

# **“A CLOUD ON EVERY DECISION”: *NOLLAN/DOLAN* AND LEGISLATIVE EXACTIONS**

*presented at*

**LEAGUE OF CALIFORNIA CITIES  
2018 Annual Conference & Expo  
City Attorneys’ Track**

Friday, September 14, 2018, 8:00 a.m. – 10:00 a.m.  
Long Beach Convention Center, Long Beach, California

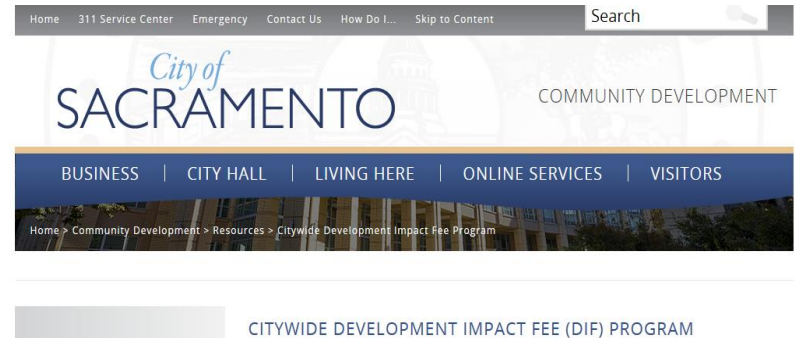
**GLEN HANSEN**  
*Senior Counsel*



# DEVELOPMENT FEES

- An “exaction” imposed as a precondition for development.
- Lessens the adverse impact of new development.
- “[O]ne of the most common subjects of local police power regulations.”

*(Russ Bldg. Partnership v. City and County of San Francisco (1987) 199 Cal.App.3d 1496, 1504.)*

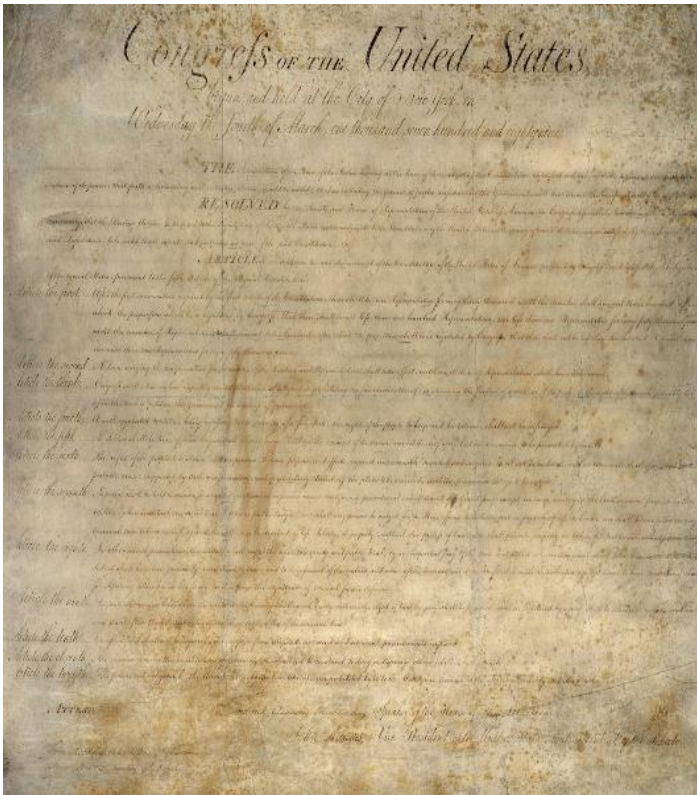


# ***Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013)***

Supreme Court Justice Kagan  
(dissenting):

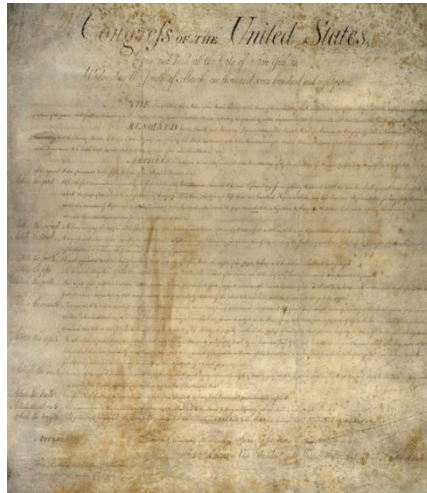
“At the least, the majority’s refusal ‘to say more’ about the scope of its new rule now *casts a cloud on every decision by every local government to require a person seeking a permit to pay or spend money.*”

# FIFTH AMENDMENT TO THE U.S. CONSTITUTION



“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;

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



The Takings Clause is designed...

