Clara Lawyer* 6 (1966): 172-93.
- Harvith, Bernard E. "The Constitutionality of Imposing Increased Community Costs on New Suburban Residents Through Subdivision Exactions." *Yale Law Journal* 73 (1964): 1119-57.
- Hudec, A.J. "Municipal Exactions and the Subdivision Approval Process: a Legal and Economic Analysis." *University of Toronto Faculty Law Review* 38 (1980): 106-28.
- Johnson, Corwin W. "Compensation for Invalid Land-Use Regulations: Taking—Compensation Issue: Implied Dedication." *Georgia Law Review* 15 (1981): 559-74. Reprint. *Land Use and Environmental Law Review* 13 (1982): 303-48.
- . "Constitutional Land and Community Planning." *Law and Contemporary Problems* 20 (1955): 199-217.
- Johnston, John D. "Constitutionality of Subdivision Control Exactions: the Quest for a Rationale." *Cornell Law Quarterly* 52 (1967): 871-924.
- Jurgensmeyer, Julian C., and Robert M. Blake. "Impact Fees: Local Government's Capital Funding Dilemma." *Florida State University Law Review* 9 (1981): 415-45.
- Karlin, Norman. "Zoning and Other Land Use Controls From the Supply Side." *Southwestern University Law Review* 2 (1981): 561-79.
- Karp, James P. "Subdivision Exactions for Park and Open Space Needs." *American Business Law Journal* 16 (1978): 277-94.
- Kimiec, Douglas W. "Justifying Land Use Deregulation and an Alternative Free Enterprise Development System." *Zoning & Planning Law Report* 5 (1982): 33-40.
- Kratovil, Robert, and Frank J. Harrison. "Eminent Domain—Policy and Concept." *California Law Review* 42 (1954): 596-652.
- Krooth, David L. "Control of Land Use in the United States: Statutory Development and the Case of New Communities." *Urban Lawyer* 4 (1972): 519-31.
- Kucerek, Joseph C., and J.H. Beuscher. "Wisconsin's Official Map Law." *Wisconsin Law Review* 1957, no. 2:176-221.
- Kudo, Benjamin A. "Nukolii: Private Development Rights and the Public Interest." *Urban Lawyer* 16 (1984): 279-316.
- LaFargue, James F. "Practical Legal Remedies to the Public Beach Shortage." *Environmental Affairs* 5 (1976): 445-76.

- Landau, Eliot A. "Urban Concentration and Land Exactions for Recreational Use: Some Constitutional Problems in Mandatory Dedication Ordinances in Iowa." *Drake Law Review* 22 (1972): 71-101.
- Large, Donald W. "This Land is Whose Land? Changing Concepts of Land as Property." *Wisconsin Law Review* 1973, no. 4:1039-83.
- Ledbetter, William H. "Subdivision Control in South Carolina." *South Carolina Law Review* 24 (1972): 155-80.
- Lester, Martha. "Subdivision Exactions in Washington: The Controversy Over Imposing Fees on Developers." *Washington Law Review* 59 (1984): 289-303.
- Littman, Allan N. "Tidelands: Trusts, Easements, Custom, and Implied Dedications." *Natural Resources Law* 10 (1977): 279-96.
- Livingston, Lawrence. "California General Plan Requirements: A New Weapon for Challenging Local Government Land Use and Development Decisions." *Urban Lawyer* 16 (1984): 1-15.
- Livingston, Margit. "Public Access to Virginia's Tidelands: a Framework for Analysis of Implied Dedications and Public Prescriptive Rights." *William and Mary Law Review* 24 (1983): 669-725.
- McMurray, Robert I. "Just Compensation or Just Invalidation: the Availability of a Damage Remedy in Challenging Land Use Regulations." *UCLA Law Review* 29 (1982): 711-46.
- Maloney, Frank, Dan Fernandez, Anthony R. Parrish, and James M. Reinder. "Public Beach Access: a Guaranteed Place to Spread Your Towel." *University of Florida Law Review* 29 (1977): 53-80.
- Mannino, Edward F. "Land-Use Planning and the Political Process." *Shingle* 34 (1971): 88-94.
- Marcus, Norman. "A Comparative Look at TDR, Subdivision Exaction and Zoning as Environmental Preservation Panaceas: the Search for Dr. Jekyll Without Mr. Hyde." *Urban Law Annual* 20 (1980): 3-73.
- Melli, Marygold S. "Subdivision Control in Wisconsin." *Wisconsin Law Review*, 1953, no. 3:389-457.
- Michelman, Frank I. "Property, Utility and Fairness: Comments on the Ethical Foundations of Just Compensation Law." *Harvard Law Review* 80 (1967): 1164-1258.
- Milner, J.B. "Introduction to Subdivision Control Legislation." *Canadian Bar Review* 43 (1965): 49-98.
- Nelson, Leonard M. "Master Plan and Subdivision Control." *Maine Law Review* 16 (1964): 107-43.
- Note. "An Analysis of Subdivision Control Legislation." *Indiana Law Journal* 28 (1953): 544-86.
- Note. "*Ayres v. City Council of Los Angeles* (Cal.) 207 P.2d 1." *Southern California Law Review* 23 (1950): 261-62.

