

Jordan et al. v. St. Johns County

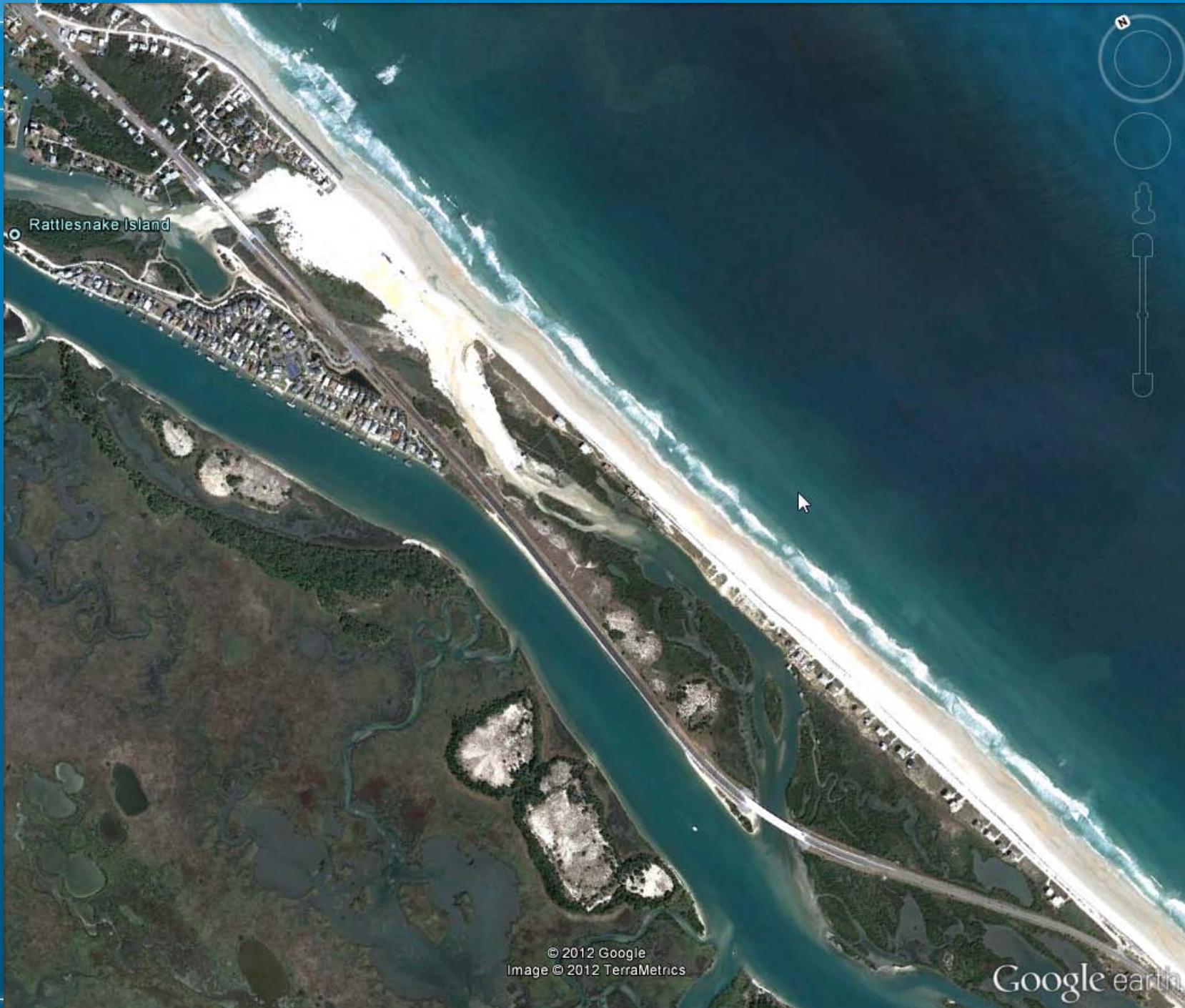
(With thanks to St. Johns County Attorney
Patrick McCormack)