*“to secure compensation in the event of otherwise proper interference amounting to a taking.”*

*First English Evangelical Lutheran Church of Glendale v.*

*County of Los Angeles, 482 U.S. 304, 315 (1987)*

# THE “TAKING” OF PRIVATE PROPERTY

Condemnation (Eminent Domain)

Inverse Condemnation

# THE “TAKING” OF PRIVATE PROPERTY

- Direct government appropriation or physical occupation of private property.
- Regulatory taking.

*“[G]overnment regulation of private property may, in some instances, be so onerous that its effect is tantamount to a direct appropriation or ouster - - and that such ‘regulatory takings’ may be compensable under the Fifth Amendment.”*  
*Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528 (2005).

# 4 CATEGORIES OF REGULATORY TAKINGS

(2 *PER SE* & 2 THAT ARE NOT *PER SE*)

## Categories of *Per Se* Regulatory Takings

1. A government regulation that requires an owner to suffer a *permanent physical invasion* of her property - however minor.

*Loretto v. Teleprompter Manhattan CATV Corp.*,  
458 U.S. 419 (1982)

# 4 TYPES OF REGULATORY TAKINGS

## Categories of *Per Se* Regulatory Takings

2. A government regulation that *completely deprives an owner of all economically beneficial use of her property.*

*Lucas v. S.C. Coastal Council,*  
505 U.S. 1003 (1992)

# 4 TYPES OF REGULATORY TAKINGS

## Categories of Regulatory Takings That Are Not *Per Se*

3. Factored analysis (not a “set formula”) in *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978).
  - The economic impact of the regulation on the claimant.
  - The extent to which the regulation has interfered with distinct investment-backed expectations.
  - The character of the governmental action.

# Additional Penn Central Factors (California Courts):

- Whether the regulation interferes with interests that are sufficiently bound up with the reasonable expectations of the claimant to constitute “property” for Fifth Amendment purposes;
- Whether the regulation affects the existing or traditional use of the property and thus interferes with the property owner's primary expectation;
- The nature of the State's interest in the regulation and whether the regulation is reasonably necessary to the effectuation of a substantial public purpose;
- Whether the property owner's holding is limited to the specific interest the regulation abrogates or is broader;
- Whether the government is acquiring resources to permit or facilitate uniquely public functions, such as government's entrepreneurial operations;
- Whether the regulation permits the property owner to profit and to obtain a reasonable return on investment;
- Whether the regulation provides the property owner benefits or rights that mitigate whatever financial burdens the law has imposed;
- Whether the regulation prevents the best use of the land;
- Whether the regulation extinguishes a fundamental attribute of ownership; and
- Whether the government is demanding the property as a condition for the granting of a permit.

# 4 TYPES OF REGULATORY TAKINGS

## Categories of Regulatory Takings That Are Not *Per Se*

4. Heightened standard of review articulated in

*Nollan v. California Coastal Commission*,  
483 U.S. 825 (1987); and

*Dolan v. City of Tigard*, 512 U.S. 374 (1994).

# THE *NOLLAN/DOLAN* TEST

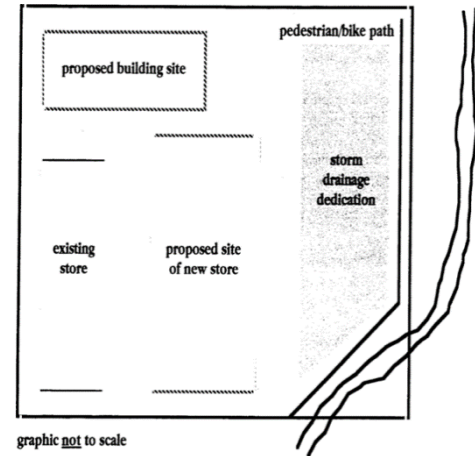


*Nollan*  
Essential Nexus

*Dolan*

Rough Proportionality

*“individualized determination”*



# THE TWO-PART *NOLLAN/DOLAN* TEST

“...[In *Nollan* and *Dolan*] we held that a unit of government may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of his property unless there is a ‘nexus’ and ‘rough proportionality’ between the government’s demand and the effects of the proposed land use.”