- Note. "Bay Terrace's Problem: The Legality of a Proposed 'Balanced Housing' Ordinance for the City of San Diego Under the California Subdivision Map Act." *New England Law Review* 9 (1974): 185-205.
- Note. "*Berg Development v. City of Missouri City*: Park Dedication Ordinance Not Valid Exercise of Police Power by a Texas City—Compensation of Private Individuals a Constitutional Requirement." *South Texas Law Journal* 22 (1982): 199-209.
- Note. "*Brindgle v. Board of Supervisors*: Condemnation without Compensation?" *Hastings Law Journal* 13 (1962): 401-05.
- Note. "City Planning—Subdivision Control—What is a Subdivision?" *Kentucky Law Journal* 48 (1960): 252-61.
- Note. "Dedication I—a Survey." *Baylor Law Review* 15 (1963): 179-92.
- Note. "Dedication II—Part II." *Baylor Law Review* 15 (1963): 308-28.
- Note. "Dedication in Connecticut." *Connecticut Bar Journal* 36 (1962): 451-62.
- Note. "The Doctrine of Public Dedication of Private Property in Quebec Civil and Statute Law." *McGill Law Journal* 15 (1969): 165-77.
- Note. "Eminent Domain 'Dedication v. Condemnation'—Constitutionality of Planning Commission Requirements." *Oklahoma Law Review* 29 (1976): 155-65.
- Note. "Finding a Taking: Standards for Fairness." *University of San Francisco Law Review* 16 (1982): 743-80.
- Note. "Forced Dedications in California." *Hastings Law Journal* 20 (1969): 735-48.
- Note. "Impact Fees: National Perspectives to Florida Practice: a Review of Mandatory Land Dedications and Impact Fees That Affect Land Development." *Nova Law Journal* 4 (1980): 137-86.
- Note. "Judicial Expansion of the Montana Subdivision—Platting Act in Florence—Carlton." *Montana Law Review* 41 (1980): 113-19.
- Note. "Judicial Review Under the Subdivision Control Act." *Massachusetts Law Quarterly* 61 (1976): 70-74.
- Note. "Land Development and the Environment: the Subdivision Map Act." *Pacific Law Journal* 5 (1974): 55-91.
- Note. "Land Subdivision Controls." *Harvard Law Review* 65 (1952): 1226-37.
- Note. "Land Subdivision Regulation: Its Effects and Constitutionality." *St. John's Law Review* 41 (1967): 374-86.
- Note. "Mandatory Dedication of Land by Land Developers." *University of Florida Law Review* 26 (1973): 41-57.
- Note. "Mandatory Dedication of Playgrounds and Parks in Residential Subdivisions." *Kentucky Law Journal* 50 (1962): 610-19.
- Note. "Municipal Corporations: City's Proprietary Powers Limited to Charter: Limited Dedication Doctrine." *California Law Review* 45 (1957): 90-93.
- Note. "Platting, Planning, and Protection—a Summary of Subdivision Statutes." *New York University Law Review* 36 (1961): 1205-16.

