

RECENT WRITINGS ON HIGHWAY LAW

A selection of citations to recent periodical literature dealing with legal research relating to highways and highway construction. Citations included herein are selected from the Index of Legal Periodicals from Spring 1962 through March 1965.

ACCESS RIGHTS - ACCESS CONTROL

- "Compensation claims for loss of access rights to interstate highways", 14 DePaul L Rev 130 (Aut-Win, 1964)
- "Limited Access Highways: Rights of Abutting Landlords", 3 Willamette L Jour 52 (Spring 1964)

CONDEMNATION, General

- Berger, L., "When is state law applied to federal acquisitions of real property", 44 Nebraska L Rev 65 (Jan 1965)
- "Compensation for Condemnation: Recent Wyoming Developments", 17 Wyo. L Jour 246 (Spring 1963)
- "Compensation for Flowage Easement: Some Recent Developments", 13 Mercer L Rev 416 (Spring 1962)
- "Compensation for Taking of Flowage Easement by Condemnation", 23 Mont. L Rev 212 (Spring 1962)
- "Consequences of Anticipated Eminent Domain Proceedings -- Loss of Value as a Factor?", 5 Santa Clara L Rev 35 (Fall 1964)
- "Eminent Domain Compensation for Leasehold Interests Where no Provision in Lease", 48 Marq L Rev 90 (Summer 1964)
- Eminent Domain Symposium, "In Defense of the Property Owner", "Public Use -- Why and What", "Set-off for Benefits", "A Survey of Landlord and Tenant in Eminent Domain", "Severance Damages for Non-Contiguous Property", "Right of Access to Navigable Waters by Riparian Landowners." 3 Willamette L Jour 1 (Spring 1964)
- "Expropriation -- Compensable Items in Louisiana", 24 La L Rev 849 (June 1964)
- Haar, C. and Hering, B., "Determination of Benefits in Land Acquisition", 51 Calif. L Rev. 833 (Dec. 1963)
- Norvell, R., "Compensability of the Consequential Effects of Condemnation", ABA Sect. on Real Property Law, 1962, p.22
- Schiffman, J. and Poole, T.J., "Detention Damage in Eminent Domain Proceedings", 68 Dickinson L Rev 55 (Fall 1963)

CONDEMNATION, Procedure

- Beatty, M., "Eminent Domain Procedure Act", 32 Jour Bar Assn. Kan. 125 (Winter, 1963-64)
- Comment - "Hearsay Testimony in Condemnation Cases", 6 Ariz L Rev 112 (Fall 1964)
- "Eminent Domain Procedure in Alabama State Courts", 15 Ala. L Rev 139 (Fall, 1962)
- "Eminent Domain Procedure in Texas", 42 Texas L Rev 522 (Mar. 1964)
- "Eminent Domain: Rights and Remedies of an Uncompensated Landowner", 1962 Wash. U. L Qtly 210 (Apr. 1962)
- Wilkerson, W.A., "Condemnation: Appeal from Award of Jury View", 29 Tenn. L Rev 528 (Summer, 1962)

CONDEMNATION, Valuation

- Boyer, R.F. and Wilcox, J.P., "Economic Appraisal of Leasehold Valuation in Condemnation Proceedings", 17 U Miami L Rev 245 (Spring 1963)
- "Determination of Just Compensation in Eminent Domain Proceedings for Land Subjected to Illegal Uses or Conditions", 38 Notre Dame Lawyer 196 (Mar. 1963)
- Glaves, D.W., "Date of Valuation in Eminent Domain: Irrelevance for Unconstitutional Practice", 30 U.Chi. L Rev 319 (Fall 1963)
- "Going-Concern Value of a Public Utility in Condemnation by a Municipality", 6 Ariz L Rev 92 (Fall 1964)
- Goldstein, S., "Economic Evidence in Right-of-Way Litigation," 50 Georgetown L Jour 205 (Winter 1961); HRB Bull. 343 (1962), p. 45
- Goldstein, S., "Discovery Process in Highway Land Acquisition", 14 Amer Univ L Rev 38 (Dec. 1964)
- Scofield, R.G., "Comparable Sales in Condemnation", 26 Texas B Jour 377 (May 1963)