*Koontz v. St. Johns River Water Management District*, 570 U.S. 595, 599 (2013).

# THE *KOONTZ* CASE

- *Koontz* involved an adjudicative (administrative) *ad hoc* exaction.
- *Held* (9-0): *Nollan/Dolan* applies to permit approvals *and denials*.
- *Held* (5-4): *Nollan/Dolan* applies to monetary exactions (development fees).



# WHAT ABOUT LEGISLATIVE EXACTIONS AFTER *KOONTZ*?

Supreme Court Justice Thomas:

“... property owners and local governments are left uncertain about what legal standard governs legislative ordinances and *whether cities can legislatively impose exactions that would not pass muster if done administratively.*”

*California Building Industry Assn. v. City of San Jose*, 136 S.Ct. 928 (2016) (J.Thomas, concur. in den. cert.)

# MEANWHILE, IN CALIFORNIA...

- *Nollan/Dolan* governs adjudicative (*ad hoc*) fees. (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.)
- Legislatively prescribed and generally applied fees are *not* governed *by Nollan/Dolan*. (*San Remo Hotel v. City and County of San Francisco* (2002) 27 Cal.4th 643.)

# CURRENT ARGUMENTS IN LITIGATION

27           82.     The United States Supreme Court recently held that all monetary exactions in  
28 development permits issued by local government agencies, including monetary exactions imposed

- 24 -

276753946196.4

LLP  
7th Floor  
1104

PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE  
RELIEF AND DAMAGES

1 by ordinances of general applicability, are subject to the heightened and strict scrutiny standards  
2 articulated in *Nollan* and *Dolan*. *Koontz*, 133 S.Ct. at 2598-2600, 2603. The Court stated that

# CURRENT ARGUMENTS IN LITIGATION

15        Second, the United States Supreme Court’s latest decision applying the unconstitutional-  
16 conditions doctrine in the land-use context—*Koontz v. St. Johns River Water Management District*—  
17 leaves little room for doubt that *Nollan* and *Dolan* apply to *all* permit exactions regardless of which  
18 government body or official happens to impose them. *Koontz* affirms that *Nollan* and *Dolan* “provide

16            b. Respondent failed to proceed in the manner required by law, because a  
17 development fee may be imposed as a permit condition under the federal  
18 unconstitutional conditions doctrine, as applied in the context of the Fifth  
19 and Fourteenth Amendments to the U.S. Constitution, only if Respondent  
20 makes an individualized determination that an essential nexus and rough  
21 proportionality exist between the public impacts of Mr. Sheetz’s proposed  
22 project and the need for improvements to state and local roads. Here,

Justice Thomas:

There are “compelling reasons for resolving this conflict at the earliest practicable opportunity.”

*California Building Industry Assn. v.  
City of San Jose*, 136 S.Ct. at 929 (2016)  
(J.Thomas, concur. in den. cert.)

# LEGAL QUESTION #1:

**DID *KOONTZ* OVERRULE THE CALIFORNIA SUPREME COURT'S LEGISLATIVE / ADJUDICATIVE DISTINCTION?**

*After Koontz:*

Repeated that adjudicative fees are governed by the *Nollan/Dolan* test, but legislative fees are not.

*(California Building Industry Assn. v. City of San Jose (2015) 61 Cal.4th 435, 460, fn 11.)*

# LEGAL QUESTION #1:

**DID *KOONTZ* OVERRULE THE CALIFORNIA SUPREME COURT'S LEGISLATIVE / ADJUDICATIVE DISTINCTION?**

**Why?**

- The facts in *Koontz* did not involve a legislative fee.
- *Koontz* did not decide “whether the *Nollan/Dolan* test is applicable to legislatively prescribed monetary permit conditions that apply to a broad class of proposed developments.”