- Note. "Prerequisites of Private Rights Arising Therefrom." *North Carolina Law Review* 31 (1953): 202-06.
- Note. "Prevention of Subdivision Control Evasion in Indiana." *Indiana Law Journal* 40 (1965): 445-63.
- Note. "Public Access to Beaches: Common Law Doctrines and Constitutional Challenges." *New York University Law Review* 48 (1973): 369-94.
- Note. "Public Ownership of Land Through Dedication." *Harvard Law Review* 75 (1962): 1406-16.
- Note. "Public or Private Ownership of Beaches: an Alternative to Implied Dedication." *UCLA Law Review* 18 (1972): 795-820.
- Note. "Public Utility Land Use Control on the Urban Fringe." *Iowa Law Review* 63 (1978): 889-923.
- Note. "Replatting the Subdivision Law." *Williamette Law Journal* 10 (1974): 394-403.
- Note. "Required Dedication of Park Land—an Unconstitutional Taking in Texas." *Houston Law Review* 19 (1981): 175-92.
- Note. "Subdivision Control Requirement for Park Land." *Syracuse Law Review* 12 (1960): 224-30.
- Note. "Subdivision Exactions: the Constitutional Issues, the Judicial Response, and the Pennsylvania Situation." *Villanova Law Review* 19 (1974): 782-818.
- Note. "Subdivision Exactions in Washington: the Controversy Over Imposing Fees on Developers." *Washington Law Review* 59 (1984): 289-303.
- Note. "Subdivision Exaction: Where is the Limit?" *Notre Dame Lawyer* 42 (1967): 400-11.
- Note. "Subdivision Land Dedication: Objectives and Objections." *Stanford Law Review* 27 (1975): 419-47.
- Note. "Subdivision Regulation in Iowa." *Iowa Law Review* 54 (1969): 1121-46.
- Note. "Taking Without Compensation Through Compulsory Dedication: New Horizons for California Land Use Law: *Associated Home Builders v. City of Walnut Creek*." *Loyola of Los Angeles Law Review* 5 (1972): 218-50.
- Note. "This Land is My Land: the Doctrine of Implied Dedication and Its Application to California Beaches." *Southern California Law Review* 44 (1971): 1092-1134.
- Note. "Utah Statute Construed to Permit Dedication of Land Solely on the Basis of Public Use." *Utah Law Review* 1966, no. 3:735-42.
- Note. "Vacating Plat Dedication in Indiana." *Indiana Law Journal* 37 (1962): 554-71.
- Note. "Zoning—Ordinance Requiring Dedication of Property for Street Widening Purposes as Condition Precedent to Obtaining Building Permit Held Not to be a Taking of Property Without Compensation: *Southern*

- Pacific v. City of Los Angeles* (Cal. App. 1966).” *San Diego Law Review* 4 (1967): 233-40.
- O'Donnell, Joanne B. “Redefining the Focus of California's Subdivision Map Act.” *Loyola of Los Angeles Law Review* 16 (1983): 61-97.
- Pavelko, Thomas M. “Subdivision Exactions: a Review of Judicial Standards.” *Washington University Journal of Urban and Contemporary Law* 25 (1983): 269-94.
- Platt, Rutherford H., and Jon Maloney-Merkl. “Municipal Improvisations: Open Space Exactions in Land of Pioneer Trust.” *Urban Lawyer* 5 (1973): 706-28.
- Pohl, Michael A. “Establishing and Altering the Character of Texas Subdivisions.” *Baylor Law Review* 27 (1975): 639-74.
- “Property—Coastal Shores—Private Property Rights Upheld Over Claimed Public Right to Recreational Use of Beach—Implied Dedication, Easement by Prescription, Public Trust Through Custom and Grant, and the Doctrine of Submergence Not Applicable.” *University of Baltimore Law Review* 5 (1976): 349-72.
- Radocha, Daniel J. “Municipal Corporations—Subdivision Control—Ordinance Requiring Dedication of Land in Subdivision for School Purposes Held Invalid.” *Illinois Bar Journal* 50 (1962): 626-31.
- “Recent Developments—Municipalities: Validity of Subdivision Fees for Schools and Parks.” *Columbia Law Review* 66 (1966): 974-87.
- Renshaw, Muffie M. “Required Dedication of Park Land: an Unconstitutional Taking in Texas.” *Harvard Law Review* 92 (1981): 175-92.
- Reps, John W. “Control of Land Subdivision by Municipal Planning Board.” *Cornell Law Quarterly* 40 (1955): 258-80.
- , and Jerry L. Smith. “Control of Urban Land Subdivision.” *Syracuse Law Review* 14 (1963): 405-25.
- Riva, Enrico. “Regulatory Takings in American Law and Material Expropriation in Swiss Law—a Comparison of the Applicable Standards.” *Urban Lawyer* 16 (1984): 425-58.
- Roberts, Neal A. “An Appropriate Economic Model of Judicial Review of Suburban Growth Control.” *Indiana Law Journal* 55 (1980): 441-92.
- Robinson, George H. “Dedication of Streets and Alleyways in Louisiana.” *Tulane Law Review* 25 (1950): 88-90.
- Rossi, Carl J. “Zoning New York City to Provide Low and Moderate Income Housing: Can Commercial Developers Be Made to Help?” *Fordham Urban Law Journal* 12 (1984): 491-512.
- Rundus, Jan. “The Permissible Scope of Compulsory Requirements for Land Development in Colorado.” *University of Colorado Law Review* 54 (1983): 447-68.
- Sax, Joseph L. “Takings and the Police Power.” *Yale Law Journal* 74 (1964): 36-76.