CONTRACTS

- Ashe, G., "Lender Assignee Claims on Public Construction Contractor Bonds," 69 Commercial L Jour 189 (July 1964)
- Ashe, G., "Suppliers' Priorities to Retained Funds Withheld on Public Construction Contracts", 68 Commercial L Rev 154 (June 1963)
- "Competitive Bidding -- Public Construction Contracts in the State of Washington", 39 Wash L Rev 796 (Oct. 1964)
- Conway, J. E., "State and Local Contracts and Subcontracts", 14 Buffalo L Rev 130 (Fall 1964)

CONTRACTS (Cont'd)

- Gaskins, J. W., "Practical Aspects of the Changed Conditions Clause under Government Construction Contracts", 5 Boston Coll. Ind. & Comm. L Rev. 79 (Fall 1963)
- Holifield, C., "Conflicts of Interest in Government-Contractor Relationships", 24 Fed B J 297 (Summer 1964)
- Jones, M.S., "Local Contracts and Subcontracts: The Roles of City Government and Private Citizen Groups", 14 Buffalo L Rev 140 (Fall 1964)
- "Once Around the Flagpole: Construction Bidding and Contracts at Formation", 39 NYU 816 (November 1964)
- Walker, B. J., "Unilateral Mistakes in Construction Bids: Methods of Proof and Theories of Recovery", 5 Boston Coll. Ind. & Comm. L Rev 213 (Winter 1964)

DAMAGE CLAIMS

- "Governmental Liability in Arizona -- The Stone Case", (State v. Arizona State Highway Commission, 381 P.2d 107), 6 Arizona L Rev 102 (Fall 1964)
- "Liability of Governmental Units for Damaging Private Property", 15 Baylor L Rev 403 (Fall 1964)
- "Tort Liability of the State: A Proposal for Maine", 16 Maine L Rev 209 (1964)

LAND ACQUISITION

- "Distinguishing Eminent Domain from Police Power and Tort", 38 Washington L Rev 607 (Autumn 1963)
- "Eminent Domain: Its Possible Effects on Condominium", 14 Hastings L Jour 327 (Feb. 1963)
- Kratovil, R., "Some New Developments and Trends in Real Property Law," 43 Title News 2 (August 1964)
- "Public Lands -- National Forest Cooperative Road Easements as a Means of Developing Access Roads", 9 Utah L Rev 109 (Summer 1964)
- Sax, L.J., "Takings and the Police Power", 74 Yale L Jour 36 (November 1964)

LAND-USE CONTROL

- "Aesthetic Considerations in Land Use Regulation", 2 Willamette L Rev 420 (Fall 1963)
- "Apartments in Suburbia -- Local Responsibility and Judicial Restraint: A Symposium", "Aesthetic Control of Land Use: A House Built upon the Sand?", "Flexible Land Use Control: Herein of the Special Use", 59 NW U L Rev 344 (Jl-Ag 1964)
- Heyman, I.M., "Constitutionality of Imposing Increased Community Costs on New Subdivision Residents Through Subdivision Exactions", 73 Yale L Jour 1119 (June 1964)

LAND-USE CONTROL (Cont'd)

- Land-use Symposium -- Cribbet, J.E., "Changing Concepts in the Law of Land Use"; Huber, R.G., "Allocation of Rights in Land"; Barlowe, R., "Federal Programs for the Direction of Land Use"; Cunningham, R.A., "Land-use Control: the State and Local Programs"; Mann, F.L., "Trends in the Use of Public Controls Affecting Agricultural Landownership in Europe and Great Britain"; 50 Iowa L Rev 243 (Winter 1965)
- Mandelker, D.R., "Planning the Freeway: Interim Controls in Highway Programs", 1964 Duke L Jour 439 (Summer 1964)

PLANNING

- Keefer, N.S., "City-County Planning in Montana: Its Status and Prospects", 25 Montana L Rev 185 (Spring 1964)
- "Land Use Planning for Industrial Development", 17 Vanderbilt L Rev 1468 (October 1964)
- Nelson, L. M., "Master Plan and Subdivision Control", 16 Maine L Rev 107 (1964)
- "Regional Approach to Planning", 50 Iowa L Rev 582 (Winter 1965)
- Reynolds, H.W., "Local Government Structure in Urban Planning, Renewal and Relocation", 24 Pub. Admin. Rev. 14 (Mar.1964)
- Spelt, J., "Development of the Toronto Conurbation", 13 Buffalo L Rev 537 (Spring 1964)

TAXATION

- "Federal Immunity from State Taxation", 68 Dickinson L Rev 469 (Summer 1964)