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF EL DORADO

MINUTE ORDER

CASE NO: PC20170255  
DATE: 06/29/18

GEORGE SHEETZ ET AL V. COUNTY OF EL DORADO  
DEPT: 9  
TIME: 4:00  
HOLD: 06/25/18 8:30 D9)

BULING ON SUBMITTED MATTER ( HODIN 06/25/18 8:30 D9)

Honorable JUDGE WARREN C STRACCHER presiding. Clerk: Sher  
Court Reporter: None.

Having considered the submitted matter, the Court rule

After careful review of the moving and opposing paper  
consideration of the arguments of the parties. The  
the Court adopts its tentative ruling as the final  
submitted matter.

Demurrer to PETITION of SHEETZ as to COUNTY OF  
to 1st cause(s) of action only.

Demurrer to PETITION of SHEETZ as to COUNTY  
without leave to amend as to 2nd through 7  
submitted matter.

The minute order was placed for collect  
California, either through United States  
Inter-Departmental Mail, or fourteenth  
listed herein.

Executed on 06/29/18, in Cameron P  
cc: Paul Beard, II, Esq., 1121 I  
cc: Glen C. Hansen, Esq., 2107

In fact, the California Supreme Court has held that the Koontz opinion did not disturb the  
case authorities that held legislative enactment of generally applicable development fees were  
not subject to the Nollan/Dolan test. The California Supreme Court stated: "An additional

Law and Motion Calendar - Department Nine (10:00 am)

April 6, 2018

because of the greater risk of arbitrariness and abuse that is present when a monetary  
condition is imposed on an individual permit applicant on an ad hoc basis, the validity of the ad  
hoc fee imposed in that case should properly be evaluated under the Nollan/Dolan test.  
(Ehrlich, supra, at pp. 874-885, 50 Cal.Rptr.2d 242, 911 P.2d 429 (plur. opn. of Arabian, J.); cf.  
at pp. 899-901, 50 Cal.Rptr.2d 242, 911 P.2d 429 (conc. opn. of Mosk, J.); cf. at pp. 903, 907,  
50 Cal.Rptr.2d 242, 911 P.2d 429 (conc. & dis. opn. of Kennard, J.); cf. at p. 912, 50  
Cal.Rptr.2d 242, 911 P.2d 429 (conc. & dis. opn. of Werdegar, J.)) The Koontz decision does  
not suggest to decide whether the Nollan/Dolan test is applicable to legislatively prescribed  
monetary permit conditions that apply to a broad class of proposed developments. (See  
Koontz, supra 570 U.S. at p. —, 133 S.Ct. at p. 2608, 186 L.Ed.2d at p. 723 (dis. opn. of  
Kagan, J.)) Our court has held that legislatively prescribed monetary fees that are imposed as  
a condition of development are not subject to the Nollan/Dolan test. (See *Parron Hotel Supra*,  
27 Cal.4th at pp. 663-671, 117 Cal.Rptr.2d 269, 41 P.3d 87, see *San Joaquin Hotel Supra*,  
Superior Court (1999) 19 Cal.4th 552, 999-997, 81 Cal.Rptr.2d 93, 999 P.2d 993 (Sarkis  
Monica Beach, J.) (Emphasis added.) (California Bldg. Industry Assn. v. City of San Jose  
(2010) 81 Cal.4th 435, 481, fn.11.)

The Nollan/Dolan unconstitutional conditions/exactions test does not apply under the  
circumstances alleged and matters of which the court may take judicial notice of related to the  
legislative enactment of the subject TDM fee amount as part of the general plan. The 3rd and 5th  
causes of action fail to state causes of action for takings under the unconstitutional  
conditions/exactions doctrine. Therefore, the demurrers to the 3rd and 5th causes of action are  
sustained. The question before the court is whether the 3rd and 5th causes of action are  
f.

## Superior Court of California, County of El Dorado:

“...the California Supreme Court has held that the Koontz opinion did not disturb the case authorities that held legislative enactment of generally applicable development fees were not subject to the Nollan/Dolan test.”

# LEGAL QUESTION #1:

## WHAT ABOUT OTHER COURTS...

### U.S. District Court, Northern District of California

- One Judge applied *Nollan/Dolan* to a legislative exaction.