- . "Takings, Private Property and Public Rights." *Yale Law Journal* 81 (1971): 149-86.
- Schmandt, Henry J. "Municipal Control of Urban Expansion." *Fordham Law Review* 29 (1961): 637-56.
- Schwenke, Roger D. "Environmental and Land Use Laws, and Permits: How They Affect Real Estate Transactions, Financing and Lawyers and What to do about It." *Real Property Probate and Trusts Journal* 14 (1979): 851-72.
- Sheen, Jay. "Development Fees: Standards to Determine Their Reasonableness." *Utah Law Review*, 1982, no. 3:549-69.
- Silverman, Melvin J. "Subdivision Connecticut Style—An Orwellian Philosophy." *Connecticut Bar Journal* 46 (1972): 571-90.
- Smith, William C. "Municipal Economy and Land Use Restrictions." *Law and Contemporary Problems* 20 (1955): 481-92.
- Staples, George A. "Exactions—Mandatory Exactions and Payments in Lieu of Dedication." *Institute on Planning, Zoning, and Eminent Domain* (1980): 111-44.
- Stout, Roderick P. "Mobile, Alabama May Require Dedication of Land for Future Throughfare as Condition of Subdivision Approval." *Municipal Attorney* 25 (1984): 14-15.
- Strine, Walter M. "The Use of Conditions in Land Use Control." *Dickinson Law Review* 67 (1963): 109-43.
- Sussna, Stephen. "New Developments in Land Use and Environmental Regulation." *Institute on Planning, Zoning, and Eminent Domain* (1982): 1-44.
- Taylor, Clarence. "Current Problems in California Subdivision Control." *Hastings Law Journal* 13 (1962): 344-56.
- Taylor, Paul S. "The Excess Land Law: a Note on Pressure vs. Principle in the Courts." *Western Policy Quarterly* 12 (1959): 828-33.
- "Trespass to Try Title—Limitations and Conditions Upon Dedication of Land to the Public." *Baylor Law Review* 14 (1962): 352-60.
- Trichelo, Benjamin J. "Subdivision Exactions: Virginia Constitutional Restrictions." *University of Richmond Law Review* 11 (1976): 21-31.
- "Validity of Regulations or Conditions Imposed Upon Subdivision Planning." *Michigan Law Review* 49 (1951): 909-11.
- Van Alstyne, Arvo. "Taking or Damaging by the Police Power: The Search for Inverse Condemnation Criteria." *Southern California Law Review* 44 (1970): 1-73.
- Volpert, Richard S. "Open Spaces in Subdivisions." *UCLA Law Review* 12 (1965): 830-956.
- West, W. A. "Provision of Open Spaces in Urban Development—The Legal Background." *Journal of Planning and Environmental Law* (January 1973): 23-26.
- Whatley, John H., and Grover S. McLeod. "Common Law and Statutory Dedications in Alabama." *Alabama Lawyer* 17 (1956): 43-57.

- Williams, Norman. "Planning Law and Democratic Living." *Law and Contemporary Problems* 20 (1955): 317-52.
- Yearwood, Richard M. "Accepted Controls of Land Subdivision." *Journal of Urban Law* 45 (1967): 217-57.
- "Zoning—Virginia Defines Scope of Local Power to Impose Dedication and Land Use Requirements Upon Individual Landowners." *University of Richmond Law Review* 10 (1976): 440-47.