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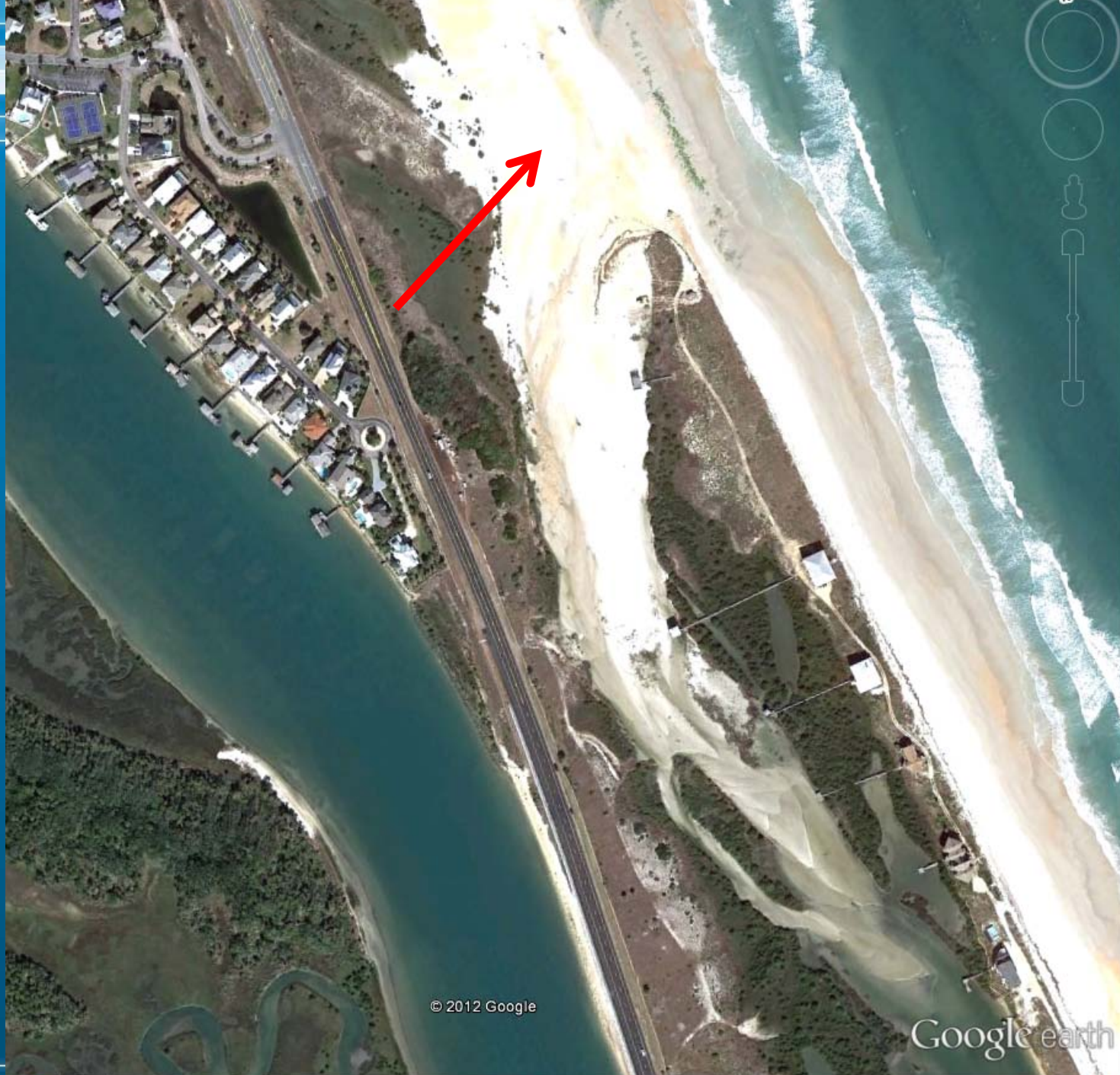
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- *Jordan et al. Case*