*Levin v. City and County of San Francisco*, 71 F. Supp.3d 1072 (N.D. Cal. 2014).

# LEGAL QUESTION #1:

## WHAT ABOUT OTHER COURTS...

### U.S. District Court, Northern District of California

- Another Judge found that *Koontz* did *not* hold that *Nollan/Dolan* applies to legislative exactions.

*Building Industry Association - Bay Area v. City of Oakland*,  
289 F.Supp.3d 1056 (N.D.Ca. 2018).

# ***Building Industry Association - Bay Area v. City of Oakland***

## **289 F.Supp.3d 1056 (N.D.Ca. 2018):**

Case 3:15-cv-03392-VC Document 72 Filed 02/05/18 Page 1 of 7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BUILDING INDUSTRY ASSOCIATION -  
BAY AREA,  
Plaintiff,  
v.  
CITY OF OAKLAND,  
Defendant.

Case No. 15-cv-03392-VC

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. No. 62

The City of Oakland's motion to dismiss is granted. Dismissal is with prejudice.

I.

Oakland is one of at least twelve cities in California that have ordinances requiring developers to display on land art as a condition of project approval. Under the current version of Oakland's ordinance, which was enacted in July 2017, a developer of a multifamily project with over twenty units must either: (i) spend 0.5 percent of building development costs on art displays on the site of the development or a nearby right-of-way; or (ii) pay an equivalent amount to a city-operated fund for public art installations. A developer of certain commercial projects must purchase and install art valued at one percent of building development costs or pay an equivalent fee to Oakland's public-art fund. This requirement applies generally to all development projects that fit the Ordinance's criteria, although there are ways for some developers to get out of the requirement or reduce the amount they need to spend. For example, a developer of affordable housing doesn't need to comply with the ordinance if it can show that compliance costs would make the project economically infeasible. And the ordinance includes a mechanism to

“The [U.S. Supreme] Court did **not** hold in *Koontz* that generally applicable land-use regulations are subject to facial challenge under the exactions doctrine.”

# LEGAL QUESTION #1:

## WHAT ABOUT OTHER COURTS...

### *American Furniture Warehouse Co. v. Town of Gilbert*

(July 10, 2018) 2018 Ariz.App.LEXIS 110.

Pacific Legal Foundation argued  
*Nollan/Dolan* applies to a traffic  
signal fee imposed by ordinance.

Arizona Court of Appeal:  
*Nollan/Dolan* does *not* apply to  
“generally applicable legislative  
development fees.”

ARIZONA COURT OF APPEALS  
DIVISION ONE

AMERICAN FURNITURE WAREHOUSE, CO., a Colorado corporation,	)	No. 1 CA-CV 16-0773
Plaintiff/Appellant,	)	
v.	)	
TOWN OF GILBERT, an Arizona Municipal corporation; JOHN DOPPS I-X; and ATC ENTITIES I-X,	)	Maricopa County Superior Court Cause No. CV2013-009133
Defendant/Appellee,	)	
	)	

BRIEF AMICUS CURIAE OF PACIFIC LEGAL FOUNDATION  
IN SUPPORT OF PLAINTIFF/APPELLANT

JAMES S. BURLING  
PACIFIC LEGAL FOUNDATION  
Attorneys at Law

ARGUMENT

I.

CONDITIONS MANDATED BY ACTS OF GENERALLY APPLICABLE  
LEGISLATION ARE SUBJECT TO THE DOCTRINE OF UNCONSTITUTIONAL  
CONDITIONS

targeted tracts of land without paying just compensation[.]”). Only a faithful  
application of the nexus and proportionality tests to legislatively mandated permit  
conditions will protect against the very real risk that the legislature will take  
advantage of the government’s permitting authority as a tool to exact increasingly  
large sums of money from developers in order to solve costly (and politically  
unpopular) social problems that are unrelated to a proposed development.