II

MONOGRAPHS

- Allensworth, Don T. *City Planning Politics*. New York: Praeger, 1980.
- . *Land Planning Law*. New York: Praeger, 1981.
- American Bar Association Committee on Continuing Professional Education. "Development Exactions: Attack and Defense." Chap. 8 in *Land Use Regulation and Litigation: ALI-ABA Course of Study Materials*. Philadelphia: American Bar Association Committee on Continuing Professional Education, 1984.
- American Law Institute. *A Model Land Development Code: Complete Text, Adopted by the American Law Institute at Washington, D.C., May 21, 1975, and Reporters' Commentary*. Philadelphia: American Law Institute, 1976.
- American Society of Planning Officials. *Problems of Zoning and Land-Use Regulation*. Washington, D.C.: U.S. Government Printing Office, 1968.
- Anderson, Robert Milford. *American Law of Zoning*. 2d ed. Rochester: Lawyers Co-Operative Publishing Co., 1976.
- . *American Law of Zoning: Zoning, Planning, Subdivision Control*. Rochester: Lawyers Co-Operative Publishing Co., 1968.
- Antieau, Chester James. "Subdivision Controls." Chap. 8a in *Municipal Corporation Law*. Albany: Matthew Bender, 1956.
- Babcock, Richard F. *The Contest for Public Control Over Land Development*. Los Angeles: Institute of Government and Public Affairs, University of California, 1970.
- Bair, Frederick Haigh, and Ernest R. Bartley. *The Text of a Model Zoning Ordinance, with Commentary*. 2d ed. Chicago: American Society of Planning Officials, 1960.
- Ball, Duane E. *Open Space Preservation: Some Recent Efforts by State Government*. Philadelphia: Institute for Environmental Studies, University of Pennsylvania, 1970.
- Berger, Curtis J. *Land Ownership and Use*. 2d ed. Boston: Little, Brown & Co., 1975.
- Beuscher, Jacob Henry. "Regulation of Land Subdivision." Chap. 6 in *Land Use Controls; Cases and Materials*. 3d ed. Madison: College Printing and Typing Co., 1964.
- , and Robert R. Wright. "Regulation of Land Subdivision." In *Cases and Materials on Land Use*. St. Paul: West Publishing Co., 1969.

- Brooks, Mary E. *Mandatory Dedication of Land or Fees-in-Lieu of Land for Parks and Schools*. Chicago: American Society of Planning Officials, 1971.
- Commerce Clearing House. *Urban Affairs Reporter*. Chicago: Commerce Clearing House, 1968.
- Costonis, John J., Curtis J. Berger, and Stanley Scott. *Regulation v. Compensation in Land Use Control: a Recommended Accommodation, a Critique, and an Interpretation: Essays*. Berkeley: Institute of Governmental Studies, University of California, 1977.
- Crawford, Clan. *Handbook of Zoning and Land Use Ordinances—With Forms*. Englewood Cliffs, N.J.: Prentice-Hall, 1974.
- Dawson, Alexandra. *Land-Use Planning and the Law*. New York: Garland STPM Press, 1983.
- Ellickson, Robert C. "Financing the Urban Infrastructure." Chap. 7 in *Land-Use Controls: Case and Materials*. Boston: Little, Brown & Co., 1981.
- Frelich, Robert H., and Peter S. Levi. *Model Subdivision Regulations: Text and Commentary*. Chicago: American Society of Planning Officials, 1975.
- Getzels, Judith. *Zoning and Subdivision Fees*. Chicago: American Society of Planning Officials, 1977.
- Goodman, William I. and Erick C. Freund, eds. *Principles and Practice of Urban Planning*. Washington, D.C.: International City Managers' Association, 1968.
- Haar, Charles Monroe. "Regulating the Tempo and Sequence of Growth." Chap. 4 in *Land-Use Planning: A Casebook on the Use, Misuse, and Re-use of Urban Land*. 3d ed. Boston: Little, Brown & Co., 1977.
- Hagman, Donald G. *Articles 1 and 2 of a Model Land Development Code: The English are Coming*. Los Angeles: Institute of Government and Public Affairs, University of California, 1972.
- . "Subdividing Land." Chap. 14 in *Public Planning and Control of Urban and Land Development: Cases and Materials*. St. Paul: West Publishing Co., 1973.
- . "Subdivision and Subdivided Land Sales." Chap. 9 in *Urban Planning and Land Development Control Law*. St. Paul: West Publishing Co., 1971.
- . "Subdivision, Official Maps and Public Works." Chap. 15 in *Public Planning and Control of Urban and Land Development: Cases and Materials*. 2d ed. St. Paul: West Publishing Co., 1980.
- Herring, Francis W., ed. *Open Space and the Law*. Berkeley: Institute of Governmental Studies, University of California, 1965.
- Hersey, Stuart S., and Carolyn Garmise. *Streamlining Local Regulations: a Handbook for Reducing Housing and Development Costs*. Washington, D.C.: International City Management Association, 1983.
- Johnston, Robert A. *A Bibliography of Open Space Control Literature Including Regulatory, Compensatory, and Taxation Devices*. Monticello, Ill.: Vance Bibliographies, 1980.