ZONING

- Feldman, M.A., "Zoning and Rezoning in Land Acquisition", 36 Penn BA Qtly 54 (October 1964)
- Moore, M.M., "Termination of Nonconforming Uses", 6 Wm & Mary L Rev 1 (December 1964)
- "Restrictive Covenants and Zoning Regulations", 31 Tenn L Rev 353 (Spring 1964)
- "Rural Zoning in Nebraska", 44 Nebraska L Rev 151 (Jan.1965)
- Strong, M.L., "Planning and Zoning: The Pennsylvania Prospect", 35 Penn Bar Assn Qtly 218 (March 1964)

CASENOTES

Eminent Domain - taking land by nuisance

Batten v United States, 306 F.2d 580 (1962) 17 Southwestern L Jour 308 (June 1963), 111 U. Pa L Rev 837 (April 1963)

Eminent Domain - attorney fees - denial upon abandonment of proceedings

Center School Dist. v Kenton, 345 S.W. 2d 120 (Mo., 1961) 46 Minn. L Rev 654 (January 1962)

Condemnation - award distribution - determinable fee and possibility of reverter

Chew v Commonwealth, 161 A.2d 621 (Pa., 1960) 46 Cornell L Qtly 631 (Summer 1961)

Eminent Domain -- qualifying non-expert witness

Commonwealth Dept of Highways v Fister, 373 S.W. 2d 720 (Ky. 1963), 52 Ky L Jour 868 (1964)

Condemnation - partial taking - effect on lease

Elliott v Joseph, 351 S.W. 2d 878 (Tex. 1961) 14 Baylor L Rev 232 (Spring 1962)

Condemnation - partial taking - factors in compensation

Evans v Wheeler, 348 S.W.2d 500 (Tenn 1961), 72 Yale L Jour 332 (Dec. 1962)

Condemnation -- award -- interest on award due

1st National Bank v State Highway Department, 132 S.E. 2d 263 (Ga. 1963), 50 Iowa L Rev 197 (Fall 1964)

Eminent Domain - compensability - license coupled with improvements

In re Primary Road No. Iowa 141, 114 N.W. 2d 290 (Iowa 1962), 49 Va. L Rev 168 (January 1963)

Condemnation - easement - compensation factors

Kamo Electric Co-op. v Brooks, 337 S.W. 2d 444 (Mo.1960) 26 Mo. L Rev 367 (June 1961)

Eminent Domain - licensed use of street - right of action for taking

Kuker v Iowa State Highway Comm., 114 N.W.2d 290 (Iowa 1962) 48 Iowa L Rev 703 (Spring 1963)

Eminent Domain - power to condemn land for resale to private party

Rabinoff v District Court, 358 P.2d 879 (Colo. 1961)
14 So.Car L Qtly 145 (Fall 1961)

Eminent Domain - reasonable notice of proceedings

Schroeder v New York, 371 U.S. 208 (1962), 4 Wm & Mary L Rev 68 (1963)

Eminent Domain - just compensation does not include payment of interest from time of taking to trial

So Car. Highway Dept. v Southern Rys., 121 S.E.2d 236 (S.C., 1961), 14 So. Car. L Qtly 431 (Spring 1962)

Eminent Domain - land devoted to another public use

Southern Ry v State Highway Dept., 134 S.E. 2d 12 (Ga. 1963), 1 Ga SB Jour 241 (November 1964)

Eminent Domain - compensation - state acquisition of land in public use

State v Salt Lake City Board of Education, 368 P.2d 468 (Utah 1962), 38 N.Dak. L Rev 524 (July 1962)

Eminent Domain - compensation - taking executory interest

State Highway Commission v Hemphill, 145 S.2d 455 (Miss. 1962), 34 Miss. L Jour 346 (May 1963)

Eminent Domain - just compensation - factors comprising compensation

State Highway Department v Thomas, 128 S.E.2d 520 (Ga. 1962), 14 Mercer L Rev 447 (Spring 1963)

Eminent Domain - valuation - depreciation by prospect of condemnation

State Road Department v Chicone, 158 S.2d 753 (Fla.1963)
18 U Miami L Rev 705 (Spring 1964)

Access Control - compensability - damages

St. Clair County v Bucacek, 131 S.2d 683 (Ala. 1961)
14 Ala. L Rev 160 (Fall 1961)

Zoning - outdoor advertising signs - regulation of off-premise advertising

United Advertising Corp. v Borough of Metuchen, 198 A. 2d 447 (N.J. 1964), 50 Va L Rev 1462 (December 1964)