## **LEGAL QUESTION #2:**

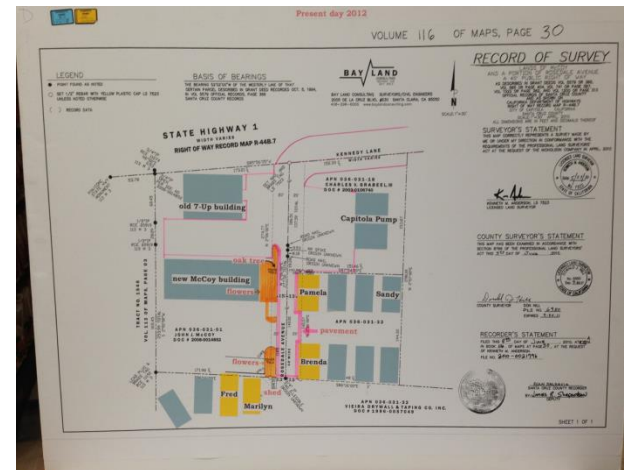
# **SHOULD *NOLLAN/DOLAN* APPLY TO GENERALLY-APPLIED LEGISLATIVE EXACTIONS?**

*“Let’s Be Reasonable:  
Why Neither Nollan/Dolan nor  
Penn Central Should Govern  
Generally-Applied Legislative  
Exactions After Koontz,”*  
34 PACE ENVIRONMENTAL  
LAW REVIEW 237  
(Spring 2017)

# ***NOLLAN/DOLAN SHOULD NOT APPLY TO GENERALLY-APPLIED LEGISLATIVE EXACTIONS, if...***

## Two Key Criteria:

- I. The exaction is generally-applied;  
  
and
- II. The exaction is applied based on a set legislative formula without any meaningful administrative discretion in that application.



# ***NOLLAN/DOLAN* SHOULD NOT APPLY TO GENERALLY-APPLIED LEGISLATIVE EXACTIONS**

## Potential Arguments:

- 1) Both *Nollan* and *Dolan* did not involve generally-applicable legislative exactions.
- 2) The language in *Dolan* distinguishes legislative and adjudicative decisions.

# ***Building Industry Association - Bay Area v. City of Oakland***

## **289 F.Supp.3d 1056 (N.D.Ca. 2018):**

Case 3:15-cv-03392-VC Document 72 Filed 02/05/18 Page 1 of 7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BUILDING INDUSTRY ASSOCIATION – BAY AREA, Plaintiff,  v.  CITY OF OAKLAND, Defendant.	Case No. 15-cv-03392-VC  <b>ORDER GRANTING MOTION TO DISMISS</b> Re: Dkt. No. 62
--	---

The City of Oakland's motion to dismiss is granted. Dismissal is with prejudice.

I.

Oakland is one of at least twelve cities in California that have ordinances requiring developers to display or fund art as a condition of project approval. Under the current version of Oakland's ordinance, which was enacted in July 2017, a developer of a multifamily project with over twenty units must either: (i) spend 0.5 percent of building development costs on art displays on the site of the development or a nearby right-of-way, or (ii) pay an equivalent amount to a city-operated fund for public art installations. A developer of certain commercial projects must purchase and install art valued at one percent of building development costs or pay an equivalent fee to Oakland's public-art fund. This requirement applies generally to all development projects that fit the Ordinance's criteria, although there are ways for some developers to get out of the requirement or reduce the amount they need to spend. For example, a developer of affordable housing doesn't need to comply with the ordinance if it can show that compliance costs would make the project economically infeasible. And the ordinance includes a mechanism to

“...the [U.S. Supreme] Court has consistently spoken of the [*Nollan/Dolan*] doctrine in terms suggesting it was intended to apply only to discretionary decisions regarding individual properties.”

# ***NOLLAN/DOLAN* SHOULD NOT APPLY TO GENERALLY-APPLIED LEGISLATIVE EXACTIONS**

## Potential Arguments:

- 3) Generally-applied legislative exactions are “financial burdens on property owners” exempt from *Nollan/Dolan*.
- 4) The “extortionate” constitutional rationales in *Koontz* do not apply to legislative exactions.

# ***NOLLAN/DOLAN* SHOULD NOT APPLY TO GENERALLY-APPLIED LEGISLATIVE EXACTIONS**

## Potential Arguments:

- 5) Avoid judicial scrutiny of “the wisdom of myriad government economic regulations.”
- 6) Not blind deference to legislative exactions.