- Krasnowiecki, Jan, Richard F. Babcock, and David N. McBride. *Legal Aspects of Planned Unit Residential Development, with Suggested Legislation*. Washington, D.C.: Urban Land Institute, 1965.
- Kusler (J.A.) Associates. *Statutory Land Use Control Enabling Authority in the Fifty States*. Washington, D.C.: U.S. Department of Housing and Urban Development, Federal Insurance Administration, 1976.
- Lefcoe, George. "Land Development Law and Public Regulation." Chap. 8 in *Land Development Law, Cases and Materials*. Indianapolis: Bobbs-Merrill Co., 1966.
- Legal Conference on Land Use and Growth, 2d, Washington, D.C., 1974. *Second Legal Conference on Land Use and Growth*. Washington: National Association of Home Builders, Department of Urban Governmental Affairs, 1974.
- Legal Conference on Land Use and Growth, 3d, Anaheim, California, 1975. *Handbook for NAHB Third Legal Conference on Land Use and Growth, April 24-25, 1975*. Washington, D.C.: Urban Governmental Affairs Department, National Association of Home Builders, 1975.
- Linowes, R. Robert, and Donald T. Allensworth. *The Politics of Land-use Law: Developers vs. Citizens Groups in the Courts*. New York: Praeger, 1976.
- . *The Politics of Land-use; Planning, Zoning and the Private Developer*. New York: Praeger, 1973.
- . *The States and Land-use Control*. New York: Praeger, 1975.
- Listokin, David, comp. *Land Use Controls: Present Problems and Future Reform*. New Brunswick, N.J.: Center for Urban Policy Research, Rutgers University, 1974.
- McQuillan, Eugene. "Dedication." Chap. 37 in *The Law of Municipal Corporations*. 3d rev. ed. Mundelein, Ill.: Callaghan & Company, 1976.
- Mandelker, Daniel R. *Controlling Planned Residential Developments*. Chicago: American Society of Planning Officials, 1966.
- . "Residential Development." Chap. 9 in *Land Use Law*. Charlottesville, Va.: Michie, 1982.
- Marcus, Norman, ed. *The New Zoning: Legal, Administrative, and Economic Concepts and Techniques*. New York: Praeger, 1970.
- Marshall, Stuart, ed. *Land Development Law Reporter*. Washington: Land Development Institute, 1979.
- Natural Resources Defense Council. *Land Use Controls in the United States: a Handbook on the Legal Rights of Citizens*. New York: Dial Press, 1977.
- Nelson, Grant S., and Dale A. Whitman. "Subdivision Planned Unit Development and New Towns." In *Cases and Materials on Real Estate Transfer, Finance, and Development*. 2d ed. St. Paul: West Publishing Co., 1981.
- Patterson, Theodore William. *Land Use Planning: Techniques of Implementation*. New York: Van Nostrand Reinhold, 1979.

- Practicing Law Institute. *Modern Control of Land Development*. New York: Practicing Law Institute, 1980.
- Rathkopf, Arden H. "Subdivision Control." Chap. 71 in *The Law of Zoning and Planning*. 4th ed. New York: Clark Boardman Co., 1983.
- Regnier, Emily, and Janet Bloom. *Mandatory Dedication of Park and School Land or Cash in Lieu of Land*. Monticello, Ill.: Council of Planning Librarians, 1977.
- Reps, John Williams. *Control of Urban Land Subdivision*. Ithaca, N.Y.: Program in Urban and Regional Studies, Cornell University, 1963.
- Roberts, Ernest. *Reducing the Development Process to a Planned Phenomenon*. 2d ed. New York: Matthew Bender, 1975.
- Rogers, Ian MacFee. *Canadian Law of Planning and Zoning*. Toronto: Carswell Co., 1973.
- Rohan, Patrick J. "Builder Exactions: Dedication of Land: Payments of Fees in Lieu Thereof" and "Subdivision Controls." Chap. 9 and Chap. 45 in *Zoning and Land Use Controls*. New York: Matthew Bender, 1978.
- Ryan, Philip A. *Legal Problems of Land Subdivision*. rev. ed. Washington, D.C.: National Association of Home Builders, 1960.
- Sackman, Julius L. "Taking and Damage." Chap. 6 in *Nichols' the Law of Eminent Domain*. rev. 3d ed. New York: Matthew Bender, 1973.
- Schroeder, Milton R. *The Public Control of Private Land in Arizona*. Phoenix: Arizona Office of Economic Planning and Development, Office of the Governor, State of Arizona, 1973.
- Seneker, Carl J. *Land Use Regulation for Urban Growth Control: Selected Legal Principles*. Davis, California: Institute of Government Affairs, University of California, 1974.
- Siemon, Charles L., Wendy U. Larsen, and Douglas R. Porter. *Vested Rights: Balancing Public and Private Development Expectations*. Washington: Land Research Foundation, 1982.
- Simko, Patricia A. *Subdivisions and the Law*. New York: INFORM, 1978.
- Stewart, Alva W. *Subdivision Regulations*. Monticello, Ill.: Vance Bibliographies, 1983.
- Strom, Fredric A., ed. "Exaction, User Fees and Assessments: What Are the Limits?" Chap. 4 in *1983 Zoning and Planning Law Handbook*. New York: Clark Boardman, 1983.
- , ed. "Issues in Recent Litigation." Chap. 3 in *1982 Zoning and Planning Law Handbook*. New York: Clark Boardman, 1982.
- , ed. "Protecting Rights of Property Owners." Chap. 1 in *1981 Zoning and Planning Law Handbook*. New York: Clark Boardman, 1981.
- United States. Department of Commerce. Federal Insurance Administration. *Statutory Land Use Control Enabling Authority in the Fifty States: Special Authority United States Department of Housing and Urban Development, Federal Insurance Administration*. Washington, D.C.: 1976.