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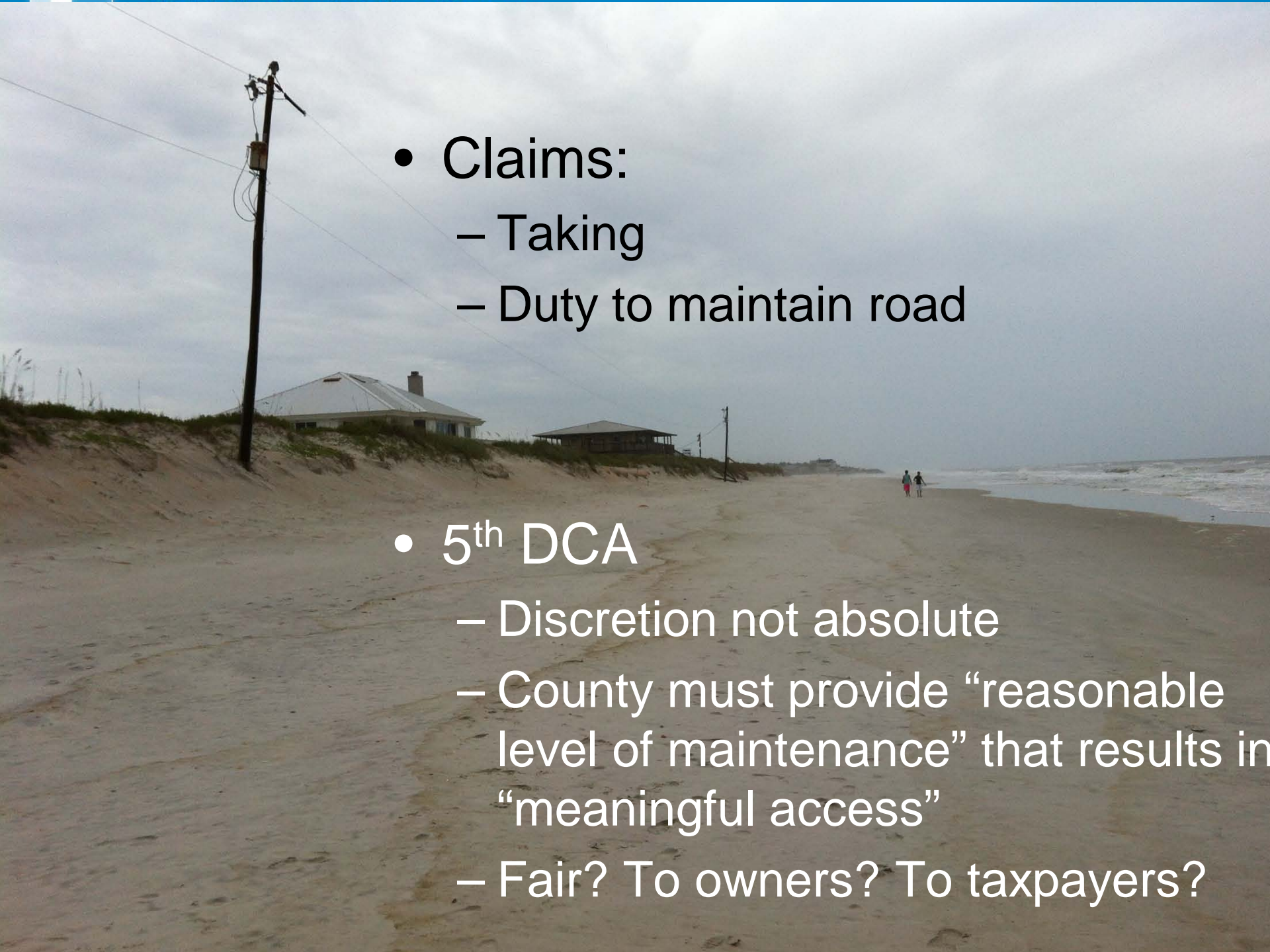


EXCEPT BY
LESSEE



ST JOHNS
ROAD & BRIDGE



- 
- Claims:
 - Taking
 - Duty to maintain road

- 5th DCA
 - Discretion not absolute
 - County must provide “reasonable level of maintenance” that results in “meaningful access”
 - Fair? To owners? To taxpayers?