# **CALIFORNIA'S MITIGATION FEE ACT**

## **(Government Code §66000 *et seq.*)**

- ❖ Concerns that development fees were unrelated to development projects.
- ❖ Creates uniform procedures for imposing, collecting, accounting for, and using development fees.

# CALIFORNIA'S MITIGATION FEE ACT

## Creation of a “Development Fee

(Govt. Code §66001, subd. (a).)



### RESOLUTION NO. 021-2012

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Amending the 2004 General Plan Traffic Impact Mitigation (TIM) Fee Program and Adopting TIM Fee Rates

WHEREAS, the County Board of Supervisors has long recognized the need for new development to help fund the roadway and bridge improvements necessary to serve that new development; and

WHEREAS, starting in 1984 and continuing until the present time, the Board has adopted and updated various fee resolutions to ensure that new development on the western slope pay to fund its fair share of the costs of improving the county and state roadways necessary to serve that new development; and

WHEREAS, the County prepared a new General Plan entitled "2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief", and in July of 2004 adopted that plan; and

WHEREAS pursuant to Public Resources Code Section 21000 et seq., on August 22, 2006, with Resolution 265-2006, the County certified the Traffic Impact Mitigation Fee Program Supplement to the 2004 General Plan Environmental Impact Report, issued a Supplemental Statement of Overriding Considerations, and made Supplement Findings of Fact; and

WHEREAS pursuant to Government Code Section 66001 et seq., the County adopted the 2004 General Plan Traffic Impact Mitigation Fee (TIM) Program on August 22, 2006, with Resolution 266-2006; and

WHEREAS Resolution 205-2008 adopted on July 29, 2008, provided that said fees shall be adjusted annually by an increase or decrease in the project costs by updating improvement cost estimates using actual construction costs of ongoing and completed projects, the most current cost estimates for those projects that are far enough along in the project development cycle to have project specific cost estimates, and for all other projects, the Engineering News Record-Building Cost Index; and

WHEREAS Resolution 114-2009 adopted on June 2, 2009, amended the 2004 General Plan Traffic Impact Mitigation Fee Program and left the TIM Fee Rates unchanged from 2008; and

WHEREAS Resolution 070-2010 adopted on June 8, 2010, amended the 2004 General Plan Traffic Impact Mitigation Fee Program and left the TIM Fee Rates unchanged from 2009; and

## Local agency must:

- Identify the purpose of the fee;
- Identify the use to which the fee will be put; and
- Determine that both “the fee's use” and “the need for the public facility” are *reasonably related* to the type of development project on which the fee is imposed.

# CALIFORNIA'S MITIGATION FEE ACT

**Initial “Nexus Study”** (Govt. Code §66001, subd. (a)):

- ✓ Not the impact of a particular project, but a class of development projects;
- ✓ Involves projections;
- ✓ Valid methodology of evaluating data;
- ✓ Consider all relevant factors;
- ✓ Reasoned analysis.



# CALIFORNIA'S MITIGATION FEE ACT

**Initial “Nexus Study”** (Govt. Code §66001, subd. (a)):

- “Be fair.”
- “Plan ahead.”
- “Avoid over-generalizing.”
- “Don’t be greedy.”
- “Consider alternatives to exactions.”

(William W. Abbott, *et al.*, “Overview of the Fee Adoption Process – AB 1600 Nexus Legislation,” in Abbott, *et al.*, *Exactions and Impact Fees in California* (3d ed. 2012, Solano Press), p. 100.)

# CALIFORNIA'S MITIGATION FEE ACT

## What About The Individualized Analysis?

(Government Code section 66001, subdivision (b))

Subdivision (b):

*“In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.”*

# CALIFORNIA'S MITIGATION FEE ACT

## What About The Individualized Analysis?

Government Code section 66001,  
subdivision (b)

- Applies to *ad hoc* adjudicative fees, not legislative fees.
- *Not* a mandated two-stage process.

**“A CLOUD ON EVERY DECISION”:  
*NOLLAN/DOLAN* AND LEGISLATIVE EXACTIONS**

**Q & A**

# THANK YOU

**Glen Hansen**  
**Abbott & Kindermann, Inc.**

[blog.aklandlaw.com](http://blog.aklandlaw.com)