- United States. Housing and Home Finance Agency. *Suggested Land Subdivision Regulations*. Washington, D.C.: 1952.
- United States. Housing and Home Finance Agency. Office of General Counsel. *Comparative Digest of Municipal and County Zoning Enabling Urban Redevelopment Programs as of October 31, 1952*. Washington, D.C.: 1953.
- United States. Housing and Home Finance Agency. Office of General Counsel. *State Enabling Legislation for Urban Redevelopment, and Urban Renewal; List of Citations to Statutes, Constitutional Provisions, and Court Decisions*. Washington D.C.: 1962.
- Urban Land Institute. *Real Estate Development and the Law in the 1980's*. Washington, D.C.: The Urban Land Institute, 1983.
- Williams, Norman. *American Planning Law: Land Use and the Police Power*. Chicago: Callaghan, 1974-75.
- . *Land Acquisition of Outdoor Recreation—Analysis of Selected Legal Problems; A Report to the Outdoor Recreation Resources Review Commission*. Washington, D.C.: 1962.
- . “Regulation of Land Subdivision.” Chap. 6 in *The Structure of Urban Zoning and its Dynamics in Urban Planning and Development*. New York: Buttenheim Publishing Corp., 1966.
- Williams, Norman, ed. “Subdivision Controls.” Chap. 1 in *American Land Planning Law: Cases and Materials*. New Brunswick, N.J.: Center for Urban Policy Research, Rutgers University, 1978.
- Wright, Robert R., and Susan Webber. “Regulation of Land Development.” Chap. 5 in *Land Use in a Nutshell*. St. Paul: West Publishing Co., 1978.
- Yearwood, Richard M. *Land Subdivision Regulation; Policy and Legal Considerations for Urban Planning*. New York: Praeger, 1971.
- Yokley, Emmett Clinton. *Yokley's Law of Subdivisions*. 2d ed. Charlottesville, Va.: Michie, 1981.

III

ENABLING ACTS

Alabama

ALA. CODE § 11-52-30 (1977).

Alaska

ALASKA STAT. §§ 40.15.070-.130 (1984).

Arizona

ARIZ. REV. STAT. ANN. §§ 9-463.01-.04 (1977); §§ 9-474 - 478 (Supp. 1984) (municipalities); § 11-806.01 (1984) (counties); § 32-2101(30) (1976).

Arkansas

ARK. STAT. ANN. § 19-2829(c) (1980).

California

CAL. [GOV'T] CODE §§ 66410-66499.30 (West 1983).

Colorado

COLO. REV. STAT. §§ 31-23-214 to -226 (1977) (municipalities); §§ 30-28-133 to -139 (Supp. 1983) (counties).

Connecticut

CONN. GEN. STAT. ANN. §§ 8-25 to -26d (West Supp. 1984).

Delaware

DEL. CODE ANN. tit. 9, §§ 3001-3011 (1975) (New Castle County); §§ 4810-4812 (Supp. 1984) (Kent County).

Dist. of Columbia

D.C. CODE ANN. §§ 5-401 to -405 (1981).

Florida

FLA. STAT. ANN. §§ 163.270-.315 (West 1972).

Georgia

GA. CONST. art. IX, § 2, para. 4.

Hawaii

HAWAII REV. STAT. §§ 65-21 to -32 (1976) (Kauai); § 46-6 (1976) (counties; reservation and dedication of land); § 668-7 (1976) (Honolulu).

Idaho

IDAHO CODE §§ 50-1301 to -1329 (1980) (platting act).

Illinois

ILL. ANN. STAT. ch. 24, paras. 11-12-8 to -12 (Smith-Hurd 1962).

Indiana

IND. CODE ANN. §§ 36-7-4-701 to -713 (Burns Supp. 1984).