KATRINA HIGH WATER 2005

Bay St. Louis officials oppose Hurricane Katrina high-water markers on highway

Published: Saturday, July 23, 2011, 9:00 PM



By **The Associated Press**



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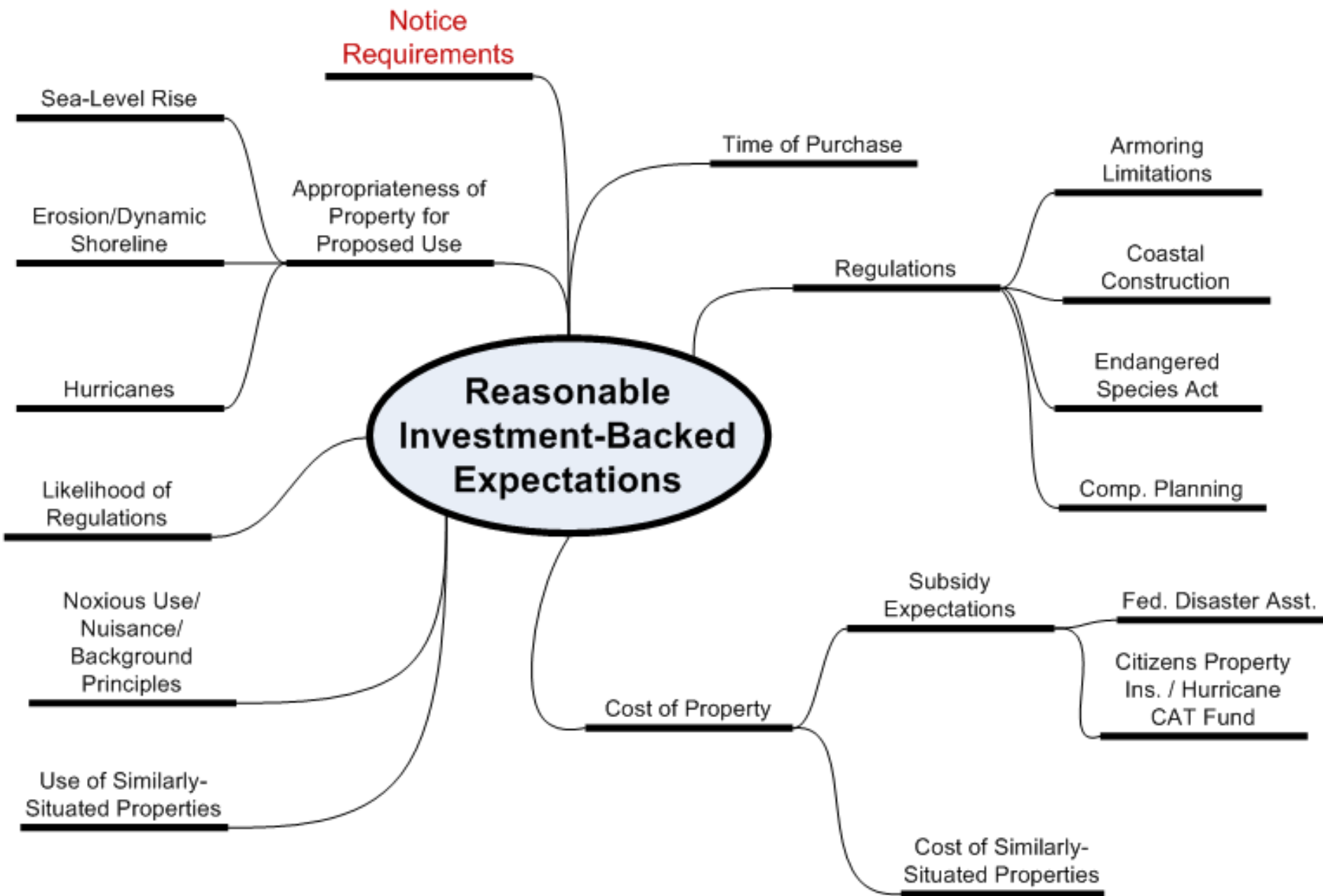
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Bay St. Louis, Miss., officials want **high-water markers** placed by the state at Mississippi Highway 603 and Interstate 10 camouflaged so they no longer commemorate the tragedies of **Hurricane Katrina** in 2005.



The **Sea Coast Echo** reports there are two high-water markers at the intersection, one facing north and the other facing south on Mississippi 603. They were placed there following Katrina to commemorate the area's comeback from the killer storm. In Katrina, water ran up the roadway so



Practical Impact of Coastal Notice to Date

- Severance case
 - Detailed notice statute cited; no particular legal impact noted
- Jordan case

Emphasize Potential Liability

- Significant potential liability for permitting risky development
- Possible cost of maintenance for new infrastructure in at-risk areas
- Potential liability for increased flooding if approve additional development in flood-prone areas
- “No Coastal Adverse Impact”



Is It Fair?


5th Amendment is

“designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole“

Armstrong v. United States, 124 U.S. 40, 49 (1960)

Parting Thoughts

- SLR will create heavy costs
- Who pays
 - Property owners?
 - Public?
- Why?
 - Who has info? Who can better change their own behavior?
- Treat different property owners differently?

A coastal scene with a lighthouse on stilts in the upper right, a rocky shore in the middle ground, and a large, weathered concrete structure in the foreground. The sky is blue, and the ocean is visible in the background.

“[A] foolish man . . . built his house on sand. The rain came down, the streams rose, and the winds blew and beat against that house, and it fell with a great crash.”

Matthew 7: 26-27

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