Iowa

IOWA CODE ANN. § 409.1 (West Supp. 1983).

Kansas

KAN. STAT. ANN. §§ 12-705 to -705c (1982).

Kentucky

KY. REV. STAT. ANN. §§ 100.277-.991 (Michie/Bobbs-Merrill 1982).

Louisiana

LA. REV. STAT. ANN. §§ 33:111-:114 (West Supp. 1984).

Maine

ME. REV. STAT. ANN. tit. 30, §§ 4956-4964 (1978).

Maryland

MD. ANN. CODE art. 66B, §§ 5.01-.08 (1983).

Massachusetts

MASS. ANN. LAWS ch. 41, §§ 81K-81GG (Law. Co-op 1983).

Michigan

MICH. COMP. LAWS ANN. §§ 560.101-.293 (West Supp. 1985); § 74.15 (1967) (villages); § 113.9 (1967) (fourth class cities).

Minnesota

MINN. STAT. ANN. §§ 462.358-.365 (West Supp. 1984).

Missouri

MO. ANN. STAT. §§ 64.060, 64.580 (Vernon 1966) (counties); §§ 89.410-450 (Vernon 1971) (municipalities).

Montana

MONT. CODE ANN. §§ 76-3-101 to -614 (1984).

Nebraska

NEB. REV. STAT. §§ 14-115 to -116 (1983); § 15-106 (1983); §§ 19-916 to -921 (1983); §§ 16-901 to -904 (1984).

Nevada

NEV. REV. STAT. §§ 268.230-.300 (1983).

New Hampshire

N.H. REV. STAT. ANN. §§ 36:1-:35 (1983).

New Jersey

N.J. STAT. ANN. §§ 40:55 D-1 to -106 (West Supp. 1984-1985).

New Mexico

N.M. STAT. ANN. §§ 3-20-1 to -16 (1984) (municipalities); §§ 47-6-1 to -29 (1982) (counties).

New York

N.Y. [TOWN] §§ 276-278 (McKinney Supp. 1984-1985); N.Y. [VILLAGE] § 7-732 (McKinney 1973); N.Y. [GEN. CITY] §§ 32-33 (McKinney 1968); N.Y. [GEN. MUN.] § 239-d(7) (McKinney 1974) (county and regional planning boards).

North Carolina

N.C. GEN. STAT. § 153-A-335 (1982) (counties); §§ 160-A-371 to -376 (1982) (municipalities).

North Dakota

N.D. CENT. CODE §§ 40-48-18 to -23 (1983).

Ohio

OHIO REV. CODE ANN. §§ 711.001-.40 (Baldwin 1976).

Oklahoma

OKLA. STAT. ANN. tit. 11, § 45-101 (West 1976) (municipalities); § 11-46-101 (West 1976).

Oregon

OR. REV. STAT. §§ 92.010-.990 (1984).

Pennsylvania

PA. STAT. ANN. tit. 53, §§ 10501-10515 (Purdon 1972).

Rhode Island

R.I. GEN. LAWS §§ 45-23-1 to -23 (1980).

South Carolina

S.C. CODE ANN. §§ 6-7-1010 to -1110 (Law. Co-op. 1977) (local government); § 4-27-180 (Law. Co-op. 1977) (counties).

South Dakota

S.D. CODIFIED LAWS ANN. §§ 11-6-26 to -35 (1982).

Tennessee

TENN. CODE ANN. §§ 13-4-301 to -309 (Supp. 1985) (municipalities);
§ 13-3-401 to -411 (1980) (regions).

Texas

TEX. [CIV. PRAC. & REM.] CODE ANN. §§ 6626(a) (Vernon Supp. 1985);
§ 6812(b) (Vernon Supp. 1985) (counties); § 974(a) (Vernon Supp. 1985)
(municipalities).

Utah

UTAH CODE ANN. §§ 10-9-25 to -30 (1973).

Vermont

VT. STAT. ANN. tit. 24 §§ 4413-4421 (1975).

Virginia

VA. CODE ANN. §§ 15.1-465 to -485 (1981).

Washington

WASH. REV. CODE ANN. §§ 58.17.010-.920 (Supp. 1985).

West Virginia

W. VA. CODE §§ 8-24-28 to -35 (1984); § 39-1-16 (1982).

Wisconsin

WIS. STAT. ANN. §§ 236.01-.50 (West Supp. 1984).

Wyoming

WYO. STAT. § 18-5-301 (1977) (counties); § 15-1-610 (1980)
(municipalities).